



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**Law No. 02/L-40**

**ON BAR EXAMINATION**

The Assembly of Kosovo,

Based on the chapter 5.3 (f), 5.7 and 9.1.26 (a) of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation no. 2001/9, dated 15th of May 2001 and on the aim of having the Bar examination conducted in full compliance with the Law and with best international practices,

Hereby adopts the following:

**THE LAW ON BAR EXAMINATION**

**CHAPTER I**  
**GENERAL PROVISIONS**

**The purpose of undertaking the bar examination**

**Article 1**

1.1. This law sets forth the conditions, the criteria and the procedures for undertaking the bar examination with which graduate lawyers earn the right to perform professional work and tasks in an independent manner, performance of which is conditioned by passing the bar examination.

1.2. The purpose of undertaking the bar examination is to verify and evaluate the theoretical and practical skills of the lawyers, in order for them to be able to independently perform the tasks, implement the laws and get familiarized with professional ethics, human rights and basic freedoms recognized in domestic and international law.

**General conditions for undertaking the bar examination**

**Article 2**

2.1. Individuals which can undertake the bar examination, must be graduated lawyers from the Faculty of Law, based on previous four year program or master studies, without any differences on the basis of race, color, religion, gender, political opinion, national, social origin, wealth, birth or position.

2.2. All the candidates will be graded equally with the same criteria.

2.3. Candidates that undertake this examination shall be habitual residents of Kosovo.

Special Conditions for undertaking the bar examinations  
Article 3

3.1. The right to undertake the bar examination shall have the graduated lawyers based on previous four year program or master studies that have worked for at least one year in juridical work in regular courts, public prosecutors office or at advocates office, as well as those who have worked for at least two years in professional-legal work in institutions, institutes and other organizations, that deal with implementation of laws.

3.2. The bar examination shall be undertaken by lawyers, graduated according to the previous four-years long program and master studies, who are unemployed, but have voluntarily performed practical work and have registered in the registers of lawyers performing practice of the Bar Association, respectively who have a decision for performing voluntary practice for one (1) year issued by courts, public prosecutor offices, advocate offices, and those who have performed for two (2) years practice in the profession of the lawyer at institutions, institutes and other organizations.

3.3. Graduated lawyers who have passed the professional examination for working in the administration, and those who have passed the professional examination for minor offence judges, shall undertake the bar examination as complementary examination, according to a shortened program in conformity with previous provisions, acknowledging passed examinations.

3.4. The bar examination is acknowledged to all those lawyers who graduated according to the previous four-years long program or master studies, and who have received a scientific degree: Master or Doctorate in the field of Law.

Subjects of bar examination  
Article 4

4.1. Bar examination consists of the written and verbal part.

4.2. In the written part of examination, practical assignments are given from criminal and civil law.

4.3. The oral part of the examination consists of these subjects:

- a) Constitutional system and judiciary organization;
- b) Criminal law (material and procedural)
- c) Civil law (material, procedural, family, hereditary and obligatory);
- d) Trade law (economical);
- e) Labor law;
- f) Administrative Law, and
- g) International law and European Union Law on Human Rights.

Subjects of shortened program  
Article 5

5.1. Bar examination according to the shortened program consists of the written and verbal part. In the written part of examination, practical assignments are given from criminal and civil law.

5.2. Individuals from article 3.3 of this law, are subject to the examination according to shortened program (curriculum) in the following subjects:

- a) Organization of judiciary; (with the exemption of the Constitutional system)
- b) Criminal law (material and procedural);
- c) Civil law (material, procedural, family hereditary and obligatory);
- d) Trade law (economical) and
- e) International Law and European Union Law on Human Rights.

## CHAPTER II COMPOSITION AND THE WORKING PROCEDURES OF THE COMMITTEE ON BAR EXAMINATION

### The Committee on Bar Examination Article 6

6.1. The Committee on Bar Examination is an independent professional body, which organizes examinations for the qualification of judges, prosecutors, jurists and other legal specialists, according to Chapter 5.3. (f), of the Constitutional Framework.

6.2. The Committee on Bar Examination, according to paragraph 1 of this article, is appointed by the Assembly of Kosovo, upon proposal by the Ministry of Justice.

