



Organization for Security and  
Co-operation in Europe  
**Presence in Albania**

**HEAD OF PRESENCE'S REMARKS AT THE FIRST CONGRESS  
OF THE ALBANIAN NOTARIES**  
**“Trustworthiness and reliability of notaries – a legal guarantee for the social and  
economic development and European integration of the country”**  
*4 May 2012*

Dear Prime Minister Berisha,  
Minister Halimi,  
Honoured Guests,  
Ladies and gentlemen,

Let me begin by first thanking the organizers of the first Congress of Albanian Notaries for allowing me to address you this morning.

I am particularly pleased to be here today in light of the continued excellent relations that exist between the OSCE Presence in Albania and the National Chamber of Notaries.

Strengthening the role of notaries as a key element of the legal sector is one of the OSCE Presence’s strategic aims in assisting the national authorities to consolidate the rule of law.

Indeed, the OSCE Presence has actively participated in the reform of notary legislation.

In 2008, we were part of the Working Group, led by the Ministry of Justice, where we provided written comments for the draft legislation.

The OSCE Presence believes that notaries should play a crucial role within the legal sector, a role also reflected in the independent status enjoyed by the profession.

Through their independence, notaries are very much the ‘guardians’ of the citizens' rights,

When performing their professional work, they are free and objective. and should be trusted precisely because of their impartiality.

However, with this special status come also some solemn responsibilities.

In undertaking their duties, they should be guided by five key professional principles: integrity, impartiality, truth, equity and confidentiality.

Clearly, no notary can work in empty space.

Their professional work takes pressure from other legal organs.

The work of a notary contributes greatly to reducing post-contractual disputes and thereby also the need to seek legal recourse in the courts. It certainly reduces uncertainty and costs.

Reforms by the Ministry of Justice to strengthen the competences of notary offices with regard to services offered by the Office for the Registration of Immovable Property are encouraging in this regard.

Yet, the role of the notary deserves to be developed further as there are other areas where notaries could, and I believe should, play a significant role.

For instance, based on the OSCE's observation of court activity, and in particular the witnessed workload of courts, consideration could be given to moving certain competencies from the courts over to the notaries, such as in the issuing of inheritance certificates or the registration of NGOs.

Not only would this provide a faster and a more efficient public service, it may also free the courts from being overloaded with such acts.

Any broadening in the scope of the work of the notary should always be reflected as well in specialised professional training and in the clear and structured supervision of notarial services.

Education and training are key to building and enhancing professionalism.

Emphasis should also be given to the education, training and the appointment process for all notaries.

Given also the independent value of notarial deeds, the internal supervision of notarial services by a strengthened National Chamber of Notaries, as well as by State institutions, may also prove beneficial.

In this respect, as a safeguard to the rights of all citizens, inspection mechanisms for notaries should be improved, especially as far as the inspection of notary documentation is concerned.

All violations should lead to stricter disciplinary measures as this maybe the only effective means of strengthening public trust in the legal system.

Dear Prime Minister Berisha,  
Minister Halimi,  
Honoured Guests,  
Ladies and gentlemen,

The OSCE Presence in Albania looks forward to continued close co-operation with the National Chamber of Notaries and Ministry of Justice in further improving legislation on notaries.

Thank you very much and let me wish every success to the first Congress of the Albanian notaries.

**Ends**