



## UINL EUROPEAN AFFAIRS COMMISSION (CAE)

5<sup>th</sup> plenary session 2023-2025 legislature

Thursday 20<sup>th</sup> November and Friday 21<sup>th</sup> November  
Turin, Italy

### MINUTES

Thursday 20<sup>th</sup> November  
EUROPEAN NOTARIAL ACADEMY

“DIGITAL INHERITANCE” in EUROPE  
*The fate of digital assets and data upon death*

**The documentation supporting the items on the agenda is annexed to these minutes. President Rubertelli's summary and final conclusions are at the end of the Academy's agenda, under the heading ‘SUMMARY and CONCLUSIONS’.**

#### Institutional greetings

- Welcome address by the President of the Italian National Council of Notaries, Vito Pace
- Welcome address by the President of the International Union of Notaries, Lionel Galliez
- Welcome address by the President of the Council of Notaries of Turin, Alessandro Scilabra
- Welcome address by Gustavo Gili, President of Notartel and Notary in Turin
- Greeting from the President of the Council of Notaries of Catalonia, José Alberto Marin

#### Round table

- Opening and introduction to the topic by the CAE President, Valentina Rubertelli

#### Part One - The Italian legal framework

##### 1- Introduction

**Definitions: Digital estate, digital inheritance, digital identity**

*Diego Apostolo (Notary in Milan, Contract Professor at the University of Pavia in "Innovation and New Technologies Law" and member of the CNN Artificial Intelligence Subcommittee).*

- What is a *digital estate*: distinction between patrimonial and non-patrimonial assets
- Distinction between digital inheritance and digital identity
- What are the implications of the different nature of these concepts in terms of transmissibility or non-transmissibility?

##### 2- "Digital death": the philosopher's perspective

*Maurizio Ferraris, Professor of Theoretical Philosophy at the Faculty of Literature and Philosophy, University of Turin*

### 3- Triaxial classification of digital assets and criteria for transmissibility

*Vincenzo Barba, Professor of Private Law at the University of Rome "La Sapienza"*

- Functional classification of digital assets:
  - Value (direct economic value (cryptocurrencies)/indirect economic value (social networks and monetised profiles); sentimental value (photos, emails, personal archives); identity value (personal profiles on social networks)
  - Structure: (digital/digitised assets)
  - Accessibility (physical media, cloud credentials, e.g. cryptocurrencies, digital wallets)
- Legal implications: not all digital assets are transferable upon death in the same way; role of notaries in the digital transition as institutional guarantors of digital wills.

### 4- Post-mortem digital identity: protection of dignity and limits to transfer under Italian law

*Prof. Giovanni Maria Riccio, Professor of Comparative Private Law at the University of Salerno*

Protection enshrined in the constitutional principles of human dignity and personality, as well as in the Italian Privacy Code

- Digital identity as a strictly personal extra-patrimonial right.
- The privacy of third parties involved in correspondence.
- Digital memory → right to family memory vs. right to be forgotten after death.
- When transmission is not possible (and why).

## Part Two - Comparative law

### 5- Various examples and experiences in Europe

- **The fate of personal and digital data in Germany** (case law on the transfer of digital accounts)  
*Stefan Bandel, Notary in Germany, CAE delegate*
- **The fate of personal and digital data in France** (regime provided for by the Data Protection Act, rights of heirs and limitations; general and advance directives, trusted digital third parties, etc.)  
*Caroline Ginglinger Poyard, Notary in France, CAE delegate*
- **The fate of digital assets (with patrimonial value) in the United Kingdom** (e.g. cryptocurrencies)  
*Fanny Orsini, Scrivener notary, London, CAE delegate*
- **How to facilitate the settlement of a digital estate?**  
**Data management and storage using notarial platforms**

Example from **Belgium**: "IZIMI" (personal safe for storing and managing important documents and personal data) - <https://www.izimi.be/fr/>  
*Alain Delière, Belgium, CAE delegate*

### 6- Resolution of a practical case and presentation of the CNN's Decalogue on digital inheritance

**Diego Apostolo & Marco Spina**, Notaries in Italy

*Brigitte Mardot, a French citizen residing in Turin, Italy, dies leaving behind a substantial digital estate, namely:*

- *A bitcoin account of significant value,*
- *email accounts, including her personal correspondence with actor Alain Deloin*
- *Excellent playlists on Spotify*
- *A digital film library;*
- *Family photos on iCloud;*
- *Her Instagram account profile, with 1 million followers, which generated regular income through advertising partnerships.*

- 1) *Distinguishing between digital assets (property value) and personal data (non-property value);*
- 2) *Private international law: what law applies to the transfer of Brigitte's digital assets? What law applies to the transfer of her personal data?*
- 3) *Transfer of cryptocurrencies: Is the bitcoin account transferable to heirs? If so, how? What difficulties may be encountered?*
- 4) *Management of digital accounts and identities: What happens to these accounts when their owner dies? What rights do Brigitte's heirs have over these accounts (email, playlists, photos, etc.)? Will they be able to access them?*
- 5) *Will the heirs be able to continue using the Instagram account? (see Instagram's terms and conditions)*

### SUMMARY AND FINAL CONCLUSIONS

*Valentina Rubertelli, President of the European Affairs Commission*

***See full summary in annex in FR, EN, ITA. Below is a synopsis of the summary.***

The topic of the Academy focused on digital inheritance and the role of notaries in determining the fate of digital assets and data after death.

#### 1. Preamble and key issues

- Succession law was originally created for tangible assets, but today an increasing part of people's lives takes place online (social media, cloud, cryptocurrencies and digital content).
- It is necessary to understand what happens to emails, social media profiles, cryptocurrencies, digital libraries, photographs stored on the cloud, private messages, web searches, contact lists, monetised content, etc. when a person dies.

A distinction can be made between:

- **Digital assets** (assets and relations having an economic value that can be passed on to heirs).
- **Digital identity** (projection of the individual, a strictly personal right that cannot be transferred; to be protected in terms of dignity, memory and privacy).

## 2. Categories of digital assets

- **Offline digital assets:** files, documents, images, videos, software, websites, blogs, etc., stored on physical media or on the cloud.
- **Online digital assets:** content and relations related to service contracts with providers (emails, social media, financial services, e-commerce, electronic payments, etc).
- **Cryptocurrencies:** classified as digital movable property, which can be inherited; the practical issue is access (wallet, keys, identifiers) and the identification of any intermediaries.
- **Digital documents:** any content stored in electronic form having legal relevance.

## 3. What are not digital assets

- **Accounts:** it is the contractual relationship with the service provider, not an asset in itself; in principle, it is non-transferable due to contractual clauses.
- **Usernames/passwords:** These are access keys, not digital assets.
- **Online accounts:** are merely virtual extensions of actual accounts and follow the ordinary rules of succession.

## 4. Digital items excluded from succession

- Pirated digital assets (illegal items).
- Licensed content (e.g. Spotify/streaming subscriptions): there is no full transferable ownership, only a personal right of use.
- Electronic signature accounts and digital identity accounts (SPID): these are linked to the individual and expire upon death.

