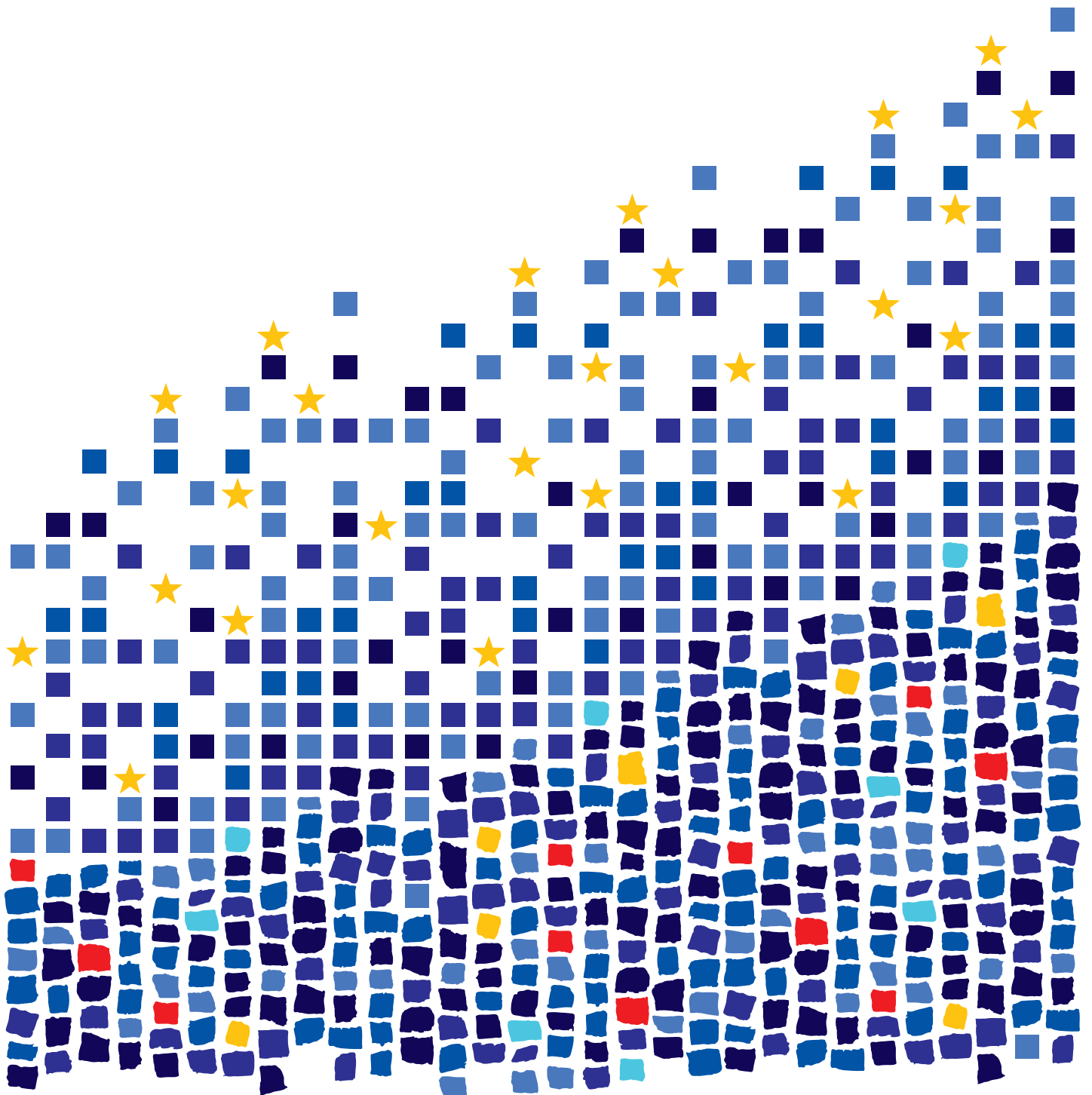
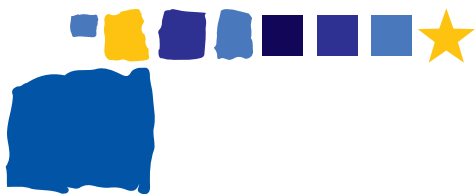




ANNUAL REPORT 2022





SUMMARY

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Giampaolo Marcoz, President of the CNUE

