



JOINT MEETING GENERAL MEETING OF MEMBER NOTARIATS and GENERAL COUNCIL

Brasilia, Brazil, 9th and 10th November 2023

MINUTES

SYMPOSIUM

Thursday 9th November 2023

All the presentations of the symposium have been sent by email to Presidents and Councillors and may be found on the Intranet on the UINL website under

<http://www.uinl.org>>Intranet> Bodies>General Meeting of Member Notariats>Brasilia 2023

OPENING

1. Opening

- President of the Brazilian Notarial College (CNB), Giselle Oliveira de Barros
- President of the International Union of Notaries (UINL), Lionel Galliez
- President of the Council of the Notariats of the European Union (CNUE), Peter Stelmaszczyk

THEME 1

DIGITISATION

Notarial authentication with online appearance

Introductory remarks – Scientific presentation and delimitation of the subject

Moderator : *Mr Ubiratan Guimarães (Brazil), President of the Brazilian Notarial Academy, Member of the UINL Steering Committee*

Round table 1 : NOTARIAL EXPERIENCES IN ONLINE APPEARANCE

1) The authentic instrument in digital form as a prerequisite for online appearance

France, *Mr. Thierry Vachon, UINL General Secretary*

Mexico, *Mr. Marco Antonio Ruiz Aguirre*

Czech Rep., *Mr. Martin Divis / Ms. Sarka Tlaskova*

Morocco, *Mr. Hicham Sabiry, President of the Notarial Chamber of Morocco*

2) Current online appearance systems

Brazil, Presentation of the **Brazilian** e-Notariado, *Ms Giselle Oliveira de Barros, President of the Brazilian Notarial College*

Quebec, Presentation of the **Quebecois** system, *Ms Hélène Potvin, President of the Notarial Chamber of Quebec*

Estonia, Presentation of the **Estonian** system, *Ms Anne Saaber*

Round table 2 : SUMMARY AND OUTLOOK

1) The challenges of online appearance

Mr Corrado Malberti (Italy), President of the Corporate Law Working Group of the Council of Notaries of the European Union (CNUe), member of the Digital and Authenticity UINL Working group

- The challenges tied to remote acts
- Guarantees provided by the notariat

2) Presentation of the Rules on Notarial authentication with online appearance and its guidelines

Mr Carlo Alberto Marozz (Italy), President of the Digital and Authenticity Working Group of UINL

Conclusions : Summary report of the two round tables, by *Professor Not. Naivi Chikoc Barreda from Quebec*

THEME 2 DEJUDICIALISATION Notarial competence in non-contentious matters

Introductory remarks - Scientific presentation and delimitation of the subject

Moderator: Ms Valentina Rubertelli, President of the European Affairs Commission (CAE)

Round table 1 : SUCCESSFUL EXAMPLES OF DEJUDICIALISATION – NOTARIAL MISSIONS WITH VARIABLE GEOMETRY

1) The diversity of competences entrusted to notaries in the “Dejudicialisation” movement

- **The Dejudicialisation movement in Latin America**
Mr Homero Lopez Obando – CAAM President
- **Succession: permeable competencies between judges and notaries**
 - The distribution of competences between judges and notaries in succession matters
Germany, *Mr Jens Bormann (President of the Bundesnotarkammer), and Larissa Oebel*
Hungary, *Mr Adam Toth (President of the Chamber of Notaries of Hungary)*
 - Dejudicialisation prospects in **Africa** concerning the settlement of estates
Ms Aida Diawara Diagne (President of the Chamber of Notaries of Senegal)
- **The couple : competences shared by judges and notaries**
 - **Peru : Marriage**, *Mr Juan Carlos Peralta Castellano (Peru)*
 - **Guatemala : Partnerships**, *Ms Lorena Isabel Flores Estrada (Guatemala)*
 - **Divorce before a notary**
Brazil: *Mr Hercules Alexandre da Costa Benicio, Prof. José Fernando Simao (Brazil)*
Romania: *Ms Ana Luisa Chelaru (Romania)*
Slovenia: *Mr Bojan Podgorsek (Slovenia)*

- **Vulnerable persons: new areas of competences for notaries**

- **Spain: Powers of representation / Lasting Power of Attorney:** example from Spain where the notary has become the guarantor of the fundamental rights of vulnerable persons
Ms Almudena Castro Girona, President of the Human Rights Commission
- **Japan : Voluntary guardianship system for vulnerable adults in Japan, Mr INABA Kazuo**
- **Italy : Authorization in the interest of minors and vulnerable adults in Italy, Mr Giovanni LIOTTA, Member of the UINL Steering Committee**

2) **The notary, a key player in the evolution of society**

- **The role of the notary in establishing parentage in Latin America** (medically assisted reproduction, recognition of paternity, etc.)
Cristina Armella, Professor at the University of the World Notariat of UINL
- **The notary's new role in surrogacy agreements in Quebec, Christine Morin, Professor at the University of the World Notariat of UINL**

3) **Opportunities for collaboration between judges and notaries**

- **France:** The role of the notary in judicial divisions in **France**, *Ms Corinne Dessertenne Brossard*
- **Germany:** Notarial agreements regarding property and non-property issues during judicial proceedings (divorce, successions, etc.) in **Germany**, *Mr Lovro Tomasic*
- **China:** Involvement of notaries in auxiliary judicial affairs (enforcement, means of proof, etc.) in **China**, *Mr Zhang Kaifang.*

Round table 2 : SUMMARY AND ANALYSIS

1) **Judges and notaries: complementary nature and proximity of the professions**

Giacomo Oberto, Judge, Secretary General of the International Association of Judges (UIM/IAJ)

2) **Summary of best practices and areas where dejudicialisation is possible, Mr**

Thierry Vachon, Secretary General of UINL

At the end of the symposium, the Secretary General of the International Association of Judges (IAJ), Mr Giacomo OBERTO, and the President of the International Union of Notaries (UINL), Mr Lionel GALLIEZ, signed on behalf of their two organisations and with the prior agreement of their respective Steering Committees, a CONTRIBUTION AGREEMENT between the INTERNATIONAL UNION OF NOTARIES and the INTERNATIONAL ASSOCIATION OF JUDGES, in order to meet the goals of proper administration of justice and reducing the backlog in courts.

See the end of these minutes for the text of the agreement signed on 9th November 2023

See at the end of these minutes all the reports of the rapporteurs of the Symposium on 9th November 2023

CONFERENCE of the PRESIDENTS OF MEMBER NOTARIATS

Friday, 10th November 2023

2. Determination of the attendance and voting quorum

Before giving the floor to Presidents and delegates with powers of representation, the President and the Secretary acknowledge that on the morning of 10th November the quorum is reached and the General Meeting can be held regularly.

