

LAW No. 06/L –010**ON NOTARY****Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts

LAW ON NOTARY**CHAPTER I
BASIC PROVISIONS****Article 1****Purpose**

This Law regulates the organizing, conditions for exercising notary duties, notary exam, competencies of notary, and other issues related to the exercise of the duty of notary in the territory of the Republic of Kosovo.

Article 2**Notary Service and Notaries**

1. Notary service is a public service, exercised by notaries appointed by the Minister of Justice (hereinafter: Minister) according to the provisions of this Law. Notaries are independent and unbiased in exercising the notary services.
2. Notary shall exercise the notary service in a professional manner and in accordance with this Law and applicable legislation of the Republic of Kosovo.
3. Notary shall exercise his/her function within the purview of the Law, with due regard to the Notary Code of Ethics, Professional Conduct in conformity with the oath taken.
4. In accordance with the legislation into force, the notary shall register his/her activity as an individual business at the Business Registration Agency.
5. Notary shall be liable for his/her services in accordance with this Law, and according to the provision of the Law on Obligational Relationships applicable in Republic of Kosovo.
6. Access of notary to electronic databases of public authorities:
 - 6.1. notary, as public official, in order to ensure notary services, is entitled to access all electronic records of public authorities;
 - 6.2. competent state body is, upon an application of the Notary Chamber of Kosovo, (hereinafter: Chamber), obliged within sixty (60) days from the filing of such application,

to ensure electronic access to all notary offices; and

6.3. any costs related to ensuring access to public electronic data shall be borne by the Chamber.

7. Notary may exercise notary duties until the age of sixty-five (65), if causes for terminating notary duties do not appear as per Articles 22, 23, 24 and 25 of this Law.

Article 3

Notary authorizations and notary deeds

1. Notary shall be authorized to exercise the following duties:

1.1. compile, certify and issue notary deeds;

1.2. certify notarized deeds drafted by the party or the third person;

1.3. receipt for saving of documents, cash, payment orders, cheques, public bonds and securities, and other items;

1.4. take all actions in non-contested/inheritance proceedings, including but without being limited to:

1.4.1. compiling of notarized wills;

1.4.2. reviewing inheritance assets and deciding, by a ruling, on inheritance in non-contested cases;

1.4.3. appraisal and public sale of moveable and immovable assets in non-contested procedure, especially in the case of voluntary sale;

1.4.4. storing of inheritance documents, cash, securities or valuable items;

1.5. perform other duties as assigned by special Law.

2. Notarized documents are:

2.1. ruling on non-contested inheritance;

2.2. documents of legal deeds and declarations made by notaries (notarized deeds);

2.3. documents drafted by the party or by a third party, and verified/ solemnized by the notary (notarial verification);

2.4 minutes of legal conduct performed by notaries or made in the presence of notaries (notary minutes); and

2.5. authentication of the facts which under the authorities shall be authenticated by the notary and authentication of copies, signatures and other notes (notarized authentication).

3. Notarized deeds issued in accordance with this Law shall have the power of public documents, if in their compiling and issuance, basic formalities are fulfilled as provided by Law. Notarized documents have probative force and are enforceable in the cases provided by the Law.

4. The validity and applicability of notary deeds are based on the signature, form and contents of the documents. Notary deeds enjoy a double presumption of legality. They may be disputed only in judicial proceedings.

5. Notarized deeds issued by another country, under conditions of reciprocity, shall have equivalent legal effect with notarized deeds issued by this Law. Foreign notarized deeds may be enforceable if related to rights that are not in contradiction with the legal order in the Republic of Kosovo, and if they contain all elements which according to the Law are necessary for enforceability.

6. For actions in the paragraph 1 sub-paragraph 1.4 of this Article, the provisions of the respective Law on inheritance and on non-contested procedure shall accordingly apply.

CHAPTER II CONDITIONS FOR EXERCISING NOTARY DUTIES

Article 4 Conditions for exercising Notary duties

1. Notary duties may be exercised by persons meeting the following conditions:

1.1. to be citizen of Republic of Kosovo;

1.2. to have capacity to act;

1.3. to have personal and professional integrity;

1.4. to have graduated in one of law faculties according to a four (4) year program or has completed master studies in the Republic of Kosovo, or any law faculty in another country, upon recognition of such diploma in the Republic of Kosovo;

1.5. to have at least three (3) years of working experience in the field of Law;

1.6. to have passed the notary examination in Kosovo;

1.7. to prove the ability to provide for the necessary premises and equipment for the exercise of notary profession.

2. The condition provided for by paragraph 1, sub-paragraph 1.3 of this Article shall be deemed unmet by a person who:

- 2.1. has been sentenced, by final court judgment, for a criminal offence;
- 2.2. is heavily indebted or bankrupt, for as long as such situation may last;
- 2.3. holds a political post;
- 2.4. by decision of competent authority, has been suspended from exercising the duties of a judge, prosecutor, or status of an attorney, notary, or civil servant in the Civil Service of the Republic of Kosovo, administrative staff employed in the judicial and prosecutorial systems, and other officers employed in the Kosovo Police, Kosovo Security Force, Kosovo Customs and Kosovo Correctional Service, for breaches of conduct and discipline in the last three (3) years from the filing of application for allowing the exercise of notary duties;

Article 5

Organization of Notary Examination and Conditions

1. A notary examination may be taken by any person who is a graduated lawyer according to a four (4) year program or who has finished master studies program of study in one of law faculties in the Republic of Kosovo or any law faculty in another country, upon recognition of such degree in the Republic of Kosovo, and who has acquired at least three (3) years of professional experience in the law field after graduation.
2. The application for the Notary Examination is submitted in the Ministry of Justice (hereinafter: Ministry).
3. The relevant Ministry unit for free professions shall issue a decision certifying that the person referred to by paragraph 1 of this Article meets the conditions for taking the examination.-
4. Against the decision referred to by paragraph 3 of this Article, such applicant may file a complaint to the Minister within eight (8) days from the day of receipt of such decision. Within five (5) days, the Minister shall rule on such complaint. The decision of the Minister shall be final.
5. An administrative appeal may be initiated against the final decision referred to by paragraph 4 of this Article rejecting the application to take notary examination.
6. The Minister shall issue a sub-legal act to regulate the notary examination procedure, Commission's activities, examination program, and other matters relevant to the notary examination.
7. Persons passing the notary examination shall be issued certificates by the Minister.
8. The Ministry shall keep records of persons having passed the notary examination. The manner of record-keeping shall be specified in detail by a sub-legal act issued by the Minister.

Article 6

Notary Examination Commission

1. The Notary Examination shall be taken before the Notary Examination Commission (hereinafter: Commission). Commission shall be appointed by the Minister, with a three (3) year mandate, without the right of re-election and it shall be comprised of a chair and four (4) members and their substitutes:

1.1. two (2) notaries;

1.2. one (1) judge;

1.3. one (1) professor of law faculty of the civil field;

1.4. one (1) representative of the Ministry of Justice from the Legal Department or Department for Free Professions.

2. The composition of the Commission shall be determined by decision referred to by paragraph 1 of this Article.

3. All professional matters of the Commission shall be handled by the Commission Secretary, appointed by the Minister in the decision appointing the Commission.

4. The Chair, members and Secretary to the Commission shall be remunerated for their performance in the Commission at the level designated by the Minister.

5. Notary examination fees and costs shall be borne by the candidate.

Article 7

Notary Examination

The Notary Examination is taken both orally and in writing, and it shall be comprised of at least the following subjects: Law on Obligations and Property Law; Family Law and Law on Inheritance; Commercial Law, labour law, civil procedure law, Laws and Regulations relevant to the Notary Service and Cadastre.

CHAPTER III

TERRITORY AND OFFICIAL SEAT OF NOTARIES

Article 8

Official territory

1. Notary shall exercise the activity in his/her official premises.

2. An official seat shall be designated to the notary.

3. The number and seats of notaries shall be designated by the Minister, by a decision ensuring

that at least one (1) notary is established per municipality.

4. Notwithstanding the paragraph 3 of this Article, the number of notary offices may be increased by Minister's decision, thereby ensuring that at least one (1) notary office is designated for every ten thousand (10,000) inhabitants, in due consideration of the number of documents processed by notary offices on yearly basis.

5. Notwithstanding the paragraph 3 of the present Article, one (1) notary office may be designated for two (2) or more municipalities, the number of inhabitants of which is under the number referred to by paragraph 4 of this Article.

Article 9

Organization and manner of the work of notaries

The organization and manner of the work of notaries shall be determined by sub-legal act issued by Minister.

Article 10

Selection of Notary

1. Notary shall be selected upon publication of a competitive announcement by the Ministry in at least two (2) daily newspapers. Such announcement shall contain, besides the general conditions for notaries referred to by this Law, the following conditions:

1.1. the deadline for application of fifteen (15) days from the date of publication of announcement;

1.2. deadline for notification of candidates on examination results and notary office for which the notary is selected.

