

LAW ON PUBLIC NOTARIES

1.40

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
Allow parties to control their requests regarding the real estate cadastre in cases where the notary, as the obligatory submitter, submits a request on their behalf.	2019			√
Reduce public notary service fees and adjust them to the financial capacities of citizens and businesses.	2017			√
Improve and more efficiently integrate communication between public notaries and state authorities.	2020		√	
Standardize the practice among public notaries and ensure consistent application of the Public Notary Chamber's guidelines.	2020		√	
Prescribe effective mechanisms that parties can use to ensure consistent and uniform practices among public notaries.	2024			√

CURRENT SITUATION

Since the entry into force of the Law on Public Notary (Official Gazette of the Republic of Serbia, No. 31/2011, 85/2012, 19/2013, 55/2014 - other law, 93/2014 - other law, 121/2014, 6/2015, 106/2015 and 94/2024), the institution of public notaries has significantly contributed to legal security and efficiency of transactions in the territory of the Republic of Serbia. The main features of the current state include:

- 1. Relieving the courts:** The introduction of notaries has significantly reduced the burden on the courts, since certain activities that were previously within the jurisdiction of the courts (such as notarization of contracts and other documents, conducting probate proceedings, etc.) have been transferred to notaries. Also, due to legally correct documents certified by a notary, the number of court disputes in the areas of property law has been reduced, which further contributes to the relief of judges.
- 2. Legal certainty:** Public notaries play a key role in ensuring legal certainty in legal transactions, especially in areas such as real estate transactions, probate proceedings, the establishment of liens and the conclusion of other contracts. Public notaries carry out checks on the legality of the legal transaction that is the subject of certification, as well as checks related to the parties themselves, i.e. whether the parties have the appropriate powers to conclude the contract and dispose of their rights in accordance with the agreed terms.
- 3. Availability of services:** Over time, the number of notaries has increased significantly, which has made their

services more accessible to businesses. Improved geographical coverage makes it easier to access these services and allows faster appointments for certifications.

- 4. Technological improvements:** The application of modern technologies, including networked databases and communication platforms with other state authorities, has improved the efficiency of notaries' work. This digitalization has shifted the burden of collecting additional documentation for certification purposes from parties to notaries, which has accelerated transactions and reduced costs for clients.

In 2025, notaries in Serbia continue to play an important role in the legal system, ensuring legal certainty, authenticity of evidence and protection of citizens' rights. In addition to the above, notaries face challenges arising from the need for technological, administrative and structural changes.

POSITIVE DEVELOPMENTS

Efficient communication between notaries, state institutions and citizens is crucial for faster, better and more transparent provision of notary services. With the adoption of the Law on the Procedure for Registration in the Real Estate and Infrastructure Cadastre ("Official Gazette of the Republic of Serbia", No. 41/2018, 95/2018, 31/2019, 15/2020 and 92/2023) and the Law on Electronic Document, Electronic Identification and Trust Services in Electronic Commerce ("Official Gazette of the Republic of Serbia", No. 94/2017 and 52/2021), public notaries have become the so-called "persons obliged to submit" to the Real Estate and Utility Cadastre. This implies that notaries are obliged, within 24

hours after the certification of documents suitable for registration in the Real Estate Cadastre, to electronically submit this document to the Real Estate Cadastre for the purpose of registering rights, as well as to issue a certificate to the parties. These procedures have significantly accelerated the process of implementing changes in the Real Estate Cadastre and reduced the risk of the parties influencing the transaction with unauthorized disposals aimed at preventing the implementation of changes in the Real Estate Cadastre.

Public notaries have undertaken the obligation to submit to the Real Estate Cadastre tax returns for the determination of the tax on the transfer of absolute rights, inheritance and gift tax, as well as the application for the determination of property tax in connection with the transaction that is the subject of certification for natural persons. These tax returns are subsequently submitted to the competent tax authorities by the Cadaster. In practice, there has been a clearer and greater insight into the transactions carried out, and the Tax Administration has certainly increased the efficiency in determining and collecting these taxes.

