

BNotK international



ENGLISH VERSION

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02. LATEST NEWS

30th Congress of German Civil Law Notaries in Hamburg: The 30th Congress of German Civil Law Notaries took place in Hamburg on 27 and 28 May. The hybrid event focused on digitalisation of the notariat and welcomed guests from numerous countries.

04. WORKSHOP REPORT EUROPE

CNUE General Assembly in Budapest: For the first time since the COVID-19 outbreak, the CNUE held a General Assembly on site in Budapest on 16 and 17 September. The event focussed on the rule of law and digitalisation and covered many important projects at EU level.

06. NOTARIES WORLDWIDE

UNCITRAL: UNCITRAL is the United Nations Commission that deals with international trade law. Many topics relevant to the notarial profession are negotiated here, which is why BNotK actively participates in the work.

07. THE NOTARIAT IN ... SPAIN

In this second edition, we are delighted to present a feature on the notariat in Spain. The Spanish and German notariat enjoy a close long-term cooperation within the CNUE. Just recently, their notariats jointly launched the "EUdoc" project.

08. HIGHLIGHTS

In recent months, BNotK has worked on a wide variety of projects and organised numerous events with notariats from all over the world. In this section, we share the highlights.

09. SHARING A CUP OF COFFEE WITH ... PROF. DR. JENS BORMANN

Prof. Dr. Bormann LL.M. (Harvard) has been President of the Bundesnotarkammer since 2015 and places a strong focus on the international work of the German notariat.

10. AGENDA

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LATEST NEWS



30th Congress of German Civil Notaries | Photos: Christina Czybik

30TH CONGRESS OF GERMAN CIVIL LAW NOTARIES

Forming a limited liability company from your own desk? Using blockchain technology to determine the validity of a power of attorney within seconds? At the 30th Congress of German Civil Law Notaries, which took place as a hybrid event in Hamburg on 27 and 28 May 2021, high-ranking representatives from politics, the judiciary, academia and the economy discussed the opportunities and risks of digitalisation for the preventive administration of justice.

Digitalisation as an important topic worldwide

In recent years, digitalisation has become one of the most important global issues for the notariats. "The topic of the Congress of German Civil Law Notaries could not have been more up-to-date", states Prof. Dr. Jens Bormann, President

of the Bundesnotarkammer (BNotK). "We were able to show that our profession has been actively promoting digitalisation – not only since the pandemic."



President of the Bundesnotarkammer Prof. Dr. Jens Bormann



President of the Bundesnotarkammer Prof. Dr. Jens Bormann in the "Handelskammer Hamburg"

Exploiting the opportunities of digitalisation

For many years already, the BNotK has been developing various digital solutions for the notariat of the future. The participants at the Congress of German Civil Law Notaries, among whom were not only German decision-makers, but also numerous foreign guests such as the CNUE President Ádám Tóth, were generally open to technical innova-



President of the CNUE Ádám Tóth

tions. It was emphasised several times that the opportunities of digitalisation must be used for the benefit of the people seeking justice.

Preserving the value of the notarial activity

Moreover, the President of the UINL



President of the UINL Christina Armella

Cristina Armella, who was broadcasted live to deliver her welcome speech, also stressed the value of notarial activity and the limits of digitalisation. Against this background, the security of the systems and data protection must have highest priority. This is also of paramount importance for the BNotK. Reliable identification of the parties involved as well as comprehensive and impartial advice based on trust must always be guaranteed. At the same time, the systems should be easily accessible and user-friendly.

Presentation of the online formation

These principles were also guiding the BNotK when developing the new system for fully online formations of limited liability companies. The corresponding video communication system implements the European Digital Tools Directive and was demonstrated to

the public with a live authentication at the Congress of German Civil Law Notaries (further information is available at <https://www.online-verfahren.notar.de>).

Presentation of the blockchain-based project

Furthermore, the BNotK presented the electronic register of valid notarial powers of attorney and inheritance certificates on a blockchain basis, which was developed jointly with the Bavarian Ministry of Justice and the Fraunhofer Institute (further information is available at <https://www.bnotk.de/en/news/details/innovation-prize-for-the-judiciarys-first-co-operative-blockchain-project>). In future, this register could also be linked to the EUdoc system presented to the CNUE.