6.3. The Committee reports on its work at least once a year to the Assembly of Kosovo.

### Composition and mandate of the Committee on Bar Examination Article 7

7.1. The committee consists of a president and six members.

7.2. Deputies are appointed for the president of the committee and members.

7.3. The selection committee is appointed and composed from graduated lawyers which have passed the bar examination and individuals who with their work are proven to be distinguished judiciary experts.

7.4. The committee shall decide with a majority of votes.

7.5. The mandate of the committee is two years, half of the members can be appointed for an additional mandate due to the continuity of the work.

7.6. With the decision on appointment of the committee shall be decided which are the subjects to be examined by the president of the committee and which by members of the committee, respectively its deputy. Examiner of the field may be a member of the Committee who is specialized in that field, has a scientific degree in that field (for example MSc or Ph.D) or has work experience without interruption as a judge of that field.

7.7. With the same decision, the secretary of the committee and his deputy, are appointed, which perform administrative tasks of the committee.

## CHAPTER III UNDERTAKING THE EXAMINATION

### Request for undertaking the examination Article 8

- 8.1. The request for undertaking the bar examination shall be addressed to the Ministry of Justice – Department of Judicial Administration (in further text: DJA).
- 8.2. Candidates must declare in the request in which official language they want to be examined and whether they were examined before.
- 8.3. Attached to the request, the candidate must submit proof on completion of law faculty and the proof of work experience after graduation.
- 8.4. For undertaking the examination according to the shortened program, exempt the proof required in the previous paragraph, candidate is obliged, to also attach proof of passing the professional examination to perform in administrative bodies, respectively proof for undertaking the examination for minor offence judge.
- 8.5. Candidates that have completed the faculty of law in other universities abroad Kosovo, before undertaking the examination to convert their diploma of faculty of law in the Ministry of Education, Science and Technology.
- 8.6. The decision on allowing or not allowing an individual the request on passing the bar examination, in accordance to paragraph 1 of this article, is issued by the Commission of DJA.

### Written examination Article 9

- 9.1. The time of examination is determined by the president of the Committee on the Bar Examination, and on the day when the candidate enters into the written part of examination, he/she is considered that he/she has started the examination process. The undertaking of the bar examination is organized every four months, respectively three (3) times during one (1) calendar year. The amount of financial participation for applying (passing) the bar examination is determined by the Ministry of Justice.
- 9.2. In the written part of examination, the participation of the committee member that is responsible for the subject is obligatory, including secretary of the committee.
- 9.3. During the drafting of the examination paper, the candidate can serve only with texts of legal provisions (without using commentaries).
- 9.4. After the communication of examination paper, the time for solving the examination paper is 5 hours.
- 9.5. The decision for successful completion of the written examination. is brought by the Committee, with majority of votes, after receiving the opinion of the member's of the Committee, which have checked the written paper.
- 9.6. The written part of the exam, i.e. the written task evaluated as "passed with distinctive result", "passed" and "did not pass."

Verbal examination  
Article 10

10.1. The candidate, who passes the written part of the examination from the criminal field and civil field or one of them, is allowed to the verbal part of the examination.

10.2. The candidate which in the written part of the examination is evaluated as “not passing the examination”, from any of the subjects, will not be allowed to the verbal part of the examination from the failing subject.

10.3. The verbal examination will be conducted in a public manner in front of the Committee in full composition.

10.4. The committee with majority of votes will evaluate the candidate according to the result that he/she has achieved in the written and verbal part of the examination in the following manner “passed with distinctive result”, “passed” and “did not pass”.

Cases when a candidate is considered that he/she did not  
pass the examination  
Article 11

11.1. The candidate which “does not pass” the written part of the examination from criminal field and civil field is considered “that has not passed the passed the examination”.

11.2. The candidate, who enters for the first time in the examination, and has not shown success in more than three subjects, is considered that “has not passed the examination”.

11.3. The candidate, which after the re-examination has not shown success in at least one subject, is considered “that he has not passed the examination”.

11.4. The candidate which after conducting the examination in written, but does not submit the test or in a silent manner does not undertake the verbal examination is considered “that he has not passed the examination”.

11.5. The candidate who does not reapply for re- examination in period from two to six months or if the candidate does not reapply for the extension of postponed examination within three months, is considered that “he did not the examination”.