⇒ **The General Council is validly constituted with the presence of 118 General Councillors.**

⇒ **The General Meeting is validly constituted. The Presidents or representatives of the Member Notariats of the following 55 countries (54 of which have voting rights) are present:**

- | | | |
|--------------------|-----------------------------|---------------------|
| 1. Albania | 20. Spain | 38. Montenegro |
| 2. Germany | 21. France | 39. Uzbekistan |
| 3. Andorra | 22. Georgia | 40. The Netherlands |
| 4. Algeria | 23. Greece | 41. Paraguay |
| 5. Argentina | 24. Honduras | 42. Peru |
| 6. Austria | 25. Hungary | 43. Portugal |
| 7. Belgium | 26. Indonesia | 44. Porto Rico |
| 8. Benin | 27. Italy | 45. Quebec (Canada) |
| 9. Bolivia | 28. Japan | 46. Romania |
| 10. Brazil | 29. Kazakhstan | 47. Senegal |
| 11. Cameroon | 30. Kosovo | 48. Serbia |
| 12. China | 31. Latvia | 49. Slovenia |
| 13. Colombia | 32. Lithuania | 50. Switzerland |
| 14. Congo | 33. London (UK) | 51. Czech Rep. |
| 15. Cote d'Ivoire | 34. Luxembourg | 52. Togo |
| 16. Costa Rica | 35. Rep. of North Macedonia | 53. Turkey |
| 17. Cuba | 36. Morocco | 54. Ukraine |
| 18. Dominican Rep. | 37. Mexico | 55. Uruguay |
| 19. Ecuador | | |

⇒ **As a result, the quorum is reached for discussions and the adoption of resolutions by both the General Meeting of Member Notariats and the General Council, their respective meetings being validly constituted.**

3. Adoption of the agenda

No remarks.

RESOLUTION No. 1 GM/CG Brasilia, 10th November 2023 - ADOPTION OF THE AGENDA

The **General Meeting of Member Notariats** and the **General Council** approve the agenda as submitted by the Presidency.

Resolution adopted unanimously

UINL POLICY

President Galliez opens the meeting by explaining that he wanted a restricted meeting with the Presidents of Member Notariats, or their representatives, to discuss and express themselves in a less formal setting. The aim is to stimulate debate on the political situation of the Union. With this in mind, the President sets out the 4 items he would like to discuss with them:

- 1) Relations with international organisations (especially the Union's strategy regarding the World Bank's B-Ready report);
- 2) Expansion of notarial areas of competence, and in particular the dejudicialisation policy;
- 3) The territorial expansion of the Union, especially in Africa and Asia, with the help of Notariats having geographical or linguistic proximity to candidate countries;
- 4) The political goals of the Codification Project.

Concerning the latter item, **President Galliez** recalls that the aim of the codification project is to improve notarial laws currently in force around the world, while respecting their diversity. Each notariat has to be able to make its own contribution. Furthermore, the SC has recommended that the President provide Notariats with a detailed plan and model articles in order to facilitate, encourage and organise contributions. He also recommends that Presidents propose contributions based on the concrete requests they can make to public authorities: he invites them to write down precisely what they would like to ask their respective Ministers, so that the Code may be a useful tool at the service of Notariats. The political ambition of the code is to support requests to public authorities by presenting the standards of the Notariat.

1. Relations with international organisations: policy and methods of influence

President Galliez asks the Presidents to pass on to the International Organisations WG any information they have on the B-Ready Report, and in particular whether they have received questionnaires from the World Bank.

The President of the International Organisations WG, Jens Bormann, presents the B-Ready project and the questionnaires sent out by the World Bank to various legal practitioners (notaries, lawyers, etc.). The report will probably result in a ranking of countries according to their performance, and this ranking will depend on the answers provided in the questionnaires. It is therefore very important to pay great attention to the answers that will be given in the questionnaires by the experts designated by the World Bank. He points out that the WG has already contacted several executive directors of the World Bank and that it will be organising meetings and workshops with the members of the B-Ready team to improve their methodology.

President Galliez asks the Presidents to be attentive and to ask their public authorities whether any questionnaires have already been received. The International Organisations WG should be informed of their receipt, in order to coordinate answers and thus enable the fairest and most favourable assessment of our profession and legal system. The role and mission of the IO WG is precisely to coordinate the replies provided by the notarial profession in order to give the best possible image of it. Unlike the Doing Business report, this time it is possible to avoid and anticipate risks.

Ubiratan Guimaraes (Brazil) says that the Brazilian notariat is coordinating replies to the World Bank's questionnaires with the Civil Chamber of the Presidency of the Republic. There is a specific working group (in which the notariat participates), made up of several legal practitioners, in charge of replying to the questionnaires.

Eduardo Durán Gómez, President of the Notariat of Colombia warns that the B-Ready project could be a threat to the notariat, as was the Doing Business report in the past. **Mexico** points out that the 32 Notariats present in the country have set up a special team to reply to the World Bank's questionnaires. In particular, they have developed arguments to demonstrate the usefulness of the notariat in the economic sector. **President Galliez** thanks them and invites them to share and make these arguments available to the Union and other Notariats.

Mahoua Kone (Cote d'Ivoire) suggests coordinating all the arguments, asking the BReady team to send the questionnaires directly to the national Chamber of Notaries rather than randomly to notaries in different countries.

President Galliez realistically replies that it is difficult to require the World Bank to send questionnaires only to people designated by the Notariat. It is therefore up to us to organise ourselves in order to coordinate answers at both national and Union level.

Jens Bormann says that, in his view, the difficulty stems from the World Bank's methodology, which is biased in favour of common law. The WG's aim is to make the World Bank's analysis of the answers to the questionnaires evolve so as to take into account the added value of the notariat and civil law systems. Better consideration and understanding of our system by the World Bank teams will help improve the rankings in the B-Ready report. It is also necessary to contact and engage in discussions with the executive directors of each country so that the report does not provide a general ranking of countries, as the Doing Business report did.

The **President of the Notariat of Morocco, Hicham Sabiry**, informs attendees that Morocco has received the World Bank's questionnaire and that they have prepared replies together with a special committee. Answers have been developed in such a way as to highlight notarial areas of competence, demonstrate the efficiency of the notarial service (in terms of digitisation, incorporation of companies, etc.) and thus profit from the World Bank report.

Olagnika Salam (President of CAAf) points out that the World Bank prefers to question professionals in the field directly, rather than the State or the Chambers. Notaries are generally questioned directly, which makes it difficult to track back information. Presidents should therefore inform their notaries so that they, in turn, can alert their chambers when they receive the questionnaire. Lastly, he asks the WG to circulate to all notariats the questionnaires already received by one country, so that the others can already prepare their replies.

Arsenio Comas Rodón, President of the Notariat of Puerto Rico endorses the comments made by his African colleague and underscores the importance of coordinating and preparing answers in advance. He then asks whether an economic study has been carried out to demonstrate the economic value of notarial involvement in transactions. Such a study would be very useful in our relations with the B-ready teams.

The Minister of the Supreme Court, Gilmar Mendes, accompanied by the President of the Brazilian College of Notaries, enters the meeting room and greets the General Meeting.

2. Expansion of the Union – New areas of competence: tools and methods of influence

Olagnika Salam (CAAf) welcomes the agreement signed yesterday with the International Association of Judges. He suggests that the text of the agreement signed should be circulated to show the public authorities that this is a worldwide movement.

Thierry Vachon confirms that this agreement is available in three languages and that it will of course be forwarded to member Notariats. Recommendations to member Notariats on Digitisation and Dejudicialisation will also be submitted to the General Meeting for approval and then forwarded.

Yanet Alfaro, President of the Cuban Notariat, shares Cuba's experience in the field of the "Notarisation of procedures". The Cuban notariat has acquired new areas of competence, in commercial and family matters, and in the absence of disputes. They use the term "expansion of notarial areas of competence" to describe this movement.

It should be noted that in **Mexico** the notariat has also acquired new areas of competence in succession matters (especially in the presence of minor children), as well as in the law relating to vulnerable persons.

Mahoua Kone, delegate for Cote d'Ivoire suggests that the areas and acts likely to be subject to dejudicialisation should be specified in the recommendations, in order to give concrete examples to public authorities.