OUR 2022 PRIORITIES

- ★ **The CNUE stands alongside Ukraine**
- ★ **Digitalisation of justice**
- ★ **The fight against money laundering**
- ★ **Company law**
- ★ **Family law**
- ★ **Succession law**
- ★ **Training of notaries in Europe**



THE CNUE IN BRIEF

The **Council of the Notariats of the European Union (CNUE)** is the official body representing the notarial function in dealings with the European institutions. The CNUE brings together the notariats of the 22 Member States familiar with this institution: Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain. The notariats of Montenegro, the Republic of North Macedonia, Serbia, Turkey and Ukraine are observer members.

The CNUE represents more than 45,000 notaries and 200,000 employees.

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FOREWORD

2022: THE YEAR OF THE ITALIAN PRESIDENCY MARKED BY THE RULE OF LAW

During my term of office, I set out my work on the implementation of the rule of law, a common feature characterising the function of all notaries in Europe. The rule of law is an essential part of the political construction of the European Union. Safeguarding the rule of law and the fundamental rights of individuals is a commitment made by all EU countries. It is based on mutual trust and legal certainty, which are essential conditions for its proper functioning.

Notaries in Europe all share the same goal. As the pillars of the legal system in 22 EU Member States, they act on a daily basis to ensure the security of economic exchanges and accompany their fellow citizens in the important milestones of their lives: purchasing an immovable property, creating a business, opening of a succession. They are therefore an essential link in the practical implementation of the rule of law at the service of States.

We also bear this responsibility towards the European institutions. The political and legislative developments in 2022 have given us the opportunity to demonstrate this on numerous occasions: the conflict in Ukraine and the need to provide support to the Ukrainian notariat and refugees, the process of digitalisation of justice systems and our commitment to continue ensuring the highest level of legal certainty, fighting the scourge of money laundering and the



resulting obligations for our profession, the training of European notaries and the objective of a full and informed application of the rules stemming from European law.

Together, we addressed these challenges. During my various meetings with representatives of the European institutions, I made a point of highlighting the role played by notaries in the practical implementation of the rule of law. On the occasion of the European Day of Justice, on 25 October 2022, we also asked politicians to share their views on notaries and the rule of law in Europe. I invite you to look at some of these videos before reading the CNUE 2022 Annual Report more thoroughly.

Giampaolo Marozz

2022 President of the CNUE



[Interview with Pina Picierno, Vice-President of the European Parliament](#)



[Interview with Brando Benifei, Member of the European Parliament](#)



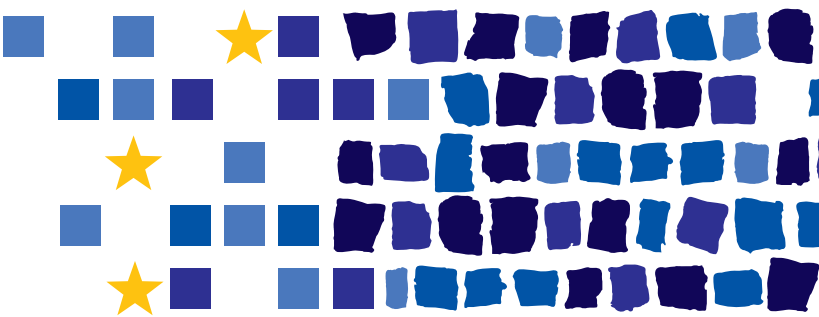
THE CNUE STANDS WITH UKRAINE

• INSTITUTIONAL SUPPORT

On 24 February 2022, the international community learned with dismay about the Russian Federation’s decision to invade Ukraine, a free country, a democracy. In response to a [letter](#) from the President of the CNUE Giampaolo Marcoz, dated 25 February, the President of the Ukrainian notariat, Volodymyr Marchenko, described the tragic situation in which the Ukrainian population was in and called [for assistance](#) to the entire world notarial community.

Faced with the brutality of these acts, after the moment of initial shock, the CNUE quickly acted to provide an institutional and on-the-ground response to the crisis. An Extraordinary General Assembly of the CNUE was held on 1 March 2022 in the presence of the President of the Ukrainian notariat from his city of Kharkiv, which was bombarded at that time. On this occasion, the CNUE adopted a [resolution](#) in which it strongly condemned the Russian

aggression, announced the establishment of a coordination structure to provide humanitarian aid to Ukrainian citizens, affirmed its willingness to cooperate with national and European institutions in the application of financial sanctions against Russia and Belarus and, finally, granted observer status of the CNUE to the Ukrainian Chamber of Notaries. Throughout 2022, the CNUE has strived to deliver on these commitments.





