



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 04/L-141

ON BAR EXAMINATION

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON BAR EXAMINATION

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope and Purpose

1. This law regulates the conditions, criteria, procedures and program for passing and assessment of the bar examination.
2. The purpose of this law is to regulate organization of the exam, the composition and operation of the exam, as well as the verification and evaluation of theoretical and practical skills of graduate lawyers for the independent exercise of their duties, law enforcement, and the recognition of professional ethics, rights and fundamental human freedoms.

Article 2 Definitions

1. Terms used in this law shall have the following meaning:
 - 1.1. **Commission** - commission for bar exam, is an independent professional body which organizes examinations for qualification of judges, prosecutors, lawyers, other graduated jurists, for whom, in order to exercise the job, it is required to have passed the bar examination;
 - 1.2. **Commission Member** – the person who is appointed by the Assembly of Kosovo in the Bar Examination Commission;
 - 1.3. **Candidate** - the person who may be subject to the bar exam;
 - 1.4. **Commission Secretary** - the person who deals with professional and administrative work for the Commission needs to organize the exam;
 - 1.5. **The Judicial System** - the courts, public prosecution, judicial and prosecutorial regulatory bodies and other judicial institutions.

CHAPTER II ORGANIZATION OF BAR EXAMINATION AND COMPOSITION OF THE COMMISSION ON PASSING THE EXAM

Article 3 Organization of Bar Examination

1. The organization of bar examination is a competence of the Ministry of Justice.
2. The bar examination is held by the Commission for passing the bar exam.

Article 4 Composition of the Commission

1. The Commission for bar examination shall consist of the President of the Commission, members of the commission and their deputies.
2. The President, members of the commission and their deputies shall be proposed by the ministry of Justice and appointed by the Assembly of Kosovo, with two (2) years mandate and the possibility of reappointment.

3. The Commission shall be appointed from the ranks of graduated lawyers who have passed the bar exam and are justice experts with at least twelve (12) years of work experience in justice system.

4. The Commission shall report to the Assembly about its work at least once a year.

5. Secretary of the Commission for bar examination shall be appointed by the Ministry of Justice. The candidate appointed as secretary of the commission should have passed the bar examination.

Article 5 Examination Expenditures

1. The candidate pays the costs of the examination, respectively the judicial, prosecutorial, administrative body and any other independent public institution or other legal entity where the candidate is employed.

2. The President, members respectively the deputies and secretary of the Commission are entitled to remuneration for their work in the Commission.

3. The Minister issues the administrative instruction to reward the work of the Commission.

CHAPTER III CONDITIONS ON ENTERING THE BAR EXAM

Article 6 Terms for Passing the Examination

1. Candidates who enter the exam must meet the following conditions:

1.1. to be citizens of the Republic of Kosovo.

1.2. to have a lawyer's degree according to a four (4) year program or to have finished the master studies.

1.3. to have worked at least one (1) year in legal matters in court, state prosecutor's office or the law office or to have worked at least two (2) years in professional legal work in the country or abroad, in public institutions, state agencies and administration of international institutions in Kosovo.

2. The bar exam can be entered by persons who are not employed in administrative bodies, commercial societies or other legal persons from paragraph 1. of this Article, who

as graduated lawyers have done the necessary practice in court, state prosecutor or the attorney's office in order to gain professional training and examination requirements for passing the bar, according to the conditions in subparagraph 1.2. of this Article.

3. A candidate who has a law degree in any university abroad should nostrify the diploma of Faculty of Law at the Ministry of Education, Science and Technology.

4. Graduated lawyers who have passed the professional exam for working in the administration bodies, and those who have passed the professional examination for minor offences judge, shall pass the bar exam as a complementary examination, according to a shortened program, in compliance to the preliminary provisions, by acknowledging the taken exams.

Article 7 **Bar Examination Subjects**

1. The bar exam consists of the written part of the exam and oral part of the exam.
2. In the part of written exam there are practical assignments of Criminal Law Substantive and Procedural Law, Civil Law (substantive and procedural) Family Law, Law of Succession, Law of Contracts and Tort.
3. The part of oral exam consists of the following subjects:
 - 3.1. Civil Law (substantive and procedural) Family Law, Law of Succession and Law of Contracts and Tort;
 - 3.2. Commercial Law;
 - 3.3. Criminal Law (substantive and procedural);
 - 3.4. Labor and Administrative Law;
 - 3.5. Constitutional Law, judicial system organization of Kosovo, the basis of the European Union system and human rights.

