



COUNTRY REPORT
MACEDONIAN BAR ASSOCIATION
43rd EUROPEAN PRESIDENTS CONFERENCE

- Due to the expiration of the mandate of the delegates in the MBA Assembly, at the beginning of the year, meetings were held in all Local bar communities across the country in order to make the election of:
 - New presidents of the Local Bar Communities
 - New delegates for the MBA Assembly.

These meetings were also used to locate and discuss the problems that lawyers face in their everyday practice.

The total number of newly elected delegates in the MBA Assembly is 228. Over 200 of them participated on the MBA Annual Assembly, which was held in May 2014. In accordance with the Bylaws of the bar, on the Assembly the delegates elected the new members of the following MBA bodies:

- Governing Board
- Supervisory Board
- Disciplinary prosecutors
- Disciplinary Court
- Appeal Council

The new members of the Macedonian Bar Association bodies are elected for 4/four/year's period of time.

- Changes in the Law on notary

In view of increasing the scope of work, the governing board had intensive activities through participating in the preparation of proposals for a new Law on Notary and involvement of lawyers in more parts of the notary procedure. The proposed solutions aimed at preparation of contracts and other private documents by the lawyers, as well as presence of the lawyers in the proceedings for issuing the notary deed. This activity is in an advanced stage, with positive response from the Government, and it is a high priority for the Board in the next period.

The acceptance of these amendments in the Law on notaries, would mean increasing the scope of work of the lawyers, elimination of certain occurrences of unauthorized preparation of legal acts, and will lead to improving the legal protection of citizens.

- Ongoing activities for improving the legal decisions in procedural laws, which need arises from the current practical application of the Code of Civil Procedure. We expect in the future these efforts to be realized by overcoming the current situation of malfunction of the two-thirds majority in Parliament.
- Regarding the adoption of the Law on Criminal Procedure and its application from 12.01.2013 year, the numerous trainings for the application of this law, as well as its application itself, imposed the need to try to amend the Law on criminal procedure, aiming to improve the current text. The Ministry of justice included the Macedonian bar association in the working group for preparation of the amendments to the Law on Criminal Procedure, with aim to focus on issues that are important for the advocacy profession.
- The Macedonian bar association is one of the founders of the Balkan regional network for the rule of law in the region, in which the network participate Macedonia, Serbia, Albania, Bosnia and Herzegovina and Kosovo. The purpose of this network is primarily strengthening the capacity of the bar associations in the region with special emphasis on improving the quality of defense in the context of the new Criminal Procedure Code. This program aims to strengthen the rule of law in these countries by building mechanisms of cooperation and exchange of best practices, knowledge and practice.
- The Board is involved in preparations for the drafting of the Civil Code, which is ongoing at the moment and it opens opportunities for suggesting the legislation proposals in the interest of the advocacy profession. In that direction, exceptional efforts were invested for massive involvement of the MBA members in this process, through publishing the draft text of the Law on the website and calls for proposals, suggestions and opinions. Additional efforts will be made to have highly massive and active response from MBA members in drafting quality suggestions of the Civil code.
- During the reviewing of the Bill on services, the bar association responded to the Ministry of justice by requiring lawyers to be excluded from the scope of the law, noting the constitutional position of the bar regulated "as independent public service, providing legal aid and public powers in accordance with law" and that in no way can be treated as a service regulated by the Bill on services. This position of the Bar Association received support from the Council of bar associations and law societies of Europe - CCBE, with their letters addressed to the Government, the Ministry of economy and the Ministry of justice, thus indicating that lawyers have a vital role in administration of justice and upholding the rule of law and represent an essential foundation of a democratic society. The bill on services refers to the Law on

Advocacy, which is in compliance with Directive 98/5 and 77/249 regarding the conditions under which the lawyer or law firm by an EU Member State may carry out legal activities in Macedonia and is fully accordance with the Directive and the proposed provisions of the bill on services.

- As recommended by the report Doing Business 2014 of the World Bank, the Government carried a conclusion to consider the possible reduce of the Tariff for reward and compensation costs for work of the lawyers. According to the act of the Bar, the Macedonian bar association is the only authorized body to make changes, give an interpretation or carry new Tariff. The MBA Governing board in their reactions to the Ministry of Justice pointed out that there are no possibilities to reduce the lawyers' fees, stressing out the bar positing and giving in addition a comparative analyses of other tariffs in the region and wider. At the same time MBA noted that members of the Bar Association are requiring increase of the tariff, especially in comparison with the growing cost of living. The reactions of the chamber were accepted by the Government and the Ministry of Justice, with the conclusion that there is no justified possibility for the Macedonian Bar Association to reduce the tariff.
- One of the activities the Board had undertaken towards resolving one of the acute problems that arise when carrying out the advocacy profession, was aimed at realizing the right of defense of defendants in criminal cases and implementation of the visits of lawyers to their clients, keeping in mind they are realized with enormous difficulties, without a system of organization and long waiting hours of more lawyers in inappropriate conditions. The MBA efforts were recognized by the Department for Execution of Sanctions and the Ministry of Justice so that in the Prison Idrizovo and Prison Skopje very soon electronic system for scheduling of visits every working day was introduced.
- Cooperation with other bar associations and international institutions is realized in indispensable volume in regard to sharing experiences and common approach to issues important to the Bar's. The participation of the bar association in the Council of the bar associations and law societies of Europe - CCBE through participation in the plenary sessions and participation in the work of the PECO Committee, makes the membership in this association extremely useful. We must emphasize the positive effect of the performance of the CCBE and PECO Committee in case of problems facing the advocacy profession. In many situations the CCBE support given by submitting letters to the relevant institutions in the Republic of Macedonia, submitting relevant comparative analysis etc.

- The MBA Governing board held a meeting with the president of the Austrian Bar Association (ORAK), Dr. Rupert Wolff, who shared the experiences of the Austrian bar regarding the successful project for the lawyers for Electronic archive of documents "ARCHIVIUM". The Macedonian Bar Association will look into the possibilities of implementing such a project in our bar association, with proposal for necessary changes in the legislation.
- The website of the bar as a new way of communication was introduced and it fully justified the expectations. More members accept this way of communicating, as accessible for their needs, while allowing quick and timely access to information from the chamber. It completely eliminated the distribution of printed materials, as uneconomical and inefficient.
- Continuous legal education of members was one of the important activities. Introduced a system of transparency and equal participation of all members by posting all training on the website of the chamber, and acting on a first registered - first served bases. During this year particular emphasis in the continuous legal education was given to the new system of criminal procedure - basic trainings and advanced trainings including pre-trial procedure, investigation, main hearing, special procedures and mock trials. During the reporting period the MBA member had opportunity to participate on large number of seminars, roundtables and workshop, on different topics, including ECHR, public corruption, arbitration and mediation, judiciary and the media, juvenile justice, court procedures and efficiency of the courts, bankruptcy, confiscation of property, etc. The MBA cooperation with the Embassy of France and the Bar Association of Caen, France, gave an excellent opportunity for the participants to exchange knowledge's and common practices on topics, such as: deontology and organization of the Bar Associations, French practice in terms of administrative disputes, rescue of companies that are experiencing difficulties and social consequences, relation judges – lawyers, etc.
- The Macedonian Bar Association has strong position on protecting the independence of the advocacy and disabling any attempts to minimize the lawyers as a key player in all types of procedures.
- The Macedonian Bar Association will be celebrating the 70th Anniversary of the Advocacy in Republic of Macedonia on the 23rd of May 2015, occasion which will be used for further promotion of the advocacy and its objectives.