• FINANCIAL AND MATERIAL SUPPORT

On the occasion of the Como General Assembly on 24 June 2022, President Marchenko addressed the Presidents of the 22 notariats of the European Union. He described the atrocities faced by the Ukrainian people and notaries. Many of them left their offices and joined the army. Other notaries fled with their children abroad. Only about one third of Ukrainian notaries continue to carry out their activities in the service of citizens and to draft acts under extremely difficult conditions. That is why President Marchenko called for support for the Save Ukrainian Notaries and their Families Foundation, which aims to help notaries

at both humanitarian and structural levels. This call was heard by the CNUE, which has committed to make a contribution of EUR 50,000 to the Foundation's activities. For more information on the Ukrainian Notariat Foundation: <http://help.npu.ua>

The CNUE also financially contributed to the assistance provided to Ukrainian citizens by supporting the work of the International Committee of the Red Cross with a donation of EUR 150,000. The funds raised provided direct assistance to those affected by the conflict in Ukraine: the needs included repairing vital infrastructure to ensure water supply, the provision of basic necessities and medical equipment, as well as first aid and psychosocial support. This financial donation has also supported the National Red Cross Societies bordering on the conflict, which welcome and assist people leaving Ukraine by providing shelter, basic necessities and medical supplies.

In 2023, the CNUE will focus on helping the population to recover and rebuild.



• LEGAL SUPPORT

As part of the activities of the European Notarial Network and with the financial support of the European Commission, the CNUE has focused an important part of its work on improving knowledge of Ukrainian law as applicable law in family law and inheritance law cases. In particular, the CNUE has made available information sheets on Ukrainian law on its websites for the general public: [Successions Europe](#), [Couples in Europe](#), [The Vulnerable in Europe](#). A practical handbook on Ukrainian law for notaries has also been drawn up.

In addition, the CNUE presented a new form set up with the help of the European Notarial Network, allowing parents to express their wishes regarding the travel of their child leaving Ukraine and the exercise of parental responsibility. This form is available for free download on the [ENN website](#). It is fully bilingual (Ukrainian/English and Ukrainian/French) and will soon be available in 17 other languages of the European Union, in order to make it understandable in the country of destination.

• EU SANCTIONS AND OBLIGATIONS OF NOTARIES

The European Commission's Director of Civil and Commercial Justice, Salla Saastamoinen, took part in the CNUE General Assembly in March. She reviewed the various sanctions aimed at economically isolating Russia and Belarus and thereby having an impact on the outcome of the war. These sanctions consist of individual measures, sectoral measures and restrictions in the financial sector.

Within the European Commission, a Freeze and Seize task force has been set up and is coordinated by Commissioner Didier Reynders to ensure effective compliance.



This task force brings together the Directorate-General for Justice and Consumers, other services of the European Commission, the Member States, Eurojust and Europol. The CNUE took part in several meetings of this task force and expressed to the European Commission its willingness to raise awareness among European notaries about the full application of sanctions. Therefore, in 2022, the CNUE has made sure to disseminate this information to European notariats in order to raise awareness of the concrete legal obligations placed on notaries.

Consolidated list of sanctions (updated):