Thierry Vachon confirms that this is indeed the case: an indicative list of areas of competence that can be transferred or shared with judges is included in the recommendations handed out to member Notariats.

Jorge Batista Da Silva, President of the Notariat of Portugal specifies that new areas of competence have recently been transferred to Portuguese notaries (apostille, CSE, arbitration, etc.). However, in order to take on these new areas of competence, preferably in non-contentious matters, notaries need to be trained in these new specific areas, as well as in digital technology.

In **Peru**, the notariat is about to sign an agreement with the President of the Supreme Court to present joint recommendations, with the aim of reducing procedural delays and presenting new projects in the field of dejudicialisation.

Fatmir Lacej, delegate for Albania, points out that the Albanian notariat has good relations with its government and is in a successful phase. In particular, notaries are viewed as key players in the field of money laundering. They have also acquired new areas of competence (e.g. certificate of inheritance), and are in the process of obtaining new ones (divorce).

Regarding divorce, **Thierry Vachon** presents the CAE study on notarial competence in divorce matters. He hopes that this study can be reproduced in other continents, through the continental commissions. *Copies of this study, in English and French, have been printed and handed out to the Presidents.* ¹

¹ This CAE study on DIVORCE is available on the Intranet of the UINL website or from the UINL Secretariat for whoever is interested.

3. Geographical expansion of the Union: admission policy

President Galliez stresses the importance of the expansion policy of the Union.

CCNI is of course carrying out some vital work, but Member Notariats too should contribute to this movement to bring in new members. Member countries bordering with candidate countries in particular are called upon to play a role (e.g. Congo-Brazzaville, bordering with the DRC).

Notariats with linguistic proximity (e.g. Portugal and Brazil for Portuguese-speaking countries) are also invited to participate in facilitating relations with candidate notariats.

Bertrand Eric Fédhéré Pandi, President du of the Notariat of Congo-Brazzaville, confirms that he will offer his support to exchanges with his neighbour, the DRC, as well as with neighbouring Portuguese-speaking, countries such as Angola.

President Galliez states that he is planning to take part in the CAAf meeting to be held in Brazzaville as part of the next University of the African Notariat. He then praises the work of the Notariats of Portugal, Brazil and Spain, for their exchanges with Portuguese-speaking countries.

The President of CAAf, Olagnika Salam, is looking forward to the forthcoming meetings in Brazzaville, in the presence of CCNI. He points out that the DRC is the largest French-speaking country in the world, so its candidacy is very interesting. He also mentions the example of Nigeria, a country bordering Benin, which has expressed the desire to draw closer to the Union.

The VP for Africa, Abdelhamid Achite Henni, recalls that the themes of dejudicialisation and the enlargement of the Union through other Notariats were developed at the University of the African Notariat in Lomé. He also commends the work of CCNI in Asia (Conference in Uzbekistan).

It is pointed out that in the United States, given its border with **Mexico**, an attempt is being made to extend notarial influence in this country.

Pedro Carrión García de Parada, delegate for Spain, calls for the essence of the notarial profession to be defined in order to guide the expansion of the Union. In his view, countries that do not share this essence should not join the Union. Only by increasing the number of strong notariats (notariats that share the fundamental principles of the Latin Notariat) will the Union be strong. As regards the growth of notarial areas of competence (dejudicialisation policy), these new areas of competence should also be consistent with this essence and these characteristics, so as to avoid weakening the notarial function.

President Galliez confirms that the admission of new members is not an end in itself and that it is necessary to be realistic. Nigeria, for example, is still a common law country, so membership is still some way off. However, we must be open to discussion, with a view to moving them towards the adoption of a civil law system.

Mahoua Kone (Cote d'Ivoire) welcomes the Union's desire to expand in Africa. She suggests that, in order to coordinate joint action, common and concerted arguments should be used with candidate notariats, such as the 10 reasons for belonging to the UINL, drawn up during the Presidency of Cristina Armella.

Giovanni Liotta (Italy) specifies that he shares the position of the Spanish Notariat. Priority must be given to strengthening member notariats, and the codification project is a step in the right direction. Expanding the Union to include notariats that do not share our principles is risky. He also points out, with regard to the strategy to be adopted in relation to the B-Ready report, that we should also offer the World Bank economic arguments and not just legal ones.

N.B. The draft recommendations to Member Notariats on acts involving online appearance and dejudicialisation have been handed out to the Presidents in three languages (French, English and Spanish).

4. Codification Project

This item will be discussed later, under item 8, in a joint session with the General Council.

The Presidents applaud to express their positive impression of this new, more restricted form of General Meeting, reserved to Presidents.

Coffee break

Joint Meeting
GENERAL MEETING of MEMBER NOTARIATS and GENERAL COUNCIL
Friday, 10th November 2023

Resumption of the joint meeting of the members of the General Meeting of Member Notariats and the General Council

3. **Approval of the minutes of the General Meeting of Member Notariats** (Cancun, Mexico November 2022) **and the General Council** (Cotonou, Benin May 2023) *(see minutes forwarded and posted on the Intranet at www.uinl.org)*

RESOLUTION no. °1 GM/GC, Brasilia 10th November 2023: APPROVAL OF THE MINUTES OF THE GM IN CANCUN NOV.2022 AND THE GENERAL COUNCIL IN COTONOU MAY 2023

No remarks have been made to the minutes forwarded.

The **General Meeting of Member Notariats convened in Brasilia and the General Council** approve the minutes of the General Meeting of Member Notariats (29-30th November 2022 in Cancun, Mexico) and of the General Council (19-20th May in Cotonou, Benin)

The minutes are adopted unanimously.

4. **Presentation to the General Meeting of the main decisions taken by the Steering Committee meetings in 2023.** *(the minutes and summaries of decisions of all UINL meetings can be consulted on the intranet at www.uinl.org, in accordance with the provisions of the Bye-Laws)*

Secretary Thierry Vachon recalls the main decisions taken during the last meetings of the Steering Committee (Paris, Cotonou and Brasilia):

- **The Steering Committee meeting held on 24th February, in Paris**, formed and organised the new Commissions and Working Groups, and approved the programme for the 2023-2025 legislature, including the codification project. It also took due note of the work programmes of the Vice Presidents and the Presidents of Working Groups and Commissions *(see minutes of the SC in Paris)*.
- **Steering Committee meeting held on 18th May 2023, in Cotonou** *(see minutes of the SC in Cotonou)* :
 - appointed the members of the Commissions and Bureaus, appointed additional candidates to the Working Groups, approved the composition of Working Groups.
 - approved the appointment of Susana Marta BONANNO as new President of ONPI
 - issued an opinion in principle on the admission of the Notariat of Burundi, provided that the missing documents are received.
 - took due note of the CTC's proposals for the 2025 Congress in Berlin (format and organisational arrangements)
 - took due note of the action plans of the Presidents of the International Organisations (Jens Bormann) and Gender Equality (Cristina Armella) Working Groups.

