

Mr. Nermin NIKŠIĆ

Prime Minister of the Federation of Bosnia and Herzegovina
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Brussels, 25 July 2011

Dear Prime Minister,

I would like to express my sincere gratitude for your meeting Mr. Evangelos Tsouroulis, the Second Vice-President of the Council of Bars and Law Societies of Europe (CCBE), on 4 July 2011, in Sarajevo. This possibility for us to explain our views regarding the introduction of fiscal cash registers for lawyers has been very useful. The CCBE greatly appreciates the interest which the government of the Federation of Bosnia and Herzegovina has shown in matters related to the lawyers' profession.

Previously, the CCBE's member organization, the Bar Association of the Federation of Bosnia and Herzegovina, had informed the CCBE that in the Federation of Bosnia and Herzegovina the lawyers' profession is not exempted from the obligation to use fiscal cash registers. Therefore, on 12 April 2010, the CCBE sent a joint letter with the Union Internationale des Avocats to Mr. Mustafa Mujezinović, the former Prime Minister of the Federation of Bosnia and Herzegovina, expressing concerns about the introduction of fiscal cash registers for lawyers. In our further letter of 25 March 2011, the CCBE emphasized once more that this practice would have negative implications for the lawyers' profession and the administration of justice as a whole.

The CCBE, as a representative of around one million European lawyers through its member bars and law societies from 31 full member countries, and 11 further associate and observer countries, would like to take the opportunity now to reiterate its concerns.

The CCBE would like to underline that lawyers in Europe are subject to core values such as independence, absence of conflicts, integrity and professional confidentiality (which is fundamental in the lawyer-client relationship). This has been explicitly recognised by the Council of Europe in its Recommendation Nr. R (2000) 21 on the freedom of exercise of the profession of lawyer of 25 October 2000 by, for example, stating that "all necessary measures should be taken to ensure the respect of the confidentiality of the lawyer-client relationship" (Principle 1, point 6). It is important to note that the rules applicable to lawyers have not as their objective to secure the rights and benefits of lawyers, but to secure the rights and benefits of their clients in the interest of effective access to justice and a sound legal order. If the use of fiscal cash registers would become mandatory for lawyers, the CCBE does not see how to guarantee respect for the above-mentioned core values, which are recognized at a European level, and so how to maintain proper administration of justice.

In addition, the CCBE has been informed that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, in its letter of 1 July 2011 to the government of the Federation of

Bosnia and Herzegovina, has also indicated that there are serious obstacles in introducing fiscal cash registers for lawyers.

The CCBE hopes that the government of the Federation of Bosnia and Herzegovina will consider once again the concerns of the CCBE, the Bar Association of the Federation of Bosnia and Herzegovina and other entities dealing with matters related to the administration of justice.

I look forward to hearing from you in reply to our concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Dal', with a long horizontal line extending to the right from the end of the signature.

Georges-Albert Dal
CCBE President

Annex:

CCBE letter of 12 April 2010
CCBE letter of 25 March 2011

CC:

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