## 5. Comparative framework: right to be forgotten vs. transfer

- **EU (GDPR):** leaves it up to Member States to regulate the fate of deceased persons' data.
- **France:** approach similar to the right to be forgotten. In principle, rights over data expire upon death, unless the deceased has provided advance instructions (general instructions given to digital trustees certified by the CNIL and special instructions given to each data controller). Contractual clauses that limit these prerogatives are null and void.
- **Spain:** reverse principle: rights survive and are passed on to heirs by default, unless expressly prohibited by the deceased.
- **Catalonia:** by default, the intention to delete data is presumed in the absence of provisions.
- **Germany:** Case law (Facebook case) recognises the transferability of the contractual relationship with the social network, with the duty of the service provider to allow access to heirs, even if this contradicts non-transferability clauses.
- **Portugal:** like Spain: rights exercisable by the designated person or, failing that, by the heirs, unless the deceased has expressed wishes to the contrary.

## 6. The Italian experience: art. 2-terdecies of the Data Protection Code

The rights provided for in the GDPR (articles 15–22) regarding the data of deceased persons may be exercised by:

- a person who has a vested interest,
- a person acting to protect the interests of the person concerned as a representative,
- a person acting for family reasons worthy of protection,

unless otherwise specified by the deceased (written statement, will, instructions to service providers, digital legacy tools).

- Broad subjective legitimacy (broader than that of heirs alone; includes de facto spouses, de facto family members, etc.).

- Debate as to whether this is an *acquisition iure proprio* (rights already in the possession of these persons) or *iure hereditario* (subrogation in the position of the deceased).

- Case law tends to recognise a dual system: “special” legitimacy for persons other than heirs and, for heirs, ownership also linked to succession.

### Dispute prevention: role of the will

Through a will, one can:

- Authorise or prohibit (even in part) the exercise of the right of access, the right to rectification, to erasure, to restriction to object, and to data portability.

- Dispose of digital assets (universally or specifically), specifying whether it is necessary to transfer:

- the medium with all its contents,
- the content only,
- only the access keys, even to different persons.

- Enable select individuals to contact service providers (Meta, Apple, Google, etc.), facilitating a “novated” succession in contractual relationships.

- The document proposes model clauses (authorising or prohibiting).

### Transnationality and disputes

- The GDPR applies according to territorial criteria (establishment of the controller, provision of services to persons located in the EU and monitoring of behaviour within the EU).

- In case of disputes between heirs, representatives, or other interested parties, art. 2-terdecies of the Italian data protection code does not provide for a priority order: each case must be weighed individually, on the basis of:

- the will (even presumed) of the deceased,
- the property interests of the heirs,
- the rights of third parties and any legal requirements (access for litigation purposes).

- The Italian Data Protection Authority allows access based on **legitimate interest**, provided that it is genuine, serious, non-speculative, concrete and current.

- The right of access should not harm the dignity, reputation or wishes of the deceased, nor the rights of third parties; it should respect the principle of **minimisation**.

## **7. Weight of general terms and conditions of service providers**

- In France, clauses limiting the rights set out under art. 85 of the Law on Information Technology and Liberties are null and void.

- In Italy, several rulings (courts of Venice, Rome and Milan) affirm the prevalence of the deceased's wishes over the general terms and conditions of social networks. The ruling of the Court of Venice recognises the possibility of reconstructing the deceased's wishes on a presumptive basis, and not only through formal written documents.

## **8. Importance of planning succession in countries lacking ad hoc legislation**

Where specific regulations are lacking, the role of notaries and wills are decisive, through:

- a list of accounts,
- password management (directly or via trustees),
- instructions on what to keep, delete, or pass on,
- the appointment of a full-fledged “digital executor”.

## **9. Solution to the practical case of “Brigitte Mardot”**

- Applicable law: as she is French but habitually resident in Turin, Italian law applies to the settlement of her succession (Article 21 of Regulation (EU) No 650/2012).

- Bitcoin: digital movable assets having property value, subject to succession; the practical difficulty is accessing the wallet.

- Spotify Playlists: typical licensed content; the holder has a personal and temporary right of use, not a right of ownership, and therefore not transferable upon death.

- Digital film library:

- if it is linked to a subscription/licence → non-transferable;

- if the files are fully owned (purchased individually) → offline digital goods having economic value, transferable (also as ‘universality of movable property’ pursuant to art. 816 Italian Civil Code).

- Family photos and private emails: comparable to confidential writings or writings relating to private life; copyright law (art. 93 copyright law) applies, with protection of the sender's confidentiality and restrictions on publication/disclosure.

- Instagram profile with 1 million followers and advertising revenue:

- the account is a contractual relationship with Meta, normally non-transferable according to the terms and conditions of use;

- the contents have economic value and are, in principle, subject to succession;

- in practice, there is friction between contractual clauses (non-transferability, jurisdiction and applicable law) and the principle that property rights cannot be “extinguished” by the service provider;

- it will be necessary to identify legal instruments (wills, legal actions, etc.) to enable heirs to replace the deceased, at least in terms of managing and exploiting the economic value of the profile.

## CONCLUDING REMARKS

There is no doubt that society as a whole is undergoing a profound transformation and with it contemporary law. This has been triggered not only by globalisation, but also by regulatory polycentricity and its internationalisation, marked by the contradictory and indeterminate nature of the same rules.

Given the complexity of social relations and the lack of rules governing them, the role of the notary is becoming increasingly important, as a professional who identifies society's new needs, translates them into innovative solutions (even if constructed *de iure condito*), creates *soft law* and then inspires legislators, who take longer to legislate.

We can therefore only hope that legislators will intervene to create national, or preferably European, regulations using a common language aimed at:

- legally recognising digital assets as part of an estate, guaranteeing heirs the right to access, manage and dispose of them, within predefined limits;
- defining the status of digital identity as a non-property asset that is protected even after death and shielded from any risk of commodification;
- establishing a uniform framework for relations between heirs and digital service providers through duties of cooperation, interoperability and respect for the wishes of the deceased;
- Providing for innovative legal instruments (such as digital wills, digital executors and fiduciary credential registries) to ensure the effective implementation of *post-mortem* wishes.

Digital inheritance presents us with a very simple truth: we will not be remembered for the objects we owned, but for the traces we left.

And today, these traces are not found in drawers. They are on servers.

We notaries are – if I may use this image – the custodians of the last locks on these drawers and, in a way, also of life itself.

The pen, the seal and the method are not tools of the past: they are tools that are needed especially when everything becomes volatile, intangible, “cloud-based” and, above all, when we find ourselves in a moment of transition and regulatory vacuum that causes uncertainty.

However, we should not forget one thing: the regulatory vacuum can be a vehicle to increasingly stress the centrality of the wishes of the deceased and, therefore, the centrality of the notary as a bridge between private autonomy and the certainty of the rule of law.

As long as there is someone who has something to leave behind – and someone else ready to collect it – our role as a link will remain essential.

Even in the digital world. Indeed, believe me: especially in the digital world.

