

LAW NO. 08/L-033**ON BAR EXAMINATION**

The Assembly of the 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
Purpose**

The purpose of this law is to regulate the organization of the exam, the composition, functioning of the Commission for passing the bar exam.

**Article 2
Scope**

The provisions of this Law shall be implemented by the Ministry of Justice, the Commission for passing the bar examination, as well as the candidates who undergo the exam, as determined by the provisions of this Law.

**Article 3
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Commission** – the Commission for passing the bar examination, as an independent professional body, proposed by the Minister of Justice and appointed by the Assembly of Kosovo;

1.2. **Commission Member** – the person who has been appointed in accordance with the provisions of this Law;

1.3. **Candidate** – the person who meets the requirements to sit the bar examination;

1.4. **Commission Secretary** – the officer who deals with professional and administrative works for the needs of the Commission for organizing the examination, appointed by the decision of the Minister of Justice.

**CHAPTER II
ORGANIZATION OF BAR EXAMINATION AND COMPOSITION OF THE COMMISSION****Article 4
Organization of Bar Examination**

1. The organization of bar examination is a competence of the Ministry of Justice.

2. The bar examination is organized three (3) times within one (1) calendar year.

3. The bar examination is held by the Commission.

Article 5 **Commission for Passing the Bar Examination**

1. The Commission shall consist of five (5) members including the president of the Commission and members of the Commission.

1.1. the president and members have their deputies who act in their absence;

1.2. the members of the commission shall reflect the multi-ethnic nature and the principles of gender equality.

2. The president, members of the commission and their deputies shall be proposed by the Minister of Justice and appointed by the Assembly of Kosovo with a mandate of three (3) years, without the possibility of reappointment.

3. The Commission shall consist of graduated lawyers who have passed the bar examination and have at least eight (8) years of professional work experience.

4. The president, the members, and the deputy members of the Commission respectively, shall be compensated for the work performed in the Commission. The amount of compensation shall be determined by a decision of the Minister, which cannot go beyond the limits specified in the relevant legislation in force.

5. Administrative and technical support for the Commission shall be provided by the Secretary of the Commission for bar examination, who is entitled to compensation for overtime work, in accordance with the relevant legislation in force.

6. For the purposes of this Article, professional work experience means experience as a judge, prosecutor and a lawyer.

Article 6 **Expenditures**

1. The candidate shall bear the costs of the bar examination, the amount of which shall be determined by a decision of the Minister of Justice.

2. Candidates of poor economic and social status who are beneficiaries of social assistance and other candidates who are recognized the right of exemption from public administrative taxes, will be exempted from payment for entering the bar examination.

2.1. the candidate must apply for exemption from payment.

2.2. the candidate provides evidence that he/she is beneficiary of a social scheme or belongs to a category that are exempted from payment.

2.3. the candidate is released from payment by decision of the Minister of Justice, after reviewing the requests for exemption from payment.

Article 7 **Avoidance of conflict of interest**

In order to avoid conflict of interest, based on the Law on Prevention of Conflict of Interest in the Exercise of Public Function, before holding the examination, members of the Commission are obligated to notify in writing the Commission Secretary, in case of conflict of interest or situations that call into question their objectivity in decision-making.

CHAPTER III REQUIREMENTS ON APPLYING FOR THE BAR EXAMINATION

Article 8 Requirements on Applying for the Bar Examination

1. A candidate who applies for examination must meet the following requirements:
 - 1.1. be a citizen of the Republic of Kosovo;
 - 1.2. to have completed Faculty of Law;
 - 1.3. have worked or held internship for one (1) year in courts, state prosecution offices, law offices;
 - 1.4. have two (2) years of professional work experience in notary offices, enforcement agent offices, public institutions, enterprises, state agencies, business organizations, professional experience in non-governmental organizations in the field of justice or administration of international institutions in Kosovo or abroad.
2. Certificates on the completion of internship and experience under sub-paragraphs 1.3. and 1.4. of this Article are calculated after the completion of the basic studies, which must be issued by the respective institutions.
3. A candidate who has completed Faculty of Law in any university abroad should nostrify the diploma of Faculty of Law at the Ministry of Education, Science and Technology.
4. Notwithstanding sub-paragraph 1.1 of this Article, a candidate from a foreign country who has completed the Faculty of Law in a higher education institution accredited in the Republic of Kosovo, may sit the bar examination only with a residence permit in the Republic of Kosovo.

Article 9 Bar Examination Subjects

1. The bar examination consists of the following subjects:
 - 1.1. Criminal Law (substantive and procedural);
 - 1.2. Civil Law (substantive and procedural);
 - 1.3. Constitutional Law and foundations of judicial system;
 - 1.4. Commercial Law, Labor Law and Administrative Law;
 - 1.5. International Law (private and public) and European Union Law.

