


**Predlog dopuna Zakona o javnom beležništvu**

**Proposal for the amendment of the Law on public notaries**

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A man in a dark suit and tie is seated at a desk, looking down at a stack of papers. The desk is cluttered with various documents, a pen, and a pencil. The background is a plain, light-colored wall.

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Vlada Republike Srbije je predložila dopune Zakona o javnom beležništvu ("Sl. glasnik RS", br. 31/2011, 85/2012, 19/2013, 55/2014 - dr. zakon, 93/2014 - dr. zakon, 121/2014, 6/2015 i 106/2015) sa ciljem da se uvede obaveza solemnizacije ugovora o zajmu novca između fizičkih lica u iznosu od 10.000 evra i više.

Dodatno, uspostaviće se registar takvih ugovora koji će voditi Ministarstvo pravde i u koji će se registrovati podaci o zajmodavcu i zajmoprimcu, iznosu zajma, roku vraćanja i valuti.

Javni beležnik će imati obavezu da dostavlja prepis takvog ugovora registru, a podatke u registru će nadzirati Uprava za sprečavanje pranja novca.

The Government of the Republic of Serbia has proposed amendments to the Law on Public Notaries ("Official Gazette of RS", no. 31/2011, 85/2012, 19/2013, 55/2014 - other law, 93/2014 - other law, 121/ 2014, 6/2015 and 106/2015) with the purpose of introducing the obligation to solemnize monetary loan agreements between natural persons in the amount of EUR 10,000 and higher.

Additionally, a register for such contracts will be established, which will be maintained by the Ministry of Justice and in which data about the creditor and the borrower, the amount of the loan, the repayment period and the currency will be registered.

The notary public will be obliged to submit a copy of such agreement to the registry. The data in the registry will be monitored by the Administration for the prevention of money laundering.

Razlozi za donošenje ovog predloga zakona su nepostojanje kontrole i uvida u ove vrste transakcija između fizičkih lica. U našem pravnom sistemu ne postoji obaveza sačinjavanja ugovora o zajmu u obliku javnobeležničke isprave, a taj ugovor ne mora biti ni pisani, čak je u praksi najčešće i usmeni.

Otuda, ove transakcije, bez obzira na vrednost ugovora, nisu predmet nadzora od strane državnih organa. Iznos od 10.000 evra je limit za gotovinska plaćanja u skladu sa Zakonom o sprečavanju pranja novca i finansiranja terorizma, te na ovaj način se uspostavlja dodatni mehanizam provere i zaštite od zloupotreba.

The reasons for this legislative proposal are the lack of control and insight into these types of transactions between natural persons. In our legal system, there is no obligation to formalize loan agreements as public notary documents, and that agreement does not have to be written, even in practice it is usually verbal.

Hence, these transactions, regardless of the value of the contract, are not subject to supervision by state authorities. The amount of EUR 10,000 is the limit for cash payments in accordance with the Law on prevention of money laundering and financing of terrorism, and in this way an additional mechanism of verification and protection against abuse would be established.

Predviđene izmene se odnose samo na obaveze između fizičkih lica, dok pravna lica, kao i transakcije između banaka i fizičkih lica ne potpadaju pod ove novine. Ostaje da se vidi, kada se ove dopune Zakona usvoje, kako će se oblikovati praksa u vezi sa ovim ugovorima i koje posledice bi mogle postojati za ona fizička lica koja ne izvrše obavezu solemnizacije.

Proposed amendments refer only to obligations between natural persons, while legal entities, as well as transactions between banks and natural persons, do not fall under this novelty. It shall be seen, when these amendments to the Law are adopted, how the practice related to these contracts will be shaped and what consequences could exist for those natural persons who do not fulfill the obligation of solemnization.

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