***The full summary is attached to these minutes in FR, EN, ITA. The original document has been written in Italian.***

**Opening of the meeting**

- **Welcome address by Giulio Biino, outgoing President of the Italian National Council of Notaries and Notary in Turin**

**President Biino** thanks the Italian National Council, Notartel and the Turin Chamber of Notaries for supporting the interesting topic of digital inheritance.

He thanks President Valentina Rubertelli and pays tribute to her hard work and to Secretary Carlo Alberto Marcoz for his support.

Lastly, he thanks President Lionel Galliez for his work and friendship. *During his presidency, Lionel Galliez has proven himself to be a great leader, capable of guiding and deciding. Those who do not decide make mistakes, because they make no decisions. In this respect, Lionel has proven himself to be a leader.*

He stresses the importance of internationalisation and of engaging with those who are different. *A leader listens to the most important notariats, but also to the smaller ones, and then summarises the findings.*

The outcome: the affirmation of a model of notariat. The notariat is truly an engine of growth. Every day, notaries communicate, bear witness and play a leading role. The notariat should be a centre for social debate. The notariat should convey this message: notaries should be listened to in social debates because they facilitate dialogue between people.

He concludes by underscoring the importance of the venue where the meetings are being held, the *Polo del '900*, a place of inclusion and participation in the City of Turin, open to all. He mentions the visit to the Egyptian museum with a very enthusiastic and communicative guide.

*We notaries should have the same enthusiasm.*

- **Opening remarks by President Valentina Rubertelli**

Indeed, it is not necessary to be authoritarian; President Galliez has been able to wield authority. With great grace and determination, he has successfully implemented his programme and achieved everything he promised. Excellent work accomplished with the World Bank. He will leave an unforgettable memory of his presidency.

- **Report by President Lionel Galliez**

**President Lionel Galliez** thanks Presidents Biino and Rubertelli for their words, which deeply move him. This is his last speech as UINL President. He feels very emotional at this moment. All this has only been possible thanks to tremendous teamwork.

This applies to every president. That is the secret to success: teamwork.

The Union only has meaning if it takes action. The Union only has meaning if it carries out tangible projects, raises awareness of the notariat and makes it stronger. The Union only has meaning if it acts at the service of each of its members. The CAE is particularly active, driven by its president.

It is no coincidence that we are in Italy. This is where the heart of the Union beats; Rome is the capital of the worldwide notariat. This is thanks to the vision of Presidents Giancarlo Laurini and José Marqueño De Llano, who ensured that the Union's headquarters were officially established in Rome and that the Union was firmly rooted there. By coming here so often, Italy has become his second home, and Turin is the ideal choice as we are halfway between Paris and Rome.

As promised, he has attended all the meetings of continental commissions. For Europe, he came once again because it is his continent.

UINL activities since the CAE session in Paris, a busy five-month period: trip to Beijing, China,

where he was received by the Minister of Justice, who attaches great importance to the notariat. She would like to boost its weight, have more notaries, and also emphasised the usefulness of the international notarial code. She is an expert in private and commercial law and would like to highlight the importance of legal certainty at the service of citizens. It is necessary to enhance China's assets in the years to come.

Later, he took part in the CAAM session in Uruguay and the celebration of the 100<sup>th</sup> anniversary of that notariat.

Throughout his presidency, he appreciated the role played by the Scriveners Notaries of London, who have always been very constructive and act as liaisons with Common Law countries. We are confident in the usefulness of our model, but the 'Dialogues between legal systems' with common law practitioners are important: great attachment to these annual meetings. The next President, David Figueroa, also appreciates these meetings and is confident that these dialogues will be pursued.

Regarding the Berlin Congress: excellent organisation by the German notariat. A new president has been elected and new prospects are opening up.

CAE plays a very special role, being an academic institution and think tank for the Union. Excellent work on dejudicialisation for example. A think tank, a place where great syntheses are produced, and you will continue to do so. Very valuable work, which is not only of academic significance. Example of dejudicialisation. Notariats have gained new competences thanks to this work. CAE: the intellectual heart and idea generator of the Union.

He also attended the World Bank's LJD Week, where he met the B-Ready team. The Vice President of the World Bank told him that they are now paying close attention to continental law. The World Bank is involved in a project to set up an international arbitration court to deal with cases of continental law, so that this tradition may be taken into due account.

The emergence of BRICS countries could also strengthen the identity of continental law.

The influence of common law is always significant but is currently being put into perspective somewhat.

In Washington, he was able to gauge that our Union is a force and recognised by the ministers of justice present, the American Bar Association, etc. He anticipates the possibility of a dialogue between legal systems in Washington. The next Mexican president will undoubtedly see the interest in organising such a dialogue.

**President Rubertelli** shares Lionel's vision of the Union. She learned that the meeting with the World Bank was a great success. It is a very good idea for dialogue. She hopes that the new President will welcome this suggestion.

– **Activity Report of the Vice President for Europe, Mr. Jens Bormann**

The **Vice President for Europe, Jens Bormann**, presents his book 'Judge without lawsuit', which can be downloaded for free or purchased online.

It was written with Philip Bender and translated into French, Spanish and Portuguese.

Work on the B-Ready project: they have tried to change the methodology of the report. Emphasising the legal certainty provided by notaries, especially in company law.

Work with the OECD too: great market regulation is not viewed positively in PMR reports.

– **Approval of the minutes of the CAE session in Paris on 5<sup>th</sup> and 6<sup>th</sup> June 2025**

No objections received.

***The minutes of the CAE session in Paris on 5<sup>th</sup> and 6<sup>th</sup> June 2025 are approved unanimously.***

- **Summary of CAE activities during the legislature by President Rubertelli**

**Valentina Rubertelli** stresses the strength of the academic studies carried out by CAE.

New topics will be addressed during the next legislature, and she is waiting for suggestions from delegates. After three years of work, she is very satisfied and honoured by the work accomplished.

She draws up a list of the activities accomplished:

- Study on dejudicialisation, to be published online and on paper
- Study on the powers of representation of companies, conducted by Joan Carles Miñana
- Arguments on fees, conducted by Marianna Papakyriakou
- Study on real estate transactions by Ignacio Gonzalez

Professor Deffains also spoke at the World Bank during the LJD Week. This study will be continued and refined.

- Study launched by Alain Delière on the practice of the notarial profession in partnership.

She goes over the various themes of the Academies:

- Lasting powers of attorney. Highlights the political impact of this Academy in Italy
- The reserved portion of an estate
- Notarial competences in succession matters in Europe. Also had political repercussions in Greece
- Legal regime for unmarried couples in Europe
- Dejudicialisation
- Digital successions in Turin

She mentions CAE's participation in the Gender Equality Guide of the European Commission's EL@N II project, presented in Brussels in October.

She points out the presence in Turin of Pierre BECQUÉ, President of IRENE, who is taking part in the updating of the book on Successions in Europe. The French version is almost complete. The English version is in progress. The digital version will soon be ready.

Lastly, she mentions the signing of an agreement between the CAE and the University of Bologna, thanks to Professor Daniela Piana.