- The SC and GC took note of the activities carried out by the Commissions and Working Groups (especially International Organisations and Gender Equality).
 - The SC and GC agreed on the Presidency's programme concerning new notarial areas of competence (dejudicialisation) and the International Code of Notaries.
- **Steering Committee convened on 8th November in Brasilia** (*see minutes of the SC in Brasilia*):
 - appointed a number of new members to the Commissions and WGs and approved the CAAs 2024 Presidency, submitting the decision to the General Meeting;
 - discussed the strategy towards international organisations and the codification project;
 - expressed its agreement to the signing of the agreement between UINL and IAJ on dejudicialisation;
 - approved the accounting documents to be submitted to the General Meeting;
 - renewed its agreement in principle to the admission of the Notariat of Burundi to the Union, subject however to the receipt of the missing documents.
 - decided to postpone the decision to admit the Notariat of Azerbaijan to the Union;
 - considered that it is not in a position to express an opinion on the observer status of Tajikistan in the CAAs;
 - expressed its agreement to the signing of the Agreement with RED IBEROAMERICANA DE ESCUELAS JUDICIALES, proposed by the CDH;
 - confirmed the composition of the Organising Committee of the Berlin Congress, under the Presidency of Jens Bormann.

5. Report of the UINL Presidency – State of the Union

President Galliez begins by greeting the Brazilian Notariat and its President for their welcome and the perfect organisation of the event.

After the pandemic, managed perfectly by his predecessor Cristina Armella, he is pleased to announce that the Union is currently in a favourable period for international exchanges. Wishing to make the most of this favourable period, he has already made 18 visits to member notariats.

To begin with, he mentions the General Council in Cotonou. This General Council was held in two stages: a time for reflection (in the academic form of a workshop on vertical co-ownership) and a time for decision-making and action.

This new format (where decisions are preceded by a workshop on an academic topic) serves a political purpose, and yesterday's symposium on digitisation and dejudicialisation offered a perfect illustration of this. This scientific exchange was in fact the prelude to the signing of the collaboration agreement with the International Association of Judges.

He stresses that the choice of academic topics has a political purpose, which helps ensure the consistency of the Union's action.

He then mentions his trip to Vietnam in September, which clearly shows how the Union is useful to member notariats. A draft law threatened the competence of Vietnamese notaries in real property matters. After an international colloquium on the added value of the notariat in real property matters, and various meetings with the Vietnamese political authorities, the latter listened to the arguments of notaries and their competence was ultimately retained. The President underlines the effectiveness of such a two-stage working method, which makes it

possible to combine reflection and action in a single trip. The Union makes it possible to share experiences and thus provide concrete and effective services to the profession.

Concerning relations with international organisations and the upholding of the civil law system, the IO WG will outline its strategy during this General Meeting. He hopes that the Union can be a place for teamwork among notariats.

With regard to the expansion of notarial areas of competence, through the dejudicialisation movement, he says that he sees this as a powerful underlying movement and interesting prospect for the notariat. The notariat has to make the best use of it, by embracing the various nuances of this phenomenon. The richness of the notarial act, which expresses an agreement between two parties and can be compared to a judgement, has to be studied and used. Gaining new areas of competence through this dejudicialisation movement will make notariats stronger.

With regard to the geographical expansion of the Union, he urges countries that have geographical, linguistic or historical proximity to participate in this effort with CCNI. The expansion of the Union, the argument of numbers, is a strong argument before political authorities.

The ultimate objective of the Union is to be useful to its member Notariats. This is also the aim of the codification project. The goal is to draw up a document that can be presented by member Notariats to their political authorities.

6. U.I.N.L. Finances *(see Finances dossier)*

6.1 2022 Accounts and Balance Sheet - 6.2 Statement of accounts for fiscal year 2023

Treasurer Birgit Biedermann describes the Union's financial situation. Since 2021, the Union has become a legal entity governed by Italian law. It also keeps dual accounts. This change has resulted in additional administrative work, but offers a clearer picture of the Union's financial situation.

Regarding the 2022 annual accounts, she points out that:

- The year 2022 was marked by the resumption of post-pandemic activities.
- Expenses have therefore resumed with face-to-face activities.
- Reserves were built up during the pandemic. The profit for 2022 therefore amounts to €74,856.91.
- According to the 2022 balance sheet, the Union's own capital amounts to 997,033.99 euros.

These reserves allow us to look to the future with a degree of security.

She thanks President Armella for her prudent management during her Presidency.

In 2022, due to the war in Ukraine which broke out in February 2022, the Union initiated an international collection from its Solidarity Fund and sent approximately 57,000 euros to notaries and their families in Ukraine. This year, approximately 36,000 euros have been sent to Ukrainian notaries on behalf of the Union.

In November 2022, Ukraine was exempted from paying its membership fees for three years, from 2022 to 2024, in accordance with the decisions taken in Cancun. Its membership fees have been charged to the solidarity fund. The Notariat of Lebanon was also exempted from paying its annual membership fees until last year. This year, Lebanon has paid its usual membership fees.

The pandemic saved a lot of costs as there were no face-to-face meetings. However, in normal times, it would have been very difficult to carry out the Union's full activity with this budget and especially with unpaid membership fees. This year, there is a shortfall of around 100,000 euros in annual membership fees.

→ **She invites Vice Presidents to claim these unpaid membership fees from notariats in their geographical areas and proposes a payment plan.**

In addition to the annual report, the General Meeting has received a positive report from the President of the Financial Supervisory Council, Donatella Quartuccio, and a positive report from the auditors (given that we are now an association that is a legal entity).

6.3 Annual membership fees of Member Notariats for 2024 (art.11k Statutes)
Fixing annual membership fees

The General Meeting has to fix the annual membership fees for 2024: it is proposed to keep the annual membership fees for 2024 at the same level as in 2023.

6.4 Budget 2024 (art.11k Statutes) - Presentation

As far as the 2024 budget is concerned, membership fees are expected to remain unchanged compared to the previous year. The budget is approximately 900,000 euros per year.

She points out a few changes regarding the current budget:

- the consultant contract of the accountant, Paola Chicca, has been transformed into an employment contract;
- Secretariat staff salaries have been adjusted in line with inflation (8%), as there had been no increase or adjustment since 2015).

This adjustment was absorbed by the reduction in certain posts.

On the other hand, the amount budgeted for the University of the World Notariat is 10,000 euros higher than the previous year, as it was a huge success (80 participants this year) and this action is worthy of investment.

As regards the UINL membership fees of member notariats, the last reminders were sent in mid-October to member notariats in arrears. In the event of non-payment, they will be deprived of their voting rights.

RESOLUTION No.2 GM/GC Brasilia, 10th November 2023: UINL FINANCES

The General Meeting of Member Notariats convened in Brasilia on 10th November 2023:

- approves the 2022 accounts and balance sheet as submitted by the Treasury;
- takes due note of the report of the Financial Supervisory Council;
- discharges the Steering Committee and the President;
- grants full and valid discharge to the Treasurer;
- approves the statement of accounts for the 2023 financial year;
- decides to maintain the status quo for the 2024 annual membership fees to be paid by member Notariats to UINL
- approves the 2024 budget as submitted.

No abstentions, votes against or remarks.

Resolution adopted unanimously

In conclusion, the Treasurer briefly reports on the reflections of the **Reflection Committee on the revision of contributions**. The Committee has prepared a questionnaire that will be sent to national chambers to gather information about chambers and notaries.

Lastly, she mentions that the Committee has also decided to call on the Presidents of continental commissions and the Vice-Presidents of continents for their expertise and knowledge of the countries making up their continent. However, these members will only be consulted and will not have the right to vote.

