

SUPPORTING INTERNATIONAL COUPLES IN A LEGAL AND PRACTICAL OVERVIEW

N°1 SEPTEMBER 2019



There are now several million international couples in Europe, often facing legal uncertainty and additional costs when they have to share their assets in the event of separation or death. At present, it can be very difficult for them to know which courts have jurisdiction and which laws apply to their situation and property. The rules are very different from one country to another and sometimes generate conflicts, which are a source of financial costs. With the adoption in 2016 of two European regulations on matrimonial property regimes and the property consequences of registered partnerships, the European Union has equipped itself with the means to provide greater legal certainty for these couples.

Regulations (EU) 2016/1103 and (EU) 2016/1104 became applicable on 29 January 2019, as part of enhanced cooperation involving 18 Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain and Sweden. The conflict-of-laws rules are now unified between these Member States, thus usefully complementing Regulation (EU) 650/2012 on international successions.

With this publication, the Council of the Notariats of the European Union (CNUE) proposes an original approach with regard to the treatment usually given to legal questions in other works. By browsing these pages, the reader will find substantive contributions on the two regulations, but also a complete overview of the actions undertaken by the CNUE to facilitate the work of European notaries in family law, both in terms of training and the practical tools made available to them.

We hope you enjoy reading it.







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INTERVIEW



Interview with

Pedro Carrión García de Parada, a Spanish notary in Madrid and Chair of the CNUE's Family Law working group "In family law, many topics are knocking at the door. What is important is that the European legislator should continue its work and give citizens the tools to regulate the relationships they encounter throughout their lives."

Why legislate on family law?

Every person from birth to death enters into relationships with others. These relationships, whatever their type, need to be regulated in order to coexist well. The best thing would be for one's own wishes to play an important part in their regulation, for there to be autonomy in their development, for the individuals themselves to determine and regulate these relationships, always with the most scrupulous respect for the limits set by law and with full respect for the rights of others. In the area of family law, people may wish to regulate their relationships as a couple – whether within a marriage or a stable union – or a possible crisis in the relationship, or living together with their children or with the other parent, or their parenthood by assisted fertilisation or by adoption or as a consequence of surrogacy, or the protection of people with disabilities, including possible future incapacity.

Has the European Union not yet done enough to address the issue?

It is true that the European legislator does not have a comprehensive regulatory framework of which citizens can avail themselves. In many cases, in the absence of common European rules, it is necessary to resort to the law of the State of which one is a national, the solution varying according to which regulation is applied. In case of conflict, this can provoke an unbridled race in search of the most suitable jurisdictional body or the law that is of most interest. Logically, this is not good for legal certainty, nor for social peace or for the economy in general. This legal uncertainty causes citizens to waste a great deal of time and money. The European Union has been trying for some time to put a stop to this situation.

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The solution that has been chosen in the field of family law, ruling out the drafting of a single body of legislation - either with rules of substantive content or with rules of private international law - has been to provide sectoral responses, to resolve specific issues, adopting conflict rules which, respecting the legislative autonomy of each Member State, determine the competent court, the applicable law and which documents can be recognised, accepted and enforced beyond the borders of the State in which they were born. Although I personally believe that it should not be so difficult to agree on common substantive rules, if there really is a genuine and firm desire to put aside nationalism, the solution adopted does not seem bad to me: adopting conflict rules which determine which national law will be applicable, which court or authority will have to resolve the conflict and which documents will have effects in Member States other than the one in which they were generated.

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So you believe that the implementation of the two new regulations (EU) 2016/1103 and (EU) 2016/1104 is a success?

I welcome these texts, which recognise the importance of the form that agreements should take, as an instrument for achieving duly informed consent, and recall the role that the notary plays in this regard by giving authenticity to the document. Both have the same structure, recognise as competent both the jurisdictional bodies – which do not necessarily need to be courts - and other authorities, accept the agreement both to determine the competent body or authority and the applicable law and declare their respect for judicial decisions and for authentic public documents for which they provide for a regime of recognition/ acceptance and simple and rapid execution, with few grounds for opposition, dispensing with legalisations, apostilles and similar formalities.

Do you not regret the use of the enhanced cooperation procedure?