[PDF](#) – v.1.0

[CSV](#) – v.1.0

[CSV](#) – v.1.1

[XML \(Based on XSD\)](#) – v.1.1

[XML \(Based on XSD\)](#) – v.1.0

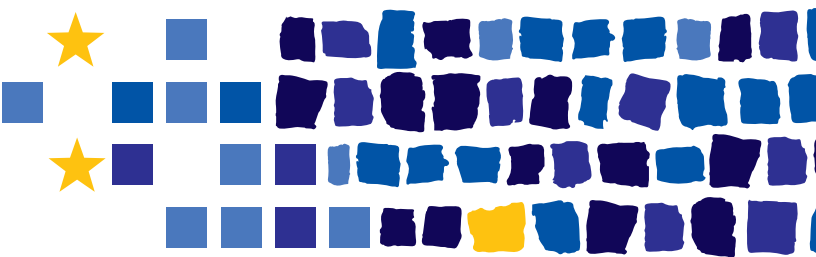
DIGITALISATION OF JUSTICE

The COVID-19 crisis highlighted the need for a coherent legislative framework at European level. Several initiatives are being discussed between the EU institutions aimed at making the EU’s judicial systems digital, making them more accessible and effective. One of the main objectives announced is to make digital the default option of cross-border judicial cooperation, in particular by enabling interoperability between the IT systems used by judicial authorities. Another objective pursued by the revision of the European e-IDAS/e-ID Regulation is to create a common framework between national digital identities.

On numerous occasions this year, the CNUE has had the opportunity to make its contributions to the ongoing work. Two positions were adopted in March:

- [one](#) on the proposal for the revision of the e-IDAS/e-ID Regulation.
- [another](#) on the draft e-Justice Regulation, by responding to the consultation that was opened by the European Commission.

The CNUE also spoke through its President Giampaolo Marozz at the conferences organised by the French Presidency of the Council of the EU on 4 May 2022 in Paris, and by the Czech Presidency on 24 October in Brussels.



The CNUE positions itself as a promoter of the principle of legal certainty by default. It considers it essential that the development of digital solutions in a cross-border context does not undermine legal certainty. Legal certainty and the quality of preventive control of legality in the judicial system as well as the reliability of public registers (e.g. business registers, land registers) should not be affected by the increased digitalisation of cross-border cooperation. Trust must be carried in the digital world. Another important point to take into account is the situation of those who do not have the knowledge or the opportunity to adopt digital technology in their daily lives. We are referring here to the digital divide and the Vulnerable. It is therefore essential to always provide for the possibility of procedures in physical presence.

Finally, let us recall that European notariats are stakeholders in the digitalisation of justice. At national level, they have developed technologies to simplify secure communication between notaries, public registers and clients via electronic channels. They provide their clients with efficient solutions for archiving their documents and for easy and secure access. At European level, the CNUE has put in place several tools to facilitate cross-border notarial cooperation, such as [the interconnection of registers of wills in Europe](#), [the European Directory of Notaries](#) and [the European Notarial Network](#).

1st edition of the Hackathon of the Notaries of Europe — Rome, 21-22 November

From 21 to 22 November 2022, in Rome, about 40 participants from the 22 notariats of the European Union worked on the creation of innovative digital solutions as part of the first edition of the Hackathon of the Notaries of Europe, organised by the Council of the Notariats of the European Union (CNUE) and Notartel, the Italian notariat’s IT company. During these two days,

eight multidisciplinary and international teams aimed to create concrete projects or applications around two crucial topics in the field of justice: electronic identification and interoperability of national systems. Each team was able to put on paper a concrete project, which it will have the opportunity to present to the CNUE General Assembly on 8 December.





[Presentation video of the Hackathon](#)

FUTUROLOGY HACKATHON

21-22 NOVEMBER 2022 - ROME

notariel

Ahead of the Hackathon, the 10th edition of the CNUE Futurology Forum was held on 21 November. The forum served as a reflection exercise around the two topics of the Hackathon. Under the presidency of Mr Tamás Parti and with the participation of the European Commission and the President of the CNUE, two round tables aimed at

presenting the practices in place at national level and the evolving legislative framework at European level, with the revision of the e-IDAS Regulation, the proposal for a Regulation on the digitalisation of cross-border judicial cooperation and the e-CODEX Regulation.



THE FIGHT AGAINST MONEY LAUNDERING

An anti-money laundering package was adopted by the European Commission on 20 July 2021. It is currently under discussion between the European institutions. This package consists of the following four legislative proposals:

- ★ [Proposal for a Regulation](#) establishing the Anti-Money Laundering Authority.
- ★ [Proposal for a Regulation](#) on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.
- ★ [Proposal for a Directive](#) on mechanisms to be established by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849.
- ★ [Proposal for a recast Regulation](#) on the information accompanying transfers of funds and certain crypto-assets.

The CNUE and its members are following with particular interest the legislative process on these measures, one of the objectives of which is the establishment of a European Anti-Money Laundering Authority.

Notaries are particularly involved in contributing to the fight against money laundering, not only as entities subject to obligations, but also and above all because of their function as public officers appointed by the State. Notaries contribute on a daily basis to the prevention of money laundering in

important areas of legal transactions (e.g. real estate and company law).

As obliged entities, they identify all natural persons and beneficial owners of companies and other legal entities directly or indirectly involved in real estate or business transactions. This role is essential for all customer due diligence obligations as well as for the accuracy and reliability of public registers. Since notaries are already required under national professional law to identify their clients with the utmost care, they therefore act with great caution when identifying the client or beneficial owner of a company or business structure.

In many States, notaries are prohibited from authenticating an act if the company refuses to disclose its ownership and control structure and its beneficial owner cannot thus be identified. The obfuscation of ownership structures by letterbox companies is thereby effectively prevented.

Compliance with these obligations is closely monitored by the supervisory authorities and failure to comply with these obligations can lead to serious disciplinary sanctions.

In addition, notaries are required to make a declaration of suspicion to the national financial intelligence unit if certain criteria laid down in national law are met. In this way, notaries support the work of law enforcement bodies.

Light Project Final Conference — Brussels, 25 October 2022

On 25 October 2022, the final conference of the LIGHT project was held in Brussels. This project, co-financed by the European Union, aims to increase the competences of the legal professions, including notaries in the fight against money laundering and the

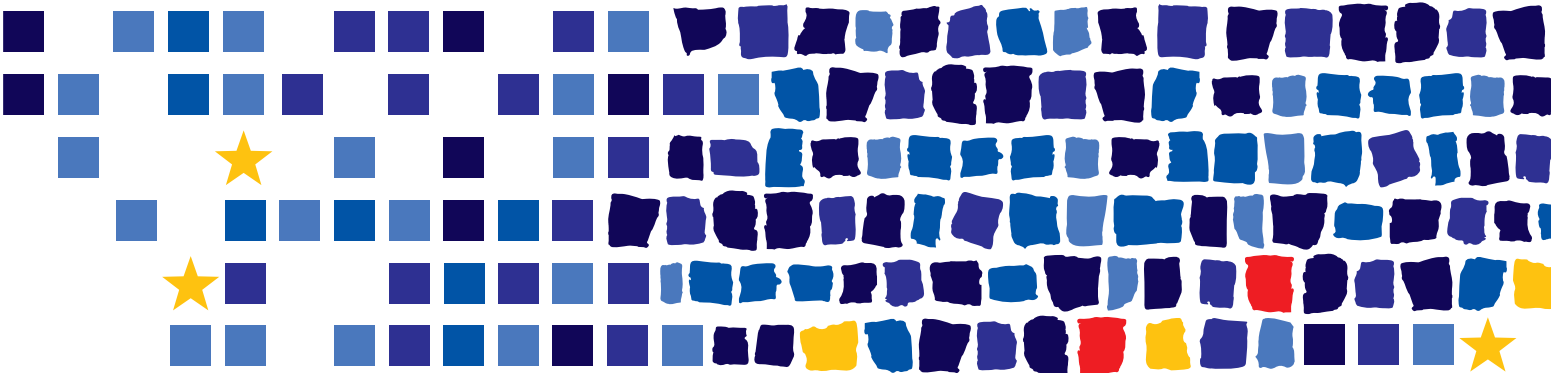
financing of terrorism. The President of the CNUE, Giampaolo Marcoz, and the President of the CNUE Working Group on the Fight against Money Laundering, Ignacio Gomá Lanzón, intervened on this occasion.



Light Final conference



25.10.2022



FAMILY LAW

The question of the protection of vulnerable adults has been on the CNUE's agenda for many months. The European Commission launched on 21 December 2021 a public consultation on difficulties related to vulnerable adults in cross-border situations. The Commission wanted to explore possible policy options and, in particular, a possible European Regulation governing the designation of the competent court in a cross-border case, the applicable law, the recognition of foreign protection measures and the cooperation between Member States. The consultation was open until 29 March 2022 and the CNUE provided its [input](#). The publication of a Commission initiative in this area is announced by 2023. The CNUE advocates to the European institutions the need to adopt a European Regulation on the mutual recognition of protection schemes of vulnerable adults.

