

APPROVED BY  
Resolution No 6 of 11 April, 2015  
of the Meeting of the Lithuanian Chamber of  
Notaries

## **CODE OF ETHICS FOR NOTARIES OF THE REPUBLIC OF LITHUANIA**

This Code of Ethics for Notaries (hereinafter referred to as the Code) defines the main principles of professional ethics for notaries. The aim of this Code is to help a notary to fulfil his/her professional obligations honestly, impeccably and in line with the principles of professional ethics as well as properly organize the work of his/her notary office. Every notary shall understand the principles of professional ethics *ex officio* and shall adhere to them taking into account the goals, aims and particularity of notary profession as well as obligations assumed in relation to the State, the public and the professional oath.

### **CHAPTER I**

#### **GENERAL PRINCIPLES OF PROFESSIONAL ETHICS FOR NOTARIES**

##### **Article 1**

###### **Legitimacy and Justice**

1. When fulfilling his/her professional obligations a notary shall be guided by legal acts, general and other principles of law and notary activity.
2. A notary shall demonstrate professional competence, justice, honesty and ethics when providing legal services.
3. When providing legal services a notary shall contribute to the protection of public interest as well as the building of the general wellbeing of the public and the rule of law.

##### **Article 2**

###### **Impartiality and Objectivity**

1. A notary shall observe the principles of impartiality and objectivity when performing his/her professional duties.

2. A notary shall ensure that his/her family, social and other relations as well as parties to a notary act make no direct or indirect influence on his/her notary activity and decisions or jeopardize the legitimate interests other persons.

3. A notary shall be impartial and trustworthy in respect to all the parties to the notary act.

4. A notary shall always be the ultimate guarantor of legal security to the parties. A notary shall protect the interests of both parties to the notarial act that do not conflict the laws and, moreover, his/her decisions cannot be influenced by anything else except for the laws.

### **Article 3**

#### **Secrecy of Notarial Acts**

1. A notary shall ensure the secrecy of notarial acts and confidentiality of notarial documents as well as information submitted.

2. A notary shall ensure that the rules on secrecy of notarial acts are observed by all the staff in the office.

3. A notary shall take precautions to prevent access to the notary's files by persons having no legal basis and/or authorisation and shall prevent the disclosure of information related to the professional activity of a notary.

### **Article 4**

#### **Trustworthiness, Honour and Dignity**

1. The activities of a notary shall not raise doubts neither to the parties to the notarial act, nor to the public or the State.

2. A notary shall always act with dignity inherent for his/her profession as well as encourage his/her family members and others to pursue the same values.

3. A notary shall follow the principle that honour cannot be withdrawn, it can only be lost; thus, upon breaching the oath, a notary shall resign.

### **Article 5**

#### **Protection of Personal Data**

1. A notary shall handle personal data only when performing the functions of a notary.

2. A notary shall handle personal data accurately, fairly, legitimately and in line with the requirements applied to the handling, confidentiality and security of personal data as well as the principles governing notarial activity.

3. A notary shall ensure that his/her office employees protect any information containing personal data available for them for the purpose of performing their duties, avoid disclosure and circulation of such information in any form except in cases prescribed by the law.

## **Article 6**

### **Professional Competence**

A notary shall consistently maintain up-to-date knowledge of his profession and advance his/her professional qualification, participate in training and update his/her professional skills and practices.

## **Article 7**

### **Prohibition of Advertising and Fair Competition**

1. A notary shall respect the client's right to freely choose a notary and shall not advertise his/her professional activity.

2. A notary shall follow the principles of fair competition.

3. Unfair competition shall include:

1) advance agreements with natural and legal persons, who refer clients to the notary as professionals or in any other form, thus, breaching the principle of free choice;

2) attracting clients by lower rates than those charged by other notaries and gifts;

3) active efforts of a notary to remove a colleague who has already been assigned with the task to perform a notary act;

4) performance of notarial acts outside his/her office, often in breach of the statutory rules governing the performance of notarial acts;

5) direction of clients to other notaries in cases when notarial acts are effort intensive but subject to low remuneration and retaining only such notarial acts which are well remunerated.

## **CHAPTER 2**

### **NOTARY AND CLIENT RELATIONS**

## **Article 8**

### **Protection of Interests of Parties to a Notary Act**

1. A notary shall perform notary acts upon a request of a person and shall ensure the protection of interests of all the parties to such a notary act.

2. A notary shall always behave correctly with his/her client and be an objective advisor. He/she shall assume equal duties in respect to all the parties to a notary act and shall not give preference to any of them.

3. A notary shall seek peace on juridical as well as social levels. In case a notary act becomes the cause of dispute between the parties, a notary shall always seek to reconcile them and shall not represent the interests of one party to the notary act.

4. A notary shall avoid any discrimination in respect of persons seeking his/her help.

### **Article 9**

#### **Consultations and Explanation Necessary to Understand the Meaning and Consequences of a Notary Act**

1. A notary shall be attentive and precise dealing with the issues put forward.

2. A notary shall consult the parties to a notary act on legal matters and explain the meaning and consequences of a notary act in progress.

3. When providing consultations a notary shall find out the interests of the parties to the notary act that are important in adjusting different positions of the parties and reaching a compromise, determine the real will of the parties to the notary act *de facto* and ensure the balance of interests.

4. A notary shall pay the attention of the weaker party to the risk posed by a notary act and indicate possible conflict of interests.

5. In case a dispute between the parties to a notary act arises, a notary shall inform them on the possible alternative ways (mediation) to settle such a dispute as well as on conditions and benefits.

### **Article 10**

#### **Quality and Immediacy of Services Provided**

1. A notary shall ensure the use of modern information technologies in his/her office and shall organize the activities of the office in such a way as to suit the client's convenience.

2. A notary shall perform the functions as defined by the law in person within a reasonable period of time, but not exceeding the period prescribed by the law, and in a best possible way.

3. A notary shall devote enough attention to each notary act as well as parties to such a notary act.

4. A notary shall resolve conflicts in a polite and reserved manner.

### **Article 11**

#### **Remuneration of a Notary**

1. When accepting remuneration for notary acts performed a notary shall strictly observe the requirements of legal acts and provide the parties to a notary act with all the necessary information concerning notary fee rates avoiding any allusions on possible discounts.

2. A notary shall honestly declare his/her income to the State and pay the taxes required.

### **Article 12**

### **Avoidance of Conflict of Interests**

1. A notary shall avoid the conflict between personal interests and performance of professional duties.
2. A notary shall make a clear separation of professional activity from personal life.

### **Article 13**

#### **Refusal to Perform a Notary Act**

1. A notary, upon a request of a person, shall perform any notary act that is not in contrary to the requirements of the laws. A notary may postpone the performance of a notary act or refuse to perform a notary act only in line with the provisions of legal acts regulating such postponement or refusal.
2. A notary who decided to postpone the performance of a notary act or to refuse to perform a notary act shall refrain from disputes with persons and shall provide them with proper explanation of reasons for such postponement or refusal. In case of refusal to perform a notary act a notary shall indicate the reasons and legal basis of such a decision as well as procedure for appealing against refusal. In cases specified in the Law on Notarial Profession a notary shall submit his/her refusal to perform a notary act in writing.

## **CHAPTER III**

### **RELATIONS WITH THE COLLEAGUES**

### **Article 14**

#### **Repute and Prestige of Notarial Profession**

1. Taking into account the mission of a notary to serve people as well as the role of a notary in safeguarding public interests, a notary shall not compromise the good repute and standing of the profession.
2. A notary shall avoid activity that could discredit notary profession.
3. A notary shall properly use his/her name only in a capacity of a notary performing his/her professional duties, avoid the use of his/her name for improper and selfish reasons.

### **Article 15**

#### **Full Membership of the Lithuanian Chamber of Notaries**

1. A notary shall contribute to the building up of the reputation of the Lithuanian Chamber of Notaries and his/her office by his/her behaviour and work.

2. A notary shall be actively involved in the activities of the Lithuanian Chamber of Notaries, comply with the Statute of the Lithuanian Chamber of Notaries and act in accordance with the resolutions and requirements of the Lithuanian Chamber of Notaries.

3. A notary shall honestly perform his/her obligations towards the bodies and commissions of the Lithuanian Chamber of Notaries. A notary assigned with a certain function or a task by the meeting, Presidium or commission of the Lithuanian Chamber of Notaries shall be obliged to perform it using all his/her knowledge, capabilities and experience.

4. A notary shall provide the Lithuanian Chamber of Notaries with information related to his/her notary practice as well as contribute to the preparation of publications.

5. A notary shall honestly pay membership fee, insurance premium as well as other target contributions collected by the Lithuanian Chamber of Notaries in accordance with the established procedure.

## **Article 16**

### **Professional Solidarity of Notaries**

1. A notary shall be loyal, friendly, helpful and ready to co-operate in relation to his/her colleagues. A notary shall constantly share his/her knowledge with less experienced colleagues.

2. A notary shall follow the principle of professional solidarity. Negative comments about colleagues in the public shall not be allowed.

3. A notary shall show solidarity when protecting his/her colleagues from groundless criticism. A notary, having noticed a mistake of his/her colleague, shall draw the attention of the latter and, if necessary and possible, help to correct the mistake.

4. A notary shall not aggravate the economic situation of his/her partner (other notary) when entering into the joint activity agreement with another notary.

5. A notary shall pay respect to the memory of his/her colleagues.

## **Article 17**

### **Relations with Employees**

A notary shall show respect to subordinate employees. When urgent and if necessary, admonitions in the presence of clients shall be allowed only in a polite manner.

## **Article 18**

### **Training of Candidates to Notaries (Assessors)**

1. A notary shall share his/her knowledge, experience and expertise with the future colleagues, the notaries.

2. A notary, appointed as supervisor for a candidate to notaries (assessor), shall be positive and benevolent. He/she shall ensure that acts performed by a candidate to notaries (assessor) meet the goal of practice.

#### **Article 19**

#### **Settlement of Disputes**

Disputes between the colleagues notaries shall be settled by mutual agreement. In case mutual agreement cannot be reached, such dispute shall be referred to the Presidium of the Lithuanian Chamber of Notaries that helps to resolve it.

### **CHAPTER IV**

#### **NOTARY IN RELATION TO THE STATE**

#### **Article 20**

#### **Observance of Legislation and Co-operation**

1. When exercising the powers delegated by the State, a notary as trustee of the State shall contribute to the building of the rule of law.
2. A notary shall always be loyal to the State. Such loyalty shall mean:
  - 1) impartiality and objective application of legal acts taking into account the will of the parties to a notary act and ensuring that the interests of the State will not be breached;
  - 2) devotion when performing the notarial functions, having in mind that the performance of notarial acts is not only the right, but the obligation of a notary as well.
3. A notary shall comply with provisions of legal acts and shall be ready to co-operate with state institutions aiming to ensure legal security.
4. Aiming to protect public interests, a notary without prejudice to the principle of professional secrecy shall inform competent state institutions about possible breaches of law identified in the course of fulfilment of professional obligations.
5. A notary shall carefully store the armorial seal, the symbol of powers granted by the State. In case of loss of the seal, a notary shall immediately inform the Ministry of Justice and the Presidium of the Lithuanian Chamber of Notaries about the loss.

### **CHAPTER V**

#### **COMMUNICATION WITH THE PUBLIC AND THE MEDIA**

#### **Article 21**

## **Open Communication and Dialogue**

1. Without prejudice to the principle of professional secrecy a notary shall communicate positively and openly with the public and the media.
2. A notary shall not criticise his/her colleagues publicly, refrain from assessing the State and acts made by state officials, representatives of courts and other institutions as well as avoid exaggerated self-importance.

## **CHAPTER VI**

### **RELATIONS NOT RELATED TO THE PROFESSIONAL ACTIVITIES OF A NOTARY**

#### **Article 22**

##### **Participation in Social Life**

1. A notary shall actively participate in social life following the principles of good morality.
2. Such participation in social life shall not derogate his/her dignity and result in the conflict of interests.
3. A notary shall not be involved in any political activities in their professional practice and shall refrain from expressing his/her political opinion and avoid political agitation.
4. In his/her private life a notary shall avoid contacts with disreputable persons.

#### **Article 23**

##### **Participation in Business**

No notary may be a member of a management body of a profit-making legal entity.

## **CHAPTER VII**

### **FINAL PROVISIONS**

1. The provisions of this Code shall be applied to representatives of notaries and candidates to notaries (assessors).
2. In case the acts or behaviour of a notary are not in line with the requirements stipulated in the Law on Notarial Profession, the Code and other legal acts governing the professional activity of a notary, and are not stipulated in the present Code, a notary shall follow the traditions and customs that meet the general principles of ethics and good morality.