Article 8 **Knowledge Assessment about the Legal Provisions**

For the success of the candidate, the commission evaluates the positive legal knowledge and judicial practice, knowledge of legal institutions, skills, speech and the fair reasoning.

Article 9
Bar Examination Program

The exam is taken within the Program for the bar exam, which includes subjects, legal sources and literature on every subject under Article 15 paragraph 2. of this law.

CHAPTER IV
BAR EXAMINATION PROCEDURE

Article 10
Exam Application

1. The request for the Bar Examination is submitted at the Ministry of Justice.
2. Candidates in the request shall declare the official language in which they wish to sit the exam and whether they sat the exam earlier.
3. The candidate attaches, to the request, the evidence of completing the exam requirements from Article 6 of this law on being graduated in law faculty and having the legal work experience.
4. Persons are issued a certificate for the practice, under Article 6 paragraph 2. of this Law, by the President of Court, State Prosecutor's Office, or the Advocates' Chamber where the person is registered as a trainee lawyer.
5. In taking the examination according to the shortened program the candidate is required, in addition to the testimony from the previous paragraph, to attach proof of professional exam taken for work in administrative bodies, respectively the proof of the exam taken for minor offenses judge.
6. Respective Commission of the Ministry by decision determines if the candidate meets the requirements for the bar exam. Against decision of the commission, an appeal may be submitted to the Minister of Justice, in terms eight (8) days. The Minister within five (5) days shall decide on the appeal of the candidate. The Minister's decision is final.

Article 11
Bar Examination Timing

Based on the decision on which the candidate is permitted to take the exam, the commission president determines the time when the candidate will be sitting the exam.

Article 12

Passing the Exam

1. The examination begins with the written part of the exam. The candidate passes the written exam by finding the solution of a practical case from criminal-legal fields and civil-legal matters.
2. On the day when the candidate enters the written examination, he/she is considered to have started the exam.
3. The exam is organized every three (3) months respectively four (4) times within one (1) calendar year.
4. The payment fee for the bar examination is appointed by the Minister.
5. A commission member that assesses a particular subject attends the written examination as well as the commission secretary.
6. While answering the written assignment, the candidate can only be served with texts of legal provisions (without commentary).
7. After the assignment is handed out, the working duration of the written examination is five (5) hours.
8. The decision for the success achieved in the written examination is approved by the majority of the Commission, after obtaining the opinion of the Commission member who has checked the written paper.
9. The result of the written paper is assessed before the oral examination. The candidate must reach the needed points in written examination in civil law and criminal cases in accordance with Article 13 paragraph 3. of this law, in order to continue the oral examination.

Article 13

Maximum points of examination

1. The candidate can reach the maximum of eighty (80) points in the exam.
2. For the written assignment from criminal law and civil law, the candidate may be assessed for each paper separately, with not more than fifteen (15) points.
3. The candidate will be presumed to have passed the written exam if he/she manages to collect from each written assignment, at least nine (9) points.
4. The candidate will be presumed to have passed the exam if he/she reaches forty eight (48) points.

5. The candidate will be presumed to have passed the oral exam if he/she manages to collect from each subject at least six (6) points.

Article 14 **Passing the Oral Examination**

1. A candidate who passes the written examination on criminal and civil law is allowed to enter the oral examination.

2. Candidates publicly enter the oral exam before the Commission in the full composition.

3. The exam is held in the presence of all members of the Commission.

4. The Commission President manages the oral exam, taking care for the progress of the exam procedure.

5. Not more than one (1) candidate can enter the oral exam at the same time.

6. The Commission decides, by the majority of votes on success of the candidate, and no Commission member can abstain from voting.

7. After completing the oral examination, the Commission assesses the candidate's knowledge in accordance with the provisions of Article 15 of this Law.

8. Upon the completion of all examinations the exam's total number of points will be determined and a decision on the outcome of the examination will be taken and communicated to the candidate. If the candidate does not want the results to be published in the presence of other candidates, the result shall be communicated only in the presence of the Commission.

9. The Commission assesses the candidate's result, with the cumulatively achieved points (collected) in the written and oral exam.

10. The examination record is signed by all members of the Commission and the secretary.

11. The candidate who considers that the general success or success from one subject was not evaluated correctly, may submit a complain to the Commission, within three (3) days, from the day the exam result was communicated.