I do not think it was a bad decision to resort to the enhanced cooperation procedure because it was impossible for all the EU Member States to reach agreement. It would be preferable for them all to be participating Member States, but in the face of the rigidity of some and the continuing opposition of others, which have nevertheless been given too much room, it is best for the process of creating a Europe of law that common texts are adopted by a substantial majority. In many cases, I am convinced that the social developments that will inevitably take place in non-participating Member States will lead them to join as well. It is a matter of time.

These are in addition to other texts adopted in recent years

Indeed, and I would like to highlight as provisions already adopted Regulation No 2201/2003 of 27 November 2003 (Brussels IIa) concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, which deals with marital crises, the competent court and the recognition and enforcement of authentic decisions and documents. It is supplemented by another Regulation, Council Regulation (EC) No 1259/2010 of 20 December 2010 (OJEU 29/12/2010), known as Rome III, implementing enhanced cooperation in the area of the law applicable to divorce and legal separation, which, for the first time, was not adopted unanimously by the Council. Another important Regulation is Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJEU 10.01.2009), to which I add the Directive on mediation in civil and commercial matters of 21 May 2008 (OJEU 24.5.2008).

So the construction of European family law is underway?

Hopefully, more texts will arrive. There are matters that are knocking at the door, such as the protection of people in vulnerable situations or, more controversial, surrogacy. What is important is that the European legislator persists in its work and gives citizens the tools to regulate the relationships they encounter throughout their lives, making their lives easier. REGULATIONS (EU) 2016/1103 AND (EU) 2016/1104

INSIGHT

Pierre Callé PROFESSOR AT THE UNIVERSITY OF PARIS-SACLAY DIRECTOR OF MASTER 1 AND 2 NOTARIAL LAW



Why harmonise
our conflict-of-laws rules in respect of matrimonial property regimes?

Regulation No. 2016/1103 of 24 June 2016, known as the Matrimonial Property Regimes Regulation, which came into force on 29 January 2019, harmonises the rules of private international law between the eighteen States participating in the Regulation: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain and Sweden. urther back in time, an attempt at international harmonisation had been made with the Hague Convention of 14 March 1978 on the law applicable to matrimonial property regimes. This convention was a relative failure in terms of ratifications, since only three States completed the ratification process: France, Luxembourg and the Netherlands. It is this lack of international harmonisation that has justified the quests for harmonisation at European Union level.

But why do we need to harmonise? Why, in particular, harmonise our conflict-of-laws rules on matrimonial property regimes? It is well known that, in the absence of a choice of law applicable to matrimonial property regimes, two main criteria coexisted in positive law in the European Union. Some States declared the law of the couple's first habitual residence to be applicable: France, Luxemburg or the Netherlands, for example. Others declared the common national law applicable, such as Germany, Portugal and Spain. The purpose of this article is not to assess the respective benefits and shortcomings of each of the two criteria, but to show the disadvantage resulting from the difference in criteria. How was this difference a practical problem for the citizens of the European Union, to the point of justifying the adoption of a regulation aimed precisely at harmonising the law applicable in the absence of choice?

The simplest way to illustrate this is to start with an example. Or a German couple living in France. Before the adoption of the Regulation, from the point of view of France, in the absence of a choice of law applicable to the matrimonial regime, this couple was subject to the legal regime of the couple's first habitual residence, namely the community of accrued gains under French law. But from the point of view of Germany, which used the common national law as a criterion, the couple had joint ownership of the increase in capital value of assets under German law. The difficulty immediately appears: depending on the country, the couple was not subject to the same matrimonial regime. From the point

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of view of the French legal system, it was undoubtedly subject to the French legal system (the couple's first habitual residence after marriage), while from Germany's point of view it was just as undeniably under the German legal system (the couple's common nationality). Everyone understands that this divergence in the legal analysis of the same factual situation is a source of dispute.

In private international law, more than in any other field, the most important thing is not the rule we have, but to have the same rule as everyone else.

On the occasion of a divorce or succession, one of the spouses or heirs will have an interest in crystallising the litigation in France to benefit from the community of accrued gains, while the other spouse or another heir will have an interest in crystallising the litigation in Germany to benefit from the joint ownership of the increase in capital value of assets. There is a real risk of two conflicting decisions. The difficulty arises only from the fact that France and Germany did not have the same connecting factor to designate the law applicable to the matrimonial property regime in the absence of a choice by the couple. By harmonising the conflict-of-laws rule, the difficulty disappears by itself. Whatever the criterion chosen, the fact that France and Germany have the same criterion is alone sufficient to remove the difficulty. In private international law, more than in any other field, the most important thing is not the rule we have, but to have the same rule as everyone else.