- **DEJUDICIALISATION – STUDY AND CONCLUSIONS OF THEME 2 OF THE BERLIN CONGRESS**, by Valentina Rubertelli, international co-ordinator of Theme 2 of the Berlin Congress. *(The study, conclusions and recommendations of theme 2 of the Berlin Congress were sent to all CAE delegates on 15<sup>th</sup> October)*

**President Rubertelli** presents the conclusions of theme 2 of the Congress in Berlin on dejudicialisation. Then *screening of the video on theme 2*.

**Non-contentious** proceedings are inextricably linked to *dejudicialisation*. This phenomenon is now the **most common** response by public authorities to the backlog of court cases.

Many states are now pursuing this approach: **streamlining** judicial action and **easing** the burden on courts.

However, this does not mean that **everything is left** to the free **will** of the parties involved **or** that there is complete privatisation. Rather, there is a **transfer** or **sharing** of competences: what was previously a matter for judges alone is now entrusted, in part, to other public authorities.

Dejudicialisation means **avoiding** the involvement of judges when there is no dispute.

It means redistributing competences: to **judges** - litigation; to **notaries** - non-contentious proceedings, through authentic acts.

The conclusions I am about to present pursue several goals:

- Firstly, **summarise the goals that the notariat has to pursue in this dejudicialisation movement (I).**
- - Then, within the framework of the dialogue with public authorities, we have grouped **10 ARGUMENTS** that member notariats can use to promote this redistribution of competences between notaries and judges (II).
- - Then, I will give you a list (indicative and non-exhaustive!) of the various tasks and matters where this transfer of competences is possible.(III)
- And lastly, by way of conclusion, I will propose 9 Recommendations to member notariats regarding dejudicialisation (IV).

## **I. Firstly: What are the goals of non-contentious proceedings or dejudicialisation?**

**1.** These can be summarised in one sentence: **making justice more accessible, quicker and more humane.**

It is a matter of adapting justice to the actual needs of society and individuals, as pointed out by the OECD in its recommendation on **human-centred justice**.

These needs, above all, call for the **customisation** and **accessibility** of law. In this context, notaries are no longer mere drafters of acts: they are becoming **key** players, especially in the protection of vulnerable persons.

As **local** legal practitioners, they have to offer **tailor-made** solutions adapted to each family and personal situation.

**No standardised answers:** notaries have to listen, understand and ensure the respect of the rights and needs of each individual.

**2.** Non-contentious proceedings should therefore **simplify life for citizens and businesses.**

This means **streamlining and expediting procedures, making them less costly**, without however undermining the **fundamental need for legal certainty**. Time and money saved upstream – not having to go to court - in case of a dispute.

**3.** Lastly, non-contentious proceedings **mean responding to the institutional needs of the State.**

That is to say: **relieving courts, strengthening legal certainty and supporting the economic development of the country.**

Because faster justice, secure and transparent transactions, the prevention of disputes and social peace – **all this** boosts the economy and reassures investors.

## II. If we are convinced of the benefits of “dejudicialisation”, why should public authorities consider notaries for this transfer or sharing of new competences?

### 10 arguments:

#### 1. The status of public official of the notary

Like judges, notaries are public officials acting on behalf of and by delegation of the State, under its strict supervision, to authenticate and secure acts.

This is why they are sometimes referred to as ‘magistrates of amicable settlements’ or magistrates of non-contentious proceedings.

#### 2. Their independence and impartiality

Like judges, notaries exercise their functions with the utmost **independence** and **impartiality**, without any **influence** or **hierarchical dependence**.

**Their only authority is the law.**

This neutrality underpins public trust.

#### 3. Swift procedures thanks to mastered digital tools

As we have seen in themes 1 and 2, the notariat **has successfully** risen up to the digital challenge. It has developed technological tools that **expedite and simplify** non-contentious procedures.

This ability to adapt to the modern world **has convinced** public authorities to entrust the notariat with new competences, as they are swifter and more accessible.

#### 4. Fees

Procedures before a notary are generally **less expensive** for citizens than legal proceedings.

Costs are reduced and the notary’s fees, fixed by the State according to public fees, ensure both transparency and accessibility of the justice service.

#### 5. Legal value of notarised authentic acts

Notarised authentic acts have the same value as court decisions.

They have **probative force** and, if necessary, are **enforceable**.

Like court decisions, they can be entered directly in public registers, thus guaranteeing the same level of legal certainty.

#### 6. Notarial legal expertise

Notaries are highly qualified legal practitioners, who like the judiciary receive university training.

They have to constantly update their knowledge **through** lifelong learning.

Their expertise covers many areas: family, persons, real estate, contract, corporate, private international law etc.)

Like judges, this competence enables them to ensure legality and **fully** exercise **their duty of providing advice** in non-contentious matters.

#### 7. Legality checks and more

Notaries naturally have to check that the law is being applied correctly, in order to avoid any future disputes.

However, their role goes **even further**: they also ensure **balanced** agreements.

Sometimes, the legislator entrusts them with the task of **checking the interests of the family, or the best interest of the child, and even the appropriateness of the act for vulnerable persons or minors**.

The notariat should not fear this new responsibility. On the contrary, they should welcome it: it shows the confidence of the State and helps ensure the future of the profession, especially in the age of artificial intelligence.

## 8. The duty of the notary to provide advice

The notary's duty to provide impartial advice is another **key benefit**: the notary offers impartial advice but always **tailored**, to each individual and each family.

## 9. Proximity

Proximity is a key benefit of the notariat. The regulation of the number of notaries and their geographical distribution ensure that every citizen, wherever they may be, has access to non-contentious proceedings.

## 10. Notarial deontology

The strength of the notariat lies in its deontology: independence, impartiality, integrity, tact, dignity, availability, diligence, duty to draw up acts... these are **strict rules that inspire confidence and ensure exemplary public service**.

### III. We have answered the question "Why?" Now we need to ask ourselves: How? How can we dejudicialise? Which tasks and which matters may be transferred to notaries?

I will provide a few examples taken from our work, classified by subject.

Furthermore, this list is in line with the CEPEJ recommendations presented yesterday by the IAJ Secretary General, Giacomo Oberto: it is **not** exhaustive, but **sufficient to show the huge potential** of dejudicialisation. You will see. All these tasks have one thing in common: the absence of disputes.

#### *Law of persons*

- Rectification of civil status records;
- Authorisations to perform acts in the interest and protection of minors and vulnerable adults;
- Lasting powers of attorney.

#### *Family law*

##### **Couples**

- Celebration of marriages;
- Divorce or legal separation by mutual consent;
- Parenting agreements and other family agreements

##### **Filiation or its alternatives**

- Collecting consent for adoption or in the context of medically assisted reproduction or surrogacy
- Child recognition.

