

**REPUBLIC OF ARMENIA LAW
ON NOTARIAL SYSTEM**

(Adopted on December 4, 2001)

ARTICLE 5. THE SECRECY OF NOTARIAL ACTS

1. The notary shall preserve the confidentiality of the information he obtains knowledge of through the authenticated or certified documents. The termination of employment shall not be construed to affect this responsibility, with the exceptions as provided for by the Republic of Armenia Law on Combating Money Laundering and Terrorist Financing.

2. The entity, the notarial acts have been performed with the consent of or in connection with, as well as the assignee or representative thereof, shall have the authority to relieve notary the obligation to preserve the secrecy of notarial acts.

After the death of mentioned entities, given the absence of or the impossibility to communicate with the assignees thereof, the notary may be relieved the obligation to preserve the secrecy of notarial acts by a court order.

The court may also relieve the notary the obligation to preserve the secrecy of notarial acts on other reasonable grounds.

3. The notary shall provide references regarding notarial acts only to individuals, as well as legal entities, governmental or local self-governance bodies (henceforth referred to as organization) or their representatives, upon the request and with the consent of the client.

4. Upon a written request from the prosecutor or a court, or an inspector, or an investigative body, as provided for by the law, the notary shall provide references regarding its notarial and other acts, extracts from the notarial work, copies and originals only in connection with criminal or civil court proceedings (preliminary or final).

The judge, the prosecutor, the inspector, the investigative body or the attorney shall be prohibited to provide information regarding notarial acts to other entities, including mass media, or to publicize this information in their communications before the court order enters into legal force.

Additionally, supervisory bodies or the officials thereof, entitled to supervise the notarial acts, shall have the right to obtain information regarding notarial acts within the scope of their authority, in compliance with rules and provisions of the law.

5. Notary shall have the right to provide information regarding a will or the content thereof, as prescribed by this law, only after the death of the testator.

6. The rules of preserving the confidentiality of notarial acts under this law, shall apply to entities (witness, translator etc.) involved in notarial acts, as prescribed by the law, as well as entities, that obtained knowledge of such information in connection with the performance of their job related and official duties.

7. Notaries shall protect the information and documents involving state or official secrecy, as provided by law.

8. Under the circumstances specified in the first paragraph of part 4 of this Article, the notary shall have the right to notify the entities involved in notarial acts regarding submitted references, extracts, copies or originals in connection with notarial acts, within 3 days following said submission, unless otherwise prescribed by law.

9. Information provided for under the Republic of Armenia Law on Combating Money Laundering and Terrorism Financing, that constitutes notarial secrecy, shall be provided to the Authorized Body defined under that Law in case of filing a report on a transaction subject to mandatory reporting, in the presence of suspicions on money laundering or terrorist financing, or upon the request of the Authorized Body, in the cases and manner established by that Law.

ARTICLE 19. SUPERVISION OVER NOTARIAL ACTIVITIES

1. Supervision over the implementation of notarial and other actions, as well as implementation of the requirements of the Republic of Armenia Law on Combating Money Laundering and Terrorist Financing and of the legal statutes adopted on the basis thereof is conducted by the Ministry of Justice in the manner established by the Minister. For the purpose of supervision necessary documents and other data can be requested from the notary. Notarial acts kept by the notary can be acquired by the written request of the Minister of Justice. Prior to the inspections at the notary the Notarial Chamber is informed and the representative of the latter can participate in the inspections.

Inspections at the notary are conducted by the initiative of the Ministry of Justice or the Notarial Chamber.

(...)

(Article 19 was revised 11.06.04 HO-108-N, amended 21.06.14 HO-124-N)

ARTICLE 23. RESPONSIBILITIES OF THE NOTARY

1. The notary shall have the responsibility:

- 1) to be impartial and to observe the norms of notary ethics when performing notarial acts;
- 2) to preserve the confidentiality of the information obtained in connection with its activities, as prescribed by this law, with the exceptions as provided for by the Republic of Armenia Law on Combating Money Laundering and Terrorist Financing;
- 3) to refuse to conduct notarial acts, when it conflicts with the laws, or other legal acts, or international agreements of the Republic of Armenia;
- 4) to notify the Ministry of Justice and the Notary Chamber, when he/she fails to appear at the office because of sickness or other good reason for more than 5 days; and
- 5) to provide at least a five days prior notice to the Ministry of Justice and the Notary Chamber regarding a change in the address of the notary office;
- 6) to ensure the observance of the provisions of the Republic of Armenia Law on Combating Money Laundering and Terrorist Financing.

2. The notary shall also have the responsibility, upon the request of entities having paid the service fee;

- 1) while performing notarial acts, to provide assistance - to clarify their rights and obligations, for them to exercise their rights and realize their legal interests; to warn them of possible consequences of notarial acts, to avoid a situation, where their unawareness of the law is employed against them;
- 2) to clarify the parties the meaning and the purpose of draft transactions they presented and to verify the consistency of the content thereof with actual intentions of the parties;

In case the entities refuse to accept advise provided under this paragraph, the notary does not bear any future responsibility for resulting losses or other consequences of realized notarial acts; with regard to this the notary enters a note.

3. If foreign law is applied in the documents presented for notarial authentication or certification, or if the notary has concerns regarding the application of foreign law, the notary shall notify the requesting parties, and shall enter an appropriate note in the

letter of authentication. In this case, for the parts involving foreign law, the notary is not required to perform obligations under paragraph 3 of part 1 and of part 2 of this Article, and shall not bear any responsibility for the resulting damage to the parties, including third parties.

4. The notary shall not be required to check the veracity of statements or other documents presented, as prescribed by laws or other legal acts, by or within the scope of the authority of organizations and by individuals, and shall not bear any responsibility for the resulting damage to the parties, including third parties, with the exceptions as provided for by the law, or where established, that the notary was in the knowledge or should have been in the knowledge of the fraud.

Notary shall not be required to verify the genuineness of the documents to be certified or transactions to be authenticated, the information and the facts about the parties or indicated by them, or the intentions thereof, and shall not bear any responsibility for the resulting damage to the parties, including third parties, with the exceptions as provided for by the law, or when established that the notary was in the knowledge or should have been in the knowledge of the fraud.

The notary shall not be required to verify the compliance of the content of the documents subject to authentication, certification or other notarial acts with the requirements of laws or other legal acts, and shall not bear any responsibility for the resulting damage to the parties, including third parties, in connection with the notarial acts specified under paragraphs 6-7, 11-12 and 14 of part 1 of Article 36 of this law.

5. Notary and notary office shall not be subject to requirements, other than those provided for by this law.

ARTICLE 27.1: RESPONSIBILITY OF NOTARY FOR NON-COMPLIANCE OR INADEQUATE COMPLIANCE WITH REPUBLIC OF ARMENIA LAW ON COMBATING MONEY LAUNDERING AND TERRORISM FINANCING OR WITH LEGAL STATUTES ADOPTED ON BASIS THEREOF

1. In case of a notary's non-compliance or inadequate compliance with the requirements of the Republic of Armenia Law on Combating Money Laundering and Terrorism Financing or of the legal statutes adopted on the basis thereof, the notary shall be subject to responsibility as defined under Part 5 of Article 30 of that Law.