The participants followed the presentations with great interest. In particular, the panel discussions after the presentations offered ample opportunity for exchange. **✓**

>> About the author

Dr. Peter Stelmaszczyk is a notary candidate in the district of the Rhenish Chamber of notaries and heads the Brussels Office of the Bundesnotarkammer as Director for international affairs.

WORKSHOP REPORT EUROPE



Delegation of the Bundesnotarkammer | Photos: Bence Fejes

CNUE GENERAL ASSEMBLY IN BUDAPEST

Video conferencing has become a symbol of cooperation during the pandemic like hardly anything else. CNUE also took advantage of the possibilities of digital communication during the pandemic and moved all its meetings into the virtual sphere. This made it possible to continue the important work at European level even during the contact restrictions.

Nevertheless, these “digital tools” cannot permanently replace personal exchange. Therefore, everybody was relieved to hear that the CNUE General Assembly in September 2021 would

take place on site after more than 1.5 years without face-to-face meetings at EU level.

Accordingly, the CNUE General Assembly had an intense agenda, as numerous important European projects are pending.

Event organised in the context of the Conference of the Future of Europe

On the eve of the General Assembly, a task force met to agree on CNUE's contribution to the “Conference on the Future of Europe”. This major EU project aims to bring European institutions and values closer to citizens. It includes a digital platform where citizens can directly exchange ideas, the European



President of the CNUE Ádám Tóth



Dr. David C. König, Prof. Dr. Jens Bormann, Dr. Peter Stelmaszczyk, Dr. Nadja Danninger, Veronika Kormann LL.M., Maria Meier, Dr. Maximilian Wosgien, Justizrat Richard Bock

Citizens' Panels to discuss various issues, plenary meetings with representatives of the institutions and decentralised events organised by citizens and organisations. The CNUE will host such an event in December 2021. The event will focus in particular on the topics of digitalisation and the rule of law. We highly welcome that the CNUE has recognised the importance of this project for Europe and will actively participate.



Prof. Dr. Jens Bormann

Moreover, two further workshops on current topics took place within the framework of the General Assembly.

Workshops on currently relevant topics

The workshop "Quo vadis the notariat under EU and national competition

rules" dealt with the tension between professional regulation and the protection of free competition in view of current developments. In another workshop, "Best practices on adapting notarial activity to the challenges of digitalisation" were exchanged between Member notariats. Besides, the BNotK and the Consejo General del Notariado held a first live presentation of the new platform EUdoc. This system enables notaries to verify the qualified electronic signature of foreign notaries and to securely send documents across borders. It also contains a special video conferencing tool. The platform was welcomed by the General Assembly, in particular since it will finally connect all CNUE Member notariats. Subject to certain final technical checks, the implementation shall start as soon as possible.

General Assembly under the Hungarian Presidency

The first General Assembly in presence since the beginning of the Hungarian CNUE Presidency, which was chaired by CNUE President Ádám Tóth, was a great success and offered the opportunity to discuss topics that will continue to concern the notariats throughout Europe, such as, for example, the revision of the eIDAS Regulation or the current EU Anti Money Laundering Package. The Bundesnotarkammer will



José Carmelo Llopis Benloch and Dr. Nadja Danninger while presenting EUdoc

continue to monitor these topics critically and constructively in the future. ➤

>> About the authors

Dr. Peter Stelmaszczyk is a notary candidate in the district of the Rhenish Chamber of notaries and heads the Brussels Office of the Bundesnotarkammer as Director for international affairs.

Maria Meier is notary candidate in the district of the Bavarian Chamber of notaries and works for the Bundesnotarkammer in Brussels as a legal adviser for international affairs.

NOTARIES WORLD WIDE



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UNCITRAL

At international level, the BNotK is not only active in the CNUE and the UINL. There are even more international bodies that pass resolutions of great importance to the notariat. This applies, for example, to UNCITRAL. "UNCITRAL" stands for "United Nations Commission On International Trade Law", i. e. a commission of the United Nations that has set itself the goal of modernising and harmonising areas of law that are important for international trade. To this end, it makes use of various instruments, such as conventions, model laws, guidelines or recommendations.