#### *Succession law*

- European Certificate of Succession;
- Procedures for opening wills;
- Collection of a waiver of succession, acceptance under benefit of inventory and establishment of an inventory;

#### *Property and housing*

- Conducting mediation/conciliation processes;
- Enforcement and payment order procedures
- Swearing-in; collection of testimonies, written evidence;
- Auctions

#### *Businesses and the economy*

- Public-Private Partnership contracts
- Issuing of apostilles, legalisation formalities
- Escrow accounts

## IV. RECOMMENDATIONS

### RECOMMENDATIONS TO MEMBER NOTARIATS:

1. **Firstly**, offering public authorities **simple and quick legal solutions, without ever undermining legal certainty**.
2. **Secondly**, developing secure **digital tools**, such as our notarial platforms, to show our ability to adapt and convince the State to entrust us with new competences in non-contentious matters.
3. **Thirdly**, guaranteeing accessibility to non-contentious proceedings to all citizens, thanks to **regulated fees** and the balanced **geographical distribution** of notaries throughout the country.
4. **Fourthly**, highlight to policy makers the fundamental role already played by the notariat: **fighting money laundering** and terrorist financing, reliability and transparency of public registers, all of which bring it closer to the role of the judiciary.
5. **Lastly**, promote our ability not only to check legality, but also, where provided for by law, to check the interests of the family, child or vulnerable person – sometimes going as far as **assessing the appropriateness** of the act.

### RECOMMENDATIONS TO NOTARIES:

1. **Firstly**, suggest **humane and customised** solutions, that is to say acts and advice tailored to the concrete needs of clients, especially vulnerable persons.
2. **Secondly**, help prevent disputes and reduce the backlog of court cases, by fully playing their traditional role of peacemakers and impartial third parties, but also through new competences in non-contentious matters, such as mediation and conciliation.
3. **Thirdly**, continuously update their knowledge in all areas of law — family, persons, property, contracts, companies, private international law and commercial law — to ensure legality checking and quality advice.
4. **Lastly**, motivate their actions, their factual and legal interpretation, so that the parties **clearly** understand the reasoning followed. For if the duty to provide reasons applies to judges in contentious proceedings, it should **also** apply to notaries in non-contentious proceedings.

In conclusion,

Dejudicialisation is not a risk.

**It is an opportunity: for justice, for the State and for citizens.**

While judges settle disputes, notaries **prevent them, provide guidance and protect**: they embody a form of justice that is of **proximity, humane and sustainable**.

#### 4. **Overview by CAE delegates**

Presentation by each CAE official delegate, providing a brief description of new legislation concerning his/her notariat, especially with regard to:

- New developments in the area of dejudicialisation (new competences acquired or competences abolished)
- New developments in the field of new technologies (development of electronic and remote acts)
- Does your notariat have any relations with policy makers?

##### **Germany:** *(see written report FR)*

Yes, the notariat has relations with policy makers.

Electronic authentic acts in Germany. Currently, remote videoconferencing only for companies.

Face-to-face electronic acts are possible.

The Federal Chamber provides software for face-to-face electronic acts for notaries.

It is the notary who decides whether the act will be in electronic form (paper or electronic medium).

However, the aim is to move towards a fully electronic system.

Paper and electronic acts are distinguished from a legal point of view. What happens to the original? The original must be kept. Paper acts kept in electronic archives are considered as originals.

Decision of the Constitutional Court: Regarding the age limit for notary lawyers. This is not regulated at federal level but by the Länder. Concomitant practice of the legal profession is not permitted, but for historical reasons, the practice of the notarial profession may be authorised for lawyers in Länder that do not have a notarial tradition.

Federal Notaries Act: age limit of 70: The decision does not apply to “pure notaries” (Nur-Notar), i.e. those who are not also attorneys.

##### **Andorra:** *(see written report FR-EN)*

Brief presentation of the very recent Decree 381/2025, dated 22<sup>nd</sup> October 2025, approving the **Programme for Access to First Homes for Habitual and Permanent Residence**.

Details the conditions for accessing this programme and the conditions for accessing credit. Prohibition to sell the property for a period of seven years.

##### **Armenia:** *(see written report EN)*

Thanks for accepting the candidature of Armenia for the CAE session in Spring 2026.

With regard to dejudicialisation, notaries have numerous competences: they establish facts relating to parentage, draw up acts of succession (affidavits) and take oaths.

The government has also given notaries the function of issuing orders for the confiscation of money and issuing electronic orders. As a result, the workload of courts has dropped significantly.

Recent legislative amendment: proposal to introduce “reverse mortgages”. The draft of recent legislative amendments proposes introducing the legal concepts of a “reverse mortgage” and “copartner’s ownership right” into the Civil Code of the Republic of Armenia, which will give an opportunity to the property owners (in the case of citizens who have reached retirement age) to convert the value of their property into income while retaining both ownership right and the right to use and reside in that property. Retired citizens will be able to mortgage their property and receive a regular income. Ownership rights are retained for the duration of the contract.

New technologies: all Armenian notaries operate using the joint notary system called AENIS (Armenian Electronic Notary Information System), through which all Notarial acts are generated with QR codes. These codes create an opportunity to check the validity of these documents, for which we already have platforms where it is possible to enter the document number and password and see which Notary has verified that document and what status it has (whether it has been certified or revoked).

In addition, all transactions that are subject to state registration (as a rule, real estate transactions) are submitted for state registration after the transaction has been verified by the Notary, and a certificate of state registration of rights is issued by the Notary within the specified period.

Besides, in the Notary offices of the Republic of Armenia, state duty and notary payments for

notarial transactions are made exclusively non-cash, by bank cards or transfers, and through payment terminals.

**Austria:** No major changes in the law affecting notaries. New government in office for a year. The trend is rather in favour of lawyers, as the new Chancellor is a lawyer. **New project underway, they hope it will be put off.**

Various notarial competences such as AML, hopes that the bill being discussed by the government will be postponed.

**President Rubertelli:** In Italy, other professionals are trying to take away our prerogatives, not the other way around.

**Belgium:** no major developments. Two issues to keep an eye on:

- Importing of the collaborative law system based on the Canadian method. Lawyers would like this agreement to be certified and enforceable, subject only to compliance with public policy. Notaries are naturally opposed to this, as only a notarised authentic act can be enforceable.
- Reserved competence of Belgian notaries in company matters. Attempt to say that a notary is not required to incorporate a company. The procedure is quick before a notary, but new proposals are being put forward to eliminate notaries. Notaries therefore need to be vigilant on this issue.

Lastly, he mentions IZIMI, which he spoke about yesterday, and which will be extended to companies, with an agreement with chartered accountants. <https://www.izimi.be/fr/>

**Bulgaria:** *(see written report EN)*

In July, the Minister of Justice of the Republic of Bulgaria, Mr Georgi Georgiev, formed a working group to amend the rules for registration in order to draft legislative changes allowing for the electronic submission to the Registry Agency of notarial deeds subject to registration. There are not any finalized texts on which all members of the working group have reached an agreement yet. Currently, a public consultation is underway on a Decree amending the Rules for registration, which limits the possibility for any person without proven interest to receive copies of deeds of other persons. The possibility for any person to conduct inquiries in the Property Register still remains, but if the Decree is amended only persons with a legal interest (lawyers, bailiffs, notaries, investigators, prosecutors, judges, etc.) will have the right to request copies of deeds.