2. The Notary Selection Commission (hereinafter: Selection Commission) shall compile a list of candidates meeting conditions of eligibility for Notary Service, as provided for by Article 4 of this Law, and shall hold interviews with all and each of the candidates meeting conditions of eligibility as provided for by Article 4 of this Law, at the latest fifteen (15) days upon expiry of the deadline for application.

3. The Notary Selection Commission shall be appointed by the Minister, with a three (3) year mandate, without the right of re-election. The Commission shall be comprised of a chair, four (4) members and their substitutes:

3.1. two (2) notaries proposed by the Notary Chamber;

3.2. one (1) judge proposed by the Kosovo Judicial Council;

3.3. one (1) professor of law faculty;

3.4. one (1) representative of the Ministry of Justice from the ranks of civil servants.

4. The Chair and the members of the Selection Commission shall be remunerated for their

performance in the Selection Commission in the amount designated by the Minister by a decision.

5. The Ministry shall provide administrative support to the Selection Committee.

6. In selecting from among more candidates meeting requirements set forth in Article 4 of this Law, the score on the Notary Examination shall be taken as criterion.

7. The decision on the appointment of notary shall be issued by the Minister, upon proposal by the Selection Commission as per paragraph 2 of this Article. The decision of the Minister is final.

8. Candidates not selected as notaries are notified in writing of the reasons for not being selected, and of the candidate selected as notary.

9. Following written notification on the selection of notaries, candidates not selected may initiate an administrative appeal against the decision on the selection of notaries.

CHAPTER IV EXERCISE OF NOTARY DUTIES

Article 11

Oath, licencing act, and assumption of duties

1. Upon appointment as per Article 10 of this Law, the notary shall take the oath before the Minister, the President of the Supreme Court, and the President of the Chamber.

2. The oath text shall be the following:

“I hereby swear that I shall perform my duties in a conscientious, honourable and impartial manner, pursuant to the Constitution and applicable laws of the Republic of Kosovo, as well as the Notary Code of Ethics and Professional Conduct, and that I shall at all times protect the interests of the parties.”

3. If an appointed notary does not take the oath within thirty (30) days from the day of appointment, or for any unjustified reason fails to take the oath, it shall be deemed that such candidate has not been appointed.

4. In taking the oath, the person authorized by the Minister gives the notary the licensing act, while a copy is delivered to the Chamber. The content and format of such license shall be determined by the Minister.

5. Upon receiving the copy of the licensing act, the Chamber, within ten (10) days, is obliged to organize six (6) months training for notaries. The Chamber within two (2) days upon ending the trainings, shall inform Ministry of Justice for completion of the training for the notary.

6. Minister within five (5) days upon receiving the notification from Chamber for completion of the training for notary, will determine the date of starting to exercise the function of notary and for this the notary and the Chamber will be notified.

7. If the notary does not commence the work within the period determined by the Minister, according to paragraph 6 of this Article, it will be considered that the notary has not started to exercise the function and in that case the license will be revoked.

8. The notary may request from the Minister to extend such a timeline for justified reasons.

9. The Ministry and the Chamber shall keep records of notaries, including seat addresses, personal address and signatures.

Article 12

Seal and signature

1. Upon taking the oath, the notary is obliged to require from the Chamber to prepare the round seal and dry seal.

2. Notaries may have only one (1) official seal.

3. The notary seal shall contain:

3.1. the logo and title “Republic of Kosovo”;

3.2. the name and surname of notary;

3.3. the profession inscription “Notary” and

3.4 the location of the notary.

4. The text of the seal shall be specified in accordance with the Law on Seals in the Institutions of the Republic of Kosovo.

5. Seal inscriptions and the notary’s signature shall be permitted and authenticated by the President of the Basic Court with the jurisdiction over the notary’s territory. Certified seal inscription, dry seal, and notary signature shall be deposited with the Basic Court with the jurisdiction over the notary territory. One (1) copy of the certified document of seal inscription and notary signature shall be deposited to the Chamber by the Basic Court.

6. The notary shall exercise special care of the seal. In case of loss or any other destruction of the seal, the notary shall promptly notify the Basic Court with the jurisdiction over the notary territory, and the Chamber, by telegram or electronic communication, and by prompt direct submission or by recommended mail.

7. The approval and certification of the seal inscriptions shall apply in compliance with the procedure provided for by this Article, while the replacement seal shall be distinguishable by its order number given, dry seal of the same size as approved. The procedure shall be urgent. The same procedure shall apply for replacement of the seal.

8. If the seal is found, it shall be destroyed by the basic court in the territory where the notary exercises his/her activity and it shall be broken into two (2) parts.

Article 13

Obligation to maintain the confidentiality

1. The notary is obliged to maintain as confidentiality the information garnered in the exercise of his/her duties, except if something else does not derive from the Law, the will of parties or the content of the legal transaction.

2. The notary's obligation to maintain the confidentiality extends to the employees of the notary's office, the translators and interpreters and all persons who have access to the information envisioned in paragraph 1 of this Article. This obligation is permanent; it remains into force even after the cessation of the notary's functions, or of those in his employ.

3. In accordance with the Law, a notary shall disclose information as per paragraph 1 of this Article, before the court, other state administration bodies, or other competent authorities before which a judicial or administrative proceedings are held.

4. A notary shall disclose information concerning notary acts performed by him or her only:

4.1. to the persons and their legal representatives, at whose request or concerning whom the notary acts were performed;

4.2. only in pursuance of a court order; or

4.3. to public bodies before which notarized deeds must be executed, pursuant to the Law.

5. A notary may disclose information concerning the existence and the content of a will only after the death of the testator.

6. A person at whose request a notary performed a notary act or the legal successor or representative of the person may release a notary from the duty to maintain the confidentiality of the notary act by submitting written consent to this effect. If the person is deceased and has no legal successors or where it is not possible to establish contact with the person, a court may release a notary from the duty to maintain confidentiality. At the request of the notary, the court may also release a notary from the duty to maintain the confidentiality of a notary act for other valid reasons.

7. The duty to maintain the confidentiality of notary acts also extends to credit institutions, courts, archives and other legal persons and agencies, and to the employees thereof who possess documents containing the information specified in paragraph 1 of this Article or who have access to such documents, unless otherwise provided by Law. Credit institutions, courts, archives and other legal persons and agencies that possess documents containing notary acts or information pertaining thereto shall disclose the information analogously with the procedure provided for in paragraph 4 of this Article, unless otherwise provided by Law.

Article 14

Damage compensation

1. A notary is liable for, and shall compensate, any damage caused in the exercise of his or her functions.

2. For any damages, the notary is liable in accordance with the general provisions of damage compensation liability.
3. The notary is also liable for damage caused by other persons employed in his office.
4. The notary compensating damages as per paragraph 2 of this Article shall be entitled to reimbursement if such damage is caused intentionally or by omission of the party, within a period of three (3) years from the date of ascertainment of party guiltiness by final decision of the competent court.
5. The right to claim compensation for damage caused by a notary or those in his employ, and the deputy notary, may be exercised in accordance with the provisions of applicable Law.
6. No public authority can be held liable for damage caused by a notary.
7. The compulsory insurance of a notary from professional risks provided for by this law shall not exempt him or her from direct liability in relation to the parties suffering the damage.

Article 15 **Insurance**

1. Prior to assuming his or her functions, a notary shall obtain damage liability insurance for all damages he or she could inflict in the performance of his or her functions.
2. The minimum insurance amount shall be specified by the Minister in consultation with the Chamber.
3. The Chamber may enter a collective contract on insurance with the insurance company for all notaries in the Republic of Kosovo upon approval by the Ministry. In such case, notaries shall pay their proportional insurance fees as per paragraph 2 of this Article.

Article 16 **Remuneration and cost recovery**

1. Notary shall be entitled to remuneration and cost recovery in relation to the services rendered, in compliance with the fees of remuneration and expense compensation as determined by sub-legal act issued by the Minister in consultation with the Chamber.
2. Notary shall be authorized to require immediate remuneration upon service provision.
3. Notary shall issue the paying party a receipt for all remuneration and any costs payable.
4. If more persons have participated in the legal transaction before the notary or have requested from the notary to perform any official service, all such persons shall be jointly liable for such remuneration and costs payable, unless such parties agree otherwise.
5. A Notary's professional income, for performance of his/her service, is the amount remaining with the Notary out of the fees he or she receives after payment of the maintenance costs of his or her office, of the taxes provided by Law and of other compulsory payments related to the

professional activities of the notary.

6. In setting the fees for notaries, the minister shall make a preliminary assessment on per capital income and economy of the country.

Article 17

Obligation to perform and refuse official duty

1. A Notary shall perform in person the duties in his/her competency as prescribed by Law, and may not refuse performing his official duties without a valid reason.

