



THE 6TH EDITION OF THE INTERNATIONAL CONFERENCE
**EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES**

Trends in the Activities of Public Notaries.

About the Council of the European Union Notaries (CNUE)

George Schin

„Dunărea de Jos” University Galați, Public Notary, schingeorge@yahoo.com

Abstract: U Notaries Council is an official representative body of the notarial profession nearby by the EU institutions. As a spokesman for the profession, she has the power of negotiation and decision for all notaries in the European Union. C.N.U.E. notaries regroup all Member States who know this institution: Germany, Austria, Belgium, Spain, Estonia, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Czech Republic, Slovakia and Slovenia. CNUE decided to undertake the construction of European law. That is why it aims to promote the function of the notary and his active contribution in the whole decision making process of European institutions in connection with matters of interest to the citizen's legal life, access to justice and plus consumer protection. CNUE is assigning their work in particular through dialogue and permanent understanding with European court.

Keywords: EU Notaries Council; notarial profession; European law

Belief that what keeps the Europe united is to integrate the economies in the internal market of almost half a billion consumers, has not always been stated, but always conscious of public opinion and European makers.

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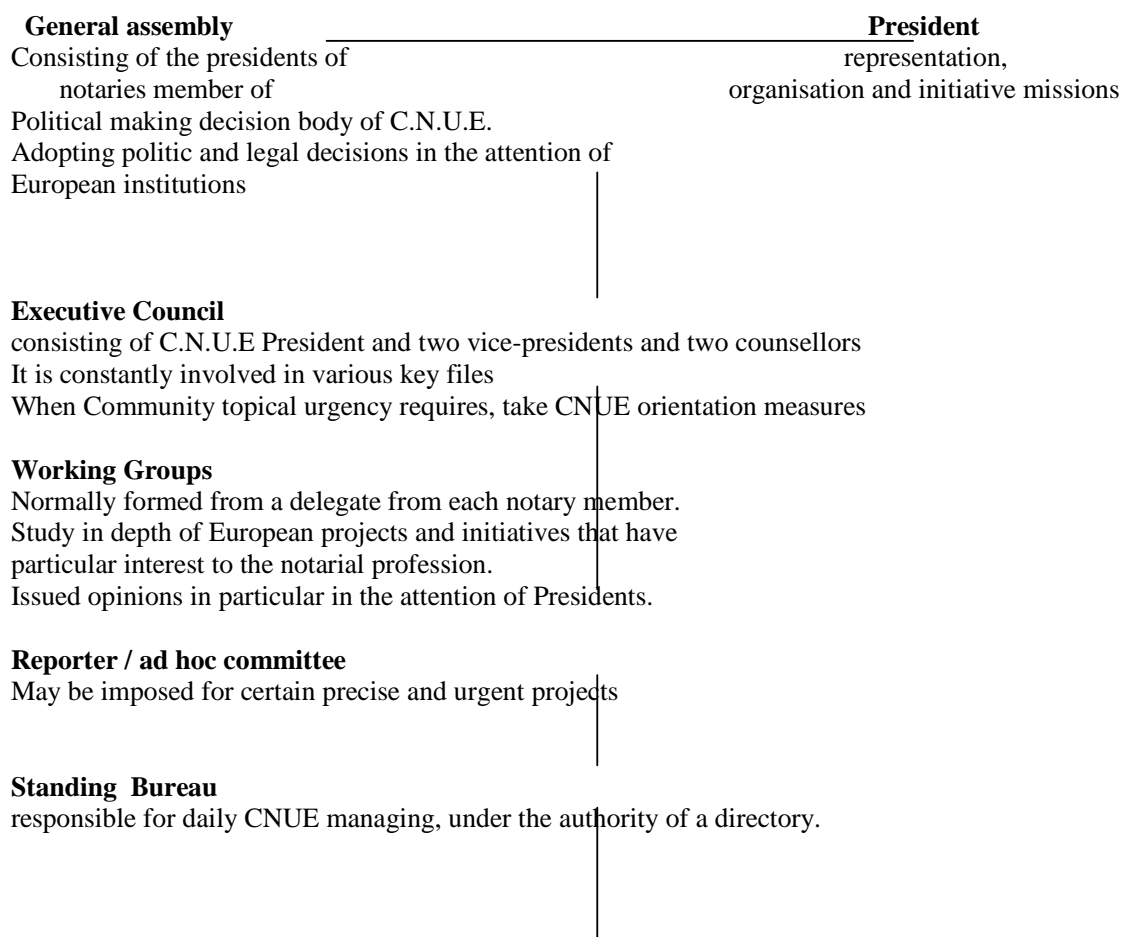
European notaries are represented in the CNUE by the presidents of national organizations of notary. C.N.U.E. is placed under the authority of a President, CNUE spokesman, who exercise functions for a period of one to two years. CNUE was structured in 1993, upon completion of the single market, it has a permanent office located in the heart of Europe, Brussels (ASBL – it is a non-profit association - Belgian law).

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understanding with European courts. His ambition is to help establish a common legal space in Europe and the correct application of national and community law.

In addition, she continually inform members about developments in EU law and all the initiatives taken by various EU institutions, she assists in training of notaries in Community law.

EU Notaries Council consists of the following courts:



The notary is responsible for drawing up agreements and to advise private parties, while being obliged to impartiality with regard to each of them. Editor of authentic documents, the notary is responsible for both the legality and the advice it gives. He must inform the parties on the implications and consequences of the obligations that subscribe. The notary can empower the decision documents that he drafted. The act can then be directly entered in public records or made in breach of obligations by one party, without prior recourse to a judge.

The notary is also a conciliator who, in all fairness and in strict respect of the law, shall bring the parties to find a balance in their mutual interest in the contract. To see a notary is a simple, egalitarian and less onerous mean for all citizens to access the Law generally.

Closer to citizens, there are about 35,000 notaries, spread geographically across the whole of the 19 Member States who are always in the service of citizens, and that even in the most withdrawn areas of

the national territory. Each can therefore easily use the services of a notary, without any formality or prior procedure.

The state subordinated the notary profession and exercising of its activities to adapted legislation, this ensures the competence and availability of the notary, as well as the quality and accessibility of service performed. The notary plays an important role in the legal life of a State; it constitutes one of the three pillars of the legal system (judges, notaries, lawyers). State delegates to the notary a plot of authority and public powers to perform a public service mission: indeed, notary advice in an impartial way the parties when drafting a contract. In addition, he can draw up the contract in authentic form, thus giving the same probative and binding force as that of a decision. The authentic notary act is required to move effectively in contemporary Europe, in the direct interest of the citizens¹. That why it is said the notary is the magistrate of good-understanding or that he exercised trial justice.

Moreover, the notary is a public officer exercising his functions in a liberal profession. Duality of notarial function status was intended by the legislator. Indeed, the State did not want to make an official notary. He left to the citizen the freedom to choose the notary, as it had also wanted that the public officer to be responsible for his acts. Equality of citizens in front of the justice, if preventive, reliable report that unites the notary and his client and the best protection of the latter claimed that duality.

C.N.U.E. continually examines the needs and expectations of citizens and companies in order to precisely define its priorities and commitments in order to build a Europe of law to ensure legal certainty for citizens and companies.

In Europe, the power assigned to the notary to give authenticity to the totality of content of a document allows the creation of a legal instrument specifically effective and safe. Authentic Act allows a non-contentious jurisdiction and preventive of conflict. He brings the best security and the best protection to the citizen in his private life and companies documents in their instruments relating to their activities. It is therefore an indispensable tool for legal security of familial property and business society. In addition, the authentic act is a modern instrument of European area of freedom, security and justice, because it reconciles freedom-based on economic efficiency, security - an essential component of social harmony - and preventive justice - which meet consumer needs and demands of contractual relations.

That is why C.N.U.E. is committed so that the received authentic act in a state shall have the same force in all European countries, *i.e.* one that binds the public authority acts issued under the seal of the State.

C.N.U.E. creates an European network of wills registers so, in January 2001, CNUE decided that they will be interconnected wills existing files, so that at the European level, to identify and locate the best time last will made by a European citizen. This line is now already successfully achieved between Belgian and French wills files.

C.N.U.E. shall facilitate cross-border transactions. In 1995 C.N.U.E. adopted a common code of ethics applicable to all European notaries, which sets standards of conduct among notaries in order to promote their cooperation in the European Union. This Code of Ethics was completed in March 2000 and in November 2002 to better meet the challenge of the fight against cross border crime and to create and use new technologies.

In terms of new technologies, C.N.U.E. sent in 2001 to the Member States proposals regarding the use of electronics in notarial work. They aim to define guidelines for use of electronic signatures by

notaries, in accordance with the highest security requirements, and implement electronic exchanges to accelerate the settlement of formalities, in order to improve service for the citizens.

In 2004, C.N.U.E. conducted a training program for notaries in Community law for judges and notaries of the European Union, called Formanote. This program aimed to improve knowledge and use of Community instruments relating to judicial cooperation in civil and European private international law. Co -financed by the European Commission, he allowed the formation of about 1,000 practitioners of the law.

Fifteen European Union countries have participated in the Formanote program. Seminars were held in nine countries (Germany, Austria, Belgium, Spain, France, Greece, Italy, Netherlands and Poland) and participants from six countries (Estonia, Hungary, Luxembourg, Portugal, Czech Republic and Slovenia) were sent to a seminary in a neighbouring country.