And what about Brexit?

In recent years, there has been major harmonisation at European level of the rules of private international law. During the negotiations in this respect, the United Kingdom has regularly used the famous "opt out", i.e. the decision not to participate in these instruments. Thus, the United Kingdom does not participate in the Succession Regulation (No. 650/2012), the Rome III Regulation (No. 1259/2010) on the law applicable to divorce, the Matrimonial Property Regimes Regulation (No. 2016/1103) or the Registered Partnerships Regulation (No. 2016/1104). Chapter II on applicable law of the Maintenance Obligations Regulation (No 4/2009) does not apply either. For these Regulations, Brexit will not change anything compared to the current situation: the United Kingdom is already considered a third State.

However, in the field of family law, as from the date of withdrawal, the United Kingdom will no longer participate in Brussels IIa (No 2201/2003) or maintenance obligations (No 4/2009 – as regards the other chapters). It will be considered as a third country from the date of withdrawal and will therefore be subject to the same national rules as those currently applied by Member States to citizens of third countries. Conversely, this also means that the United Kingdom will apply national rules of private international law to EU citizens, such as national rules on the recognition and enforcement of authentic instruments.

Focus on the enhanced cooperation mechanism

European Regulations 2016/1103 and 2016/1104 became applicable as part of an enhanced cooperation procedure currently involving 18 Member States.

or the general public, it can be difficult to understand how institutional mechanisms can lead to what looks like an à la carte European Union. Some argue that enhanced cooperation existed in fact with the euro and the Schengen area, or even with the possibilities of opting out granted to certain Member States. In addition, the recent use of this procedure in a very limited number of cases does not promote widespread knowledge of how it works.

Specifically, enhanced cooperation is a procedure where a minimum of nine Member States are allowed to establish advanced integration or cooperation in an area within EU structures but without the other EU countries being involved. The procedure is designed to overcome paralysis, where a proposal is blocked by a an individual country or a small group of countries that do not wish to be part of the initiative.

Considering that unanimity of the Member States in the Council is required to legislate in the field of family law, it is no coincidence that it is in this field that the enhanced cooperation mechanism was first used in 2010 for crossborder divorces on a proposal from the Commission and after approval by a qualified majority in the Council. Council Regulation (EU) No 1259/2010 implements enhanced cooperation in 17 Member States in the area of the law applicable to divorce and legal separation (known as the Rome III Regulation).

Other enhanced cooperation procedures have been launched with varying degrees of success in various areas. Enhanced cooperation involving 26 Member States has been put in place to reform the European patent system. It is also this mechanism that has been chosen to eventually introduce a financial transaction tax. Finally, it is also thanks to enhanced cooperation that a European Public Prosecutor's Office is being created between 22 Member States. ву José María Gómez-Riesco Tabernero de Paz Notary IN Salamanca (Spain)

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The acceptance and enforceability of authentic instruments under Regulations Nos 650/2012, 2016/1103 and 2016/1104

Abstract

Notaries, agents of the European Area of Justice, are the authors of a qualified document, the authentic instrument. The acquis communautaire, particularly on the basis of the Unibank case law and certain Civil Justice Regulations, enshrines both the creator of the instrument and the creator's profession as autonomous concepts of EU law, bringing the notary closer to the consideration of authority - and even jurisdiction - and assimilating the authentic instrument to judicial resolutions as regards its circulation, or even the acceptance of its probative value and the recognition of its enforceability - under the theory of the extension of effects, if a principle of equivalent functions is properly fulfilled. Regulations Nos. 650/2012, 2016/1103 and 2016/1104 represent a very remarkable leap forward in this regard. However, there are still uncertainties regarding the acceptance of some substantive effects, in



particular as regards access to the land registers of authentic instruments from another Member State. Thus, considering the current state of harmonisation of the functions of European notaries, a line could be drawn distinguishing between: (i) ancillary, simple and non-technological authentic instruments - in which the form is only a vehicle for expressing the granting and authenticity of consent, such as, inter alia, wills, powers of attorney, marriage contracts, waivers of inheritance rights - these instruments perfectly fulfil the equivalent functions ("gleichwertig"); and (ii) main, complex and technological authentic instruments, such as liquidation of assets or divisions, in which the notary must supervise the achievement of civil legality which protects the interests of the parties and third parties but also must supervise the respect and safeguarding of public and administrative interests. This context must be restricted to the national notary if the foreign document is not "gleichwertig".

