



Press Release

A European initiative for Authentic Acts: a project serving citizens and business

Brussels, 2 December 2008

On Tuesday 2 December the European Parliament organised a forum on judicial cooperation in civil matters, in collaboration with the French Presidency of the Council of the European Union. On this occasion, the Council of the Notariats of the European Union (CNUE), represented by its president, **Mr Juan Bolás Alfonso**, presented the results of a study commissioned by the European Parliament on the mutual recognition and enforcement of authentic acts in Europe.

The study makes a comparative analysis of national rules on private law and private international law relating to authentic acts in six EU Member States representing the different legal systems that coexist within the EU, namely: England, France, Germany, Poland, Romania and Sweden. After having identified the gaps and obstacles arising in the recognition and enforcement of authentic acts between the Member States, the study proposes to remedy this with a European initiative.

To this end, reviewing the Brussels I Regulation on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters could be envisaged. Likewise, a horizontal Community initiative could be possible and also useful. Taking the form of a Regulation, according to Mr Bolás it would make it possible to *"remove the procedural requirements involved until now in areas such as family law and company law"*. Aside from simplifying procedures, *"the benefits expected for citizens, families and business would be considerable in terms of costs and time"*, he added. The free movement of the authentic act and its intrinsic qualities, namely probative value and enforceability, would bring greater legal certainty to exchanges.

This is why, on the basis of this study and its results, the CNUE supports the creation of a Community framework that is applicable in exactly the same way to all authentic acts within its scope, and it calls on the European institutions to consider creating such a framework. The CNUE considers that this contribution will add to discussions before the vote in plenary session on 18 December 2008 of the report by MEP **Manuel Medina Ortega** (PES, Spain) on the creation of a European Authentic Act, and the publication at the beginning of 2009 of a Green Paper on the subject by the European Commission.

The CNUE in brief:

The Council of the Notariats of the European Union (CNUE) is an official body representing the notarial profession in dealings with European institutions. Speaking for the profession, it expresses the joint decisions of its members to the institutions of the European Union.

As of 1 January 2007, the CNUE includes 21 notarial organisations in the European Union: Austria, Belgium, Bulgaria, Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain. Croatia has observing member status.

The European notariats are represented in the CNUE by the presidents of the national notariats. The CNUE operates under the authority of a President, the CNUE's spokesperson, who has tenure for one year. The CNUE, based in Brussels, is an ASBL (non-profit organisation) under Belgian law.

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