Article 10 Knowledge Assessment

The Commission assesses knowledge on legal provisions and practice in the field of justice, knowledge of legal institutions, argumentative skills and legal writing and reasoning according to the law.

Article 11 Bar Examination Program

The Minister of Justice, with a sub-legal act shall determine, the Program Plan for the bar examination, which contains the subjects, legal resources and literature for each subject as provided by the provisions of this Law.

CHAPTER IV BAR EXAMINATION PROCEDURE

Article 12 Exam Application

1. Exam application is submitted at the Ministry of Justice.
2. The candidate attaches to the exam application the evidence of fulfilling the requirements according to the provisions of this Law.
3. Candidate in the application shall declare the official language in which he/she wishes to sit the exam or official use.
4. The Commission appointed by the Minister of Justice determines by decision if the candidate meets or does not meet the requirements to sit the bar examination.
5. Against the decision under paragraph 4. of this Article, the candidate may file an appeal within eight (8) days. The appeal is submitted to the Minister of Justice, who within five (5) days shall decide on the appeal. An administrative conflict may be initiated against the decision of the Minister according to the legislation in force.
6. The Commission under paragraph 4. of this Article is appointed by a decision of the Minister of Justice, it consists of the president and two (2) members who are officers at the Ministry of Justice.

Article 13 Bar Examination Dates

The Ministry of Justice sets the dates for the bar examination.

Article 14 Manner of Sitting the Examination

1. The bar examination is held in two (2) parts, the written examination part and the oral examination part.
2. The candidate who does not pass the written examination part is not entitled to further continue with the oral examination part.

Article 15 Written Examination

1. The written examination consists of two (2) assignments, one (1) assignment from criminal law and one (1) assignment from civil law.
2. In the written examination one assignment can be given for all candidates, who sit the written examination at the same time, but special assignments can also be assigned for more candidates of a group. After every term the Commission shall change the assignment.
3. In the written part of the examination, the candidate undergoes the exam in the criminal part and in the civil part.
4. In the written part of the examination the candidate is assessed with "passes" or "does not pass".
5. The candidate who passes the written part of the examination is allowed to take the oral part of the examination.

Article 16

Written Examination Procedure

1. The written examination is held at the same time for all candidates.
2. The questioners of the respective subjects as well as the Commission Secretary participate in the written part of the examination.
3. The time for completing the written assignment is four (4) hours from the time when the assignment is distributed to all candidates and the calculation of time starts from that moment.
4. The candidate is obligated to submit the written assignment within the time specified for its completion.
5. Upon the submission of the test by the candidate, an identification code is assigned in the test by the Commission Secretary.
6. If the candidate does not submit the assignment within the time specified in paragraph 3. of this Article, or during the time of the exam gives up from completing the assignment, he/she is considered not to have passed the examination.
7. The candidate who submits the written examination must leave the room where the examination is being held.
8. During the written examination the candidate is not allowed to contact other persons and is not allowed to use electronic devices.
9. When working on a written assignment, the candidate may bring and make use of only applicable laws extracts, but not commentaries of relevant laws.

Article 17

Proper Conduct of Examination

1. Questioners of the given subjects and the Commission Secretary are responsible for the conduct of the examination and the prevention of possible abuses by the candidates.
2. Any candidate who does not comply with the rules shall be ordered by the questioners of the given subjects and the Commission Secretary to leave the room where the examination is being held, and such candidate is considered not to have passed the exam.

Article 18

Assessment of Written Examination

1. Written assignments after the completion of examination are stored in the premises of the Ministry of Justice.
2. The written assignment is assessed up to twenty-five (25) points maximum. The written examination is considered to have been passed if the candidates reach a minimum of fifteen (15) points for each subject.
3. The written examination is assessed with "passes" or "does not pass".
4. The commission shall publish the list of results of written exam not longer than fifteen (15) days from the date of written exam.

Article 19 Organization of Oral Examination

1. The candidate who passes the written examination part in both subjects is entitled to sit the oral examination part.
2. The president in cooperation with the Commission Secretary shall determine the place and time for sitting the oral examination for the candidates who have passed the written examination part.
3. The oral examination part is scheduled at least five (5) days, but not later than two (2) weeks, after the results of the written examination are published on the official website of the Ministry.

Article 20 Oral Examination Procedure

1. After communicating the results of the written examination, the candidates sit the oral examination part.
2. The oral examination is public and is held before the Commission in its full composition.
3. The Commission may ask the candidate to briefly explain his/her answers and justify them or explain how the written assignment was solved.
4. If the candidate withdraws or abstains from the oral examination part or unreasonably fails to appear for the examination at the appointed time, it is considered that he/she does not pass the examination.