**Croatia:** *(see written report EN)*

Three ongoing projects relating to digitisation.

In the field of company law. E-notar: Connected to court registers, notaries can send their documents to the courts in electronic form.

Digitisation of successions: communication with the courts also takes place electronically. No more communication via paper files. Videoconference: project of video conference communication and authentication is also completed. The first electronic communication of the notary with the client was carried out in Varaždin. It was a change in the company articles of association regarding the harmonisation of the share capital in Euro. After the authentication and electronic signing by the notary and the client through videoconferencing, the documents were sent electronically to the court register.

Regarding fees: discussions are underway to increase their fees.

**Spain:** *(see written report FR-EN-ESP)*

New tool for Spanish notaries: a new statistics portal. Provides real-time statistical information (e.g. data on real estate purchases, value of properties, etc.). Use of the data is free of charge. He encourages attendees to visit the website. <https://penotariado.com/inmobiliario/>

**President Rubertelli:** Data is indeed the new “gold” of this century. This project is very interesting, along the same lines as the OCP. It makes it possible to collect important data for public authorities.

**Estonia:** *(see written report EN)*

The National Chamber prioritises IT projects, cybersecurity projects, etc. The Chamber is trying to find AI solutions for AML prevention.

Relations with policy makers: annual meetings with the Minister of Justice, who is always invited to the General Meetings of Notaries. They are lobbying for an increase in fees. Organisation of private meetings with policy makers. We are a small country.

**France:** two points worth noting:

- Dejudicialisation : competence for apostilles and, since 1<sup>st</sup> September, delivery of legalisation. 15 centres managed by French notaries.
- New system for remote powers of attorney. New system in place. Previously, we used DocuSign, but now we have developed our own platform. Now we can integrate our electronic signature into the AAE thanks to our own platform.
- Many new notaries in France. Their number has increased by ...%

**Georgia:** New minister rather in favour of notaries.

Future notarial law to use electronic signatures.

Delegate Nino Khoperia says she is delighted to welcome CAE delegates to Tbilisi next spring, where tradition mingles with modernity.

**Greece:** *(see written report FR)*

Enactment of Law no. 5021 on civil procedure. Competence for the opening/publication of wills has been assigned to notaries.

A Register of Wills has been set up; it is owned, administered and managed by the Greek notariat. The competence of notaries and the function of the Register came into effect on 1<sup>st</sup> November 2025. Details the conditions for registration in the Register of Wills.

Procedure for publishing wills: The competence of notaries is provided for under article 807(1) of the Greek Code of Civil Procedure, as amended by Law 5221/2025, according to which public and mystic wills, as well as holographic wills deposited with a notary, are published by the same notary. Holographic wills that have not been deposited with a notary may be published by any notary, as chosen by the person holding the holographic will of a deceased person. In the latter case, the notary first draws up a deed of deposit for the holographic will.

New important competence: The procedure to declare a holographic will as the main will: in the context of the publication of wills, another competence, now exclusively granted to notaries, is the declaration of a holographic will as the main will. **This is a competence that until now was shared with courts.** The advantage of this procedure is that a holographic will, published and declared as the main will, is presumed to be authentic if, within five years of its publication, its authenticity has not been challenged in court proceedings between those who derive rights from it and those who are harmed by its existence (art. 1777 of the Civil Code).

**Italy:** *(see written report FR)*

Law 132/2025 introduces Italy's first regulation of artificial intelligence: rules on data, private life, work, health, copyright and new criminal penalties, in force since 10<sup>th</sup> October 2025.

European Regulation 2024/1689 rests on a risk-based approach, classifying AI systems into four categories: unacceptable risk (prohibited), high risk, limited risk and minimal or no risk, each with different measures to be adopted and minimum requirements to be fulfilled. Law 132/2025 promotes the ethical, transparent and human-centred use of AI in order to exploit the opportunities offered by technology and reduce its risks. It ensures that AI respects fundamental rights and complies with European regulations; while the European regulation merely classifies all systems used in the judicial field as high-risk systems, without any specification for the intellectual

professions practised in this field, the Italian regulation imposes a standard for intellectual professions in general. **Article 13, concerning intellectual professions, is particularly important, as it establishes that professionals may only use AI as a technical support tool.** The creative and intellectual part of the service remains human. The client has to be clearly informed. The National Council of Notaries has launched an in-depth study on this regulation in order to offer guidance and clarification to notaries, in addition to providing adequate training for the conscious use of the tools available today.

Beyond the rules, the ethical question remains central: AI can be a valuable ally, but only if it is used consciously and under constant supervision. Human beings remain in control of the service, as they are the only ones who can guarantee quality, responsibility and respect for the client.

\* Article 563 of the Civil Code, in its current wording, allows heirs who have been deprived of their reserved portion (due to a gift) to initiate proceedings for restitution not only against the donee, but also against third-party purchasers who subsequently bought the property from the beneficiary of the gift. Proceedings may be initiated until the expiry of a limitation period of twenty years from the date of registration of the gift.

This provision has created significant difficulties for the real estate market: the purchaser of a given property remains exposed to restitution claims until the expiry of the limitation period, which leads to a depreciation of real estate and its substantial exclusion from both circulation and the credit circuit. Recently, the Senate concluded its examination of Bill S., approving a radical change to the regulations governing actions for the restitution of real estate transferred to third-party purchasers. The new law now specifies that the charges and mortgages with which the donee has encumbered the property received as a gift remain valid, even in the event of a favourable outcome of the claim in abatement, and that the success of the claim in abatement does not affect the rights in rem of third parties who have purchased from the donee. The reform therefore establishes that the transfer cannot be challenged, either for immovable or movable property.

**President Rubertelli** : this is an issue linked to the regime of the reserved portion of an estate, which is very stringent. This minor reform has helped make it more flexible.

#### **Kosovo:** *(see written report EN)*

At the end of 2024, the Law on the Notariat was completed, covering electronic signatures, the electronic register of wills, and the appointment and training of new notaries. The Ministry of Justice appointed 104 new notaries. However, the increase in the number of notaries and the status quo of fees has raised issues of sustainability. Active role of the Kosovo Chamber in developing the digitisation of the profession.

#### **Latvia:** *(see written report FR-EN)*

Very important reform of succession law in 2025. Notaries have exclusive competence in succession matters in Latvia. The reform has therefore had a very significant impact on the work of notaries. The notary identifies all the heirs and informs them in writing or electronically. The notary verifies the deceased's assets as provided by the heirs. He has to check the Register of Accounts, the Land Register, the Cadastral Register, the Commercial Register, the Register of Vehicles. The notary also checks information on pension savings.

As of 2026, in the event of a non-contentious divorce before a notary, agreements relating to child custody have to be made by notarial act (maintenance, child custody, etc.) and will be subject to enforcement.

Complete digitisation of the succession procedure.

#### **Lithuania:** *(see written report EN)*

No significant legislative developments concerning the notariat. Focuses on the main changes relating to tax issues. The State needs additional funds, so there will be new taxes: an increase in income tax. This means that people will have to work much harder to maintain the same level of income.