REMAINING ISSUES

In order to modernize the work of notaries, increase efficiency and improve the service they provide to citizens and businesses, additional changes are necessary in the technological approach, changes in legislation, additional organization of the work of notaries and professional development of both notaries and users of their services.

The current Law on Public Notaries does not follow the digital transformation of the administration and economy in Serbia. It is necessary to further reduce slow processes that are carried out manually (verification of signatures, verification of real estate status, implementation of inheritance procedures). In the current system, after the certification of the act by which the change in the real estate cadastre is made, the public notary is obliged to electronically enter all documents in the application for communication with the cadastre and the tax administration. However, in addition to the digital entry of documentation, the public notary must manually enter all relevant data from the documentation, which are then manually re-entered into their system by the real estate cadastre officials.

Secondly, the issue of rewards and compensation for the services of notaries, which appeared to be relevant in the

previous period, due to the fact that the amounts of fees are significantly higher compared to the fees charged by courts and municipalities for the same services, has been further actualized by the amendment to the Notarial Tariff in 2025, which has determined a new, higher value of the point, and the awards and fees for all services of notaries have been increased many times over. An increase in costs of about 100% compared to the previous amounts is significantly noticeable in probate proceedings and certification of signatures and documents, while in the case of certification of contracts and pledge statements, the fee has increased by about 30%.

In addition to some improvements, the existing legal solutions have also brought new practical problems. In situations where the notary delivers the document on official duty, the party in whose favor the entry in the real estate cadastre is made, no longer has the possibility to withdraw, change or postpone the sending of the certified document, nor can he participate in the registration procedure. This situation is not in line with the practice of the comparative legal systems of the neighbouring countries, where the parties are allowed greater flexibility in these procedures. Although this problem has existed for a long time, little has been done to solve it so far.

Additional problems include inconsistent practices among notaries, as well as the requirement of some notaries for additional documentation or compliance with notarization requirements that are not explicitly prescribed by law. This practice leads to legal uncertainty and unpredictability that makes it difficult for the parties to plan their transactions, given that in the process of negotiating the terms of the contract, the parties often have to consult with notaries public in order to obtain confirmation as to whether certain terms of the contract would be acceptable for certification.

It is also noticeable that public officials, courts, the Business Registers Agency and other state bodies and public institutions use different systems with databases that are not fully interconnected. Although the e-government system provides easier use and access to numerous databases of the Ministry of the Interior, Tax Administration and Cadastre, notaries are still not provided with access to data from this portal without additional requirements. The use of existing interconnected databases would further contribute to the acceleration of the process, the reduction of errors in work, the reduction of corruption and a more transparent operation of the notarial system.

FIC RECOMMENDATIONS

- For additional changes and improvements in the work of notaries, it is necessary to amend the existing Law on Public Notaries, which would clearly define the digital certification of documents, the use and distribution of electronic documents, all in order to simplify procedures and harmonize with the practice of notaries in the region and the European Union, but also with a clear intention of Serbia to go further in the direction of digitalization of the business of administration and state bodies. This would also make it easier and simpler to recognize notarial documents abroad.
- Additional work needs to be done on the standardization of practice between notaries and the consistent application of the guidelines of the Chamber of Notaries. This is especially true in situations where notaries refuse to certify certain documents for reasons that are not provided by law as reasons for refusing certification.
- In order to improve communication between notaries and other state authorities and public companies, it is necessary to provide notaries with access to the existing e-government database without additional requirements, as well as to enable them to initiate certain registrations of rights in the real estate cadastre (e.g. registration of lease rights), as is the case in certain comparative European legal systems.
- All this certainly includes continuous training of notaries on new laws and technological processes, improvement of the notarial system throughout Serbia by enabling the availability of notaries in parts of Serbia where they are not yet present.
- Regarding the remuneration of notaries, although the first correction of fees since the establishment of the notarial system in Serbia was made in 2025, additional work is needed to adjust the amount to the financial capabilities of citizens and the economy.