A Commission of the United Nations

UNCITRAL develops its proposals in working groups to which 60 selected UN Member States can send representatives. Non-governmental organisations such as the CNUE and the UINL can participate in working groups relevant to them as observers with speaking rights. Due to the close connection to the UN, the results of UNCITRAL's work have a huge impact and are increasingly taken up by the EU legislator.

Working Group I: MSMEs

Dr. Peter Stelmaszczyk and Dr. David C. König have been participating for many years on behalf of the UINL in Working Group I "Micro, Small and Medium-sized Enterprises", whose "Draft legislative guide on an UNCITRAL limited liability organisation" has just been adopted. This text recommends that

States provide in their national law for a limited liability organisation (UNLLO), a special legal form for micro and small enterprises. Initially, notarial involvement during the formation was not explicitly provided for, as common law States in particular had insisted on an allegedly "simple" formation. This would have put notariats under considerable pressure, especially in emerging countries. In the end, thanks to committed efforts, it was possible to guarantee the neutrality of the different legal systems, which now leaves the introduction of a formation procedure with the involvement of a notary open to the States. In the same way, the BNotK will also defend the interests of notaries in the next project of Working Group I, "Access to Credit".

Working Group IV: eCommerce

The BNotK (represented by Veronika Kormann, LL.M.) and the Austrian Chamber of Civil Law Notaries represent the CNUE within Working Group IV "eCommerce". Working Group IV is currently working on a draft instrument on the use and cross-border recognition of identity management and trust services. These topics are undoubtedly of great importance, especially in the context of the digitalisation of the notariat, which is advancing in great strides. Here, it is particularly important that the high security standards, such as those that will apply to the online formation of companies in Germany, are not undermined. In addition, services from other States with significantly lower security levels shall not be

recognised as equivalent in Germany without further ado. The completion of the text – which, so far, is acceptable from a notarial point of view – can be expected at the next Working Group meeting in autumn.

Important platform for experts

Furthermore, the UNCITRAL Working Group meetings are an important platform for exchanging views with experts from all over the world. They give the BNotK the opportunity to present itself as a reliable partner in the areas of law and digitalisation on an international level. ✓

>> About the author

Veronika Kormann, LL.M. is a fully qualified lawyer and works for the Bundesnotarkammer in Brussels as a legal adviser for international affairs.

THE NOTARIAT IN ...

Photo: Eloi_Omella | istockphoto.com

SPAIN

Although there are earlier precedents, such as the 1063 Charter of Jaca, historians typically date the origins of the Spanish Notariat to the 13th century, with the Charters of Aragon (1247), the Royal Charter of Castile (1255) and above all the Seven-Part Code of King Alfonso X, the Wise, of Castile (1256 - 1265), which deals extensively with the regulation of notaries, in terms of both organisational and functional practice and even contains formulae for drawing up public instruments. One major milestone came in 1503 with the Pragmatic Law of Alcalá, which introduced the modern concept of a notarial public instrument, based on notaries retaining the original document, with authentic copies being circulated.

The contemporary organisational structure of the Spanish notariat, however, came about thanks to the Notariat Act of 28 May 1862, which remains in force. This legislation served to establish the notariat as a public state function, demanding a high level of legal training, thereby enhancing social perceptions as to the legal quality and usefulness of their services.

The 1978 Constitution confirmed the role of notaries as a vital cog in the

workings of the Rule of Law, inspired by the principles of individual freedom and preventive legal certainty.

Over the last twenty years, the Spanish notariat has focused its efforts on adapting the notarial function in line with remote information and communication techniques. Electronic signatures and copies, and remote digital communications, have become part of notaries' daily operations, while guaranteeing security, integrity and confidentiality. A digital transformation has taken place through the formation of the Notariat's own technological enterprise (Ancert), which employs more than 200 engineers.

Organisation of the Notariat

Spain has some 2,800 notaries, a growing number of whom are women, who now account for almost 40 % overall.