The full article is available in French here.

REGULATIONS (EU) 2016/1103 AND (EU) 2016/1104

TRUEOR

FALSE?

QUIZ

N⁰1

The succession status of a partner depends on the succession law and not on the law applicable to the property consequences of the partnership.

№2

Regulation 2016/1103 (matrimonial property regimes) applies only to couples who marry or designate the law applicable to their matrimonial property regime from 29 January 2019.

Test your knowledge of EU Regulations 2016/1103 and 1104

Nº6

For all couples married after 29 January 2019, in the absence of a choice of law and common habitual residence after marriage, the common national law shall apply.

№**10**

A Moroccan who enters into a registered partnership may choose Moroccan law.

Nº**11**

From 29 January 2019, couples entering into a registered partnership will be able to choose completely freely the law applicable to the property consequences of the partnership.

Answers 1 TRUE | 2 TRUE | 3 TRUE | 4 FALSE 5 TRUE | 6 TRUE | 7 TRUE | 8 TRUE 9 FALSE | 10 FALSE | 11 FALSE | 12 FALSE 13 FALSE | 14 TRUE | 15 TRUE | 16 TRUE

Nº14

Each State is free to designate the courts or authorities that issue certificates allowing decisions and authentic instruments to circulate.

Nº3

States not participating in Regulation 2016/1103 (matrimonial property regimes) must be considered as third States to the European Union for the application of the Regulation.

Nº4

The States participating in Regulation 2016/1103 (matrimonial property regimes) are obliged to recognise the validity of marriages between persons of the same sex validly celebrated in the States that allow it.

№5

The applicability of Regulation 2016/1103 (matrimonial property regimes) in a participating State presupposes that this State considers the marriage to be valid.

Nº9

A Turkish couple cannot choose Turkish law because Turkey is not a State participating in Regulation 2016/1103.

Nº7

A couple of Slovenian nationals residing in Germany may choose to subject their matrimonial property regime to German law.

Nº8

If the husband of a couple has dual Portuguese and Spanish nationality, they may choose either Portuguese or Spanish law.

Nº13

Regulations 2016/1103 (matrimonial property regimes) and 2016/1104 (registered partnerships) abolished any declaration of enforceability in the enforcing State for the enforcement of a document issued by another State Party.

Nº15

№12

In the absence of a choice of law,

the law applicable to the property

consequences of the partnership

is the law of their first habitual

residence after the conclusion

of the partnership.

No apostille is required for the circulation of authentic instruments between participating States, even if both States are members of the Hague Apostille Convention of 5 October 1961.

Nº16

The enforcement of an authentic instrument in matrimonial property regime matters in 2020 between two participating States will be governed by the Regulation regardless of the date of the instrument.

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Training notaries





REPORT

Guillaume Casanova communications officer, cnue

23 October 2018, Brussels CNUE – European Commission Conference on European Family Law





Commission européenne Europese Commissie

Centre de Co Conferentiec





From the outside, the situation is striking: a long line of men and women are rushing to pass security checks at the entrance to the Borschette, the European Commission's bunker building and symbol of the unique architecture of the European Quarter. On 23 October 2018, more than 200 legal professionals from across Europe gathered to attend a conference held by the Council of the Notariats of the European Union (CNUE) and the European Commission on the two new European regulations on matrimonial property regimes and the property consequences of registered partnerships.

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This conference is part of the now long list of events organised jointly by the two institutions. "I come to Brussels for all of these conferences", confesses a French notary, who practises in Normandy and whom I chat with near the security gates. "What I appreciate is being able to listen to and exchange with European policy makers and practitioners who contribute directly to the drafting of new legislation. It is also an opportunity to meet colleagues from across Europe and to build a network."

Once I have passed the checks, I go to the conference room. At the entrance, I collect my name badge and have a look at the documentation available. Aptly enough, the CNUE has made available practical guides on the two new regulations. The guides disappear in a few minutes, the time it takes for the organisational team to explain that they are available on the website of the European Notarial Network (ENN, **www.enn-rne.eu**), which provides the notaries of Europe with a wide range of practical tools free of charge.



These new regulations are an example of what the European Union can do for citizens. ??

