



## European Presidents' Conference 2025

### Country Report of the Bar Association of the Federation of Bosnia and Herzegovina for 2024

#### Law on Advocacy of the Federation of Bosnia and Herzegovina

At the session of the House of Peoples of the FBiH Parliament, which was held on October 31, 2024, and at the session of the House of Representatives held on December 12, 2024, the Law on Advocacy of FBiH was adopted. The Law entered into force on January 18, 2025.

The Bar Association of FBiH, with the competent legislative and legal commissions, was directly involved in the drafting of the new Advocacy law, which represents an adequate normative framework for the improvement and better functioning of the advocacy. Also, the new Law on Advocacy continues to guarantee full independence and autonomy in the work and organization of advocacy in the Federation of BiH.

Appreciating the importance of the fact that after more than 20 years in the Federation of BiH a new Law on Advocacy is being adopted, and that this is happening, among other things, due to constant and repeated requests from the Bar Association of FBiH, we will point out only some of the provisions of this law which regulate certain segments of the legal profession for the first time in the territory of the Federation of BiH in a manner that is consistent with the basic principles of legal practice.

The provision of free legal aid was not prescribed by the previous Advocacy law, while the new law regulates this area of legal activity. It is prescribed that the Regional Bar Associations (the Bar Association of FBiH consists of five Regional Bar Associations) are obliged to provide free legal assistance to socially disadvantaged persons in legal matters in which these persons exercise rights related to their position, as well as in other cases provided for by general regulations of Bar Association of FBiH. The Bar Association of FBiH will determine the conditions for free legal aid and the number of cases on an annual basis. In this way, standards for the provision of free legal aid will be established and records will be established on the number of cases in which free legal aid will be provided.

Ineligibility to practice law is prescribed, e.g. the reasons why a person, although he meets the general and special conditions, cannot practice law as a lawyer because he is ineligible. Thus, persons who have been convicted of criminal offenses against the constitutional structure, organization and security of the Federation of BiH and Bosnia and Herzegovina, criminal offenses of terrorism and corruption, criminal offenses against humanity and values protected by international law, criminal offenses against official duty, criminal offenses against the judiciary, criminal acts related to the work of a person in the legal profession, judicial bodies and administrative bodies, as well as persons whose previous activity does not guarantee that they will conscientiously practice law, are ineligible to practice law as a lawyer.

The new Law on Advocacy stipulates that lawyers can agree with the client on a reward for work in proportion to the success in the procedure, under the conditions established by the Tariff. Also, the right of settlement and pledge of the lawyer for the costs and the due award from the funds that the client deposited with him or that the lawyer collected or received on behalf of the client is prescribed.



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The search of lawyers and lawyers' offices according to a warrant by the court was also regulated by the earlier Law on Advocacy, but now a provision has been added that stipulates that the search will be limited to the examination of only those documents and only those items that are directly related to the criminal offense due to which the proceedings are conducted and which are individually listed in the order of the court. The lack of this provision in the earlier period resulted in abuse in the actions of the competent authorities in some cases when the court order did not specify the items and documents to be inspected, so an inspection was made of all the items and documents found at the lawyer's office. Now the Law on Advocacy stipulates that evidence obtained contrary to this provision cannot be used against the lawyer and his client.

The establishment of the Bar Academy is prescribed and thus a normative framework is made for the establishment of mandatory continuous professional training of lawyers, interns and legal professional associates. The establishment, organization and work of the Bar Academy and adoption of general and specialized training programs will be prescribed by the Statute and other regulations of the Bar Association of FBiH. Precisely the regulation of the establishment and work of the Bar Academy was one of the basic requirements of the Bar Association of FBiH during the drafting of the proposal for the new Law on Advocacy. The Bar Association of FBiH prescribes an internship training program that must be applied in the work and training of interns.

The Federal Ministry of Justice supervises and monitors the work of the Bar Association and Regional bar association from the point of view of the implementation of the Advocacy law, considering the independence of the advocacy. In order to exercise this right, the Federal Minister of Justice may request appropriate reports and data from the Bar Association.

Within six months from the date of entering into force of the Advocacy law, the Assembly of the Bar Association is obliged to adopt the Tariff on rewards and compensation for the work of lawyers (the federal Minister of Justice issues prior approval for the Tariff), while, within the same period, the federal Minister of Justice adopt a Rulebook on the amount of remuneration for ex officio defence lawyers.

#### Tariff on the state level

During the second half of year 2024, lawyers in Bosnia and Herzegovina, members of both Bar Association of Federation of Bosnia and Herzegovina and Bar Association of Republic of Srpska, organised a protest and ceased their work in ex officio cases after unsuccessful attempt to increase tariffs on the state level of Bosnia and Herzegovina.

Soon after the start of the protest, series of meetings were organised with the minister of justice of Bosnia and Herzegovina. The complete cease of work in ex officio cases lasted briefly as the lawyers agreed after the initial meeting with the minister to resume their work and continue negotiations until 15 November 2024, which the Ministry of Justice stated to be a reasonable deadline for adoption of the new Tariff.

After lengthy negotiations it was agreed that the value of one point be raised from 3,00 BAM to 4,00 BAM (original request by the Bar Associations was 5,00 BAM) and that the lawyers whose seat of the office is more than 50 km from the seat of the Court of Bosnia and Herzegovina be compensated for the time lost during travel. On 12 November 2024 the Minister of Justice Mr. Davor Bunoza announced on his account on "X" that the said amendments to the Tariff had been adopted by the Council of Ministers. The same news was later published on the web site of the Council of Ministers. Decision was published into the Official Gazette and entered into force on January 1, 2025.



### Prevention of money laundering

In February 2024, the Bar participated the 5<sup>th</sup> round of Moneyval (permanent body of the Council of Europe - Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism) evaluation of Bosnia and Herzegovina, which monitors the level of harmonisation of measures to prevent money laundering and financing of terrorism with basic international standards for combating money laundering and financing of terrorism (FATF standards), and the effectiveness of their implementation.

Final Moneyval report and recommendations is expected during year 2025.

### FBE membership

In 2024, the Bar become a member of The European Bars Federation/Fédération des Barreaux d'Europe (FBE).

### Statistical data

As of December 31, 2024, there were a total of 1430 lawyers (946 male lawyers and 484 female lawyers) registered in the Lawyers' Directory. It indicates that there is still an increase in the number of lawyers in Federation of Bosnia and Herzegovina. As of December 31, 2024, 64 law firms were actively operating in the Federation of Bosnia and Herzegovina.

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President