12. The commission is obliged to review the complain within five (5) days and inform the candidate on this matter.

13. If the candidate's complain is approved, the commission should repeat the exam.

Article 15
Points needed for passing the exam

1. The candidate will be presumed to have passed the exam, if he/she accumulates a total of forty eight (48) points in all subjects.
2. The oral parts of the exam are evaluated by scores according to the groups of subjects, such as:
 - 2.1. Civil Law (substantive and procedural) Family Law, Law of Succession, Law of Contracts and Tort;
 - 2.2. Commercial Law;
 - 2.3. Criminal Law (substantive and procedural);
 - 2.4. Labor and administrative law;
 - 2.5. Constitutional Law, judicial system organization of Kosovo, the basis of the European Union system and human rights
3. The candidate's success is evaluated with: "**passes**" and "**doesn't pass**".

Article 16
When is it considered that the candidate has not passed the exam

1. The Commission concludes that the candidate has not passed the exam if he/she:
 - 1.1. has not met the requirements under Article 13 paragraph 5. of this law;
 - 1.2. does not submit the written assignment;
 - 1.3. leaves the room during the oral part of the exam without any justifiable reasons, or is taken out of the written examination as a result of disrespecting the rules;
 - 1.4. is estimated with less than six (6) points by any subjects during the oral exam; and
 - 1.5. has not collected forty eight (48) points.

Article 17
Postponing the exam you entered

1. The started examination may be delayed upon a written request if the candidate is sick, or for any reasonable case has been unable to continue the exam.
2. The decision to postpone and continue the examination is taken by the Commission within five (5) days.
3. A request for continuance must be submitted within eight (8) days after the cessation of reasonable grounds for postponing the exam, but no later than two (2) months from the date the applicant must enter the examination.
4. If the candidate does not submit a request for the exam postponement with terms defined in paragraph 2. of this Article, or if the application is refused, he/she is presumed to not have passed the examination.
5. Against the Commission's decision, under paragraph 2. of this Article, a complaint can be submitted to the Minister within three (3) days, who will decide within eight (8) days. The Minister's decision is final.

Article 18
Exam Re-entry

1. A candidate who does not show satisfactory success in one or both subjects is subject to re-entering the exam.
2. The candidate is subject to re-entering the exam if in the two subjects of the oral part of the examination, did not show results determined with the Article 15 paragraph 2. of this law.
3. A candidate who is subject to re-entering the exam must submit the remaining part of the exam in the next term.
4. If the candidate does not re-enter the exam within two (2) to six (6) months, or during the re-examination does not show satisfactory success, he/she will be presumed as "does not pass".
5. The candidate who is subject to re-entering the oral exam on criminal law and criminal procedure or civil law, and who has previously passed the written examination, upon re-examination shall not be again a subject to the written part of the exam.
6. The candidate who is assessed by the panel that "has not passed" may re-enter the exam not shorter than six (6) months from the date the Commission announced that he/she "has not passed the exam".

7. A candidate who does not pass the exam for the second time can re-enter it within the time which can not be shorter than twelve (12) months.

CHAPTER V TRANSITIONAL AND FINAL PROVISIONS

Article 19

Equalization of the Bar Exam under the provisions valid until the entry into force of this Law

1. With the bar exam, in terms of this law, is equalized the bar examination under the provisions which were valid until the entry into force of this law.
2. The Ministry of Justice decides on the recognition of the bar examination given under the provisions of other countries, guided by the principle of reciprocity.
3. The candidate who has begun the bar exam under the provisions which were valid before the implementation of this law, has the right to finish the started bar exam according to the provisions which were valid at that time after the enforcement of this law.
4. The mandate of recent members of the commission for bar exam appointed in accordance with the law shall continue according to the conditions set by the decision for their appointment.
5. For subjects that have been attached according to this law, the exam shall be held together by members of the recent commission, according to the fields for which they were appointed.

Article 20

Sub-legal Acts

The Minister shall issue the sub-legal act for the bar exam with which closely regulates the way of submitting the bar exam, the Commission duties, the content of the test program, the content of the record, the form of the examination Certificate, the content of the Evidence for the passed bar exam, the amount which the applicant pays for the exam as well as the remuneration for the work of the Commission.

Article 21
Repeal

With entry into force of this law the UNMIK Regulation 2006/30 and Law on Bar Examination Law no. 02/L-40, January 20, 2006 shall be repealed.

Article 22
Entry into force

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo

Law No. 04/L-141
25 April 2013

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI