



**CABINET OF MINISTERS
OF THE REPUBLIC OF AZERBAIJAN**

**On amendments to “The Rules for Conduct of Notary Actions in
the Republic of Azerbaijan” approved by Ordinance # 167 of
the Cabinet of Ministers of the Republic of Azerbaijan on
September 11, 2000**

For ensuring the implementation of Item 1.2 of Decree #128 of the President of the Republic of Azerbaijan, dated July 20, 2009, “On Application of the Law # 856-IIIQD of June 30, 2009, of the Republic of Azerbaijan “On Making Some Changes and Amendments to Some Legislative Acts related to the Implementation of “The Law of the Republic of Azerbaijan On the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism””, **Cabinet of Ministers hereby order the following:**

1. Make the following amendments to “The Regulations on Conduct of Notary Actions in the Republic of Azerbaijan” approved by Order 167 of the Cabinet of Ministers of the Republic of Azerbaijan on September 11, 2000 (Legislative Compendium of the Republic of Azerbaijan, 2000, Issue 9, Article 693; 2001, Issue 11, Article 722; 2002, issue 3, Article 148, issue 7, Article 455; issue 10, Article 635; 2003, Issue 10, Article 629; 2005, Issue 4, Article 386, Issue 6, Article 534, Issue 8, Article 782, Issue 10, Article 977, Issue 11, Article 1061, Issue 12, Articles 1228, 1231; 2006, Issue 2, Article 297, Issue 8, Article 731, Issue 9, Article 830, Issue 10, Article 902, Issue 11, Article 994; 2008, Issue 2, Article 108, Issue 4, Article 316, Issue 8, Article 787; 2009, Issue 2, Article 148):

1.1. add sub-item “d” to Item 6 in the following edition:

“**d)** must observe the requirements on identification, verification of customer, beneficiary and authorized representative, documentation, storage of data in the cases and manner specified by the Law of the Republic of Azerbaijan “On the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism”, and submission of information

specified in Article 7.2 of the mentioned Law, as well as fulfil other activities envisaged in the legislation of the Republic of Azerbaijan in this field.”;

1.2. Paragraphs 3-10 of Item 7 should be considered paragraphs 4-11 of the same Item respectively, and paragraph 3 should be added in the following edition:

“Information on notary actions shall be submitted to the Financial Monitoring Service in the cases and manner specified by “The Law of the Republic of Azerbaijan on the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism”;

1.3. Add a paragraph with the following edition to Item 13: “In order to ensure the control over observation of the requirements of Article 42.1 of the Law of the Republic of Azerbaijan “On Notary”, notary offices must include daily information on their actions in “Notary Documentation Electronic Database”.

1.4. Paragraph 5 of Item 16 should be considered Paragraph 6 and new Paragraph 5 should be added in the following edition:

“Undertaking of the notary actions related to suspicious transactions based on “The Law of the Republic of Azerbaijan on the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism” can be suspended by the Financial Monitoring Service for the time and in the manner specified by the mentioned Law.”;

1.5. On Item 17:

1.5.1. to give Paragraph 2 in the following edition:

“Personality of citizens of the Republic of Azerbaijan shall be determined based on Identification Card of citizen of the Republic of Azerbaijan.”;

1.5.2. delete Paragraph 8;

1.5.3. add Paragraphs 8-10 in the following edition:

“Personality of foreigners and stateless persons temporarily situated in the Republic of Azerbaijan shall be identified by passport of foreigner and identification card of stateless person received in the country where he/she is permanently registered;

Personality of stateless persons permanently residing in the Republic of Azerbaijan shall be identified by special format identification card established by relevant Law;

Personality of foreigners and stateless persons temporarily residing in the Republic of Azerbaijan shall be identified by passport of foreigner and identification card of stateless person received in the country where he/she is permanently registered and permission for temporary residence in the Republic of Azerbaijan (to be presented together).;

Personality of foreigners and stateless persons temporarily residing in the Republic of Azerbaijan shall be identified by permission card for temporary residence in the Republic of Azerbaijan.”;

1.6. add Item 33-1 in the following edition:

“33-1. If during conduct of notary actions on purchase and sale of immovable property, management of monetary funds, securities, bank or security accounts or other property, as well as incorporation, management, purchase and sale of legal entities notaries suspect that the subject monetary means or property for the transactions are criminally obtained or connected with financing of terrorism or there sufficient grounds for such suspicions, or when such transacions are carried out with citizens of the States (territories) specified by the Financial Monitoring Service or with persons registered, residing or carrying out activities in the same State (territory), as well as with persons having accounts in the banks registered in the State (territory) or transactions are carried out from the bank accounts of political figures of foreign states, the notaries must provide information about such transactions to the Financial Monitoring Service.

When carrying out notary actions with the above-mentioned transactions notary shall verify and keep the copy of the document verifying personality and provided for identification, as well as the copies of certificate issued by the relevant tax authority, document verifying authorities of a representative, charter and document verifying registration of the legal entity and copies of other identification documents that may be presented depending on the type of transaction and:

take one or several of the following measures for verification of legal entities:

- cross check of the information provided by legal entity with the information entered to the State Registry of Legal Entities;
- obtaining of information about the activities of legal entity from mass media outlets, internet information resources or official publications;
- comparison of newly obtained information with previously provided identification information;

take one or both of the following measures for verification of physical persons:

- verification of physical person’s date of birth based on birth certificate, passport, driving license or any other official document;
- verification of physical person’s residential registration based on residential utility bills or operation fees for use of non-residential areas paid by the person, or extract from the State Registry of Immovable Property on state registration of the person’s ownership, order, rent or leasing agreement.”;

1.7. on Item 160-1:

1.7.1. replace the words “relevant executive body” with the words “Cabinet of Ministers” in the first paragraph;

1.7.2. delete Paragraph 2, consider Paragraph 3 as Paragraph 2, and add Paragraphs 3-8 in the following edition.

“After the parties apply with request on payment of agreement amount through a deposit, notary shall check the compliance of the verified trasnaction with the law and true intentions of the parties, as well as carry out the actions

specified in Article 42-1 of the Law of the Republic of Azerbaijan “On Notary”, and make a record on the request in the document registration book.

Notary shall issue a letter to buyer for presenting to bank for acceptance of the agreed amount to a deposit account and the agreement shall be approved after daily bank extract on the transactions made on the deposit, as well as a bank bill on payment of the amount to the account by the buyer is submitted to the notary.

Copy of the bill shall be verified and issued to the person paid the amount, at the person’s request.

Even in the cases when the agreement amount is less than the minimum amount established by the Cabinet of Ministers of the Republic of Azerbaijan, notary, based on the request of the person applied for notary actions, can undertake an action on payment of the amount through deposit account.

At the legalization of the agreement, notary shall issue either money check or settlement check, based on the customer’s will, for withdrawal of the agreement amount placed to the deposit amount (check books shall be provided to notary by bank). For accurate and proper conduct of the mentioned action, notary office shall keep records of incoming and out-going amount in and out of the deposit account, as well as its balance.

After each month ended, bank account extracts on the paid amounts through deposit account based on the approved agreements shall be cross checked on the first day of the next month and information on the checkings shall be provided to the Ministry of Justice of the Republic of Azerbaijan before 5th of the month subsequent to the ended quarter.”

2. This Ordinance shall enter into force since the date of its signing.

A. Rasi-zade

Prime-minister of the Republic of Azerbaijan

Baku, October 01, 2009

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