Article 21 Assessment of Oral Examination

1. Assessment of subjects of oral examination is as follows:
 - 1.1. Civil Law (substantive and procedural), assessed up to ten (10) points;
 - 1.2. Criminal Law (substantive and procedural), assessed up to ten (10) points;
 - 1.3. Constitutional Law and foundations of judicial system, assessed up to ten (10) points;
 - 1.4. Commercial Law, Labor Law and Administrative Law, assessed up to ten (10) points;
 - 1.5. International Law (private and public) and European Union Law, assessed up to ten (10) points.
2. The oral examination is considered to have been passed if the candidate reaches a minimum of six (6) points in each of the subjects defined in paragraph 1. of this Article.

Article 22 Examination Re-entry

1. A candidate who does not pass the oral examination part is subject to re-entering the examination.
2. The candidate who is subject to re-entering the examination must apply for the remaining part of the examination in the next term.
3. If the candidate does not re-enter the exam in the next term, or during the re-examination does not reach the result as defined in Article 21 of this Law, he/she will be presumed as "not having passed the exam".

Article 23

Postponing the Entered Examination

1. The entered examination may be postponed upon a written request if the candidate is sick, or if for any reasonable and unpredictable case has been prevented from continuing the examination. The candidate is obligated to attach the relevant evidence to the request.
2. The decision to postpone and continue the examination is taken by the Secretary in consultation with the president of the commission within five (5) days.
3. A request for continuance must be submitted within fifteen (15) days after the cessation of reasonable grounds for postponing the exam, but no later than one (1) year from the date the applicant must enter the examination.
4. If the candidate does not submit a request for exam postponement within the deadlines defined in paragraph 3. of this Article, or if the request is refused, is presumed to not have passed the examination.
5. Against the Commission's decision, under paragraph 2. of this Article, an appeal may be submitted to the Minister within eight (8) days, who will decide within five (5) days. Against the Minister's decision administrative conflict may be initiated according.

Article 24

Final Results

1. The examination Commission in its full composition, after the completion of the oral examination, compiles the final list of candidates who have passed the examination.
2. The final list is published not longer than five (5) days from the completion of oral examination.
3. The final list of candidates is signed by the president of the Commission, or his authorized representative, after the completion of the oral examination.

Article 25

Protection of Candidate's Rights

1. The candidate who considers that the overall success or the success of a particular subject has not been properly assessed, may submit a request for reconsideration. The request is addressed to the Commission for passing the bar examination and is submitted within fifteen (15) days from the communication of the final result of the examination.
2. Personal data shall be treated and processed in accordance with the applicable legislation.
3. The Commission within five (5) days reviews the request from paragraph 1. of this Article, and takes a decision.
4. An administrative conflict may be initiated against the decision from paragraph 3. of this Article.

Article 26

Reporting and Minutes

1. The Commission for its work reports to the Minister of Justice after the end of each term of the examination and in other cases at the request of the Minister.
2. The Commission is obligated to keep individual minutes for each candidate. The minutes of the examination are signed by all members of the Commission and the Secretary.

Article 27
Monitoring of Examination

1. The bar examination can be monitored by stakeholders, including but not limited to: civil society organizations in the field of justice, the media, as well as natural persons.
2. For the monitoring under paragraph 1. of this Article, the parties must submit a request for monitoring. The request is submitted no later than eight (8) days from the date of the examination and is approved by the president of the Commission.

CHAPTER V
TRANSITIONAL AND FINAL PROVISIONS

Article 28
Recognition of Bar Examination

1. The Ministry of Justice decides on the recognition of the bar examination passed in other countries, guided by the principle of reciprocity.
2. The candidate who has begun the bar examination under the provisions which were in force before the implementation of this Law, has the right to finish the started bar examination according to the said provisions.

Article 29
Transitional Provisions

1. By entry into force of this law, the mandate of current members shall continue according to the decision for appointment.
2. The candidates who are subject to re-entering the exam, shall undergo the remaining part of the exam according to this law.

Article 30
Sub-legal acts

1. Within six (6) months from entry into force of this Law, the Minister of Justice shall issue sub-legal acts for the bar examination, which more specifically shall regulate the following issues:
 - 1.1. work of the Commission and assessment criteria;
 - 1.2. content of the examination Program Plan;
 - 1.3. content of the minutes, form of the Certificate for passing the examination, and content of the record-keeping for the passed bar examination.
2. Until the issuance of sub-legal acts according to paragraph 1. of this Article, sub-legal acts that are in force will apply, if they are not in violation with the provisions of this Law.

Article 31
Repeal

Upon the entry into force of this Law, the Law no. 04/L-141 on Bar Examination shall be repealed.

Article 32
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. 08/L-033
14 June 2022

Promulgated by Decree No. DL-183/2022 dated 28.06.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu