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**Specific Study of the CEPEJ on the Legal Professions:
Notaries – 2018 data**

Contribution from the Notaries of Europe (CNUE)

Note : This document is a contribution written by the CNUE on the basis of CEPEJ data and reports (mainly 2018 data) and enriched with their analyses, opinions and conclusions on the basis of their network and experiences. The information and views set out in this study are those of the authors and do not necessarily reflect the official position of the CEPEJ. The CEPEJ, does not guarantee the accuracy of the data, analyses, opinions and/or conclusions included in this study. Neither the CEPEJ nor any person acting on the CEPEJ's behalf may be held responsible for the use which may be made of the information contained therein.

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A distinction must be made between Latin-type/civil law notaries and “notaries public”, who do not have the same competences.¹

Latin-type/civil law notaries are independent and impartial public office-holders who have received a delegation of authority from the State to authenticate legal documents. They are entrusted with the mission of ensuring freedom of consent so that the legitimate interests of all concerned parties are guaranteed by providing comprehensive legal advice and information. A signature by the notary confers authenticity to legal acts. As guardians of legal certainty, notaries play an essential role in helping to limit subsequent disputes. They are therefore major players in the preventive administration of justice.

Latin-type/civil law notaries are generally in charge of drawing up authentic instruments, certifying signatures and statements, providing evidence, ensuring that documents comply with the law and, in some states or entities, issuing subpoenas or executing court decisions.

“Notaries Public” are not necessarily required to be lawyers, but instead are ministerial officers with limited powers and functions². They are officials who are not authorised to draw up authentic instruments and can only certify signatures.³

1. Status, number and functions

The notarial profession exists in many of the 50 participating States and entities. Most of the 47 states or entities that have responded to this question have reported that the notarial profession was a separate profession within their legal system. The vast-majority of countries have *Latin type / civil law notaries*.

In most of the States and entities, notaries are public office holders appointed by an official act of government. In these countries, notaries practise their profession as holders of a public office appointed by the State in most cases (33) or civil servants paid by the State⁴ (12).

In only a limited number of States and entities, such as **Georgia, Hungary, the Russian Federation, Switzerland, Ukraine, UK-England and Wales, Israel and Kazakhstan** (8), public authorities do not exercise any control over the exercise of the notarial profession.

In some States and entities, such as **UK-England and Wales, UK-Northern Ireland and Ireland**, there are *notaries public*. In **UK-Scotland** all practising solicitors can apply to be admitted as a notary public since it is not a separate profession. These countries follow the tradition of Common Law. The concept of preventive administration of justice is not as fundamental for the functioning of the Common Law system as it is for the Civil Law system. In **Denmark and Norway**, the notary is an integrated function of the district courts. In **Iceland**, the 24 district commissioners act as *notarius publicus* (Public Notaries).

¹ The distinction between both types of notaries is only based on the different competences. The terms “Latin-type/civil law notary” on the one hand and “notary public” on the other hand are not decisive.

² Hague Convention, Apostille Handbook, n° 126 ff.

³ The notion of authentication of legal deeds is specific to the Latin system.

⁴ According to the explanatory note to the scheme for evaluating judicial systems (2016-2018 cycle) issued by the CEPEJ, the category of public agents refers to countries where notaries carry out their duties as public agents paid by the public authority.

Table 1 - Status of notaries in 2018 (Q192)

States / entities	Private professionals (without control from public authorities)	Private professionals under the authority (control) of public authorities	Public agents	Other
Albania				
Andorra				
Armenia				
Austria				
Azerbaijan				
Belgium				
Bosnia and Herzegovina				
Bulgaria				
Croatia				
Cyprus				
Czech Republic				
Denmark				
Estonia				
Finland				
France				
Georgia				
Germany				
Greece				
Hungary				
Iceland				
Ireland				
Italy				
Latvia				
Lithuania				
Luxembourg				
Malta				
Republic of Moldova				
Monaco				
Montenegro				

Netherlands				
North Macedonia				
Norway				
Poland				
Portugal				
Romania				
Russian Federation				
Serbia				
Slovak Republic				
Slovenia				
Spain				
Sweden				
Switzerland				
Turkey				
Ukraine				
UK-England and Wales				
UK-Northern Ireland				
UK-Scotland				
Israel				
Kazakhstan				
Morocco				
Nb of Yes	6	33	12	6
Nb of No or NAP	41	14	33	41
Nb of NA	0	0	2	0
Total	47	47	47	47

2. Number of notaries by different status in 2018 (Q192)

Between 2016 and 2018, the average number of notaries per State or entity increased, adapting to states' and citizens' needs. The evolution ranges between - 21% and + 28%.

An increase of more than 5% can be noticed in **Bulgaria, France, Ireland, Malta, Romania, Serbia** and **Israel** whereas a decrease of more than 5 % is to be observed in **Latvia, Norway, Switzerland, Turkey, Ukraine** and **UK-England and Wales**. Notaries perform public functions that are in constant demand.

Examples and comments may be found in the Database CEPEJ-stat of the Council of Europe:
<https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>

As for the number of notaries per 100 000 inhabitants, there are major differences between the responding States and entities. One third of the total number of States and entities have more than 10 notaries per 100 000 inhabitants, such as **Albania, Belgium, Bulgaria, France, Greece, the Netherlands** and **Romania**.

Israel has over 50 notaries per 100 000 inhabitants. This country follows the Common Law tradition in this respect which means that the numbers are referring to notaries public, not civil law notaries.

Regarding gender equality, recent data on the percentage of men and women in the notarial profession show an important increase in the number of female notaries. In **Bulgaria, Croatia, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, and Slovakia**, more than 50% of the notaries are women. France exceeded the percentage of 40% of female notaries in 2018. **Belgium, Italy** and **Spain** follow the same pattern with 30 to 40% female notaries. In Italy, the percentage of female notaries under 40 years old was 44% in 2018.

In order to access the notarial profession, it is compulsory to hold a diploma in all states and entities that have responded to this question (47), except in **Cyprus**. Whereas only a few states require professional experience, candidates to the notarial profession have to pass an exam in the vast majority of states or regions (33), such as **Bulgaria, Estonia, France, Slovak Republic** and **Spain**. In some states, the examination is an integral part of the state appointment procedure, such as in **Belgium** and **Germany**.

Except for **Azerbaijan, Cyprus, Denmark** and **UK-Northern Ireland**, notaries are appointed for an indefinite period. While notaries in **Finland** and **Ireland** are appointed for life, the appointment ends in the vast majority of the States and entities at a fixed (retirement) age. This is the case in States such as **Andorra, Belgium, Czech Republic, France, Georgia, the Netherlands, Russian Federation**.

3. Functions of notaries (Q 194 – 194-2)

Like in other sectors, the functions of notaries vary considerably from one state to another. The main competence of civil law notaries is the authentication of legal acts. By authenticating an act, the civil law notary guarantees (i) the identity of the parties involved, (ii) their legal and mental capacity and (iii) the genuineness of their signatures. However, his/her contribution is not limited to these aspects since the civil law notary as an independent, objective and impartial adviser to all parties involved also ensures that the parties are (iv) comprehensively informed about the content and the consequences of the authentic instrument, a task in particular important with regard to consumer protection. In addition, the civil law notary (v) examines the intentions of the parties, (vi) drafts the contracts or other instruments necessary to carry out the intended legal action and (vii) ensures the lawfulness of the content for which he/she can be held responsible by the parties. Therefore, by authenticating an act, the civil law notary takes full responsibility for the validity of the legal act as a whole and not only for the parties' signatures.

In most states (43), notaries are competent for the authentication of acts. Furthermore, in almost all of the states (45), notaries are competent for the certification of signatures. Certification of signatures is the confirmation of the genuineness of the signature of a person appearing before the notary. The procedural law of many states requires that applications to public registers (e.g. land register, commercial register, etc.) shall be in certified form in order to ensure the applicant's identity and thus guarantee the register's accuracy.

Additionally, it should be noted that when civil law notaries certify signatures, the certification might also entail the check of legal capacity of the parties involved and, at least insofar as to prevent abuse, the examination of the content of the document submitted for certification, as for example in **Austria** and **Germany**.

39 states entrust notaries with the performance of duties within the framework of civil procedures, for example **France, Germany, Hungary, Italy, Spain** and **Romania**. Many tasks have been transferred from the courts to the notaries thereby unburdening civil courts. For example, in **Hungary** notaries are competent for the issuing of payment orders.

In 30 states, notaries control the legality of documents which have been submitted to them by the parties, e.g. in **France, Italy** and **Luxembourg**.

In many states (16), notaries act as mediators, e.g. in **Belgium, Estonia, Lithuania, Poland** and **Slovenia**. Moreover, notaries in 13 states, such as Germany, **Malta, Portugal**, and **Spain**, are entrusted with the taking of oaths.

Notaries have a broad field of activities not being limited to one certain area of law but moreover being active in all matters which are of importance to citizens in different stages of their lives. This includes both civil law and public law.

In most states, notaries perform real estate transactions (43) and are active in the field of succession law (40).

In 35 states, notaries perform activities in the field of company law, e.g. in **Belgium, Germany, Italy, Netherlands** and **Spain**.

Also, notaries are active in the field of family law in 34 states such as **Austria, Germany, Italy, Latvia, Malta**, and **Romania**.

In 14 states, such as **Austria, Croatia** and **Greece**, notaries are active in the legality control of gambling activities.

4. Best practice in the notariats

4.1. Best practices in the field of new technologies

Notaries all over Europe are actively developing technologies to simplify the secure communication between the notaries, public registers and clients via electronic channels. However, when implementing new technologies in the area of notarial services, great professionalism and thorough preparation are of utmost importance. It has to be guaranteed that legal certainty and fostering the reliability of preventive legality control within the justice system will not be impaired.

In most European countries, several public registers are established and administrated in electronic form. For instance, there are registers of wills, European Certificates of Succession or succession registers in numerous countries like **Austria, Belgium, Croatia, the Czech Republic, Estonia, France, Germany, Hungary, Latvia, Luxembourg, Malta, the Netherlands, Poland** and **Romania**. Some of these registers are interconnected on a European level via the European Network of Registers of Wills (www.enrwa.eu). **Austria, Belgium, Germany and Latvia** also register lasting powers of attorney enabling a person to organise his/her future extrajudicial protection. The communication between notaries and public registers or administrative (e.g. fiscal) authorities takes place electronically in a majority of European countries, for instance with the land register in **Austria, Belgium, Estonia, France, Germany, Italy, Latvia, Lithuania, the Netherlands, Romania** and **Slovakia**. In **Italy**, every notarial authentic instrument, either on paper or digitally, is sent to the relevant national administrations in the form of a digital copy, declared authentic by the notary him/herself.

Six European countries offer the possibility to draw up authentic instruments digitally (**Austria, France, Hungary, Italy, Latvia and Slovenia**). It has the same value as the paper document there. For example in **France**, the authentic instrument itself is produced and signed electronically. The client will attach the image of his/her handwritten signature to a touch screen, because **France** does not yet have eID, while the notary will sign it electronically using his/her REAL key. This signing operation will also result in the image of the notary's handwritten signature being attached to the act in addition to his/her electronic signature. In 2018, more than 80% of acts are electronic acts. Since the beginning of 2018, French notaries have even had the means to issue joint acts in several offices simultaneously, with each notary being present with one of the parties. Projects for remote signatures also exist in **Belgium, Estonia, Italy** and **the Netherlands**. In countries such as **the Czech Republic** where authentic instruments are drawn up in paper form, the copy may be transmitted electronically.

In **Italy**, since 2013, it has been possible to draw up authentic instruments entirely in electronic form. The electronic notarial act is currently only compulsory for the stipulation of contracts for public procurement, services and supplies with the public administration. However, for those who so wish, it is possible to draw up any notarial act in electronic form. In the case of parties without a digital signature, it is possible to use a notarial "graphometric" signature developed by Notartel. This is a more advanced signature than the normal one already available on tablets, which allows, thanks to specific samples, to acquire a series of biometric data specific to the signature of each person, with particular characteristics of absolute security.

In the **Czech Republic** notaries may offer the "direct notarial entry" (which means besides standard court proceedings) in public registers maintained by the courts e.g. in the Business Register and in the Register of Associations In Latvia, notaries may also offer the "direct notarial entry" in the Population Register.

The **Austrian** notariat launched the electronic document archive "cyberDOC" effectively operating since the year 2000. This electronic document archive is not only used for the secure electronic storage of documents, but also for the secure and simplified electronic transfer of documents (e.g. in key areas of e-government, land and company register proceedings, and generally in electronic legal procedures with judicial authorities). Projects on electronic archives exist in **Belgium, Estonia, Germany, Hungary and Slovenia**.

In **Romania**, as of 1 January 2014, a portal was launched, allowing notaries direct online access to various electronic notarial registries. All Romanian notaries in function have direct access to the portal, administrated by the National Centre for the Administration of National Notarial Registers, based on a digital certificate for the qualified electronic signature granted to them and on an assigned individual password. Both interrogations and registrations of documents can be made by notaries in real time by accessing the application, selecting the registry they wish to query and filling in the necessary fields.

The **Belgian** notariat launched Biddit, a safe online platform for public auction of real estate. Through Biddit, buyers are able to bid for a home via a laptop, a tablet or a smartphone (using the eID or ITSME app). With an online sale at biddit.be, the notary performs all real estate searches in advance and provides the highest level of legal certainty to the parties involved in the digital surrounding while limiting the timing and process of finalising the notarial instrument. The **Italian** notariat has established a similar secure platform where interested parties can participate in online auctions from any notarial office within the country and notaries may provide assistance in real time during the procedure.

In **Estonia and Latvia**, all notaries use the e-Notary info system. Estonian and Latvian notaries operate on the basis of a general electronic authentication system, i.e. no special certificates for electronic signatures are issued for notaries. The notaries can use the e-Notary system for performing all their duties through a single platform. More specifically, notaries and their employees can use the e-Notary information system to make reliable inquiries concerning persons and objects to 17 different national and cross-border registers (e.g. matrimonial property register, Estonian Central Register of Securities, European register of wills). An eNotary information system has also been developed in **Lithuania**.

In recent years, notaries in numerous countries have developed the possibility for clients to communicate with the notaries digitally or even via videoconference (e.g. in **Austria**, the legal framework for the online formation of limited companies via videoconference and electronic identification is in place since late 2018). The aforementioned digital communication is also possible in **Belgium, France, Italy, Latvia** and the **Netherlands**. Furthermore, many countries are working on digital solutions in order to implement a videoconferencing system for their clients. In **Latvia**, notaries are authorised to use videoconference to prepare authentic acts and attestations, probate proceedings and other documents. Identification of clients by electronic means is a reality in **Austria, Belgium** (e-ID) and **Latvia**. Additionally, there are also projects ongoing in **Estonia, France, Germany, Italy, Lithuania, Malta, the Netherlands** and **Slovenia**. The aim of those is to ensure the safe and reliable identification of the parties thereby guaranteeing the transfer of legal certainty which has been provided by notaries for centuries into the digital world.

In **Belgium**, a secure electronic network linking notary offices is being finalised, which enables notaries and parties to draw up and sign a notarial instrument via secured videoconferencing, with each party appearing

before the notary of their choice. This high-performance network allows notaries to share data with each other and with the government.

The **German** notariat has developed a highly innovative procedure for the online formation of limited liability companies and online registrations to the commercial register using a secure videoconferencing system hosted by the notariat, reliable identification via eID means of the highest assurance level and qualified electronic signature by the founders, which results in a digital authentic instrument that will be automatically stored in the new electronic archive. Moreover, the **Spanish** notariat also developed an application for company formations of small and medium-sized businesses, by means of administration of documents and transfer of data at the notary's office and other bodies involved in the formation of a company.

In the case of inheritance proceedings, the (formal) communication between the **Czech** notary and the court is often done electronically through the System of "Data Boxes"⁵, even though the files are kept in paper form. In **Italy**, notaries can also issue digital declarations of succession.

Communication tools for communication between notaries and their clients exist in **Latvia** (notaries' client portal, book an appointment, have a notarial consultation, remote authentic instrument). Projects for such tools also exist in **France** and in **the Netherlands**.

Since 2017, a new e-apostille register together with a self-service portal has been launched in **Estonia**. This also exists in **Latvia**. This new digital solution simplifies the process of applying for and issuing apostilles and checking their authenticity. Foreign officials will be able to verify the apostilles and apostilled documents issued in **Estonia** in the register of e-apostilles. In addition to submitting a digital application, the self-service portal can also be used for paying invoices, managing the apostilles issued from the authority to the applicant and to request that public officials issue and upload documents directly into the electronic environment of apostilles.

Belgian notaries have launched a chatbot on matrimonial law, a virtual discussion partner to raise awareness among (future) spouses about the advantages of agreements concerning their assets. Users can answer a series of questions online after which the chatbot immediately informs them about the possibilities of regulating the property aspects on their marriage. However, the notary still remains the key figure in providing objective legal advice to the parties.

In the framework of the Council of the Notariats of the European Union (CNUE) – the official body representing the civil law notarial profession in dealings with the European institutions – several initiatives improve the service given on a day-to-day basis and offer useful tools for the notaries' practice.

The European Notarial Network (ENN) is a tool for notaries facing practical questions with a cross-border element. It covers the 22 CNUE members. A contact point is available to help notaries in each of these 22

⁵ The secured data boxes became a basic communication tool for public bodies, and they are offered also to general public on a voluntary basis. This means that for instance, ministries communicating between themselves shall always use this channel. In case a citizen uses this channel for communication with a public body or a court, the public body or the court should also reply via the secured data box.

In the context of inheritance proceedings, secured data boxes do not play a key role since there is a paper file which is handled by a notary and afterwards physically handed over to the court. In simple inheritance cases, there is usually no other communication between the notary and the court. However, if there is a need of communication between the court and the notary, it can be based on the data box and this can relate for instance to the following cases:

- Cross-border taking of evidence, which is always done through the court,
- Notary claiming his or her exclusion from the case based on a relation to the decedent or heirs,
- Search for heirs or creditors through the notice board of the court.

As regards the data box as such, visually it is very similar to an email interface, however it is a completely different secured channel with special rules of usage. It requires due identification of the user and messages and documents serviced through this platform have legal effects stipulated by law, which are comparable to the effects of service of documents via post.

countries and assists them if questions relating to a cross-border matter arise, for example, on the company's incorporation or a marriage contract. Guidance on important EU legislation, e.g. the EU regulations on successions, matrimonial property regimes and public documents, is also available on the ENN platform.

Civil law notaries in the 22 CNUE member countries can have access to a "one-stop platform", the ENN IT Infrastructure.

More information is available at www.enn-rne.eu.

EUFides is a shared platform created by the Notaries of Europe. It is a type of secure notariat cloud that makes it easier for European notaries to work together on cross-border files, in real estate, succession and company law files for example.

The European Network of Registers of Wills Association (ENRWA) is an international not-for-profit association governed by Belgian law, created in 2005 by the Belgian, French and Slovenian Notariats. The ENRWA has set up an interconnection of registers of wills, thus enabling European citizens to find the wills left by any deceased person regardless of the country in which such a will was registered. The ENRWA is also in charge of the creation and interconnection of registers of European Certificates of Succession (ECS) in the framework of the EU Succession Regulation (Regulation 650/2012 of 4 July 2012). More information is available at: www.enrwa.eu

4.2. Other examples of good practices/ added value for justice: non-litigious legal competences

A number of best practices in the areas of family law, inheritance law or other areas of civil law (debt recovery) are in place in the notarial profession, which illustrate not only the transfer of competences from the courts to the notarial profession, but also from public administration to the notarial profession. This helps to reduce the workload of the courts and implicitly contributes to the efficiency of justice and the improvement of the functioning of the State.

For example, in **Estonia, Latvia, Spain, Slovenia and Romania**, spouses who wish to divorce by mutual consent can rely on a civil law notary. The notarial procedure not only helps to relieve the burden on the courts, but also allows a discreet and rapid resolution of the divorce by mutual consent, ensuring the same quality of legal certainty as before a court. Moreover, there is an increasing tendency in the various states to delegate this competence to notaries.

In **Romania**, since December 2010, a law had authorised civil law notaries and civil registrars to pronounce a dissolution of marriage by divorce by mutual consent, provided that no minor children are involved. The first notarial and administrative divorces were pronounced in January 2011. Since October 2011, spouses can settle their divorce before a civil law notary, including when minor children are involved. The characteristics of the notarial divorce procedure make it possible to pronounce a divorce before a civil law notary without necessarily having to involve other legal professionals (lawyers, mediators, etc.) or a judge. Where the law requires a minor child to be heard during divorce proceedings, the hearing is conducted by a civil law notary. In a divorce with minors, the spouses must agree on certain aspects concerning the exercise of parental authority by both parents, as well as on the contribution to the costs of the children's upbringing, education and training. In order to ascertain the agreement on the above-mentioned aspects, the notary authenticates the parental agreement. The agreement constitutes an enforceable title according to art. 101 of the Law no. 36/1995 of the Notaries Public (revised), for the establishment of the child's domicile, for the way of maintaining the parents' personal ties with the minor, as well as for other measures on which the parents can decide.

Also, in the field of family law, notaries authenticate matrimonial conventions (**Italy and Romania**) and even formalise a marriage (**Estonia**).

In **Germany**, spouses who wish to divorce can solve major divorce-related issues such as maintenance and payments due to the dissolution of matrimonial property regimes by way of a notarial marriage contract (so-called divorce agreement). In this case, the courts do not have to deal with these issues but can focus on checking the prerequisites for the divorce itself. Therefore, even if notaries do not perform the act of divorce themselves, they support the courts by dealing with many divorce-related legal matters in the run-up to the court proceeding.

In **France**, since 2018, spouses no longer need to go before a judge for a divorce by mutual consent. From now on, the divorce agreement must be filed with the notary, who checks, in particular, that public order is respected, which gives it a certain date and enforceability, which means the agreement is immediately applicable.

Another example of easing the burden on the courts is the delegation to notaries of competences in the field of inheritance law, in particular to issue the national certificate of succession and the European Certificate of Succession (ECS), when the procedure is non-contentious. In **Italy and Malta**, notaries may issue an ECS under the same conditions as a court, provided that there is no dispute on the part of the heirs. In **Austria, the Czech Republic and Hungary** notaries exercise court functions for inheritance proceedings. In **Belgium and Italy**, the declaration of a waiver of the inheritance and the declaration of acceptance of the inheritance under the benefit of an inventory are made before a notary.

In **France**, pure and simple acceptance of the succession on behalf of a minor under guardianship or an adult under guardianship no longer requires the prior authorisation of the family council or the judge if a certificate from the notary responsible for settling the succession shows that the assets clearly exceed the liabilities.

In **Romania**, the notaries are in charge not only of the inheritance procedure and the issuing of the National Certificate of Succession and the European Certificate, but also of the procedure of liquidation of the inheritance liabilities, during the inheritance debate.

In matters of filiation, in **France**, the notary alone is competent to obtain the consent of a couple using medically assisted procreation with a third party donor and to deal with requests for the issue of acts of notoriety establishing the possession of status.

In **Hungary**, notaries have the competence to issue the payment order and they have set up an efficient and reliable electronic method for the collection of financial debts. For a claim not exceeding a certain amount, the plaintiff must apply to a notary. The notary submits an electronic application to the notarial chamber, requesting the issue of the payment order. The Chamber sends the application to a notary, who must issue a payment order within 72 hours of receipt of the application. The payment order is then communicated to the defendant, who has 15 days to file a statement of opposition. In the event of opposition, the case is referred to the court. In the absence of opposition, the applicant will have an enforceable instrument equivalent to a court decision within three weeks at reduced costs.

4.3. Best practices in the field of Anti-Money-Laundering (AML)

In the context of the transposition of the 4th AML Directive (EU) 2015/849 into national law in most EU countries since June 2017, the role of the notaries in the fight against money laundering and terrorist financing has become more important and is evolving ever since. In many states, notaries are designated obliged entities under the national anti-money laundering laws which gives them a great responsibility.

Due to the notaries' excellent knowledge of the business activity at their office location, they are able to identify contractual arrangements that could be used for the purposes of laundering money. Notaries have developed individualised tools and best practices adapted to the needs of their respective regions, e.g.

questionnaires or templates in order to identify the organisational, client and business structure. Hence, they are able to perform their respective functions efficiently. For example, in Italy, notaries account for 91% of AML reports compared to all obliged professionals.

4.4. Best practices in the field of mediation

As a trusted third party, the notary has an important role to play in alternative dispute resolution and, in some situations, in mediation. Best practices which are in place in some Member States in the field of mediation underline this important role of the notarial profession when it comes to discharging the workload of the courts, e.g. in **Belgium, France, Germany, Italy, Poland and Slovenia**.

In **Poland**, at the initiative of notaries, two mediation centres were established in 2011 (Mediation Centre of the Association of Notaries of the Republic of Poland) and 2015 respectively (Mediation Centre at the Chamber of Notaries in Gdańsk).

In both mediation centres, notaries who have acquired the mediators' licence conduct mediation with the consent of the competent chambers of notaries. Thanks to the activities of the centres, all notary mediators can broaden their knowledge, and notaries who undertake mediation can standardize their practice.

Mediations conducted by notaries are submitted to the general rules, but it has to be noted that notary mediators dynamically influence the practice e.g. by participating in the work of the Social Council for Alternative Methods of Resolving Disputes which is operating at the Ministry of Justice.

Notarial mediation centres do also exist in **France**. In France, in 2018, a poster campaign was launched in the waiting rooms of French notaries to raise awareness on mediation and the notarial mediation centres among citizens. The poster can be personalised and each regional centre can put its name and logo on it. It is also proposed that an information clause on mediation be inserted in notarial acts in the event of a dispute arising under this contract.

Slovenian notaries have been regularly performing court connected mediation for many years and have developed elaborate skills to practise mediation in notarial offices. Many notaries have also concluded mediation training. Some excellent national and international trainings have been organised for both listed groups, yet on this field new educational courses of mediation practices would be needed to deepen the knowledge. Knowing and using mediation techniques improves notarial service and experience of clients. Discussions on the establishment of a notarial mediation centre are ongoing.

At European level, the **CNUE's** Mediation working group exchanges best practices on a regular basis and aims to provide a better understanding of the mediation practices at national level, particularly in cross-border cases, bearing in mind the important role mediation has to play when it comes to the discharge of courts.

In 2018, the Notaries of Europe have promoted the results and recommendations of the "Mediation for Notaries – Notaries for Mediation", realized with the financial support of the Civil Justice Programme of the European Union, towards their members. The Belgian, French, Italian, Slovenian, Spanish, Dutch, Polish and Romanian notariats were involved in this project, aimed at a better understanding of the mediation procedure in each member state. It is important to underline that if some notariats have taken up the role of mediator, others are still in the process of analysing best practices.

One of the concrete outcomes of this project is a practical guide on cross-border mediation which is available here: <http://www.notaries-of-europe.eu/files/training/guide-médiation-en-min.pdf>

The guide contains a comparative FAQ table on the framework of the (notarial) mediation in the different CNUE Member States.

4.5. Best practices in the field of data protection

As public office-holders, notaries manage sensitive data in their daily activity.

Convinced of the importance of bringing notarial offices into line with data protection following entry into force in May 2018 of Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons regard to the processing of personal data and on the free movement of such data (hereinafter referred to as the General Data Protection Regulation or GDPR), the CNUE has put in place a network of Data Protection Officers (DPOs) and experts in the notarial field within the CNUE with the aim of exchanges best practices and of raising awareness of notaries and their staff on the impacts of the new rules for their daily practice.

5. Supervision and monitoring of the profession of notary (Q 195 and Q – 196)

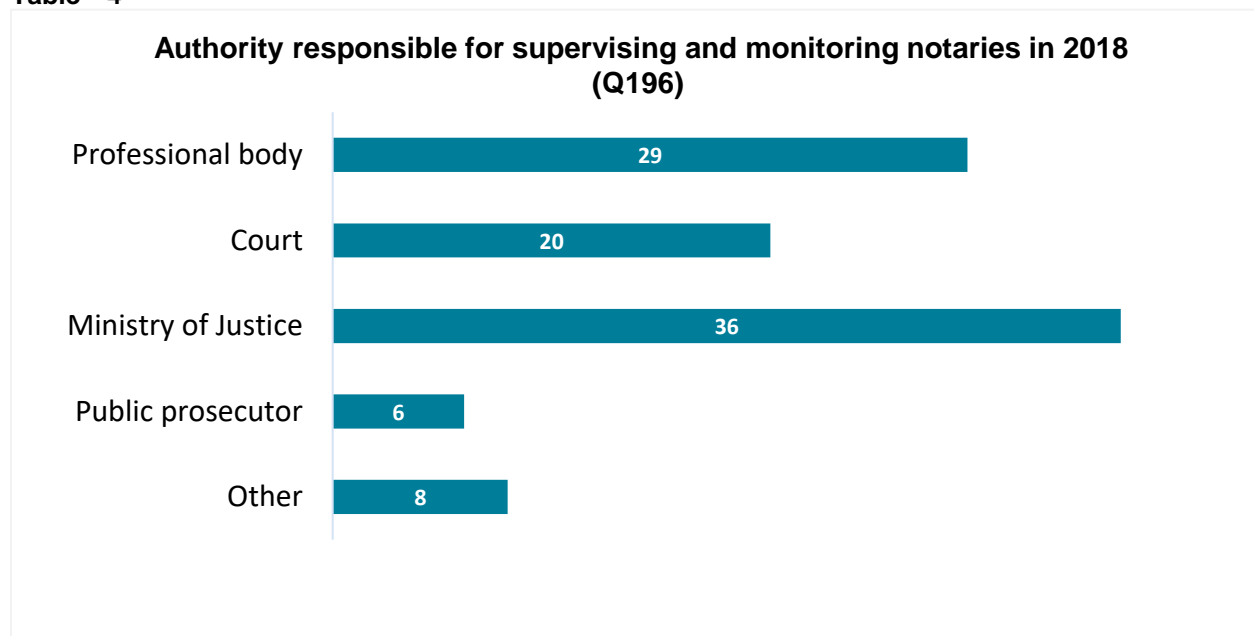
In terms of supervision and monitoring, it needs to be stated that in almost every member State of the Council of Europe a specific authority is competent for this task (45 out of 47 member States). Concerning the member State of the Council of Europe disposing of a Latin notariat (EU Latin notariat countries), such an authority exists in every country (22 out of 22).

In the vast majority of the cases, the supervision and monitoring role is at least assumed by the Ministry of Justice (36 out of 47 member States of the Council of Europe; 20 out of 22 EU Latin notariat countries).

In 29 out of 47 member States of the Council of Europe, this role is shared with a professional body. In the case of the EU Latin notariat countries this is true for 18 out of 22 countries. Courts' supervision and monitoring exists in 20 out of 47 member States of the Council of Europe as well as in 13 out of 22 EU Latin notariat countries. Finally, public prosecutors may intervene in this context in six member States of the Council of Europe, two of which are EU Latin notariat countries. Other supervision and monitoring bodies exist in eight member States of the Council of Europe, two of which are EU Latin notariat countries.

Monitoring can include the control of the access to the notarial profession (appointment procedures), supervisory powers over practicing notaries (disciplinary proceedings) as well as the discharge of notaries. In some cases, the Ministry of Justice is primarily involved and competent, whereas, subject to the respective national law, other public actors may intervene, such as courts and public prosecutors. In all these cases, public supervision and monitoring play a key role in terms of legal and professional expertise, reliability, independence and stability of the notarial profession.

Table 4



6. General continuous training (Question 196-1)

The high level of training of notaries in Europe represents a distinctive element of the notarial function, both in the preparation phase for the access to the profession and during the exercise of the profession itself.

According to the latest data from the CEPEJ, the majority of notarial systems in Europe (e.g. **Austria, Belgium, Estonia, France, Germany, Ireland, Italy, Poland, Slovenia, Spain**) provides, in fact, a system of compulsory continuing education, aimed to taking care of professional preparation, through the achievement of specific knowledge in all legal matters concerning the profession. In **Italy**, for example, the permanent training period lasts for two years, during which notaries are required to obtain 100 training credits, with a minimum of 40 credits per year (except for the exceptional).

Commonly, training is carried out both face-to-face (or via audio / video connection), as well as with e-learning systems, with increasing attention to European / international issues.

It should be noted that, within the last three years, many training and comparison activities have been carried out on aspects of European and international interest. The choice of the topics covered in these training contexts, oriented towards the continuation of the so-called "Dissemination" of European and non-European sources, is characterized by a practical reading of the complex legal landscape in which the notary is called upon to move, starting from the examination of the EU sources (and the related application consequences on the notarial activity), up to the resolution of concrete cases of international nature [e.g. the question of matrimonial property regimes (EU Regulation 2016/1103) and the property effects of registered partnerships (EU Regulation 2016/1104)]. Therefore, the choice of the topics dealt with, and oriented to the dissemination of European and non-European sources, must take into account the existing differences (due to the peculiarities of each national systems), between the internal regulatory dimension and the European / foreign one and the necessary coordination between the proper characteristics of the national notary with a renewed system of law sources.

7. Trends and conclusions

Latin-type notarial activities are exercised in large parts of continental Europe, ensuring effective access to justice for citizens and companies. As an actor of preventive justice, the civil law notary prevents litigation and controls the legality of transactions with importance for citizens' lives.

In many states, notariats are at the forefront of developing new technologies via electronic channels thereby providing legal certainty in the digital age.

As public office-holders, notaries manage sensitive data in their daily activity, in line with the recent obligations of the General Data Protection Regulation.

Given the transposition of the 4th AML Directive into national law in most EU countries, the role of the notaries in the fight against money laundering and terrorist financing has become more important and is evolving ever since.

Important steps have also been taken to lighten the burden of the courts and public administration and examples and figures show that more and more competences are transferred to notaries for that purpose.

One example at EU level is the adoption of the succession regulation, where many EU Member States transferred the competence to issue the European Certificate of Succession to notaries. Important steps are undertaken in order to encourage the creation and interconnection of national registers of European Certificates of Succession which is of real interest to European citizens.

Another example is the competence of divorce by mutual consent, granted to notaries in the process of reducing the workload of courts, and which allows a swift and discreet resolution of the divorce procedure, while ensuring the same legal certainty as in a court of law.

High level of training of the profession, initial and continuous training, is a continuous ambition.

Finally, many notariats are taking steps to actively promote genuine equality between men and women in the practice of the profession and representation in the profession's decision-making bodies.