



CNUE President 2014 - André Michielsens, Belgium

"The role of the Council of the Notariats of the European Union (CNUE) is to defend and promote the notariat, that is to say a particular organisation of legal relationships between citizens, which provides legal certainty and whose main tool is the authentic instrument. During my term, I will continually promote the notarial function in Europe, because I believe strongly in its relevance and effectiveness in ensuring and pacifying relationships between natural and legal persons in society.

It so happens that various events that will have a significant impact on our work will come together during 2015. First, we face a renewed European Parliament and European Commission. We will need to build new contacts and develop new relationships. The notariat in Brussels must be well known and recognised. One of the priorities of my presidency will therefore be to undertake a series of public relations actions to meet many European public authorities as often as possible."

André Michielsens, CNUE President 2015

Biography

Notary in Wijnegem, Belgium since 1982

Associate notary in Wijnegem, Belgium since 2007

Lecturer at the Vrije Universiteit Brussel since 1994

Deputy justice of the peace from 1996 to 2012, honorary

President of the Antwerp Chamber of Notaries from 1999 to 2001

President of the National Chamber of Notaries of Belgium from 2002 to 2005

Co-President of the International Council of the Belgian Notariat from 2002 to 2005

Co-director of the Master in Notarial Studies at the Vrije Universiteit Brussel since 2007

President of Notarial Social Security Fund since 2011

Vice-President of the Council of the Notariats of the European Union in 2013

President message

2014 will be a pivotal year. It will bring us a newly composed European Parliament and a new college of Commissioners. The Members of the European Parliament are seeking to win electoral votes with promises and projects for a new future for Europe. Heads of government and political groups are actively looking for a new president for the European Commission. The climate is not fully conducive to making important political decisions. And yet, Europe does not stop. European officials pursue their efforts to achieve a better Europe on all levels.

The courts will also feel more pressure all round to interpret national law in the light of the European Treaty. Europe has become an irreversible process, the only constant being the tension between national and European interests.

For the Council of the Notariats of the European Union, which represents the notariats of 22 European countries, this permanent tension is a major challenge. The proposal for a Regulation on the



acceptance of certain public documents forms part of this. Reducing excessive formalism as far as possible when exchanging public documents may seem to be a noble idea. Yet, formalism has its place with regard to legal certainty. Is the priority not precisely this in a society submerged in too much communication and too many means of communication, a society where the sphere of private life is gradually disappearing and in which citizens are getting lost in all the rules and regulations, unable to draw up contracts that conform with the law, while at the same time ensuring high quality as regards both content and formalities? The Notaries of Europe will respond to the European challenge by further underlining that what notaries do, say and, above all, write, provides veracity far exceeding ordinary writings and certainly the spoken word.

The judgements of the Court of Justice of 2011 relating to the nationality requirement also fall within the context of this challenge. How, in the European context, can the appropriate framework be found, providing citizens with the same certainty as currently guaranteed by the notariats in their countries? In any case, for the European legislator and the Latin notariat, not by means of the services directive or the directive on the recognition of professional qualifications. Notaries' professional competence cannot be presumed and does not appear suddenly from nowhere if there are no foundations guaranteeing a fair selection process and an appropriate relationship to citizens and to the government.

This is why the CNUE does much more than simply work and reflect on the notary's status. The activities of notaries in Europe encompass various areas in which regulations and directives are currently being prepared. The CNUE working groups follow closely the preparatory work, helping to improve texts where possible and anticipating any difficulties that might arise during the implementation of European legislation. Citizens do indeed have the right to a notariat that expresses these concerns. By introducing a dialogue with the authors of legislative texts, both European civil and commercial law can be fine-tuned further.

Other problem areas such as legislation on money laundering are given particular consideration. Putting company law on an equal footing in all EU countries is a tendency that also benefits from the notaries' particular attention, given their important role drawing up company documents. The notariat is required to ensure the law is applied and, where possible, to give pointers in order to achieve good pieces of legislation. This is why training notaries in European law is a priority, organised with support from the European authorities.

Finally, the notariat, with Europe's help, is working in the quest for resources and tools that will make life easier for European citizens. In order to do so, it is creating information channels and a European interconnection of registers that affect every one of us, such as the registers of wills, and possibly the registers of vulnerable adults, European certificates of succession, European marriage contracts, etc.

Just as the European Commission sets out its work programme, just as the political parties draw up their programmes and just as the governments and heads of government fix objectives in Europe, the CNUE will also compose a plan. 2014 is therefore not just a pivotal year. The Notaries of Europe are striving to propose a 2020 plan to European citizens and the European institutions, seeking a better future in cooperation with the notariat.