2. The notary shall refuse to perform an official duty if:

2.1. it is not allowed by Law;

2.2. the application is made by a juvenile person or for any other legal reasons, he/she is incapable to perform or conclude any legal transaction;

2.3. the notary suspects that such party attempts to formally enter the transaction to avoid any legal liability, or attempts to perform such transaction to injure a third person;

2.4. in cases of reviewing the inheritance, notary has, after applying the verification procedure of the heirs, found that there is concealment of legal heirs.

3. If the party does not have the right to enter legal transaction, the notary is obliged to warn and refuse the party.

4. When the notary, by a written decision, refuses to compile a notarized deed or to perform duty, the party has the right to file a complaint within seven (7) days from the day of receipt of such notary act. Upon the complaint of the party, Chamber shall decide within fifteen (15) days.

Article 18

Exclusion

1. Provisions of the Law on Administrative Procedure shall apply mutatis mutandis on exclusion of a public official due to existence of legal restrictions also for the exclusion of a notary.

2. In case of doubt as to whether there are grounds for such exclusion, the notary shall refuse to perform the official duty.

3. The Chamber shall rule over the motion to exclude a notary.

4. Notarized deeds shall not have the effect of a public document if there are grounds for excluding the notary.

5. In order to exclude the deputy notary, provisions on exclusion of notary shall be applied mutatis mutandis, while for the exclusion of other persons employed by the notary office, the provisions for excluding minute-keepers in administrative procedure shall apply mutatis mutandis.

Article 19
Obligation to advise the parties

1. The notary shall advise the parties, in writing, on the nature and legal effects of the transactions and deeds contemplated, the scope of the obligations attached to such acts, and on the legal provisions applicable.
2. The notary shall safeguard in fairness and impartiality all the interests at stake in the legal transaction.
3. If the parties keep their attitude even after the given warning, the notary may refuse to draft the deed or to include the statements or suggested changes.

Article 20
Incompatible duties

1. A notary may not engage in other professional activity, including the work as attorney-at law or at public institutions.
2. Notwithstanding paragraph 1 of this Article, a Notary may engage in the following supplementary activities, provided that they do not affect the proper discharge of his/her official duties:
 - 2.1. scientific, artistic and teaching activities overtime;
 - 2.2. functions within the Chamber of Notaries or in international notary associations.
3. The notary shall terminate any such duties incompatible with the notary service before taking the oath. If the notary does not terminate the activity, it shall be deemed he/she has not been appointed as notary.

Article 21
Notary office and working hours

1. A notary shall have a notary office, which shall be located in the place of his/her official seat.
2. A notary may share professional premises with another notary only with the consent of the Steering Committee of the Chamber. In operating a common office, each notary performs notary acts in his or her own name and is personally liable for his or her professional activities.
3. A Notary may not share professional premises with representatives of other professions.
4. The Minister shall, by sub-legal act, regulate the conditions for a notary office, in terms of premises and equipment.
5. The working hours of Notaries shall be determined by sub-legal act, as provided in Article 9 of this Law.
6. A notary may perform official duties beyond specified working hours, as necessary.

7. Notary offices shall be open for public on working days, in full working hours, for at least five (5) active hours a day for work with parties.

CHAPTER V TERMINATION OF EXERCISE OF NOTARY DUTIES

Article 22 Grounds for termination of Notary Service

1. A notary service may be terminated for the following grounds:

- 1.1. death;
- 1.2. resignation in writing;
- 1.3. reaching the age of sixty-five (65) years;
- 1.4. a final court judgment sentencing such notary for a criminal offence of embezzlement in official duty, or sentence of imprisonment without parole for over six (6) months, or decision on suspension of service;
- 1.5. if due to unreasonable reasons fails to begin the exercise of function within forty-five (45) days from the oath;
- 1.6. provisional suspension of notary duties for a maximum of six (6) months;
- 1.7. dismissal.
- 1.8. should the fit and proper conditions for the Notary Service cease to apply, or if after appointment as notary, it is found that any of the conditions were not met at the time of appointment;
- 1.9. in the event the notary takes another job;
- 1.10. owing to discontinuation of professional liability insurance, or owing to non-reimbursement by the Chamber for such insurance;
- 1.11. for health reasons, which may preclude the exercise of official duty;
- 1.12. as a result of disciplinary proceedings, under the circumstances prescribed by Article 71, paragraph 4 of the this Law.

2. The decision to dismiss the notary from the duty is taken by the Minister. The decision of the Minister is final and there can be initiated administrative conflict against it.

Article 23

Dismissal of Notary

1. A notary shall be dismissed if:

1.1. it is found that the legal conditions for exercising notary duties are not met, or if after the appointment as notary, it is found that any of the conditions of Article 4 of this Law were not met at the time of his appointment;

1.2. fails to take the oath;

1.3. is employed or begins to exercise bar or other professional performance of any other activity;

1.4. a court ruling finding no capacity to act, or limiting capacity to act;

1.5. a finding of having no capacity to act in a legally prescribed manner;

1.6. due to illness he is incapable to exercise regular notary service;

1.7. the discontinuation of regular liability insurance or the failure to pay the Chamber the insurance fee in case of collective insurance;

1.8. disciplinary sanction terminating the exercise of notary duty has been imposed to him/her;

2. The decision on the dismissal of a notary is taken by the Minister. Before such decision, the notary shall have an opportunity to state position on the grounds of dismissal.

3. The decision of the Minister is final. Against such decision, an administrative conflict may be initiated.

Article 24

Notice on suspension and dismissal from duty

1. For any suspension and dismissal of notary, the Minister shall notify the Chamber and the court having jurisdiction over the territory of the notary within three (3) days.

2. Upon receipt of Minister's notice, the Chamber shall remove such notary from the Notary Register, and shall publish such notice in the official websites of the Ministry and the Chamber.

3. The Chamber shall revoke the notary seal as per paragraph 1 of this Article and shall notify the Ministry.

Article 25

Resignation

1. A notary may at any time request for resignation by filing such resignation in writing to the

Minister. By such request, the notary shall designate the date of termination of duties.

2. Upon expiry of the deadline as per paragraph 1 of this Article, the notary duties shall cease, unless the Minister schedules another date for such cessation to ensure the regular provision of notary services. Such decision to extend the time of cessation of duties shall be made by the Minister before the expiry of timeline as per paragraph 1 of this Article.

Article 26

Temporary removal from Notary Duties

1. A notary may be removed temporarily from exercising of notary duties if:

1.1. a procedure has been initiated against him on deprivation of capacity to act;

1.2. a procedure of dismissal has been initiated against him based on the causes specified in Article 23 of this Law;

1.3. absence in office for more than ten (10) days without permit from the Ministry;

1.4. detention on remand or house arrest has been ordered against him, until such detention on remand or house arrest lasts.

2. The decision on temporary removal is made by the Minister. The decision of the Minister is final, and an administrative appeal may be initiated.

3. A temporarily removed notary must not take any official duty, otherwise all such actions undertaken by the notary shall be deemed null and void.

Article 27

Acting Notary

1. Upon dismissal of a Notary from his/her office, the Minister may appoint an acting notary on a non-competitive basis, upon consultation with the Chamber.

2. Only a Notary or a person meeting the conditions of eligibility as per Article 4 of this Law may be appointed as acting notary. The mandate of such acting notary shall be valid until appointment of the new notary, but not longer than six (6) months. The mandate may be extended for another six months on reasonable grounds.

3. The acting notary shall take the notary's oath of office before assumption of office, if he or she has not previously taken such oath.

4. The acting notary takes over all files, books and other documentation belonging to the notary he is replacing. He or she ensures that the notary's files and archives are well kept, and that the services and actions undertaken by the notary prior to his replacement are completed or carried out. He or she may not undertake new notary services.

5. The acting notary has the right to claim the fees due upon his/her assumption of office. If a party has paid an advance for taking a certain official duty, the party may require inclusion of

such advance in calculating the total fees.

6. The acting notary shall file with the Chamber total fees for his/her duties performed, and shall be reimbursed adequately for such duties.

7. For the damage incurred by the acting notary to third parties while exercising his/her official duties, the acting notary himself/herself shall be liable.

Article 28 **Deputy Notary**

1. To the extent possible, a notary shall give prior notice to the Minister on circumstances that prevent him/her from exercising his/her official duties. Within ten (10) working days, a deputy notary shall be approved and assigned by the Chamber by a decision for which the Ministry shall be notified as well.

2. The absence of a Notary from his/her office for longer than ten (10) working days shall be approved by the Minister upon consultation with the Chamber. Such approval may be given only when such absence is not likely to endanger the rights of parties. A leave of absence may be taken in case of illness that may prevent the notary from exercising duties or maternity leave.

