



Conference on the future of Europe

THE PROPOSALS OF THE NOTARIES OF EUROPE

RULE OF LAW - CITIZENSHIP – VALUES – EUROPE OF LAW – DIGITISATION – LEGAL CERTAINTY

Europe Day, which is held each year on 9th May, commemorates the date of the Schuman Declaration, which was the starting point for European Construction. In 2021, this day marked the launch of the Conference on the future of Europe, jointly organised by the European Parliament, Council of the European Union and the European Commission. This conference should lead to recommendations and guidelines for the European institutions by Spring 2022 in order to build the Europe of tomorrow.

The Council of the Notariats of the European Union (CNUE) has decided to get involved in this process by formulating concrete proposals that will feed into the debates and discussions. These proposals reflect the daily work on the ground of Europe's 45,000 notaries and their 200,000 employees.

I The rule of law and European values

The European Union owes its legal foundations to Romano-Germanic law. Also known as civil law, it is based on values such as legal certainty, inherent to preventive justice exercised by notaries and which constitutes one of the pillars of the rule of law. At a time of competition between legal models, it should be given greater value. This is why the CNUE is proposing:

1

To insert, during a future reform of the treaties, an explicit reference in the preamble to Romano-Germanic law as a shared heritage.

2

To promote the use of preventive justice procedures in the adoption of future European legislation. In addition to facilitating access to justice, preventive justice is a standard of stability and predictability for the lives of citizens and companies that enter into non-contentious legal relationships on a daily basis.

3

To adopt a legal instrument pertaining to cooperation between the courts, authorities and legal professionals of Member States concerning information on foreign law in civil or commercial matters.

I Europe of law and citizenship

Today, the European Union's treaties and Charter of Fundamental Rights enshrine the rights of every citizen as well as the notion of European citizenship. However, the formation of a truly European identity will only be possible if citizens are guaranteed the possibility of asserting their rights in Member States as in their own country of origin. The European Union has made significant progress in recent years in this sense. Today, this process should continue. This is why the CNUE proposes:

4

To encourage the European institutions to adopt, as soon as possible, a European regulation on the mutual recognition of protection schemes for vulnerable adults.

5

To unify the rules governing conflict of laws at European level concerning legal capacity and protection of persons, filiation, adoption, celebration of marriage and absence (the legal effects of an individual disappearing beyond a certain period).

6

To request that the European Commission formulates a legislative proposal to limit double taxation in matters of succession.

7

To support establishing a European information portal (e.g., the e-justice portal) providing access to the respective processes of succession resolution in the Member States.

8

To set up a European framework for proof of cohabitation.

I Digitisation and legal certainty

Digital transition is experiencing unprecedented acceleration in all sectors of the economy. The Notaries of Europe are the guardians of legal certainty in the "real" world and are working to transpose it to the digital world. This is why the CNUE proposes:

9

To encourage Member States to set up and interconnect registers, for example in the following areas: protection regimes for adults, matrimonial regimes and registered partnerships, European Certificates of Succession, powers of attorney, living wills, etc.

10

In order to fight against identity theft, to allow notaries to access the identity data of European citizens in a dematerialized and secure way.

11

To define and regulate digital succession through adequate European legislation, which would take into account the online assets of the deceased: e-mail addresses, passwords, account numbers, photos, videos, music, etc.