I then enter the conference room, whose layout is quite unusual to say the least: the room is divided in two and each half, composed of three rows, faces the other. At the back of the room, at a right angle to the lines of attentive participants, there will be a succession of political representatives and panels of speakers.



Marius Kohler, President of the CNUE and notary in Hamburg, has the honour of opening the proceedings. He highlights the important work on the two new legislations, like the work on the Regulation on international successions. "These new regulations are an example of what the European Union can do for citizens", he insists, followed by Salla Saastamoinen, Director of **Civil and Commercial Justice** at the European Commission, who reminds us that these new provisions are aimed at the 16 million international couples living in Europe.



These new provisions are aimed at the 16 million international couples living in Europe.

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The rest of the conference is divided into topics covering both regulations in depth: the scope, choice of applicable law, the competent court, recognition and enforcement of decisions, acceptance and enforcement of authentic instruments, relations with Member States not participating in the enhanced cooperation and third countries and, finally, presentation of practical cases and tools available. The speeches are very specific, aimed at an informed and demanding audience. I am sitting next to the Secretary General of the CNUE, Mr Raul Radoi, and I take the opportunity to ask him about the formation of the team of speakers. "Each speaker is an expert in the field, chosen by the Commission and the CNUE. We strive to respect a geographical balance. This is important because it allows us to take into account national approaches that can sometimes be different", he says.

"This conference is a showcase: we are clearly asserting ourselves as an expert partner of the European institutions in the construction of European family law. In return, we are doing our



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utmost to raise awareness among notaries and European citizens about these new regulations." As the conference comes to an end, I ask him what the next conference with the Commission will be. "At the moment, there is no legislation in the pipeline. But why not consider a conference to examine progress implementing the regulation on international successions?"



ory provisions

ndatory provisions of the forum apply ble. rriding mandatory rules of a third Stat

plicable to the matrimonial property regime requires a si with the general objective of this Regulation. Catory rules

st acts endangering the interests of the family neerning donations or the giving of guarantees. This conference is a showcase: we are clearly asserting ourselves as an expert partner of the European institutions in the construction of European family law. In return, we are doing our utmost to raise awareness among notaries and European citizens about these new regulations.

> Photos and presentations are available on the conference website www.notariesofeurope-conference.eu

TRAINING NOTARIES

PRESENTATION

(i)
 (i)

TRAINING 2018-2020 EUROPE FOR NOTARIES NOTARIES FOR EUROPE

notaries-of-europe.eu/training

The Europe for Notaries - Notaries for Europe **Training Programme**



With a view to the two European regulations on matrimonial property regimes and registered partnerships becoming applicable on 29 January 2019, the CNUE took action in the field of training for European notaries with the implementation of the third part of its "Europe for Notaries – Notaries for Europe" programme which covers the period 2018–2020.

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Objectives

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The project aims to train +/- 1 400 notaries through interactive and practical European judicial training activities:

- The organisation of 21 cross-border seminars in 14 countries on the themes of the two regulations and the fight against money laundering.
- → The organisation of at least one inter-professional seminar between the European notariat (CNUE) and another legal profession. The organisation of at least one specific workshop for national notarial trainers ('train-the-trainers').
- The organisation of a joint visit to the Court of Justice of the EU followed by a closing conference of the project.

The project was officially launched in June 2018 under the supervision of a Steering Committee. The activities developed will also bring together all the national trainers/key people responsible for notarial training at national level in order to get to know each other and discuss national training practices.





Academic approach

Academic advisors are part of the Steering Committee. They provide academic assistance on the organisation and content of the various training activities. For the family law seminars, they are university lecturers:

- Patrick Wautelet (ULG) Belgium
- Pierre Callé (University of Paris Sud) France

The methodology chosen provides

- the following guidelines:
- → Short theoretical presentations
- at the beginning of each seminar.
- \Rightarrow Quiz with 5 to 6 questions after each presentation
- to assess understanding of the regulations.
- → Division into small groups to deal with
- practical cases/questions.
- → Plenary meeting for general discussion.