7. Candidatures – 2023-2025 Legislature

7.1. Designation of the new members of the General Council

Proposals for new members of the General Council requested by member Notariats on the basis of available vacancies (Statutes, 18.1)

Secretary Thierry Vachon recalls that there are 182 seats on the General Council and that some have yet to be filled. 6 General Councillors have put forward their candidacies, which he submits to the General Meeting of Member Notariats for approval:

RESOLUTION No.3 GM/GC Brasilia, 10th November 2023: DESIGNATION OF NEW GENERAL COUNCILLORS

The General Meeting of Member Notariats appoints the following notaries as members of the UINL General Council for the 2023-2025 and 2026-2028 legislatures, in accordance with Articles 18.1 and 18.3 of the Statutes:

Susana BONANNO-Argentina
FENG Peiming-China
Eduardo DURÁN GÓMEZ-Colombia
Megi MAGALDADZE-Georgia
Goran Gojko ANDRIĆ-Serbia
Dilshod ASHUROV-Uzbekistan

Resolution adopted unanimously.

7.2. Rotating Presidency of the Asian Affairs Commission (CAAs)

Appointment of the CAAs President for 2024

RESOLUTION No.4 GM/GC Brasilia, 10th November 2023: APPOINTMENT OF THE PRESIDENCY OF THE ASIAN AFFAIRS COMMISSION (CAAs) FOR 2024

The General Meeting of Member Notariats appoints **Mr Dilshod Ashurov (Uzbekistan)** as President of the Asian Affairs Commission for 2024.

Resolution adopted unanimously

Mr Dilshod Ashurov (Uzbekistan) briefly takes the floor to thank the General Meeting. He goes over the latest meetings held in Uzbekistan (especially the CCNI Conference), thanks the participants and presents the latest news from the notariat of Uzbekistan.

INTERNATIONAL CODE OF THE NOTARIAT

8. Presentation (President)

- 8.1. Content
- 8.2. Form
- 8.3. Timetable

President Galliez recalls the aim of the code: to express all the principles that should guide notarial activity and the drafting of notarial laws in a soft-law text. These will be recommendations that encourage but do not compel Notariats.

This code has a political purpose: it will be useful to the Presidents of Member Notariats in their relations with political authorities to present the rules and standards of the world Notariat.

He has written to General Councillors calling for contributions. He is renewing this appeal as few contributions have been received to date. He announces that he will shortly be communicating a provisional plan, an "outline" of the code to encourage and frame contributions. The topics covered in this outline will be the law of evidence, the status of public official, the organisational principles of professional bodies, and the different areas of competence of notarial activity. The aim of the latter section is to encourage public authorities to entrust notaries with new areas of competence, drawing on examples from other countries.

He will also propose models of articles. A first draft will be presented in Belgrade at the next General Council meeting. Then, a second draft, revised in the light of the General Council's comments, will be examined at the next General Meeting.

8.4. Questions

The President of the Notariat of Congo Brazzaville, Bertrand Eric Fédhéré Pandi, welcomes this initiative, which will be useful to his country, as the notarial law is currently being reformed. He refers in particular to issues relating to the protection of notaries and professional secrecy.

President Galliez specifies that the code will indeed be useful for countries where the notarial law is currently being reformed. Until the code is adopted, CCNI will also be able to assist notariats that are currently in the process of reforming their regulations.

Honorary President Cristina Armella expresses her enthusiasm for the project. She too feels it is necessary to propose a work plan and themes. She asks whether all councillors will have to work on all the themes, or whether the themes will be divided among councillors, so as to target contributions.

President Galliez says that, ideally, he would like have as many contributions as possible. His minimum requirement, however, is that each country should write at least one article which it considers most important for its notariat (particularly in its relations with political authorities).

Peruvian councillor César Aliaga Caballero suggests that two models should be followed in drawing up the code (essential for reminding political authorities of the fundamental principles of our profession): the UNCITRAL model law on arbitration and the model law on mediation.

President Galliez replies that the working methods of UNCITRAL are indeed a good working model and show that these projects with an international scope are feasible. However, he points out that he does not see the code as a model law, but rather as a frame of reference that is flexible enough to be representative of the various member notariats. The code will therefore not be as accurate as a model law, but will contain general principles to guide reform projects.

It is also recommended that the texts already drawn up by UINL in the past, such as those on the fundamental principles of the Latin notariat (approved in Rome in 2005) and the principles of deontology (approved in Mexico in 2004), be used as a basis.

Chinese notarial experience in Chinese courts: Chinese notaries fulfil certain missions in courts (e.g. mediation). This collaboration between the notarial function and the judicial function can serve as an example to other notariats.

Peruvian councillor Carlos Becerra Palomino welcomes the codification project. He recommends building on the documents already approved by the UINL General Meeting: the deontology rules approved in Lima in 2013 and the model notarial law.

President Galliez confirms that these texts will indeed be useful, but recalls that the purpose of the code is different: the deontology code has a narrower scope than the draft code, which will deal with broader topics (law of evidence, status of public official, models of professional organisation, etc.). The purpose of the code is also different from that of the model law: it will guide member notariats in their plans to reform their respective notarial laws.

President Galliez says that the final version of the code will be submitted to the General Meeting in Berlin in 2025. In the meantime, notariats in the process of reforming their notarial law can rely on the support of the Union.

REPORTS

9. Reports of continental Vice Presidencies and Presidencies of continental and intercontinental Commissions, Working Groups and ONPI. *(to be submitted in writing only by the presidents of commissions and working groups before the General Meeting)*

9.1. Human Rights Commission (CDH) (CDH President, Almudena Castro Girona)

The CDH President, Almudena Castro Girona, explains that her Commission has been working on the dissemination of the guide to notarial best practices for people with disabilities, by producing two videos with the support of the Argentinian notariat: one addressed to notaries, the other to national and international organisations.

The two videos are screened at the General Meeting.

Videos for notaries :

In Spanish: <https://www.youtube.com/watch?v=A0uNC-7bW8>

In French: <https://www.youtube.com/watch?v=PI6qC5KeOKE>

In English : <https://www.youtube.com/watch?v=9ypb8Alpyfo>

Videos for organisations :

https://www.youtube.com/watch?v=_1HYM3WwHgI

The Commission has also taken part in a European Union training project "JUSTICE4ALL" (JUST4ALL) offering online training courses in French, English and Spanish. *The video presenting the online course is also screened at the General Meeting*².

She then informs attendees that the CDH has negotiated an agreement with RED IBEROAMERICANA DE ESCUELAS JUDICIALES, which will be signed shortly by UINL.

She also invites notariats to publicise the UINL award for legal research on the disabled, the elderly, immigrants, children, refugees and other vulnerable groups.

Lastly, she mentions their work plan and recommendations on the issue of minors without identity and the international movement of minors (legal certainty and minors).

9.2. The "BReady" Project of the World Bank and OECD's "PMR indicators"

(President of the International Organisations WG, Jens Bormann)

The President of the WG, Jens Bormann, outlines the background to the BReady report and outlines the work of his group on this project (in particular the analysis of the World Bank's methodology). He is joined on stage by the members of the WG, each of whom stresses the importance for notariats of following the BReady project and getting involved in the replies to the World Bank's questionnaires, in order to gain recognition for the notary's added value, especially in terms of preventive justice and legal certainty.

Larissa Oebel (Bundesnotarkammer) highlights several aspects of the questionnaire methodology. It has been improved compared to the Doing Business report (the qualitative approach is better taken into account), but there is still work to be accomplished. She recalls that the World Bank builds up its database by sending questionnaires on different topics to a number of professionals, designated as experts. Response times are very short. She presents the information note from the IO WG that has been circulated to member notariats: this note is very useful as it provides recommendations and helps guide recipients of the questionnaires in their answers (in particular, this note specifies the score that will be obtained depending on the answer given).

² JUST4ALL Project : <https://www.just4all.eu> which UINL took part in.

