

COUNTRY REPORT
MACEDONIAN BAR ASSOCIATION
44th EUROPEAN PRESIDENTS CONFERENCE

In the reporting period, main focus of the MBA Governing board was given to continuation of the efforts to implement new legal solutions of interest for the advocacy profession, specifically aimed at increasing the lawyer's scope of work.

- The Board continued with the activities aimed at drafting suggestions to the New Law on Notary Public. The New Law on Notary Public provided for lawyers to be involved in all procedures, preparation of acts by a lawyer, presence of lawyers in the procedures and attorneys seal on private statements over 10,000 Euros and involvement of lawyers in payment orders. The drafted New Law on Notary Public is in a procedure in front of the Parliament of Republic of Macedonia. The adoption of the new Law on Notary is expected to return much of the work back to the lawyers and simultaneously eliminate the phenomena of unauthorized drafting of legal acts. The participation of lawyers acting as protectors of the rights of citizens in all types of procedures, including the notary procedures, is only a contribution to the rule of law and a higher level of protection of the citizens' rights.

- The law on one step system for registering the companies was amended and the amendments entered into legal force on 1st of November 2015. The Amendments that were given by the Macedonian Bar Association are in the sense that exclusively lawyers can be registration agents, who can establish all kinds of companies and exclusively to register all the changes in the register.

- Macedonian Bar Association is included in the Working group to amend the Law on Criminal Procedure. The need for change is a result of the inconsistencies noticed during the implementation of the law. The amendments initiated by the bar association include that representative of the injured party may be exclusively lawyer, the ex officio lists to be prepared exclusively by the bar association and the presidents of the courts are obliged to respect the order on these lists, expanding the situations where lawyers will participate as advisors to the victim at first calling, etc.

- According to the Law on Advocacy, the tariff is in exclusive jurisdiction of the MBA Governing board. The tariff is applied as adopted for all types of providing legal assistance and any law does not allow any other body with an individual act to alter the amounts specified in the tariff. MBA Governing board is only authorized body to give opinion for the tariff or adopt changes. In function of protection of the advocacy profession the Macedonian Bar Association strongly opposes attempts in the form of "training" of judges to change the tariff of the attorneys. In that direction the board uses its legal right to eliminate any kind of attacks on the advocacy with attempts to modify the amounts specified in the tariff.
- In direction of more successful performance of the advocacy profession, the Macedonian Bar Association in cooperation with the Appeal court Skopje, opened a office in the building of the Appeal court, intended for use of the lawyers in order to improve their working conditions while they are in the court buildings. The office was completely renovated and equipped by the bar association and it was officially opened at the beginning of the year. The opening of this office represents not only providing comfortable conditions for performing of the lawyer's duties in the court and between trials, but it represents a significant step towards changing the attitude towards the advocacy and placing attorneys in the right position in the state, which they deserve. The idea is to create such conditions be created in all major courts in Macedonia, and at the moment the Bar is in a process of opening such offices in the Primary Court in Bitola and Kumanovo.
- In the reporting period the MBA cooperation with other bar associations continued to be realized in indispensable volume mainly due to sharing of experiences and common approach to relevant issues for the bar. In this regard especially significant is the MBA membership in the Council of Bars and law societies of Europe – CCBE, participation in the activities of the PECO Committee, and the overall support all member bars receive from CCBE. In the context of getting the CCBE closer to the MBA members, from this year the CCBE Newsletter will be published in Macedonian language and it will be published on the CCBE and MBA websites.
- The Macedonian Bar Association is one of the founders of the founders of the Balkan Regional Network for Rule of Law - BRRLN. Founders of the network for rule of law in the region are Macedonia, Serbia, Albania, Bosnia and Herzegovina, and Kosovo. Within the activities of the Regional Network, all listed Bar Associations signed a

Memorandum of cooperation, confirming the mutual understanding as postulate to further strengthening of the principle of the rule of law, reinforced by the increased cooperation of the lawyers from the region. The signing of the Memorandum of cooperation was supported by the President of the American Bar Association President Mr. William Harbar, and the President of the Council of bars and law societies of Europe, Mrs. Maria Slazak, who stressed the importance of the mutual cooperation. The aim of this network is primarily to strengthen the capacity of the bar associations in the region with special emphasis on improving the quality of the defense in the context of the new Law on Criminal Procedure. This program aims to strengthen the rule of law in these countries by building mechanisms of cooperation and exchange of best practices, promoting equal access to the public system of justice, to protect the independence of the lawyer, joint activities of the chambers, encouraging and support the reforms in the law.

- Continuous legal education of the members is an important issue for the MBA Governing board and particular emphasis during the reporting period was given to the New Criminal Procedure Code through organizing basic and advanced trainings, round tables and moot courts.

In the reporting period the MBA members had opportunity to participate on large number of trainings and seminars on different topics, including new CPC, sentencing, ECHR, juvenile justice, bankruptcy, confiscation of property, efficiency of the courts, arbitration, etc.

- In the reporting period the MBA Governing board gave special attention to the developing and implementation of more contemporary technologies in the everyday performing of the advocacy profession and to the promotion of the electronical communication with the courts. In this regard, the Macedonian Bar Association provided for all lawyers – members of the bar, free of charge implementation of the software and a year of use with online user support. The software includes and fully covers all aspects of operating the lawyer's offices or law firms.