Seminar Calendar

Ljubljana SLOVENIA	Family law	15 November 2018	
Karlsruhe GERMANY	Family law	18 January 2019	
Madrid SPAIN	Family law	28 January 2019	
Arnhem IETHERLANDS	Fight against money laundering	8 February 2019	
Ljubljana SLOVENIA	Fight against money laundering	7 March 2019	
Bucharest ROMANIA	Fight against money laundering	21 March 2019	
Bucharest ROMANIA	Family law	22 March 2019	
Catania ITALY	Family law	12 April 2019	
Brussels BELGIUM	Family law	26 April 2019	
Vilnius LITHUANIA	Fight against money laundering	10 May 2019	
Lisbon PORTUGAL	Family law 15 May 2019		
The Hague IETHERLANDS	Family law	6 September 2019	
Paris FRANCE	Family law	4 October 2019	
Vienna AUSTRIA	Family law	11 October 2019	
Lisbon PORTUGAL	Fight against money laundering	14 October 2019	
Athens GREECE	Family law	November 2019	
Valetta MALTA	Fight against money laundering	8 November 2019	
Paris FRANCE	Fight against money laundering	2 December 2019	
Brussels BELGIUM	Fight against money laundering	7 February 2020	
Turin ITALY	Fight against money laundering	13 March 2020	
Tallinn ESTONIA	Family law	3 April 2020	



Marc Wilmus NOTARY IN BRUSSELS (BELGIUM)

Training Notaries: A Priority for the CNUE

In the field of training, the European Commission sets ambitious training targets. It aims to provide at least half of Europe's legal professionals with the opportunity to follow European training at local, national or European level by 2020. Another of its objectives is to ensure that all legal practitioners receive at least one week of training in EU law during their careers. (31

The Notaries of Europe have taken up this challenge by organising the various editions of the "Europe for Notaries – Notaries for Europe" programme, made possible thanks to the financial support of the European Union. We work alongside other legal professions to enable the Commission to achieve its objectives. We are also doing so, and above all, because European law has a considerable impact on our daily work.

We are all aware of the need to offer quality training to the notaries of Europe. They must be able to learn, to compare their ideas on concrete practical cases involving transnational situations, but also to obtain the enlightening opinion of leading figures in academia. These seminars also make it possible to identify procedural difficulties at cross-border level and propose solutions. With their experience and knowledge gained through this training, our colleagues will be able to assess the exact impact of European legislative instruments and apply them effectively.

With a process of building the European private international law that enshrines the development of party autonomy in family law, citizens will expect notaries to give them an ever more informed opinion on European law and the various national laws.

With a process of building the European private international law that enshrines the development of party autonomy in family law, citizens will expect notaries to give them an ever more informed opinion on European law and the various national laws. This is an opportunity to strengthen our role as advisors to families; advisors accompanying them through the most crucial stages of their lives. However, this will not happen without a substantial investment on our part. For example, the choice of applicable law cannot be advised without knowledge of the content of the laws between which it is necessary to choose. This is a difficult, but not insurmountable, task that underlines the usefulness of the CNUE's work in the field of training.



Practical tools



WEB

www.couples-europe.eu

LAUNCH YEAR: 2012 NUMBER OF VISITS: + 1 240 000 NUMBER OF PAGE VIEWS: + 3 169 000

Notaries of Europe Providing legal certainty

• Genesis of • the Couples in Europe website

An ay 2010. On the initiative of the Spanish Presidency of the Council of the European Union and the Spanish notariat, a seminar is held in Madrid on cross-border successions in Europe. The European regulation on international successions is in the making. Before an audience of politicians, legal professionals, notaries and academics from all over Europe, the CNUE makes its mark by presenting its very first information website for the general public: the **"Successions Europe"** website. This initiative is a first in the European circle of legal practitioners.

Co-funded by the European Union, the website provides citizens with all the information they need to follow and understand the succession process in 23 official languages. The event was an immediate success. The then European Commissioner for Justice, Viviane Reding, publicly welcomed this initiative and the press reported on it. In less than two years, the number of visitors has exceeded one million.

Couples • Europe

The law for couples in the 27 EU countries:

On the strength of this first success, the CNUE quickly decided to follow up on it. Family law issues were high on the institutional agenda. In March 2010, the European Commission decided to launch a proposal for enhanced cooperation in the field of cross-border divorces, which would lead to the adoption of the "Rome III" Regulation. Then, in March 2011, two proposals on matrimonial property regimes and registered partnerships were on the negotiating table. The subject of a new information website had therefore already been found: it would be the Couples in Europe website which, like its big brother on successions, would offer a complete overview in all EU languages of the laws of the Member States in the field of matrimonial property regimes and partnerships.



For this project, the CNUE decided to work with the Austrian University of Graz and Professor Brigitta Lurger, who was in charge of academic coordination. Ms Lurger's work in civil law, private international law, comparative law and European law is authoritative. Director of the Graz Institute of Civil Law since December 2003, she previously headed the Institute for Comparative and Private International Law at the University of Salzburg and was Austrian member of the Coordination Committee of the Study Group on the European Civil Code.

The academic team would be supported by the European Notarial Network (ENN) and its national interlocutors covering each of the 22 CNUE member notariats. External contributions were sought from renowned academics to cover the law of EU countries not familiar with the notarial function. The task was colossal and required a major effort on the part of all involved to simplify the information for future visitors to the website. The new website was set up in about two years. Its content, whose form is modelled on the Successions website – you don't change a formula that works – was unveiled at a launch conference in Prague in November 2012, in the presence of Czech political representatives and Ms Alexandra Thein, Member of the European Parliament and rapporteur for the two proposed regulations. Commissioner Viviane Reding, who was unable to attend the reception, sent a **video message** in which she underlined the importance of this type of initiative for the construction of a Europe of Law.

Once again, the event was a success and it reinforced the CNUE's determination to make quality legal information available to as many people as possible. Thus, in the years that followed, a whole series of thematic websites was created: on vulnerable, real estate transactions and authentic instruments in Europe.



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ENN

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The ENN: the Notarial Counterpart of the European Judicial Network in Civil and Commercial Matters

The European Judicial Network (EIN) in civil and commercial matters was established by a Council Decision of 28 May 2001. In the context of the progressive establishment of an area of freedom, security and justice, its implementation was intended to improve, simplify and accelerate judicial cooperation between Member States.



The EJN was also to facilitate citizens' access to justice in disputes with cross-border implications through the gradual establishment of a public information system, which led to the creation of the e-justice portal.

Following a consultation, on 16 May 2006 the European Commission presented a report on the implementation of the Decision which, while concluding that the Network had improved judicial cooperation between Member States, identified shortcomings in its functioning. This is why, as part of a package of measures, the Commission launched the proposal to open up the network to the legal professions directly involved in judicial cooperation in civil matters. The CNUE, as the professional order representing the notariat, was directly concerned.

At its General Assembly on 11 October 2006 in Marseille, the CNUE seized the hand extended by the Commission and decided to create the European Notarial Network (ENN) to this end. The ENN took the form of a network of national interlocutors, appointed by their notariats, whose objective is to establish cooperation aimed at solving the problems relating to the various cross-border legal cases. This decision was welcomed by the European Commission and its then Commissioner for Justice, Mr Franco Frattini, who wrote to congratulate the CNUE on its commitment.

The first meeting of the ENN interlocutors took place on 14 February 2007 in the presence of the European Commission. Another meeting was held in April 2007 at which guidelines for the operation of the network were adopted, the first steps towards its development up to the present day.



The ENN supports notaries

dealing with cross-border cases

The ENN provides notaries with many tools and resources that can be consulted online, such as in family law. A quick overview of what you can find by registering at www.enn-rne.eu.



A network of interlocutors at your service.

Joining the ENN means being able to rely on the help of a network of national interlocutors. They are on hand to give you practical information on your cross-border cases. Exchanges take place entirely electronically via the ENN's secure online platform.

An integrated

videoconferencing system. Thanks to this system, users have the possibility to communicate and exchange online.

Practical tools. The ENN provides bilingual tools to facilitate information exchange between notaries. Explanatory handbooks on Regulations (EU) 2016/1103 and (EU) 2016/1104, among others, are available in your language.

Legal databases that can be consulted free of charge.



ENN - European Notarial Network A Notarial Network for Legal Practice

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Tools for cross-border notarial practice	Only notaries practising in one of the member countries of the Council of the Notariats of the European Union can register on the ENN platform. Please make sure you enter your contact details as indicated in the European Directory of Notaries (www.notaries-directory.eu)	
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Login	"Country:	Select country
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Registration with the European Notarial Network is very simple:

All you have to do is go to the home page

of the website www.enn-rne.eu.

 \Rightarrow Choose "New Account" in the menu

and fill in the registration form.

→ Enter your contact details as indicated

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→ You will receive a confirmation email

with your username and password.

Each time you connect to the platform, a security PIN will be generated and sent to your email address.

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