From here, you can access the main "products" of the project, such as brochures and videos produced for the dissemination campaign, the reports of the conclusions of the workshops we organised in 2019 on barriers to access to justice for people with disabilities and gaps in the training of legal practitioners, the glossary of terms, etc.....

The MOOC is available in English, French and Spanish and can be distributed to all Notariats.

<https://www.aranzadi.es/curso-justforall-en>

<https://www.aranzadi.es/curso-justforall-es>

<https://www.aranzadi.es/curso-justforall-fr>

9.3. Advisory Commission (CC) (CC President, José Marqueño De Llano)

The President of the CC recalls the role of the Advisory Commission. It has met twice in person and twice in a hybrid format, in order to respond to three consultations in particular:

- *From the President* : regarding the admission of Azerbaijan to the Union of Notaries,
- *From CCNI* : on taking account of the model law to determine the conditions for admission of a candidate notariat to the Union;
- *From the Themes and Congresses Commission*: regarding the format of UINL Congresses.

It also looked at possible reforms of the General Council, with a view to strengthening it. The disciplinary system and commission regulations are also under review.

José Marqueño recalls that according to Article 2 of the Statutes, UINL's purpose is "to promote and apply the fundamental principles of the Latin notarial system and the principles of notarial deontology". However, these fundamental principles are not defined either in the Statutes or in the Bye-laws. The CC is therefore currently considering, at the request of the CCNI, the definition of the minimum conditions for a Notariat to be admitted to the Union.

The CC also considered the role of individual affiliated members and recommended that notaries who are not from UINL member Notariats should not be allowed to become individual affiliated members.

9.4. International Notarial Co-operation Commission (CCNI) (CCNI President, Richard Bock)

The President of CCNI, Richard Bock, gives a summary of his report.

He mentions that the admission of Burundi to the Union has been postponed until next year because there it still needs to submit one document (the deontology code, containing the internal regulations, which the Ministry of Justice has not yet approved).

Regarding Cambodia, his colleague ZHANG Zheng (China), CCNI member, is in contact with the Cambodian Ministry of Justice. Their admission to the Union will take place in several stages: 1) they are a state notariat that first has to be converted into a liberal notariat; 2) they have to propose a notarial law in order to join the Union. A CCNI delegation will visit Cambodia next year.

As far as the Portuguese-speaking countries are concerned, he has received invaluable support from his Portuguese colleague, Filipa Maia, CCNI member. The President of the Portuguese Notariat will be visiting Cape Verde very shortly. The first step is to find out whether they wish to convert their notariat into a liberal notariat, and then join the Union. He expects that CCNI will also pay them a courtesy visit.

The DRC is also a candidate for admission to the Union. They have not yet submitted the documents required to examine their application. With the help of Congo Brazzaville, the process may be able to move forward.

Lastly, he mentions the CCNI Conference held in Samarkand, which was attended by a large number of speakers and participants.

The VP for Africa, A. Achite Henni, asks about the postponement of Burundi's admission to the EU.

Richard Bock recalls that the Steering Committee has issued a favourable opinion on the admission of the Notariat du Burundi, subject, however, to receipt of the deontological code, which is still missing.

Follow-up to the SYMPOSIUM on DIGITISATION and DEJUDICIALISATION

Approval of the recommendations on digitisation and dejudicialisation

Secretary Thierry Vachon submits the recommendations on digitisation and dejudicialisation, which were distributed in writing to the Presidents of Member Notariats following the symposium on these two topics, to the vote of the General Meeting. He specifies that, at the request of the Bureau, the last sentence on the cross-border circulation of authentic acts (in the recommendations on dejudicialisation) has been deleted.

RESOLUTION No.5 GM/GC Brasilia, 10th November 2023: APPROVAL OF THE RECOMMENDATIONS ON DIGITISATION AND DEJUDICIALISATION

The General Meeting of Member Notariats and the General Council approve the text of the recommendations, proposed following the Symposium in Brasilia, relating to acts involving online appearance and dejudicialisation prospects.

The resolution is adopted with one abstention

Taking into due account the comments made, below are the recommendations that have been clarified and amended in terms of terminology and language.

ACTS WITH ONLINE APPEARANCE

RECOMMENDATIONS of the INTERNATIONAL UNION OF NOTARIES

On the possibilities of regulating the drafting of authentic instruments With online appearance of the parties

(Recommendations drawn up following the Symposium Held in Brasilia on 9th November 2023 on digitisation)

In many UINL member countries, new technologies have been part of notarial activity for many years, especially in the context of actions prior to and following the drafting of authentic instruments, communication with public bodies and record-keeping.

During the health crisis caused by the Covid-19 pandemic, the need for social distancing forced many notaries to find new ways of organising their work: some digital solutions were put in place, making it possible to receive the consent and signatures of the parties without them being physically present at the notary's office.

During this period, UINL drew up this "Guidance on notarial authentication with online appearance", adopted by the General Meeting of Member Notariats on 3rd December 2021.

In addition, certain legislations now enshrine the principle of the right to perform certain legal acts online (for example, in Europe, EU Directive 2019/1151, which, as part of the "Company Law Package", obliges national legislators to provide for the drafting of an authentic instrument "with online appearance" for the incorporation of companies in countries requiring a notarial act for this).

UINL has always stressed the need to make the use of new technologies compatible with the principles of trust and legal certainty that characterise the notarial public function, which guarantees citizens and States a high degree of verification, whilst reducing the risk of litigation.

Therefore,

Considering the possibility for States to introduce rules for the execution of authentic acts "on-line";

Considering the role of notaries and the importance of the notarial function for States and citizens, and in particular their mission of preventive justice and social peace;

Recognising that the use of digital tools or means should not undermine the importance of legal certainty and the mission of notaries, public officials of the State, in verifying the legality and probative force of notarised acts;

Working to continually adapt the exercise of the notary's activity to the opportunities offered by technological developments;

The International Union of Notaries makes the following observations and recommendations to the Presidents of its Member Notariats.

1. Appearance of the parties remotely from the notary.

Digital identification and video-conferencing systems must be at the notary's service to enable him to exercise his direct and personal judgement, which alone can assure the security that the parties and the State expect from a notarial act; under no circumstances can these systems replace the checks and verifications which the notary carries out under his full personal responsibility.

The notary must always have the power to decide to refuse to sign a document remotely if he has doubts about the true identity or free expression of the will of the appearing party, and to request the physical presence of the parties in order to identify them adequately.

2. Online appearance tools.

The digital platform used for online appearances must guarantee secure, safe and clear visual and audio interaction and ensure the confidentiality of information.

It must be provided or approved by the State or by the national notarial institutions; in order to assure verification of the expression of the will of the parties and the protection of sensitive data, the platform must be managed and/or controlled directly by the national notariat.

3. Compatibility with the territorial competence of notaries.

The introduction of acts "involving online appearance" may have a significant impact on the rules establishing the territorial competence of notaries in countries where such rules apply.

Consideration must therefore be given, where appropriate, to the possibility of introducing new connecting factors, taking account of the concept of an "augmented" notarial office. The central element in assessing these connecting factors should be the place and time when the notary actually signs the act. Furthermore, the place where the act is signed must be considered as the place of the notarial office, fixed within the territorial limits defined by law, independently of the factual geolocation of the par.

4. Cross-border competence.

The law must also lay down rules for parties who are physically located abroad, so as to facilitate access by these citizens to notarial services, particularly from countries where there is no notary. These rules may distinguish between acts that are by nature intended for cross-border circulation (such as powers of attorney) and acts for which only the national notary's competence may be reserved (for example, in the following areas: real estate law, mortgages, company law, succession law, etc.).