3. A notary prevented from exercising duty for more than ten (10) working days shall require from the Minister to appoint a deputy notary for his absence. In such a request, the notary may propose one (1) or more notaries who have expressed their agreement to act as deputy notary.

4. If the notary does not file the request for appointment of a deputy notary as per paragraph 3 of this Article, the Minister may appoint a deputy notary without such request.

5. In case of temporary removal from duty, a deputy notary may be appointed to replace the removed notary for such time, even without the request of the notary.

6. The decision appointing deputy notary may be revoked at any time by the Minister.

7. Only another notary or a person meeting all conditions for the notary service may be appointed as deputy notary.

8. The Minister may establish a list of potential deputy notaries.

9. A temporarily removed deputy notary shall not assume any official duties, under jeopardy of their being null and void.

10. All matters not provided for under this Article shall be regulated by the provisions of this Law applicable for appointment of acting notary.

Article 29 **Rights and duties of a deputy notary**

1. The deputy notary performs his/her services on behalf and at the expense of the notary being replaced

2. The notary who is absent pays the deputy notary an appropriate fee for the services rendered and the work performed by the latter on his/her behalf.
3. The deputy notary shall perform the notary duty as notary and is obliged to use the seal, dry seal and square seals of the notary in the issued documents. He signs such documents with his own signature, and attaches an addendum identifying him as deputy notary.
4. The deputy notary shall abstain from exercising any official action prohibited to the notary he is replacing.
5. The deputy notary is officially vested with the office of the absent or suspended notary upon taking over the latter's functions. Save in the case of prior recalling of the decision appointing him or her, his mandate extends until handing over of his or her functions to the notary.
6. While the deputy notary officially assumes the absent or removed notary's functions, the latter must restrain from performing his service.
7. For the damage caused to the third parties by the deputy notary in the exercise of official duties, the replaced notary and the deputy notary shall be jointly liable.

Article 30

Administrative personnel and intern to the notary

1. A notary may have necessary administrative personnel. Persons employed in the notary office shall be remunerated adequately and shall enjoy the rights from the employment relationship in compliance with general provisions on labour.
2. By an internal act, the Chamber shall designate the criteria for acquiring administrative personnel in notary offices.
3. Notaries may engage interns with payment, in compliance with the provisions of the internal act of the Chamber.

CHAPTER VI NOTARIZED DEEDS

Article 31

Form and the manner of writing the notarized deeds

1. Notarized deeds shall be written with a typewriter or any suitable electronic device. In exceptional cases only, may notarized deeds be written by hand, with durable ink.
2. In terms of use of abbreviations, corrections, insertions or erasures, manner of drafting notarized deeds shall be as follows:
 - 2.1. only common or generally known abbreviations may be used in notarized deeds.

2.2. when such changes, corrections, inserts between lines or erasures are necessary, they shall be made by the end of the document, so that:

2.2.1. a circle shall be drawn around the words needing correction or to be erased, in such a manner that they remain legible;

2.2.2. such change or correction is marked at the end of the document; and

2.2.3. the number of erased or changed words is marked, thereby noting “read and ascertained”.

3. Should any changes or correction be made after signature to the document, the document shall be signed again by the parties in compiling the document, but now after such changes or corrections made and noted in the end of the document.

4. No change or correction may be added after the notary has signed the document, unless the document contains errors that may change the substantial content of the act, in which case, with the participation of signatory parties, an annex or another act is compiled to substitute the document containing such error. For any technical or linguistic errors, with the authorization of parties, the notary may make such corrections in the act by him/herself.

5. The form and content of writing and notes in the notarized deeds shall be designated by secondary legislation issued by the Minister upon consultation with the Chamber of Notaries.

Article 32

Language use in Notarized Deeds

1. All notarized deeds shall be issued in the Albanian or the Serbian language, depending on the language better known by the notary processing the act. Notarized deeds may also be issued in other languages, in cases when the notary takes the personal legal liability regarding the knowing of such a language.

2. In municipal level where the languages have a status of official languages or are used for official purposes as provided by Law, the parties may ask the notary to issue a copy in such a language, as they desire. This copy is deemed to be a notarized deed under paragraph 1 of this Article.

3. If one of the parties does not understand the language in which the deed is drafted or if the party requests so, then the translator must participate in preparing the notarized deed. At the end of the notarial deed the notary shall note that translation of the notarial deed has been provided to the party.

Article 33

Preparation of notarized deeds

1. The Notary ascertains that the parties to the notarized deed are capable and authorized to undertake and conclude the legal transaction concerned. In doing so, the notary establishes the intention expressed by the parties. He or she then provides the necessary legal assistance to the parties, by explaining to them the applicable law and the legal effects of the transaction considered. The notary then prepares the relevant and necessary notarized deed, in which he

or she formulates in the appropriate clear and unambiguous statements the legal transaction concerned.

2. At all stages in this process, the notary shall ascertain that no confusions or doubts arise in the mind of the parties as to the legal transaction under consideration and its legal effects or as to the preparation of the deed, with a view to protecting inexperienced or unskilled parties.

3. The document thus drawn is read to the parties in the presence of the notary, who ensures, by asking the appropriate questions to the parties, that its content conforms in all regards to their intention.

4. Where attachments are to be enclosed in the original deed, these should be at the disposal of the parties during the entire drafting process.

5. After the original deed is drawn up, and its content has been read and approved, the notary shall ask the parties whether they approve the content of the deed, and if so, to personally sign it, underneath a detailed statement by the notary, to the effect that the applicable provisions of this Article has each been respected.

6. All attachments to the deed shall also be signed on every page by the parties and the notary.

Article 34

Obligation to warn and instruct

1. The notary shall issue the appropriate warning and instructions to the parties if:

1.1. the parties request the deed to include unclear, imprecise statements which might give rise to dispute or fail to reach the aimed effect; and

1.2. in the case there are reasons, that it would be considered that the intent is to cause damage to any of the parties, or exists a dispute.

2. Should the parties maintain their position after the appropriate warnings are issued, the notary shall refuse such party.

Article 35

Confirmation of identity

1. The notary who does not know the parties personally, he/she shall ascertain their identity on the basis of the identification card or passport, or any other identification document. When this is not possible, then their identity must be confirmed by two (2) identified witnesses.

2. The original deed shall include a statement by the notary specifying that he has ascertained their identity, clearly stating names, professions and addresses of identified witnesses, date and number of documents confirming such identity, and the authority issuing such document.

Article 36

Translators

1. When any of the parties does not understand the language of the notarized deed, or when so requested by the party, a court translator shall be engaged, and such engagement and duty shall be noted in the notarized deed. Translator shall not be required if the notary and both witnesses understand the language of the party.
2. Upon preparation of the original deed, the translator shall translate the content of the document into the language of the interested party, and shall place his/her signature upon it.
3. When the translator is required, the notary shall aim to understand and faithfully transcribe in the notarized deed, the actual intention of the concerned party through the translator's rendition of his statements. A written translation of the notarized deed shall be made at the concerned party's request, which shall be enclosed in the original deed.

Article 37

Witnesses

1. In processing a notarized deed, the participation of two (2) witnesses is mandatory:
 - 1.1. for deeds involving parties who are deaf, mute, blind or deaf-mute persons;
 - 1.2. if one of the parties is illiterate person.
2. In other cases, the notary and the parties may decide that witnesses may be invited on the occasion of compiling the act, as defined in paragraph 1 of this Article.
3. Adult persons that understand one of the official languages, while one of the witnesses that is literate may be witnesses. The identity of witnesses is ascertained by manner prescribed by Article 35 of this Law.
4. A witness can not be:
 - 4.1. a person without capacity to act;
 - 4.2. a person who has an interest or is likely to have an interest in the notarized transaction, and for which he has witnessed to, directly or indirectly;
 - 4.3. a person employed by the notary;
 - 4.4. a person who entertains a relationship with the notary, without limit in the vertical blood line, and to the fourth degree in a horizontal line, or if the person is a spouse, or related in a blood or marriage line to the second degree, even if the marriage is dissolved; and
 - 4.5. a person who has been exempted from the duty of testimony by procedural Law.

5. If not otherwise provided by law, the witnesses to the deed must be present, at least, at the time of the reading of the act by the notary to the participants, and upon signature of the act.

Article 38

Deaf, mute, blind or deaf-mute parties

1. A deaf literate party shall read the original deed personally, and in a clear and unambiguous manner state to the notary that he has read the document and that its content conforms to his/her will.

2. A mute, or a deaf and mute, literate party, personally writes on the original deed, before the signatures, that he or she has read it, and that he or she approves its content. Such statements shall be recorded in the original deed, before the signature.

3. The original deed must comprise a statement to the effect that the provisions of paragraphs 1 and 2 of this Article have been complied with.

4. Where a party is both illiterate and deaf or mute or both, besides two (2) witnesses, a person able to communicate, through sign language, with that party must be present. Such person shall meet all criteria for being a witness to a notarized deed, except that of literacy. Such person may be related to the deaf, mute or deaf-mute party, if he or she does not have a personal interest in the legal transaction which is the subject matter of the deed.