Re-examination  
Article 12

12.1. The candidate who does not show satisfactory success in one or two subjects is subject to reexamination.

12.2. The candidate can be a subject to reexamination in the criminal law or civil law and in one of the other subjects.

12.3. The deadline for undertaking the reexamination can not be shorter than two months and not longer than six months, from the date when the candidate was a subject to reexamination.

12.4. If the candidate does not undertake the reexamination in the deadline from two to six months or does not show satisfying results during the reexamination, will be considered that he/she “did not pass the examination”.

12.5. The candidates that are subject to reexamination in criminal law or the civil law in the verbal part of examination and which earlier have passed the written part of the examination, in the occasion of reexamination, they will not be a subject to the written part of the examination.

12.6. The candidate who is subject to the examination according to the Article 3.3 of this Law may be a subject to reexamination in one subject.

#### Postponing the commenced examination

##### Article 13

13.1. The commenced examination can be postponed with the request of the candidate, if the candidate is sick, experiences an accident, or has a case of death in the close family or for similar reason can not continue the examination.

13.2. The decision on postponing the examination commenced goes to the president of the Committee based on the evidence of proof that the candidate will present.

13.3. The deadline within which the candidate shall be a subject to the postponed examination can not be more than three (3) months from the date of postponing the examination.

13.4. If continuing the postponed examination the candidate is subjected only to examinations, which he/she did not pass before postponing the examination.

#### Not being subject to examination

##### Article 14

The candidate who does not undertake the examination in the set deadline and the candidate who before the starting the examination abdicates from the right of undertaking the examination, is considered a candidate which has not undertaken the examination.

#### Protection of candidate rights

##### Article 15

15.1. The candidate which considers that his/hers general success or his/her success in one particular subject is not evaluated in a fair manner he/she can submit an appeal to the Appeal Committee panel within three days from the day of the announcement of the results.

15.2. The panel is obliged within a deadline five working days to review the claim and notify the candidate in regards to the issue.

15.3. If the claim of the candidate is approved the Committee may repeat the examination.

CHAPTER IV  
RETAKE OF THE BAR EXAMINATION

Reexamination  
Article 16

16.1. The candidate which in accordance to the evaluation panel is considered “that has not passed the passed the examination” can re take the examination within a deadline, which can not be less then six month from the day that he/she has received the results from the Committee “hat has not passed the passed the examination.

16.2. The candidate who does not successfully complete the examination for the second time can retake the examination within a time period not less than twelve months.

CHAPTER V  
THE CERTIFICATE ON COMPLETION OF BAR EXAMINATION AND OTHER  
ISSUES RELATED TO THE EXAMINATION

Issuance of the certificate  
Article 17

17.1. The candidate which has completed the bar examination receives a certificate on the completion of bar examination.

17.2. The form and the content of the certificate on the completion of the bar examination is determined by the Minister of Ministry of Justice.

CHAPTER VI  
INTERIM AND FINAL PROVISIONS

Article 18

18.1. The candidate which has started the process of taking the bar examination in accordance to the provisions of the Law on Bar Examination (“Official Gazette of Kosovo” No. 10/77) will complete the bar examination in accordance to the provisions of this law.

18.2. By undertaking the bar examination in accordance to this Law, it is considered the same as with the provisions of the former Law.

18.3. The candidates which have the right to undertake the bar examination in accordance to the provisions which were valid until the implementation of this law are able to do so even after the implementation of the new law.

18.4. Practitioners which already have started the practice in order to fulfill the legal requirements for undertaking the bar examination are obliged to undertake the bar examination in accordance to the provisions of this law.

Article 19

On the day this Law enters into force, the Law on Bar Examination (Official Gazette of Kosovo “No. 10/77) is abrogated.

Article 20

The Ministry of Justice shall issue Administrative Instructions on the working procedure of the committee on bar examination and Appeals Committee on the content of the program of examination, on minutes of the meeting, on the evidence in regards to the candidates that have undertaken the bar examination, on the amount that candidate pays in order to undertake the bar examination, compensation for the work of the panel and other legal provisions in this regard.

Entry into force

Article 21

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

**Law No. 02/L-40**  
**20 January 2006**

**President of the Assembly**

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**Academic Nexhat Daci**