Notaries are the so-called “reporting entities,” meaning that deposit-related transactions and procedures assigned to public notaries are to be reported to the relevant cadastral office. There is no impact of the COVID-19 epidemic to the work of public notaries now.

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complete the notarization, the registration of a document in the cadastre, the submission of the tax returns and the notification of the public utilities company.

As an improvement, we also emphasize that in the past period, the Ministry of Justice has appointed more than ten new public notaries and that they have started working, some of them in the less developed and less populated parts of Serbia.

REMAINING ISSUES

The prices of public notary services remain an acute problem in this area. We note that the public notary fees are somewhat higher than those once paid for the same services at courts and municipalities, especially for the notarization of lien statements, whose price goes as high as several thousand euros. The fee for the notarization of a signature for legal entities is also higher than it used to be.

It is necessary to continue the process of digitization and networking of public notaries with the state administration. Namely, there are still no technical capabilities for notaries to carry out some of their legally established competences. For example, the cadastre of lines (“katastr vodova”) has not been properly established, and it is not possible to electronically send a document notarized by a public notary to the cadastre. Also, new legal solutions have created a problem in practice, so when the delivery of a document is carried out by a public notary ex officio, the client on whose behalf the registration is made, in practice, is no longer in a position to dispose of the request or to withdraw it or modify, or to postpone the sending of a certified document (for example, the client does not have a possibility to use a release statement as a necessary document for the disposal of an unreleased mortgage).

The software used by the public notaries for sending the documents which they notarize to the cadastre of real estate does not allow notaries to send all types of documents which they notarize to the cadastre, even though the content of such documents is subject to registration in the cadastre of real estate (e.g., notarized lease agreement for a building or a separate part of building).

In some cases the notaries have divergent practice, meaning that one notary public refuses to verify a particular document, while the other one accepts the verification of the same document. Although the Chamber of Notary Publics issues the opinions on acting of the notaries in certain situations, such opinions is not obligatory for the notaries.

FIC RECOMMENDATIONS

• Appointment of public notaries in eight underdeveloped cities in Serbia. Continue with the process of digitization and networking of the state administration with public notaries, in order to enable the implementation of all legal competencies of public notaries. (2)

• Enable the disposition of clients’ requests toward the cadastre in situations when the delivery of the document is carried out by a public notary ex officio. (3)

• Further reducing charges for services provided by public notaries, and their harmonization with the purchasing power of companies and natural persons. (3)

• Further improvements in communication between the public notaries and the cadastre of real estate, including the possibility for notaries to initiate registration of leases on buildings (when applicable). (2)

• Unification of the practice of notary publics to obligatory implementation of the opinions of the Chamber of Notary Publics. (3)