A [proposal for a European Regulation](#) on the recognition of decisions and the acceptance of authentic instruments in matters of parenthood and the creation

of a European certificate of parenthood was published on 7 December 2022. Currently, national laws on jurisdiction, applicable law and recognition in relation to parenthood vary from one Member State to another, which can create legal obstacles for families in a cross-border situation. They sometimes have to initiate administrative or even judicial proceedings to obtain recognition of parenthood, but these procedures are lengthy and costly and their outcome may be uncertain. The proposed Regulation will make it easier to determine the competent courts of the Member States and the law applicable to the establishment of parenthood. Finally, it provides for the recognition of court decisions and authentic instruments establishing parenthood or attesting to the establishment of parenthood. The Council of Notariats of the European Union (CNUE) welcomed this initiative, in the sense that it will provide more legal certainty for families who have close ties with several Member States for family or professional reasons.

The 'Couples in Europe' website is getting a makeover

In 2022, as part of the work programme of the European Notarial Network, the 'Couples in Europe' website underwent a graphic redesign. The website provides the general public with information sheets on the law of 22 Member States of the European Union and, for the first time, Ukraine.

What are the consequences of divorce or separation in relation to the matrimonial property regime? What is the law applicable to the property of a couple? What does the law provide for property of registered or non-registered partners? What are the consequences of death with regard to the matrimonial property regime? The website

www.coupleseurope.eu provides answers to all these questions. Available in 19 languages, the content is updated regularly to reflect European and national legislative developments.



SUCCESSION LAW

Regulation (EU) No 650/2012 on successions has been in force since August 2015. In accordance with Article 82 of the Regulation, the Commission will submit by August 2025 at the latest a report on its application, including an assessment of the practical problems encountered. The report will be accompanied, if necessary, by proposals for amendments.

Since in most countries of the European Union the field of succession is a notarial competence, a contribution from the CNUE is expected. It is with this in mind that the CNUE set up the project “MAPE Successions”,

co-financed by the European Commission, in partnership with the European Network of Registers of Wills Association (ENRWA) and the German, Hungarian, Lithuanian and Maltese notariats.

Throughout 2022, the CNUE sought to collect figures and facts on the application of Regulation 650/2012 in the framework of the MAPE project: annual number of successions with cross-border elements, number of wills identified abroad, number of European certificates of succession, difficulties in applying the Regulation, etc.



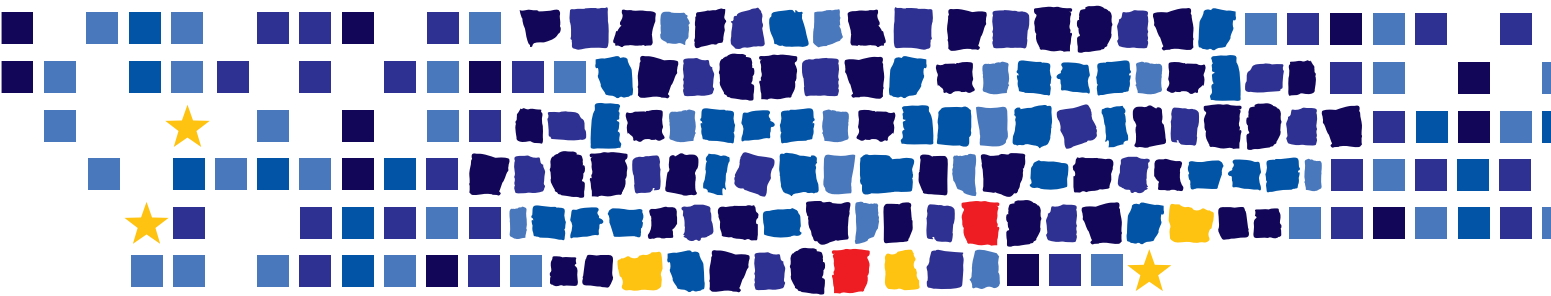
A first information seminar was held in Vilnius on 6 October in cooperation with the Lithuanian Chamber of Notaries. The Vilnius seminar had the dual purpose of providing a first overview of the data collected through the various survey campaigns taking place within the framework of the project and to share knowledge and experience on the

implementation of the Regulation in several European countries. To date, as part of the MAPE Successions project, more than 2,100 notaries from the 22 CNUE member notariats have been able to share their practical experiences. The seminar is available in its entirety [online](#).



A second seminar was held on 12 December 2022 in Sliema, Malta, during which some recommendations have already been shared.