5. Signature of acts.

The system for signing acts executed by means of "remote" or "online appearance" must be reliable, but also easy to use; this system has to incorporate the highest possible level of technological security, both when it is set up and as it evolves in order to ensure this high level of security.

Different solutions are possible for online appearance: electronic signature of a digital act, signature by the notary alone who certifies the consent declared by the parties. It is also possible to consider the possibility of an act in which the parties are in two different places, but are each present at a notarial office who receives their declaration.

6. Possibility of limiting the system to certain types of acts.

The national legislator may consider the possibility of limiting online appearance to some types of acts such as, for example, those in which there is no conflict of interests: powers of attorney, instruments incorporating companies or amending the same.

7. Storage of acts.

Specific rules should be laid down for the storage of digital acts: the introduction of a single, centralised storage system is essential to ensure that electronic acts are stored securely and that they can be retrieved and remain legible over time, without requiring notaries or the parties to take any action to update the digital files.

OUTLOOK FOR DEJUDICIALISATION

RECOMMENDATIONS from the INTERNATIONAL UNION OF NOTARIES

On the possibilities of transferring or sharing competence between judges and notaries in non-contentious matters

(Recommendations issued following the Symposium held in Brasilia on November 9, 2023 on the theme of Dejudicialisation)

The current phenomenon of *dejudicialisation*³, observed in many countries, is part of the broader present-day move towards the contractualisation of law, the promotion of individual rights, the emergence of new freedoms and the gradual withdrawal of public order. Dejudicialisation is also increasingly the response of public authorities to the backlog in courts. Everywhere, the State is seeking to rationalize its public actions in judicial matters to prevent and reduce the excessive workload of Courts⁴.

Nevertheless, very few States are willing to rely entirely on the autonomy of the will and refrain completely from accompanying human and family relationships. Rather than total privatization of matters, particularly family matters, such as divorce, inheritance law, vulnerable persons law (...) we are increasingly witnessing the substitution of public authority: competences originally exercised exclusively by the judge are transferred entirely to or shared with another authority.

Since notaries are :

- Highly qualified law practitioners,
- Public officials appointed and supervised by the State to confer authenticity on legal acts and contracts contained in the documents they draft;
- Holders of public authority,

And since they:

- exercise their function impartially and independently;
- are responsible for the legal effectiveness of their acts;
- contribute, through the legal certainty they provide, to the proper administration of justice and the maintenance of social peace,

Notaries are the most suitable public authority to act as an alternative to judges in non-contentious matters.

The judge's role, whether in voluntary jurisdiction proceedings, or in non-contentious matters, is to ensure the free and informed consent of the parties, or to check the legality of agreement and that the latter is balanced. Judges are, of course, entirely legitimate in this mission. While a judge is perfectly legitimate in this role, the absence of any dispute to be settled naturally leads us to note that he is not the only one to carry this legitimacy as a public authority: it is also at the heart of the function of the notary, a genuine voluntary jurisdiction official. This observation paves the way for a possible transfer or sharing of powers in various areas.

³ Understood here as the phenomenon of removing from the jurisdiction of the civil courts matters that had previously fallen exclusively within their jurisdiction

⁴ cf. in particular the work of the CEPEJ-SATURNE working group within the framework of the Council of Europe

As a result,

Considering the intention of States to rationalise their action and improve the efficiency of their public services, and in particular to reduce the backlog in courts and speed up legal proceedings;

Considering the nature of certain non-contentious matters, which are suitable for the transfer of competences;

Noting the proximity of the professions of notary and judge (owing to their status, training, ethics, discipline, etc.), recognised also by the European Court of Human Rights, which qualified the notary as “out-of-court magistrate” in *Ana Ionita v/ Romania* decision (21st March, 2017);

Working to improve public service, the good administration of justice and the maintenance of social peace;

The International Union of Notaries (UINL) makes the following observations and recommendations to the Presidents of member Notariats:

On the tasks and matters that can be the subject of the transfer or sharing of competences, and the opportunities for collaboration between the judge and the notary:

The following non-judicial tasks (this list is indicative and not exhaustive) may, in the absence of disputes to be settled, be the subject of the transfer or sharing of competences between judges and notaries, or collaboration between them.

The Couple

- divorce or legal separation by mutual consent, where applicable, in the absence of minors;
- Change in matrimonial property regime;
- Celebration of marriage;
- Concluding, registering and dissolving partnerships;
- Non-contentious procedures in the administration of joint property when one of the spouses is incapacitated;
- Authorising one spouse to represent the other and express the consent of the spouse prevented from doing so.

Parentage

- Receiving consent for adoption;
- Adoption of persons of full age;
- Child recognition;
- Receiving consent in the context of medically assisted procreation, and where applicable, surrogacy.

Succession

- Issuance of affidavits/ certificates of succession / European certificate of inheritance;
- Procedures for opening and validating wills;
- Inheritance options:
 - Collection of a waiver of inheritance, acceptance up to the net assets (subject to the benefit of the inventory) ;
 - Issuing authorisation for accepting or waiving an inheritance or legacy, if authorisation is required;
- Procedures relating to vacant and unclaimed estates;
- Opening of succession;

- Drawing up an inventory;
- Issue of a legacy;
- Submission of executors' accounts and removal of executors, authorisation of acts of disposition by executors;
- Liquidation and division operations, in the context of both amicable (out-of-court) and judicial divisions (in the latter case, in collaboration with the judge).

Persons

- Rectification of purely material errors on civil status certificates;
- Court approval or authorisation to carry out acts of disposal, security agreements or other acts relating to the property and rights of minors or adults subject to a judicial protection measure;
- Authorisation of donation of organs;
- Establishing in advance powers of representation such as lasting powers of attorney; possibility of designating or excluding in advance a guardian/legal representative (guardian, administrator, etc.) ;
- Out-of-court agreements on alimony and changes thereto;

Other

- Taking of oath; testimony, written evidence;
- Issue of apostilles, legalization formalities;
- Participation in out-of-court settlement of disputes/performing mediation/conciliation procedures;
- Enforcement procedures.

1. About the place of the contract:

- *Importance of and need for advice:* The freedom given to the parties to determine their agreements makes it essential to have a qualified legal professional to inform them about the rule of law, the various possible choices and their consequences.
- *Impartiality:* The freedom given to the will of the parties naturally falls within a non-contentious framework, and the advice offered should not create any difficulties. Impartiality is therefore required when providing assistance in the drafting of contracts, which take the place of judgements in dejudicialised sectors.
- *Retaining the presence of a public authority to check legality:* The correct application of the Law by the parties, on the one hand, and checking compliance with the Law in contracts, on the other, advocate checking and verifying these contracts as soon as they are signed (ex-ante) and not through subsequent litigation (ex-post) which would be based on a poorly drafted contract or incorrect application of the Law.

2. About the place of the authentic notarial instrument:

- *Probative force and enforceability:* Since the aim here is to propose a substitute for a court decision, the unsurpassable probative force and enforceability embodied in judgments handed down in the last instance immediately appear to be the perfect attributes for maintaining the quality of the act (*instrumentum*) substituting the judgment that has now been set aside.

- *Entry in public registers:* Many court decisions are entered in public registers relating to personal status (adoption - recognition of parentage - divorce - registered partnerships - etc.) and entry in these registers of private agreements, instead of judgments, could only greatly reduce the security expected of such registers. Here again, the notarial act seems to be able to replace the judge's decision with equal security.
- *Storage:* The security reasons necessarily connected with these acts make it essential that they be stored; the notarial act inherently contains this legitimate requirement.

