



# EUROPEAN ELECTIONS 2019

THE PROPOSALS  
OF THE NOTARIES OF EUROPE

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Notaries are the legal advisors to citizens and companies. They accompany them throughout the major stages of life: **marriage contract, purchase of real estate, settlement of a succession, company statutes, etc.**

**Every month, several million clients come through the door of a notary's office.** Faced with a constant increase in the number of cases with a cross-border element, the notaries of Europe have resolutely committed to working alongside the European institutions **to provide legislative and practical solutions to the problems of citizens** whose lives are now in the European area.

While economic borders have been abolished thanks to the Single Market, too often legal borders remain. That is why the notaries of Europe have implemented concrete solutions in recent years such as the **European Directory of Notaries** ([www.notaries-directory.eu](http://www.notaries-directory.eu)), the **European Notarial Network** ([www.enn-rne.eu](http://www.enn-rne.eu)), the **European Network of Registers of Wills Association** (ENRWA, [www.enrwa.eu](http://www.enrwa.eu)), which works to interconnect registers of wills and European Certificates of Succession, and **EUFides**, the online cooperation platform for European notaries ([www.eufides.eu](http://www.eufides.eu)).

The notaries of Europe are also involved in improving knowledge of European law and the law of other Member States through thematic websites such as **Couples in Europe, Succession in Europe, The Vulnerable in Europe** and **Authentic Acts in Europe**.

In the context of the European elections in May, the notaries of Europe call on the European institutions to renew their support for an ambitious multiannual funding policy in the field of justice.

They have also drawn up **a list of priorities for future MEPs, members of the European Commission and the Council**. These proposals are the subject of this manifesto, adopted on 29 March 2019 in Brussels by the elected representatives of the 22 members of the Council of the Notariats of the European Union (CNUE) unanimously.

Through this manifesto and its involvement in **the European Parliament's "This time I'm voting" campaign** ([www.thisimeimvoting.eu](http://www.thisimeimvoting.eu)), the CNUE sends a message about the importance of taking an active part in the 2019 European elections in order to shape tomorrow's European society.

# FOSTERING THE DEVELOPMENT OF NON-CONTENTIOUS JUSTICE IN EUROPE

01

## Notaries participate in the exercise of a non-contentious justice system that pacifies social relations.

This is why, in many Member States, **the State calls on notaries to relieve its administrative, judicial and financial burden**: drafting and registration of lasting powers of attorney before a notary in Latvia, celebration of marriages before a notary in Estonia, settlement of amicable divorces in Spain, etc.

The notaries of Europe call for the use of preventive justice

procedures in the adoption of future European legislation.

For greater efficiency, they also propose that the European Union **adopt a legal instrument on cooperation between the courts, authorities and legal professionals of the Member States in the field of information on foreign law in civil and commercial matters**.

With the increasing use of digital technology in notarial activities, such measures will bring time savings and legal certainty to citizens.



# FACILITATING THE SETTLEMENT OF SUCCESSIONS IN EUROPE

## 02

Since 17 August 2015, Regulation (EU) No 650/2012 has been applicable and greatly facilitates the settlement of international successions in Europe.

In the majority of Member States, notaries are the main contact point for all matters relating to succession law. Based on their experience, they wish to make new proposals to further facilitate the settlement of successions in Europe. Thus, they propose **to expand the resources available on the e-Justice Portal** (<https://e-justice.europa.eu>), for example by creating a contact point to resolve conflicts of jurisdiction or to provide information on the formal and material requirements imposed by the Member States.

The notaries of Europe have been involved for many years in the creation and interconnection of registers of wills via the ENRWA. They now wish to extend their action **by encouraging the creation and interconnection of European Certificates of Succession (ECS) and living will registers.**

They also propose **to create registers for the opening of international succession procedures** in order to avoid duplication of procedures. In this perspective, it would be necessary **to define a legal framework at European level through the modernisation of the Basel Convention of 16 May 1972**, which could cover all last will provisions and ECSSs.



The issue of digital assets is also a growing concern of European citizens. **It is now necessary to define and regulate digital assets through appropriate European legislation.**

The notaries of Europe are committed to working on the drafting of digital clauses in the provisions of wills that can take into account the deceased's online assets: electronic contact details, passwords, account numbers, photos, videos, music, etc.



The European Union has set itself the objective of defining common rules in family law so that citizens are not hindered in the exercise of their rights because they live in different countries of the European Union or because they have moved from one country to another in the course of their lives.

The European legislative framework needs to be further developed. This requires **the participation of as many Member States as possible in European regulations**

**on cross-border divorces, matrimonial property regimes and the property consequences of registered partnerships**, which are the subject of enhanced cooperation.

The training of legal practitioners should be encouraged, in particular that of notaries, to ensure a sound knowledge and application of these regulations.

Finally, the European Union should consider **unifying the conflict of laws rules at European level in new areas: filiation, adoption, celebration of marriage, absence** (legal effects of the disappearance of an individual beyond a certain period of time).

Protecting the vulnerable is a real societal challenge. Increasingly, these people are travelling, being cared for or hospitalised in a Member State other than that of their habitual residence.



Like their families, their assets may be spread over several States. This trend affects both minors and the elderly, but also people who have suffered an accident or illness, people with disabilities, etc.

It is the duty of the EU, but also of practitioners, to ensure that their rights can be applied.

To this end, **the notaries of Europe encourage Member States to sign and ratify the Hague Convention of 13 March 2000 to ensure the recognition and enforcement of protection measures.**

In addition, they call for **the unification of conflict of laws rules at European level concerning legal capacity and the protection of the vulnerable.**

# ACTING IN THE FIGHT AGAINST MONEY LAUNDERING

## 05

**The notaries of Europe are a central element in the action of the Member States in the fight against money laundering.**

They have an obligation to inform public authorities of any suspicions they may have about a financial operation or transaction.

They implement the recommendations developed by the Financial Action Task Force (FATF) and the resulting

European legislation. To act even more effectively in this area, they ask **to facilitate and encourage the training of legal practitioners, in particular notaries, for sound knowledge and application of European instruments:** Directives (EU) No. 2018/843, 2009/138/EC and 2013/36/EU.

At the same time, and with the European Union's support, they will work **to simplify the cooperation of notaries in the fight against money laundering by promoting specific tools adapted to the profession at European level.**