The results and conclusions, in the form of a study, will be presented to the European institutions at a conference in Brussels in 2023.



Final conference of JuWiLi — Justice Without Litigation project — 9 November 2022, Brussels

On 9 November 2022, the CNUE hosted the closing conference of the [Justice Without Litigation — JuWiLi project](#), co-financed by the European Commission.

The conference was an opportunity to present the conclusions and recommendations of the project in which the CNUE partnered with the Chambers of Notaries of Austria, Croatia, the Czech Republic, Slovakia and Slovenia, the Universities of Vienna and Graz and the Economic Research Institute Economia.

The project analysed for Austria, Croatia, the Czech Republic, Hungary and Slovakia the term “jurisdiction” in the context of the EU Succession Regulation in non-contentious judicial proceedings by notaries from a comparative law, fundamental rights and rule of law

perspective. The project also included Slovenia where the reflection of policy makers, academics and the Chamber of Notaries on the transfer of judicial tasks to notaries is progressing. The videos of the conference are available [online](#).



COMPANY LAW

In 2022, the Commission launched a public consultation on a **“Union framework for the cross-border recognition of associations in the EU”**. This concerns a likely legislative initiative to create a European legal framework for non-profit entities and to facilitate cross-border collaboration of such national entities. A legislative proposal is expected for the second quarter of 2023.

The Commission has also relaunched its work **on upgrading digital company law**. A legislative initiative is also expected in 2023. According to the Commission, this initiative will be the second step in the digitalisation of company law and will build on and complement Directive (EU) 2019/1151 on the use of digital tools and processes in company law. A consultation was open until 8 April 2022 on the following aspects: transparency and better access to more business information in the EU, the possibility to use company data available in national business registers in cross-border

administrative or judicial proceedings, the possibility for companies to use information from their national business registers when they extend to markets in other Member States, digitalisation of company law procedures and taking into account new digital developments in EU company law.

In April, the CNUE published its [guidelines on mergers, acquisitions and other company law transactions](#). They provide guidance on certain practical issues related to cross-border transactions in the context of the transposition of an EU directive. Without a binding nature, these guidelines are intended to provide a thorough interpretation of the Directive to any professional dealing with cross-border transactions, specifying in particular the questions of the possible effects of the Directive, the review of the legality of those transactions, the coordination of formalities and prior procedures and the circulation of the transaction certificate.

Conference on the implementation of European Directive 2019/2121 - 17 February 2022

On 17 February, the CNUE organised an online conference on the ‘Implementation of European Directive 2019/2121 on cross-border transformations, mergers and divisions’. The aim of the conference was to take stock of the transposition of this Directive in the Member States, which have until 31 January 2023 to take the necessary measures.

Notaries from Germany, Belgium, France, Italy, Luxembourg and the Czech Republic intervened in the two panels of discussions which aimed to revert to the points still debating: the scope of the Directive and

the checks on the legality of the operations covered.

The videos of the conference are available [online](#).



TRAINING OF NOTARIES IN EUROPE

In 2022, nearly 1000 notaries took part in the seminars organised as part of the CNUE training programme ‘EU L@w for Notaries — Notaries for EU L@w’, co-financed by the European Union.

In total, ten seminars were held in 2022, during which European notaries received

training on data protection, family law and company law. At the end of this programme, a learning platform will be put online and will host a number of webinars, e-learning modules and MOOCs on the three topics mentioned.





Calendar of training seminars

[Seminar on Data Protection](#)

Vilnius (Lithuania) – 10 February 2022

[Seminar on Company Law](#)

Munich (Germany) – 11 March 2022

[Seminar on Data Protection](#)

Lisbon (Portugal) – 13 May 2022

[Seminar on Company Law](#)

Vienna (Austria) – 19 May 2022

[Seminar on Company Law](#)

Athens (Greece) – 17 June 2022

[Seminar on Family Law](#)

Palermo (Italy) – 22 June 2022

[Seminar on Family Law](#)

The Hague (the Netherlands) – 2 September 2022

[Seminar on Data Protection](#)

Malta – 9 September 2022

[Seminar on Family Law](#)