5. If a party to the notarized deed is blind, deaf or mute, the witnesses must be present when the parties issue a statement on disposal that would be entered into the original, or when reading the whole original to the parties, or when they are reading it themselves, or when the parties state their agreement and sign the original. This shall be reflected in the original deed.

6. In the cases provided for in paragraphs 4 and 5 of this Article, the notary shall ascertain that the reliable person can communicate by sign language with the deaf, mute or deaf-mute person, and there shall be noted, in the original notarial deed, that such he/she has been convinced for that.

CHAPTER VII

PROCESSING OF NOTARIZED DEEDS

Article 39

Compiling

1. Notarized deeds are compiled by the notary, in compliance with Article 31 of this Law.

2. Paragraph 1 of this Article does not exclude the possibility of parties or their legal representative from preparing the text of the deeds themselves, which can be verified or solemnised by notary according to this Law.

Article 40
Obligatory Notarized Deeds

1. According Article 42 of this Law, the following shall be compiled in format of notarized deed:
 - 1.1. legal activities, the object of which is the transfer or acquisition of ownership or other real rights in immovable property;
 - 1.2. encumbrances of mortgage on immovable property;
2. Legal transactions as per paragraph 1 and 4 of this Article that are set forth in the form of a notarized deed shall have the same evidentiary effect as acts made in the court or administrative bodies.
3. Legal transactions as per paragraphs 1 and 4 of this Article not set forth in the form of a notarized deed shall have no legal effect.
4. The form of a notarized deed for certain legal transactions may be prescribed by other Laws.
5. Parties may require the form of a notarized deed for other legal transactions which are not provided for by paragraph 1 of this Article.

Article 41
Formalization of documents drafted by a party or its representative

1. Documents drafted by a party or its representative shall be formalized by the notary in the following instances:
 - 1.1. agreement on property relations between spouses or extramarital partners;
 - 1.2. agreement on division of joint property between spouses or extramarital partners;
 - 1.3. giving of the consent by the spouse on non-registration of the joint property in the name of two (2) spouses, shall be done by a special consent, not through the contract, without financial cost;
 - 1.4. giving the recurrent consent, after a certain period of time, for the same property, by the spouse who has previously waived the registration of the joint property, in the name of two (2) spouses, shall be done without any additional financial tariff, provided that this procedure to be performed for the same case/property, at the same notary and at the same legal representative of the party;
 - 1.5. agreements on administration and disposal of joint property of members of a family union;
 - 1.6. alimony settlement between spouses.
2. A notary may write his/her formalization act by the end of the document drafted by the party,

or in a single sheet. In this case, the formalization is attached to the original document.

3. The notary shall read aloud the formalization before the parties, and explain the legal effects of the contract, and validate their final will.

4. Relevant sub-legal acts on archives, records and issuance of copies shall apply in the process of formalization.

5. When formalizing a document, the notary shall confirm the identity and capacity of parties, the existence of legal persons, if any, and the legality of contract in accordance with Articles 33, 34, 35 and 40 of this Law.

6. Upon formalization, a document meeting the requirements of paragraph 1 of this Article shall have evidentiary effect and shall be an executive title.

Article 42 **Contents of a Notarized Deed**

1. A notarized deed shall contain:

1.1. the name, surname and seat of notary;

1.2. the name and surname, place and date of birth, and personal numbers of parties, their legal counsels and proxies; for legal persons, name and seat, registration number, name and surname, address and place of residence of legal person representative;

1.3. documents for confirmation of identity of persons as per paragraph 1, sub-paragraph 1.2 of this Article, and the authority issuing the document;

1.4. text of legal transaction and reference to documents to be attached to the notarized deed, such as authorizations, extracts from registers, and copies from land cadastre, other public records and fees for legal activity;

1.5. venue, date and time of processing of the notarized deed;

1.6. declaration of parties of their understanding of content of legal transaction, and their agreement with the act processed by the notary;

1.7. signature of parties and notary, and seal of the notary.

2. A notarized deed failing to contain all items of paragraph 1 of this Article shall not have the force or legal effect of a notarized deed.

Article 43 **Enforceability of a notarized deed**

1. A notarized deed prepared in accordance with relevant procedures is directly enforceable, provided that it includes valid mandatory provisions agreed upon by the parties, and a

statement of the party required to perform certain action, to the effect that direct and compulsory enforcement of the obligation may be carried out pursuant to the notarized deed, upon maturity of the obligation.

2. If an original notarized deed under this Article is prepared in compliance with an authorization, such authorization shall have been certified by a Court or notary, attached in its original form or as a certified copy.

3. The registration in the registry of ownership rights over immoveable property in the land cadastre on the basis of the notarized deed setting forth an obligation to create, transfer, limit or cancel any right over real estate, the registration in the registry shall be done according to the Law into force, if the obliged person has expressly agreed thereto in the notarized deed.

4. Where the obligation arising out of the notarized deed is made to depend upon certain conditions or is subject to a deadline that is not determined on the basis of the calendar, the notarized deed shall have executive authority once a further notarized deed is prepared in which it is stated that the condition is met, or the deadline has been met, and if it is not possible then it shall be ascertained by a judgement in contested procedure.

5. Enforcement of a notarized deed may be challenged according to legal provisions of executive procedure.

6. In cases when the notarized deed has executive authority pursuant to this Article, and by request of the party, the notary notes in the deed the confirmation of enforceability.

CHAPTER VIII NOTARY MINUTES

Article 44

Issues for which notary minutes are kept

1. A notary is authorized to keep notes in the form of notary minutes to ascertain the existence of facts, on which the validity of a legal transaction and performance of obligations depend, especially for an offer, consideration, withdrawal, contract annulment, etc.

2. The notary may, in the form of notary minutes:

2.1. compile minutes on registration and appraisal of an inheritance estate;

2.2. enter into a settlement or act of reconciliation before the initiation of contested, non-contested and administrative proceedings in accordance with the Law, with the effect of a court settlement or act of reconciliation entered into before administrative bodies;

2.3. compile minutes on the authenticity of handwritten wills, testaments written in the presence of witnesses, and a notary will;

2.4. compile minutes of a deposition of a creditor to extend the deadline of enforcement for the obligation of a debtor as prescribed by enforcement title;

2.5. record in minutes other statements or ascertain other facts as prescribed by Law.

Article 45
Content of Notary Minutes

1. Minutes shall contain records of the date and time of acquiring knowledge, namely of certification of fact recorded, and full description of the events occurring before the notary, and facts confirmed directly by the notary.

2. Notary minutes shall also contain time and venue of minutes kept.

3. Notary minutes that do not contain the items as per paragraph 1 and 2 of this Article shall have no capacity or legal effect of a notarized deed.

CHAPTER IX
CONFIRMATION OF FACTS, CERTIFICATION OF DOCUMENTS, RECEIPT OF SWORN STATEMENTS

Article 46
General requirements

1. Upon issuing certifications and confirmations, the notary shall:

1.1. ascertain the identity of the requesting party or parties, as envisioned in Article 35 of this Law; and

1.2. add the certification or confirmation clause, state the date of certification or confirmation, his signature and his official seal.

Article 47
Certification of copies of original documents

1. A notary shall only certify copies of original documents prepared in the notary office. A notary may also certify copies of original documents brought for certification by a party, provided copy of the document is made in the notary office.

2. The copy must conform in all regards to the original document, including in respect of writing, punctuation and abbreviation of words. If parts of the original document were altered, deleted, strike-through, inserted-to or added-to, this shall be reflected in the certification. The certification shall indicate whether the original document was torn, damaged or otherwise suspicious in its appearance, except where it is obvious from the very copy or photocopy of the document.

3. The notary shall carefully and accurately compare the copy with the original and ascertain that the two match. Should the notary so conclude, he or she shall include a statement to this effect on the copy made. The notary shall further add:

3.1. that the copy is of a document designated as an original by the party; or

3.2. whether it is a copy of a certified or ordinary copy of an original document, in which case the notary shall state that the copy conforms in all regards to the copy, rather than the original document, which was not presented to him or her;

3.3. whether the original document was written by hand or with a typing machine or another mechanized or electronic device or by chemical means, by pencil or pen;

3.4. where the original of the document is located according to the notary's own knowledge or on the basis of the statements of the party or parties; and

3.5. if the party brought the document to be certified, the name and address of that party.

4. Where certification is made of the copy of one part of a document, or of an extract from a document, the copy shall clearly indicate which parts of the document have not been copied.

Article 48

Certification of Signature

1. The notary may certify that a party personally signed a document in his or her presence, or that the signature, which already figured on the document, was confirmed by the party as being of his or her hand.

2. The certification clause shall be drawn on the original writ, with indication of the manner in which the identity of the signatory was ascertained, and an addendum to the effect that the signature is true. Under the addendum, the date shall be entered, followed by the notary's signature and his/her official seal.

3. Should the party requesting certification of his or her signature be blind or illiterate, the notary shall read document to him before certifying the signature. In such a case, the presence of two (2) witnesses is further required, in accordance with the provisions of Article 37 of this Law. Finally, should the notary not know the language of the document, the document shall be read by a translator. The participation of two (2) witnesses and/or a translator shall be reflected in the certification.

4. If certification is requested of the signature of a person acting as a representative of a legal person or agency, the notary shall confirm in the certification that the person concerned signed the document on behalf of the legal person or agency concerned. However, he/she may do so only after being satisfied that the person is authorized to do so.

Article 49

Authentication of date

The notary may confirm the time when document was presented to him/her, or to a third party in his or her presence. This shall be confirmed in the relevant document, with indication of the day, month and year when the document was presented to him/her. The notary may add the hour when the presentation occurred, at the request of the party.

Article 50

Confirmation that a person is alive

1. A notary may confirm that a person is alive if he or she knows that person personally and by name, or after ascertaining that person's identity pursuant to the provisions of Article 35 of this Law.

2. It shall be confirmed, in the original of the document issued by the party that the person concerned presented himself/herself before the notary. The document shall further comprise indication of the day, the month and the year, and, if so requested by the party, the hour when these events occurred. The notary shall further state in the confirmation how the person's identity was ascertained.

Article 51

Confirmation of other facts

1. At the request of the parties, the notary may confirm facts, transactions and events which occurred in his presence, such as hearings on offers, auctions, drawings or statements made by persons regarding certain facts and the conditions in which the notary himself, or with the participation of experts in the fields concerned, learnt of the facts, transactions or events.

2. The Notary shall prepare an original document regarding the confirmation of facts referred-to in paragraph 1 of this Article. In this document, the notary shall state the place, time, names and respective addresses of all parties and other participants, as well as a precise description of the facts, events or transactions occurred in his/her presence, or those whose occurrence he/she ascertained, and in which manner. The original document shall be signed by all participants. Should any of the participants refuse to sign the minutes, the Notary shall reflect this in the original document.

3. The original document envisioned in paragraph 2 of this Article shall include the manner in which the identity of the party or parties to the confirmation was ascertained, as envisioned in Article 35 of this Law.

Article 52

Receipt of sworn statements

A notary may receive sworn statements from parties. The notarized statement shall reflect the oath taken by the party concerned, as follows:

"I hereby swear upon my honour that I have spoken truly and faithfully in response to all questions asked to me by the notary in regard to this matter and that I have not withheld any facts known to me in regard to this matter."

CHAPTER X
RECEIPT OF DOCUMENTS, CASH, SECURITIES, AND VALUABLES FOR SAFE-KEEPING AND SUBMISSION

Article 53
Safe-keeping and handing over of documents

1. A notary shall be required to accept for safe-keeping all types of documents. Such deposition with the notary shall have the same effect as depositing them with the court.
2. For such acceptance of documents, the notary shall keep minutes which contain:
 - 2.1. the place where, and the date when, the documents were handed over;
 - 2.2. the names, profession and address of the person handing over the documents;
 - 2.3. the reason why the documents are deposited with the notary; and
 - 2.4. data on the person to whom the document shall be handed over.
3. The minutes as per paragraph 2 of this Article shall be signed by the depositing party and the notary. The notary shall affix his or her official seal on the minutes.
4. Should the documents be sent to the notary in a letter, the notary shall keep minutes in accordance with paragraph 2 of this Article. The letter shall replace the signature of the person submitting the document.
5. The notary shall issue a receipt regarding the taking over of the documents to the person handing over the documents. If the documents were received by mail, the receipt shall be sent, by mail, to the person who sent the documents.
6. The notary shall ascertain the identity of the person to whom he or she delivers the documents in accordance with Article 35 of this Law. The recipient of the documents shall confirm receipt of the documents by signing the original document.

Article 54
Safe-keeping and handing over of cash, securities and valuables

1. A notary may accept for safe-keeping cash, bills of exchange, cheques, government bonds and other securities, while he/she is obliged to accept such items only when deposited in connection with the compilation of a notarized deed to hand such items over to another person, or to deposit them to the specific state body.
2. Should the taking over of the valuables or securities not be mentioned in the original notarized deed, minutes shall be kept, comprising at least the following information:
 - 2.1. number of register and depository book;

2.2. place, date and time of the takeover;

2.3. currency and value of cash or value of documents deposited;

2.4. the name of the depositing party for safe-keeping and handover, and action to be taken in connection to such items.

3. The notary shall issue a receipt regarding the taking over of the cash, valuables or securities to the party. The receipt shall specify the cash and the securities or valuables that have been deposited.

4. If the cash, valuables or securities are sent to the notary by mail, the notary shall keep minutes of receipt of such items, in accordance with paragraph 2 of this Article. The letter shall be attached to the minutes.

5. The notary shall keep the cash, securities or valuables deposited by the party in a separate envelope, on which the notary shall inscribe reference to contents of envelope and name of the party concerned. The cash shall be placed by the notary in a separate account in a bank or another financial institution. The notary may also deposit all other valuables in a safe-deposit box in a bank or other financial institution providing such services. Entrusted cash and valuables which may be kept in a separate account or in a safe-deposit box in a bank by the notary, can not be subject to the mandatory enforcement against the notary.

6. The notary shall immediately surrender the cash, valuables and securities entrusted to him/her to the government agency or person designated in the notarized deed as the recipient, after ascertaining the recipient's identity in conformity with Article 35 of this Law. The recipient's confirmation of receipt of the cash or securities shall be placed in the corresponding notary file, or in the book of deposits.

Article 55 **Obligation to return**

1. Should the notary not be in a position to surrender the cash, the valuables or the securities to the intended recipient at the time specified in the notarized deed, he or she may, after such time has lapsed, with the relevant minutes surrender the cash, valuables or securities to the party or, where this proves impossible, to a judge responsible for safekeeping. In the case of surrender of cash, securities and valuables to the court for safekeeping, the notary shall thereupon notify the party who surrendered such items, by registered post or in some other reliable way.

2. If the original notarized deed does not comprise a time-limitation for the handing over of the deposited cash, securities and valuables, the notary shall act as envisioned in paragraph 1 of this Article at the latest fifteen (15) days from the day when take-over occurred.

CHAPTER XI
CONSEQUENCES OF BREACHING THE RULES ON COMPILING THE NOTARIAL ACTS

Article 56
Absolute nullity

1. Notwithstanding other provisions to the same effect in this or other Laws, a notarized deed shall be deemed absolutely null and void:

- 1.1. if it was prepared by a notary who is not registered in the Registry of Notaries;
- 1.2. by a notary who ceased to exercise his/her office, as envisioned in Articles 23 and 24 of this Law;
- 1.3. if it was prepared outside of the territorial jurisdiction of the notary;
- 1.4. if the provisions of this or other Laws regarding mandatory presence of witnesses or translator were not observed;
- 1.5. if the provisions regarding illiterate, blind, deaf, mute and deaf-mute participants were not respected;
- 1.6. if the provisions of Article 39 of this Law;
- 1.7. if the date and the name of the municipality on whose territory the act was drawn out are missing.

CHAPTER XII
ARCHIVES, NOTARIAL BOOKS AND ISSUANCE OF EXTRACTS AND COPIES OF ORIGINAL DEEDS

Article 57
Storing of documents

1. The notary shall permanently keep and preserve all deeds performed by them, accepted for deposit with them, and keep them separately from other acts.
2. Notary deeds shall be kept in folders inscribed with specific notary deeds record code.

Article 58
Safekeeping of original deeds and issuance of extracts and copies

1. The Notary issues an extract of the original notarized deed to the parties. Such extract shall be identical in every respect to the form and content of the original deed. However, they shall be marked as being extracts.

2. An extract of the original notarized deed shall in legal order substitute for the original deed.
3. Except where otherwise defined in the original deed, an extract may only be issued:
 - 3.1. to the persons who concluded the legal transactions described in the document in their own name;
 - 3.2. to the persons in whose name the legal transaction was concluded;
 - 3.3. to those for whose benefit the legal transaction was concluded;
 - 3.4. to the legal heirs and descendants of the persons listed in sub-paragraphs 3.1, 3.2 and 3.3 of this Article.
4. The notary shall file the extract of an original notarized deed for legal transactions on acquisition, cessation, transfer or limitation of ownership rights or any other right to immoveable property, and rights for which public books or records are kept, to the competent administrative body, in accordance with the Law.
5. When an extract of the original notarized deed is issued, the notary shall, in the original notarized deed, note the time and person to whom the extract of the original notarized deed is issued. Such note is signed by the notary.
6. In case of absence or prevention of notary, his/her notarized deeds and other files and documents are transferred for safekeeping to the competent court, competent administrative body or another notary, including a deputy notary, then the court, competent administrative body or notary concerned shall issue the documents specified under paragraph 2 of this Article.
7. An extract of the original notarized deed is issued for purposes of execution. Such extract is issued to persons designated in the original as creditors, or their heirs, providing that the enforceability conditions of an original notarized deed, in accordance with Article 43 of this Law, are met.
8. A renewed extract of the original, for the purpose of an execution of the non-enforceable notarized deed as per paragraph 1 of this Article, may be issued in the following cases:
 - 8.1. where the persons specified under paragraphs 3 and 4 of this Article, or their legal successors agree thereto, as shown in a notary processed note on the original deed signed by the parties, or in a separate notarized deed attached to the original;
 - 8.2. if the first extract was returned to the notary for being erroneous or faulty, or if the original extract was destroyed, damaged, or could not be resorted-to for any other reason;
 - 8.3. upon issuance, by the court with jurisdiction over the notary's seat, of an order for the issuance of a new extract of the original deed, at the concerned party's request, subject to the establishment, by the party concerned, of the need for such new extract.
9. For an original enforceable notarized deed, except in cases foreseen in paragraph 8 of this Article, only an extract of the original may be issued for the purpose of execution.

Article 59
Copies of the original deed

1. Except where otherwise provided in the original notarized deed, certified copies or ordinary copies of the original deeds regarding a legal transaction among living parties may even be issued:

1.1. to the persons that may benefit from such legal transaction.

1.2. to legal representatives or heirs, or universal legal heirs, who may have any benefit from such legal transaction.

2. All the persons listed in paragraph 1 of this Article have the right to access the notarized deeds at any time.

Article 60
Extract or copy of the original will

1. Except where otherwise provided in the original document, the extracts or copies of the original deed containing one's last will, or whose provisions apply in the case of death of the author of the deed, whether prepared by the notary or submitted to the notary in writing, may only be issued to the author of the deed or to those explicitly authorized by the author of the deed to receive such extract or copies. Proof of such authorization shall be adduced in the form of a certified document signed by the author of the will.

2. After the death of the author of the will, extracts or copies of the original deed may only be delivered after disclosure of the last will.

3. The date when disclosure of the last will occurred shall be inscribed in the extract or copy delivered.

Article 61
Registry Books

1. The Notaries are obliged to keep the following books and registers in regular manner:

1.1. a general business registry book, containing reference to all the acts and minutes prepared;

1.2. protests for non-payment of bill of exchange;

1.3. a registry of the persons who have deposited items to the notary in the event of death, with indication of the number of the corresponding act;

1.4. a deposit book for the taking over and handing over of cash, securities and valuables of other persons where, in addition to the precise indication of the deposit taken over by the notary, the names and address of the depositing party shall be entered, as well as the names and address of the person who shall receive, and eventually received, the deposited object(s);

1.5. common directories of the parties concerned with the data entered in the registry books referred-to under sub-paragraphs 1.1 and 1.2 of this paragraph 1 of this Article. A common directory may be kept electronically.

1.6 a directory on duties entrusted to the notary by the court or any other administrative body;

1.7 register of wills; and

1.8 other directories in accordance with office management requirements.

2. The registry books and other books mentioned in sub-paragraphs 1.1 and 1.2 of paragraph 1 of this Article shall be bound, with each page numbered and sewed in with a thread and certified by a seal of the notary. The relevant data shall be entered immediately, in the order of each of the documents prepared or actions taken, at the time when such documents and actions are prepared or taken. All entries shall be clearly legible, without blank spaces, crossing, erasures or corrections, and the notary shall sign and affix his or her seal on every page of the general business registry book.

3. All notary acts, registry books and other notary books shall be bound every year with a binding of a maximum of ten (10) cm thickness, and their pages shall be numbered. On the page margin of the binding, the name of the notary public, the year and the ordinal number of the binding should be indicated.

4. The Minister shall issue sub-legal act to regulate the contents, forms, manner of keeping and storing notary documents, books and registries as per paragraphs of this Article.

CHAPTER XIII THE CHAMBER AND ITS BODIES

Article 62 Chamber

1. The Chamber shall be a public entity, which mandatorily assembles all notaries in the territory of Kosovo. The Chamber shall be a legal person.

2. The Chamber shall have its seat in Prishtina.

3. The Chamber is comprised of the following organs:

3.1. Assembly of the Chamber (hereinafter: Assembly);

3.2. Steering Council of the Chamber (hereinafter: Council);

3.3. President of the Chamber (hereinafter: President)

3.4. Disciplinary Committee (hereinafter: Committee);

3.5. Audit Committee (hereinafter: Committee).

4. Revenues of the Chamber shall include membership fees and fines, donations and other revenues. Membership fees shall be fixed and based on annual Chamber plans. The Chamber shall render transparent all its revenues, and shall publish such revenues in an annual report. Such report shall be submitted to the Minister of Justice not later than 31st of January each year, and shall be published in the Chamber website.

5. Unless otherwise stipulated by this law, the organization, competencies, number and manner of election, all rights and duties of Chamber bodies shall be specified by Statute and other acts of the Chamber.

6. For professional and administrative matters in the Chamber, a professional service shall be established. The Service shall be managed by the Chamber Secretary, which is appointed by the Council. The rights and duties of the Secretary and employees of the Professional Service shall be regulated by labour provisions.

Article 63

Functions and activities of the Chamber

1. The functions of the Chamber are as follows:

1.1. ensure that notaries execute their professional duties in a conscientious and correct manner, comply with professional ethics and act in a dignified manner;

1.2. harmonize professional activities of notaries;

1.3. organize training of notaries and employees of notaries' offices.

2. In fulfilment of its objectives, the Chamber shall:

2.1. represent Notaries before administrative agencies and other domestic and foreign institutions to defend the rights and interests of the notary profession, in accordance with the Law and the Statute, and develop cooperation with Notary Chambers abroad;

2.2. prepare recommendations for the harmonizing of the practices of Notaries related to office;

2.3. determine functions and salaries within the Chamber;

2.4. acquire and manage immovable and moveable assets necessary to the exercise of duties as specified by this Law; and

2.5. other activities in compliance with the Law and its Statute.

Article 64

Supervision of the Chamber

1. The legality of the activities of the Chamber shall be supervised by the Ministry. The Ministry may, ex officio or in response to submissions of interested parties, schedule controls on the activities of the Chamber, and take necessary measures for eliminating any found irregularities.
2. The Chamber shall ensure access of the Ministry to documentation and registries kept by the Chamber.
3. The Chamber shall submit a comprehensive annual report concerning its activities to the Ministry, which shall include general assessment of notary performance, and may also contain measures proposed for improving conditions for the exercise of notary services.

Article 65

Assembly meetings

1. The Council convenes the annual meetings of the Assembly by giving written notice to all the members of the Chamber of the time, venue and agenda of the Assembly Meeting at least two (2) weeks in advance.
2. Ad Hoc meetings of the Assembly may be convened, in the manner envisioned in Paragraph 1 of this Article, to address urgent issues concerning the notaries which need to be resolved before the annual Assembly Meeting, at the initiative of:
 - 2.1. the Council of the Chamber;
 - 2.2. the Minister;
 - 2.3. at least one fifth (1/5) of the members of the Chamber.
3. The members of the Committee of the Chamber shall participate in the Assembly meetings personally.

Article 66

Competence of the Assembly

1. The Assembly may include in its agenda and adopt resolutions concerning any issue within the competence of the Chamber.
2. The Assembly shall have exclusive competence to decide on the following issues:
 - 2.1. adoption of the Statute, with the consent of the Minister and other sub-legal act of the Chamber;
 - 2.2. adoption of the Code of Notary Ethics and Professional Conduct, with the consent of the Minister;

- 2.3. election of the members of the Council, including the President of the Chamber and chairperson of the Council;
- 2.4. approval of annual budget;
- 2.5. amount of membership fee and manner of payment thereof;
- 2.6. decision on the expenditure of funds raised from fines, in accordance with this Law;
- 2.7. approval of annual reports of the Chamber;
- 2.8. election of the members of Committee and members of Commission;
- 2.9. other matters as provided by Statute and other sub-legal acts.

3. The Assembly's resolutions shall be passed at the Meetings, on the basis of a simple majority vote. A meeting has a quorum if at least two-thirds (2/3) of the total number of members of the Chamber are present, or represented. In the absence of a quorum, a further meeting is convened by the members present.

Article 67 **Council and President**

1. The members of the Council, including the President and the Vice-President of the Chamber, are elected by the Assembly through a secret ballot, for a term of three (3) years.
2. Between the Chamber's Assembly sessions, the Council shall perform all the duties of the Chamber which do not fall within the exclusive competence of other bodies of the Chamber. It shall ensure compliance with the Chamber's statute and the proper implementation of the Assembly's resolutions.
3. The President of the Chamber shall be the chairperson of the Council. The President shall convene the Council's regular sessions. Proceedings and decisions of the Council shall be regulated by Rules of Procedure of the Council, which is adopted by the Assembly.
4. The President shall represent the Chamber and shall ensure that the Chamber will act in full compliance of with the Law. In case of obstruction, his duties are performed by the Vice-President of the Chamber, while the most senior member of the Council when the Vice-President is obstructed.

Article 68 **Committee**

1. The Committee shall audit the economic activities and the management of the Chamber of Notaries, on its own initiative or at the request of at least one fifth (1/5) of the members of the Chamber.
2. The Audit Committee shall review and comment on the annual report regarding the Chamber's activities, before submission of the report to the Assembly.

3. The Audit Committee shall be comprised of at least three (3) members, elected by the Assembly for a period of up to three (3) years. The members of the Audit Committee may not be members of the Council or Commission.

4. The Audit Committee's decisions are adopted on the basis of a majority vote.

Article 69

Commission

1. A Commission shall be established for applying the disciplinary proceedings. The Commission shall be comprised of at least five (5) members, elected by the Assembly for a period of up to three (3) years, where each member has his substitute. The members of the Council and members of the Committee can not be members of the Commission.

2. The Commission shall consist of notaries meeting the highest professional standards, competence and integrity and it shall reflect the gender and ethnic aspect.

3. A member of the Commission must withdraw from hearing matters where legitimate concerns regarding his or her impartiality may arise.

4. A notary who exercises the notarial activity in the same territory with the notary against whom the disciplinary procedure has been initiated can not be member of the Commission.

5. The Commission's decisions are taken on the basis of a majority vote.

Article 70

Duty for keeping the confidentiality by the members and employees of the Chamber

1. Members and employees of the Chamber who, through their activities within the Chamber, obtain information regarding the content of notary acts, may disclose such information only where ordered to do so by a court, and subject to the permission of the Council. This duty for keeping the confidentiality remains even after the cessation of activities of the person within the Chamber, whether as a member or as an employee.

2. A member or an employee of the Chamber, who acts in contradiction to paragraph 1 of this Article, shall be considered to have committed a disciplinary offence as per Article 71, paragraph 5, sub-paragraph 5.5 of this Law. In the proceedings defining the disciplinary responsibility, a fine may be imposed to him/her as per Article 72, paragraph 4, sub-paragraph 4.2 of this Law.

CHAPTER XIV

DISCIPLINARY LIABILITY OF NOTARIES

Article 71

Disciplinary liability and offences

1. The notary shall be liable for disciplinary offences in case of having violated provisions of this Law and the Chamber Statute, and may be sanctioned for irregularities or disciplinary offences.

2. An irregularity is any minor breach of official duty, which does not qualify as disciplinary offence as per paragraph 5 of this Article. Sanctions for irregularities shall include admonitions or fines lesser than seven hundred fifty (750) Euro.
3. In disciplinary proceedings, the notary may only be imposed disciplinary sanctions as provided by this Law.
4. Criminal or misdemeanour liability shall not exclude disciplinary liability of the notary.
5. A notary is deemed to have committed a disciplinary offence if:
 - 5.1. in processing notarized deeds and conducting other official duty, fails to obey the provisions of this Law;
 - 5.2. perform duties beyond official territory;
 - 5.3. take action in matters in which he/she has been excluded by Law;
 - 5.4. failure to keep orderly books and registries;
 - 5.5. violates the duty of secrecy;
 - 5.6. deposits the cash deposited to notary in his own name, in contradiction with the provisions of this Law;
 - 5.7. demands greater remuneration than what is provided by official fees;
 - 5.8. performs notary service during the period of removal from service;
 - 5.9. exceeds authorizations as provided by this Law;
 - 5.10. conducts improperly against parties and other persons and bodies performing supervision of his/her service;
 - 5.11. failure to report to competent authorities the cases of exclusion from the act/proof of death, or cases of coerced renunciation of inheritance, for which he/she obtains knowledge;
 - 5.12. other cases as stipulated by the Statute and other respective sub-legal acts.
6. Provisions of this Law on disciplinary liability of notary, and disciplinary proceedings against notaries shall apply proportionally to the acting notaries and deputy notaries as well, and for the employees in the Chamber and in the notary office.

Article 72

Disciplinary proceedings and sanctions

1. A proposal to initiate disciplinary proceedings may be made by the Ministry, Council,

Committee, public institutions and parties, namely their legal counsels and proxies.

2. Disciplinary proceedings are initiated by the Commission, as envisioned by Article 69 of this Law. Disciplinary liability of notaries in the initiated disciplinary proceedings shall be determined by the Commission.

3. The proposal for initiating disciplinary proceedings shall be delivered by the Commission to the notary against whom the proceedings are initiated, before the commencement of such proceedings, who may, within a deadline of eight (8) days from the receipt of proposal, file a written statement on the allegations in such proposal.

4. The disciplinary sanctions are:

4.1. written admonition;

4.2. fine ranging from five hundred (500) Euros to five thousand (5,000) Euros;

4.3. temporary withdrawal of the right to perform notary activities for a period from one (1) month to one (1) year;

4.4. revocation of the right to exercise notary services, and revocation of license.

5. A fine may be imposed cumulatively with the sanctions envisioned in sub-paragraphs 4.1, 4.3, and 4.4 of paragraph 4 of this Article.

6. The Commission shall ensure that any sanction is proportional to the offence for which it is imposed.

7. The sanction consisting in removal from office may only be imposed by the Ministry, upon the proposal of the Commission.

8. A notary upon whom a disciplinary sanction is imposed may challenge the Commission's decision before an administrative disciplinary panel established by the Minister. The decision of the Commission shall be final, and against it, administrative conflict may be initiated with the competent court.

9. The administrative panel for appeals shall be comprised of five (5) members, including the Minister or his/her representative, two (2) notaries, one (1) professor from the law faculty and one (1) judge.

10. The Minister shall issue a sub-legal act to regulate the determination of disciplinary liability of notaries.

Article 73 Prescription

1. Parties authorized to make proposal to initiate disciplinary proceedings as per paragraph 1 of Article 72 of this Law shall file such proposal at the latest within six (6) months from the date of obtaining knowledge of such offences, or within a timeline of two (2) years from the occurrence of offence. The disciplinary procedure can not commence after the expiry of four (4) year term

from the period when the offence has been committed.

2. If such disciplinary offence contains elements of a criminal offence and criminal liability, disciplinary liability may be addressed until such time when criminal prescription applies.

CHAPTER XV

SUPERVISION OF EXERCISE OF NOTARY SERVICES AND DISCIPLINARY LIABILITY OF NOTARIES

Article 74

Supervision of Notary Service

1. The Ministry of Justice supervises the notary services and ascertains whether all notary activities are carried out in conformity with the applicable Law. Such supervision includes the preparation of notarized deeds, the archiving of notarized deeds and observance of the notary fees.

2. The Chamber performs internal supervision as per Statute.

3. The maintenance of each notary office, and the performance of the concerned notary's duties, shall be reviewed with prior notice to the concerned notary of the date of the review by registered mail, facsimile or electronic message.

4. The concerned notary or a person authorized by him/her shall act in compliance with such notification and any directions issued by the Ministry in the context of the review that will be conducted.

5. Minutes shall be taken, describing the review. These minutes shall be signed by the persons who performed the supervision and by the notary whose office and activities were reviewed. The review made of the notary's registry books shall be recorded under the last entry in the concerned book.

6. The original copy of the minutes shall remain with the Chamber of notaries, and legalized transcripts shall be given to the concerned notary, the Ministry and the President of the Chamber of Notaries.

Article 75

Ad Hoc supervision

The Ministry may further order the performance of the ad hoc review of a notary office, in a manner and according to the procedure provided for the performance of regular supervisions, without prior notice to the concerned notary.

CHAPTER XVI
TRANSITIONAL AND FINAL PROVISIONS

Article 76
Sub-legal acts

1. Sub-legal acts as provided by this Law shall be issued by the Minister within six (6) months from the date of entry into force of this law. Until the issuance of new sub-legal acts, existing sub-legal acts shall remain applicable.

2. Upon entry into force of this Law, notaries who have reached the age of sixty-five (65) shall continue to exercise the notary function for two (2) more years.

Article 77
Repeal

With the entry into force of the present Law, the Law no. 03/L-010 on the Notary, Official Gazette of the Republic of Kosovo/Prishtina, Year III/no. 42/25 November 2008 and the Law no. 04/L-002 amending the Law no. 03/L-010 on the Notary, Official Gazette of the Republic of Kosovo/ no. 7/10 August 2011, Prishtina shall be repealed.

Article 78
Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No.06/L - 010
23 November 2018

Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.