10. 31st International Congress of Notaries, Berlin, Germany, 2025 (Bye-Laws, Title IX)

- 10.1. Venue and dates of the Congress
- 10.2. President of the Congress (Jens Bormann)

RESOLUTION No.6 GM/GC Brasilia, 10th November 2023: APPROVAL OF THE CITY OF BERLIN (Germany) AS VENUE OF THE 31ST INTERNATIONAL CONGRESS OF NOTARIES

The General Meeting of Member Notariats and the **General Council** accept the candidature of the German Notariat to organise the 31st International Congress of UINL from 5th to 12th October 2025 in Berlin. Mr Jens Bormann, appointed President of the Organising Committee, will be the President of the Congress.

The resolution is adopted unanimously.

President Bormann, in his capacity as **President of the German Notariat and President of the Congress**, invites the General Meeting to Berlin from 5th to 12th October 2025.

A video presentation of the city of Berlin is shown.

11. Fixing of the next UINL institutional meetings in 2024

- Meeting of the Steering Committee: Vienna, Austria 9th February 2024
- Spring 2024 institutional meetings (Commissions, Working Groups, Steering Committee and General Council): Belgrade, Serbia, 8th, 9th, 10th and 11th May 2024
- Autumn 2024 institutional meetings (Commissions, Working Groups, Steering Committee, General Council, General Meeting of Member Notariats) (venue and dates to be defined)
- 12th edition of the University of the World Notariat (Paris, France): 1st to 5th July 2024, before the Olympic Games, on the premises of the Conseil Supérieur du Notariat. There will be a fifth English-speaking group and around a hundred students will be able to attend.

Bertrand Eric Fédhéré Pandi, President of the Notariat of the Rep. of Congo recalls that the University of the African Notariat will be held in Brazzaville from 26th to 28th May. **Olagnika Salam, President of CAaf**, also points out that CCNI will be holding a meeting there too.

The President of the Gender Equality WG, Cristina Armella, reports on the activities of her WG and its plans for the best practices guides. A webinar will be held on 8th March to mark International Women's Day. The WG has also received an invitation to take part in a UN Women conference in March 2024.

12. Meetings and notarial events of interest to the Union and Member Notariats

(see calendar on the UINL website)

13. Any other business

Elena Bevilacqua reminds Presidents that a Google Form questionnaire on dejudicialisation has been forwarded to all notariats in all continents. European notariats have already replied and she urges the other continents to do so too.

UINL will also shortly be sending them a "country fact sheet" to be updated, containing basic information on each notariat.

14. Closing

The President of the Brazilian Notarial College, Giselle Oliveira de Barros, thanks the Presidents and Councillors for attending. President Galliez closes the session by warmly thanking President Oliveira de Barros and the entire Brazilian Notariat for the wonderful organisation of these days in Brasilia and the warm hospitality of Brazilian notaries.

Note of the Secretariat :

All the session documents can be consulted in the UINL reserved area (Intranet)

<http://www.uinl.org>>Intranet> Bodies>General Meeting of Member Notariats/ General Council>Brasilia 2023

ANNEXE 1:

Documents of the SYMPOSIUM on DIGITALIZATION/Notarial Authentication With Online Appearance and DEJUDICIALISATION/ Notarial competences in non-contentious matters held in Brasilia on 9 November 2023.

You can download the documents through this link:

OPENING SPEECHES https://drive.google.com/drive/folders/13ENiCCHHT9iajsRsXmk-qYwmA0-Gzcyjw?usp=drive_link

DEJUDICIALISATION DOCS

https://drive.google.com/drive/folders/18JJ9FDWfVF71MMdWZlggwixUTykKZ3Mt?usp=drive_link

DIGITALISATION DOCS

https://drive.google.com/drive/folders/17RsPai6z38wS90gdusTcw1AuRNciL-0v?usp=drive_link

ANNEXE 2 : Text in English of the agreement signed between the International Association of Judges and the International Union of Notaries



Unión Internacional del Notariado
Union Internationale du Notariat
International Union of Notaries

CONTRIBUTION AGREEMENT
between
THE INTERNATIONAL UNION OF NOTARIAT
and
THE INTERNATIONAL ASSOCIATION OF JUDGES
with the aim of meeting the objectives of good administration of justice and decongestion of the courts

Within the framework of the Cooperation Agreement signed between the International Association of Judges and the International Union of Notaries, on September 29th, 1994

Considering that the International Association of Judges (IAJ) and the International Union of Notaries (UINL) signed a Memorandum of Understanding, in Genoa, Italy, on September 29th, 1994;

Considering that under this agreement, the IAJ and the UINL:

-are interested in “promoting the rule of law, ensuring its maintenance in the various countries where they have members as well as, generally speaking, in working to safeguard human rights and peace in the world”;

-pursue “the goal of a healthy and correct administration of justice” and aim “to reduce the costs of this administration and make it accessible to all citizens”;

-agreed to “promote the exchange, on a regular and continuous basis, of information on their own activities as well as on subjects of common interest, as well as whenever they recognize the opportunity, of documents relating to their seminars, symposia or congresses”, and “meet periodically to discuss subjects of common interest and to organize, on the occasion of seminars, symposia or congresses, round tables on different themes relating to the objectives aforementioned common areas, as well as to ensure the proper functioning of this cooperation agreement”;

Considering the current desire of States to unclog the courts, prevent and reduce their excessive workload, and speed up procedures;

Considering the nature of certain non-contentious matters, which may allow a transfer of competences to another public authority, such as the notary;

Considering the status of the notary, legal professional, but also public officer, appointed by the State, conferring authenticity to legal acts and contracts contained in the documents he/she draws

up, holder of public authority, exercising his/her function in an impartial and independent way, ensuring the legal certainty of his/her deeds, and participating in the good administration of justice and the maintenance of social peace;

Noting the proximity of the professions of notary and judge (by their status, their training, their ethics, their discipline, etc.), recognised also by the European Court of Human Rights, which qualified the notary as “out-of-court magistrate” in *Ana Ionita v/ Roumanie* (21st March, 2017);

Working to improve public service, the good administration of justice and the maintenance of social peace;

The **International Union of Notaries**, represented by its President, Lionel Gallize, and the **International Association of Judges**, represented by its Secretary-General, Giacomo Oberto,

AGREE AS FOLLOWS:

- To continue the exchange of information on their activities and reflections relating to the subject of dejudiciarisation, understood as the movement aiming to relieve the courts of a series of non-contentious tasks, and to make the administration of justice more efficient;
- To work together to develop recommendations for public authorities, aimed at preventing and reducing the workload of the courts;
- To propose to public authorities solutions aimed at responding to court congestion, in particular by defining tasks and matters which may be the subject of a transfer of competencies between the judge and the notary, or of a sharing of competencies between professions;
- To reflect on the possibilities and prospects for collaboration between professions, particularly on the theme of dejudiciarisation;

To this end, representatives of the two Organizations will be able to meet periodically to discuss these subjects of common interest and organize seminars, conferences, symposia and congresses, on the theme of dejudiciarisation, or even to develop action plans with the concerned public authorities.

Signed in Brasilia (Brazil), on the 9th of November, 2023.

Lionel GALLIEZ
President of the International Union
of Notaries

Giacomo OBERTO
Secretary General of the International
Association of Judges