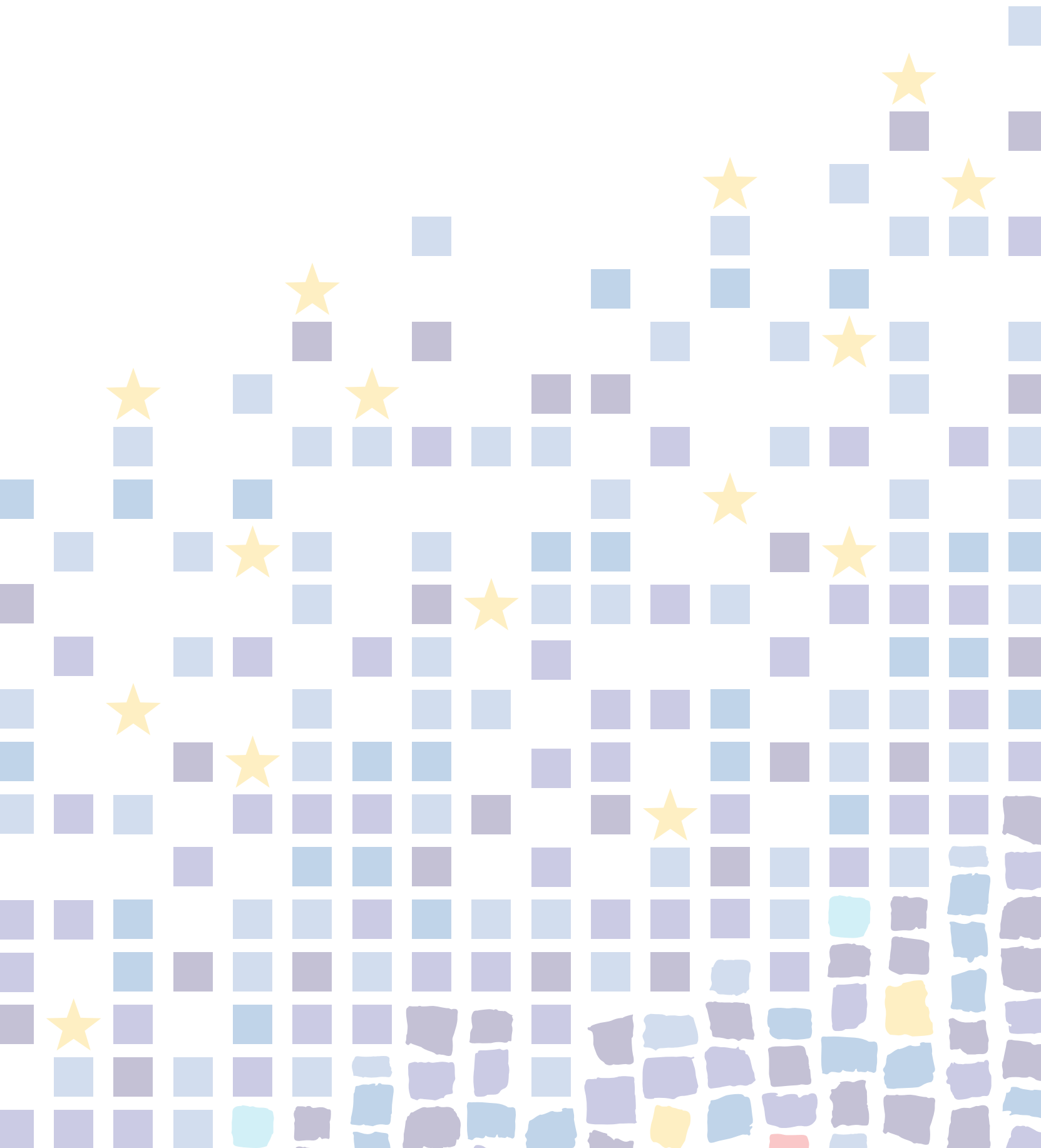
Ljubljana (Slovenia) – 22 September 2022

[Seminar on Company Law](#)

Paris (France) – 14 November 2022

Furthermore, in December 2022, the European Commission published its [2022 report on European Judicial Training](#), which presents figures for the training of practitioners of justice in EU law in 2021. This eleventh report shows progress towards the qualitative and quantitative

objectives set by the new [European Judicial Training Strategy 2021-2024](#). It shows that in 2021, more than 240,000 practitioners of justice received training on EU law. Among them, 11911 European notaries participated in continuing training activities on EU law in 2021, corresponding to an increase of 23% compared to 2020.





For more information,
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