Loan refinancing rules are becoming more flexible and less costly. Following the implementation of this reform, many loans have been revised.

Politics: the Chamber of Notaries is not involved in politics, but we are consulted by elected representatives to learn our reactions to bills.

### **London** (*see written report EN*)

The Economic Crime and Corporate Transparency Act 2023. Since 18<sup>th</sup> November, notaries may act as Companies House service providers: this *companies house* has numerous functions. Notaries rely on an authorised service provider to assist clients who require it. We are the right people to provide this kind of service. In this regard, we hope to increase corporate transparency.

AML : A lesser known order linked to AML was introduced earlier this year.

- The *Proceeds of Crime (Money Laundering) (Threshold Amount) (Amendment) Order 2025* took effect from 31 July 2025.
- The threshold for Defence Against Money Laundering (DAML) requests has increased from £1,000 to £3,000.

As a result, The Faculty Office (the regulator for notaries) has advised notaries to update their AML policies to reflect this.

Overall this has reduced the reporting burden for low-value matters, but has increased the need for vigilance in identifying suspicious structuring methods such as “structuring” and “split transactions”.

Remote notarial acts: There have been no further developments as regards remote or electronic notarial acts.

**President Rubertelli**: Congratulations to Scrivener Notaries for strengthening corporate transparency and their commitment to the reliability of commercial registers.

**North Macedonia**: The Vehicle Act has been adopted. Notaries will have access to the vehicle register, which will be managed by the Ministry of the Interior.

Digital identification: the Chamber is implementing measures to connect notaries to a platform in order to exchange information with the relevant state institutions.

No new developments regarding new technologies or dejudicialisation.

**Malta**: The law does not provide for remote authentic acts.

Dejudicialisation: they have examined the competences they could take on and are awaiting a decision from the Ministry of Justice. They agree with the concept of dejudicialisation. They are part of the JUWILI project.

Tax exemption when purchasing property in a certain area.

**Netherlands**: no legislative amendments. New government currently being formed. Stable situation in our country.

### **Poland**: (*see written report EN*)

The Minister of Justice has changed; he is a former judge who is responsible for restoring the rule of law in Poland. This new minister is close to notaries and has attended the Congress of Notaries, which had not happened for 15 years. He spoke about fees and new competences for notaries. The government is now formed by three different parties.

Notaries can enter documents in registers, especially in succession matters. There is an ongoing debate about out-of-court divorce: it will not be carried out before a notary but before a registrar. Notaries have not been given this competence because the registrars wanted to receive the fees for these divorces.

Registered powers of attorney: discussion on the fee, which has led to an increase.

They would like to see a minimum fee, which would limit competition among notaries. Competition among notaries in Poland is quite high.

**Portugal:** *(see written report FR-EN-POR)*

A new Minister of Justice, reorganisation of the Notarial Chamber, new regime for trainees. New competences for notaries (ECS, and issuance of apostilles). However, the platform for issuing apostilles is not yet ready.

The Portuguese Notariat has submitted new proposals: marriage, regularisation of immigrants, registered partnerships, etc.

Digitisation: new register of wills and certificates of succession.

Cooperation with Portuguese-speaking countries.

Conference in June 2025 and a workshop in October 2026 in Porto on international successions.

**Serbia:** *(see written report EN)*

Only good news. Increase in fees. Fees need to be adjusted to inflation. Now they are asking for additional competences in company law. They organised a conference on this subject, which was attended by the Minister of Justice and European notaries. Relations with the government: of course we have good relations with the Minister of Justice. They currently have the support of the Minister of Justice.

**Slovakia:** *(see written report FR)*

Slovak notaries register limited liability companies (new competence). Over 60% of registrations are carried out by notaries. As of 1<sup>st</sup> March 2026, notaries should have exclusive competence to register all forms of companies. This is an important competence, which they are very pleased about.

Regarding relations with political bodies: yes, there are some.

Civil law: extensive reform providing for new institutions in family law, as well as new notarial competences.

**Slovenia:** *(see written report EN)*

No changes in the area of alternative dispute resolution and digitisation. The situation of the notariat is fairly stable. The chamber has official contacts with the Minister of Justice, but there is currently no minister, as the previous one has resigned.

Regarding fees: status quo.

**Switzerland:** *(see written report FR-ITA)*

The Swiss notariat is called upon whenever the subject warrants it. Very rarely in recent times. No news on dejudicialisation. However, the digitisation of notarial services is underway. Law on electronic identity, which they are awaiting implementation of.

**Turkey:** *(see written report EN)*

The current law dates back to 1972.

Digital transformation: a post on social media can be recorded by a notary even if it is subsequently deleted.

Digital transformation has accelerated: eNotary allows for electronic signatures and the remote consultation of documents.

Dispute prevention: the importance of notarial competences in reducing the judicial burden.

Relations with policy makers: good relations with members of the government. Regular meetings once a month.

Ukraine. *Absent. See written report FR*

## 5. Studies

- **LEGAL CERTAINTY and REAL ESTATE TRANSACTIONS – Summary at this stage**, by CAE Vice President, Mr. José Ignacio González Álvarez (*see study forwarded*)

**Vice President José Ignacio González Álvarez** refers to the study. Intention to extend the study and clarify certain issues. He emphasises the importance of notaries in real estate transactions in almost all countries.

**President Rubertelli:** It is very important for the notariat that people outside the profession, such as economists, emphasise the role of notaries in real estate transactions and legal certainty.

- **POWERS OF REPRESENTATION OF COMPANIES – Presentation of the finalised study**, by Vice-President Juan Carles Rodriguez Miñana, Head of the Study

**Vice President Juan Carles Rodriguez Miñana** thanks the delegates who replied to the questionnaire and the delegates who were part of the core group that analysed the replies. He presents the replies and statistics relating to each answer. (*see study forwarded*)

**President Rubertelli:** emphasises the importance of the legal certainty provided by notaries when they are in charge of entering data in registers, and the reliability of the information entered in registers.

- **PROFESSIONAL FEES OF NOTARIES – Presentation of the finalised study**, by Vice President Marianna Papakyriakou, Head of the Study

**Marianna Papakyriakou, Vice President and Head of the Study**, presents the final work of the working group on regulated notarial fees. Fees ensure equality before the law and the continuity of an essential public service.

It has been designed as a Tool to uphold fees:

- Exhaustive set of arguments
- A short two-page summary
- A summary table of fee regulations in each country, highlighting similarities and differences.

She recalls the characteristics of the notarial function (public official, authentication of acts, probative and force and enforceability of acts, etc.). Notaries exercise preventive justice and strengthen public confidence in the legal system.

Fees are an issue in the context of market liberalisation and CJEU case law. Fees ensure equal access to justice: regardless of income and bargaining power, everyone can access notarial services. If fees were abolished, prices would be market-driven, leading to regional disparities, services that are sometimes inaccessible, etc. Fees guarantee the institutional integrity and independence of notaries. Fees also ensure territorial equity and the continuity of public service.

The notarial position on pricing is rooted in European case law. She mentions the Wouters, Piringer, Eurosaneamientos, and Commission v. Germany cases. These rulings provide the legal basis for our arguments. Notarial services are also excluded from Directive 2006/123/EC.

At international level, the OECD emphasises the need for regulatory frameworks for professional services with positive externalities.

Concrete risks of deregulation: unpredictability of costs, deterioration in the quality of services, increased regional inequalities, privileges granted to the wealthiest clients, etc.

These arguments are summarised in the study. The issue of notarial fees is a societal choice.

The message from the legislator is clear: fees are fully compatible with EU law. They ensure that justice remains a public asset and not a commodity.

Lastly, she thanks the core group that worked on fees.

**President Rubertelli:** Excellent and very useful work, with a very rigorous set of arguments based on extensive bibliography (economic studies, OECD, European case law, etc.). An excellent summary that will be very useful to representatives of notariats who need to provide arguments to their policy makers.

**Delegate of the Netherlands, Geertjan Sarneel,** takes the floor, expressing the view that the study shows that a notariat without fees does a poorer job. This is not at all the case in the Netherlands. He does not agree with the conclusions of the report.

**President Rubertelli** accepts the remarks of the Netherlands and understands that he does not share the conclusions compared to the experience in the Netherlands, but emphasises that other notariats have had very different experiences with fees. In Italy, the abolition of fees has led to the commercialisation of our profession, and the unfair behaviour of some notaries has had negative consequences for the profession as a whole. The use of fees depends, of course, on how notaries use them. Notaries may use them appropriately, but there is a risk, which she has observed in Italy. She points out that this set of arguments will not be published on the web, but will remain internal to member notariats for those who wish to use it. It will be sent to UINL members, who will use it if they deem it useful.

Furthermore, the idea of fees also brings us closer to the category of judges, which is the aim of our work regarding dejudicialisation.

**President Galliez :** No one has said that the services provided by notaries who do not have set fees are of poorer quality. On the other hand, having set fees has two advantages:

- If the notariat is a public service, citizens should have equal access to this service.
- Fees are predictable for citizens, who can anticipate how much the service will cost. They are also predictable for notariats that have set fees. In Quebec and Italy, there have been negative consequences for the notariat, which has seen its revenues drop.

**Delegate of the Netherlands, Geertjan Sarneel** picks out a sentence from the study that should be changed. Change ‘would’ to ‘could’. He also makes a comparison with judges: judges do not have their own offices, do not have to pay their staff, etc. The situation of notaries is not the same as that of judges. Notaries are not paid by the State.

**President Rubertelli:** As for the term “would”, this will be replaced by “could”: this is a translation issue that we will correct. The French version is actually “pourrait” (could).

Regarding Mr Sarneel's second comment: the argument is that when a State competence that was previously performed by judges is claimed, a fee is necessary. It is true that judges do not have staff to pay, but fees ensure that the minimum costs of use are covered by the service. In Italy, notaries did not go bankrupt, but some practices were unable to recover from the abolition of fees. They were unable to balance their books and cover the costs of their employees. This has had negative consequences for the Notaries' Fund, which has had to compensate practices that found themselves in default of payment. This could raise issues for our social security system.

**Jens Bormann:** In Germany, fees allow notaries to have regular income and protect their independence. He commends this argument.

**Szymon Kolodziej, Polish delegate,** Regarding fees for legal proceedings for succession matters. In Poland, successions fees are higher than court fees, but they do not generate any profit for

notaries. Constitutional Court ruling: you are not entitled to make a profit from these matters because you can compensate for this with other matters, such as real estate. In his view, when the competence is not mandatory for citizens (it is not mandatory to go before a notary), fees should not be applied. If the competence of the notary is mandatory, however, fees should be applied. In this case, citizens need to be able to predict how much it will cost them.

**Delegate of the Netherlands, Geertjan Sarneel:** No one is complaining about these fees. If people are not happy, they'll go to the neighbour.

**President Rubertelli:** reintroduces the concept of compensation for acts ('equo compenso' or fair compensation in Italy).

- **EXERCISING THE PROFESSION OF NOTARY IN PARTNERSHIP:** New study: **Presentation of the questionnaire** to be disseminated, by Mr. Alain Delière

**Alain Delière:** We have a new working group with a different focus: internal notarial practice. Introspection. How do we organise ourselves? Not everyone is familiar with partnerships. Exploring everyone's experiences, discussing them to draw conclusions and make recommendations.

He presents the questions in the questionnaire.

An initial draft has been submitted and revised. The questionnaire is now ready to be sent out via Google Forms.

The next co-presidents of the group will be Fanny Orsini and Stefan Bandel.

Core group members: Stefan Bandel (Germany), Fanny Orsini (London), Filipa Maia Azevedo (Portugal), Max Welbes (Luxembourg), Valentina Crescimanno (Italy), Mathide Lodier (France) and Marc Geleijns (Netherlands)

**President Rubertelli :** recommends that Stefan Bandel complete this study as soon as possible in order to provide an overview of the subject at the next CAE session. The aim is to provide a snapshot of the current situation in the various countries.

For the next legislature, she asks delegates if they have any other ideas for studies. She is open to their suggestions.

## **6. Updating the 2016 book on SUCCESSIONS (CAE-CNUE-IRENE) – Work progress**

Person in charge: Vice President Ms. Marianna Papakyriakou

*Work in progress*

## **7. CAE Accounting, Treasurer Me Blaise FELLAY**

Treasurer Fellay lists the items in the preliminary balance sheet for 2025. The balance is positive, and he is pleased with this. The CAE has been a virtuous commission. We will keep some reserves in the CAE account for the latest publications, including the update of the book on successions.

## **8. Any other business**

### **– Future sessions**

**President Rubertelli:** The next CAE meetings will be held in spring in Tbilisi, Georgia, outside the EU. (Postscript: dates set: 16 and 17 April 2026).

And those in spring 2027 will be held in Yerevan, Armenia, also outside the EU.

This will enable us to develop the CAE's influence in an area outside the EU.

### **– Signing of the agreement between the IRENE Foundation and UINL (CAE).**

The **President of IRENE, Pierre Becqué** announces that he will remain President for a few more months and then there will be a new President. He informs attendees that IRENE is still a foundation but Luxembourg law requires them to change their structure. There is a lot of red tape in Luxembourg in order to change this structure. Transformation into a non-profit association. In any case, an association is well suited to the activities of IRENE.

He provides information on the activities of IRENE.

**President Lionel Galliez:** is pleased about this cooperation agreement between UINL and IRENE. It is the culmination of a long friendship and collaboration between the two institutions.

*They sign the agreement.*

## **9. Closing at 6.00 pm**

Before closing the last session of this legislature, **President Rubertelli** once again expresses her sincere thanks to President Galliez for his ongoing commitment, the quality of his work throughout this legislature, and the trust he has placed in her.

She also extends her sincere thanks to all the members of the Bureau for their availability, involvement and sense of collective service, which have greatly contributed to the smooth running of the CAE.

Lastly, she warmly thanks the CAE delegates for their active participation, invaluable contributions and the seriousness with which they have carried out their remit throughout this legislature.