



РЕПУБЛИКА СРБИЈА
ЈАВНОБЕЛЕЖНИЧКА
КОМОРА СРБИЈЕ

Republic Serbia
Chamber of Notaries
Number: VII-3123/2017
Belgrade, 13th April 2017

WORLD BANK GROUP

Dear Doing Business Team,

Regarding the Reform Update on the “Registering Property” survey we are please to inform you of the following:

The Notary Chamber of Serbia adopted the new **Notarial Rules of Procedure** ("Official Gazette of RS", No. 62/2016 of 13.07.2016)¹ on 26 June 2016, which entered into force on 21 July 2016. The new Rules allow the status of a legal representative to be determined either by insight into public records or by examining submitted public documents that offer proof of existence of a relationship with a participant, from which the authority to represent the company is derived (Article 52). This reform has resulted in removal of the first step of obtaining a company extract from the Serbian Business Registers Agency in the “Registering Property” survey, as obsolete. Namely, due to the principle of trust in the publicly available on-line registers of Business Registers Agency (<http://www.apr.gov.rs/>), notaries are able to perform insight into the registers and make an official note of the relevant data.

In order to harmonise notarial practice and promote the best practices of application of the above provisions, the Notary Chamber of Serbia has issued in March 2017 an official notice to all notaries, upon which all notaries as a rule perform insight into public records and do not request any public documents as proof of information contained in such records.

Bearing in mind the foregoing, please find enclosed the excerpt from the Notarial Rules of Procedure ("Official Gazette of RS", No. 62/2016 of 13.07.2016).

Yours sincerely,

President of the Notary Chamber of Serbia
Miodrag Đukanović



¹ http://www.paragraf.rs/propisi/javnobeleznicki_poslovnik.html

NOTARIAL RULES OF PROCEDURE (*Official Gazette of the RS, No. 62/2016*)

Identifying of the powers of attorney for representation

Article 52

The capacity of a legal representative shall be identified by insight into public registers (the register of births, marriages and deaths, the real estate cadastre, etc.) or by insight into the submitted official documents that are eligible to prove the existence of the relationship with a party from which the power of attorney for representation results.

The power of attorney of a parent to represent his/her minor child may be identified by insight into the excerpt from the register of births.

The power of attorney of a parent to represent his/her child of full age may be identified by insight into the valid judgment on the extension of parental rights.

The power of attorney of an adoptive parent to represent his/her adoptee may be identified by insight into the decision on which the adoption is based.

The power of attorney of a guardian to represent the ward may be identified by insight into the decision on the latter's placing under guardianship.

Article 53

A notary shall copy every official document based on which he/she has identified that a particular person has the capacity of a legal representative and shall attach the copy thereof to the notary act.

If he/she has identified the capacity of a legal representative by insight into a public register, the notary shall print out the excerpt from the public register and attach it to the notary act, putting the signed annotation on the manner in which he/she had insight on the printed out copy.

Note on the method in which the capacity of a legal representative has been identified

Article 54

If the capacity of a legal representative is identified by insight into an official document, the notary document shall contain the note that the power of attorney for representation was identified by insight into the official document (the excerpt from the register of births, etc.), full data on the issuer of the official document, the date of issuing thereof, and the official number of the official document.

If the capacity of a legal representative is identified by insight into a public register, the notary document shall contain the note that the power of attorney for representation was identified by insight into the public register, the date when the insight into the public register took place and, if the notary has not personally had insight into the public register, then also the data on the person who has had insight into it (the name, surname, permanent address, and his/her capacity shall be specified).