



Resolution of the Council of the Notariats of the European Union on cross-border work placements

Preamble

Having regard to the objective of the European Commission to enable half of all legal practitioners in the European Union to participate in European judicial training activities by 2020 through the use of all available resources at local, national and European level;

Having regard to the European Union's action programme for education, training, youth and sport, called "Erasmus +", which runs from 2014 to 2020;

Anxious to improve practice in the profession, which is becoming increasingly influenced by European legislation, and to facilitate cross-border cooperation between notaries in many civil law, tax law and administrative law matters, in order to assist European citizens in their cross-border affairs;

Committed, to this end, to effectively ensuring fruitful exchanges between the member notariats by offering them a framework;

The 22 members of the Council of the Notariats of the European Union undertake through this resolution to promote and facilitate the exchange of candidates to the Latin type notarial function in accordance with the following articles:

Article 1: Subject of the Resolution

The member notariats undertake to strengthen their existing partnerships, working towards better understanding of the different legal systems and thus improving the treatment of the cross-border affairs of European citizens, in particular through their institutions competent for training candidates to the notarial function or for organising notarial work placements.

Through these institutions, the member notariats shall ensure that a framework for exchange is implemented to enable holders of a Master in Notarial Law or other equivalent qualification giving access to the notarial work placement, to follow high-quality work placements in another Member State that has the Latin-type notariat.

The member notariats are called upon to take the initiative of concluding bilateral/multilateral conventions with other member notariats interested in providing fruitful trainee exchanges.



Each notariat is alone responsible for managing its competent institution and for the practical organisation of the cross-border work placement, as well as for fixing the number and terms of the work placements in accordance with the convention that has been concluded, a model of which will be drawn up according to the provisions under Article 2.

This resolution in no way seeks to harmonise the national training accreditation rules followed abroad and does affect the national provisions relating to access to the notarial function.

Article 2: Implementing Rules

The implementing rules of this resolution are defined for each exchange in the academic, administrative and financial sections of a bilateral or multilateral convention between the member notariats and on their initiative.

In this regard, the notariats concerned will use a model convention, which commits these notariats in terms of hosting and sending candidates, and which relates in particular to the contact points, the period of the work placement, the number of notarial practices available per year, etc. It will include the following cooperation rules, to be respected by the parties:

- The candidates shall have sufficient command of the partner country's language to benefit from this work placement. The partner institutions reserve the possibility to test this level of knowledge using a pedagogical tool they consider appropriate.
- It is entirely at the competent national institution's discretion to decide on a work placement application and offer any financial support.
- It is the responsibility of the member notariats who are party to the convention to guarantee the quality of the candidates and of the work placement.
- From the moment the application is made, a full work placement plan, CV, covering letter, etc. shall be provided.
- Drafting of a final work placement report.

The convention shall fix the framework for any work placement request between the member notariats concerned and may have specific rules added to it that are agreed between the notariats involved in the bilateral/multilateral convention.

Article 3: Role of the CNUE

In order to implement and ensure optimal collaboration between the notariats, the CNUE shall identify the competent institutions in each member notariat for the exchange of trainees, and put them in contact. A list of the institutions responsible for these matters shall be prepared in order to facilitate the exchanges between the member notariats.

The CNUE shall establish a model convention as mentioned under Article 2, without, however, taking any responsibility with respect to the member notariats and trainees



participating in the exchanges in accordance with this resolution. The model convention shall be validated by the CNUE Board and made available to the member notariats.

Article 4: Final Provisions

The exchange of trainees between CNUE member notariats will be evaluated for the first time in September 2016. The model convention may be adapted following this evaluation.

The CNUE undertakes to inform the European institutions about this cross-border cooperation and will deal with any communications within or outside the notariat.

This resolution is binding on the CNUE member notariats upon signature.

*Council of the Notariats of the European Union
Resolution adopted unanimously by the General Assembly on 20 November 2015*