Spain's notaries are organised into 17 Notarial Chambers. All notaries must belong to the notarial chamber of the region where they practise. The chambers are legal entities subject to public law, which represent the professional interests of notaries and work with the public authorities to ensure the smooth running of the public notarial function and the effective provision of the public service entrusted to

notaries. The presidents of these 17 chambers make up the General Council of the Notariat, which represents notaries at the national level. Spanish notary offices also employ nearly 17,000 staff.

As public officials, notaries answer in hierarchical terms to the Ministry of Justice. ✓

>> **Author**

Consejo General del Notariado



HIGH LIGHTS

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Digital conference with participants of the practice-oriented training programme on 17-18 June 2021

Since the practice-oriented training programme for English speaking notaries hosted by the BNotK and the IRZ could unfortunately not be held in person last autumn due to the pandemic, an alternative conference was organised online. Participants from all earlier training programmes were invited. The explored topics covered money laundering, property development contracts and digitalisation. There was also the opportunity to share experiences. Special thanks go to the speakers Judicial Counsel Richard Bock, Dr. Lovro Tomasic, Martin Thelen and Maria Meier as well as to all the highly committed participants.

Training programmes on gender equality in South-Eastern Europe

Dr. Lovro Tomasic, Representative of the Bundesnotarkammer for International Affairs, conducted an online training programme on gender equality in South-Eastern Europe over several months. In many traditionally paternalistic regions, women, for example, are often not recorded as co-owners in registers and frequently waive inheritance claims in favour of male relatives. The training programme aims to raise awareness of these problems among notaries and to strengthen their role as advisors, especially towards the weaker contracting party. The training is part of the joint project "Strengthening the economic empowerment of women" of the FAO, the BNotK and the UINL and is financially supported by the Federal Ministry for Economic Cooperation and Development.

Belarus 24 June 2021

Moreover, the BNotK organised a video conference with the Ukraini-

an Chamber of notaries to exchange views on the topics of inheritance law and digitalisation. Unlike in Germany, notaries in Ukraine are charged with carrying out the procedure for determining heirs. The substantive inheritance law of the two states was also discussed. Furthermore, the BNotK presented its system for the online formation of limited liability companies and its Electronic Archive of Authentic Acts. More than 70 attendees participated actively in the discussion. Our thanks go to President Natalia Borisenko, Radmila Shiraya, Irina Radutskaya, Maria Koroleva and Svetlana Kotikova from the Ukrainian Chamber of notaries as well as to Dr. Vladimir Primaczenko, Judicial Counsel Richard Bock, David Siegel and Veronika Kormann LL.M. from the German side for their informative presentations.

Uzbekistan 26 July 2021

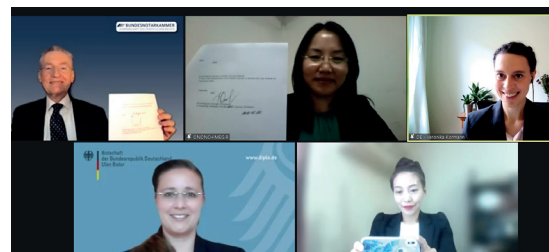
Upon invitation of the CCNI of the UINL, the German, Lithuanian and Uzbek Chambers of Notaries met on 26 July 2021 to discuss current challenges and best practices in digitalisation and to present the various national projects in this field. With the participation of the Uzbek President Dilshod Ashurov, the Lithuanian President Marius Stračkaitis and the President of the CCNI, Judicial Counsel Richard Bock, the event was attended by high-ranking participants.

Kazakhstan 18 August 2021

Also, in August, a German-Kazakh event was held on the topics of money laundering, remote authentication and safekeeping. Presentations by the President of the Kazakh Chamber of notaries Assel Zhanabilova, Judicial Counsel Richard Bock, Maria Meier, Oleg Polumordvinov, Veronika Kormann LL.M. and Sanzhar Kenzhegali initiated a lively panel discussion.

Mongolia 20 August 2021

Only two days later, the new three-year cooperation agreement with the Mongolian Chamber of Notaries was ceremonially signed via livestream due to the pandemic. Moreover, in the course of the conference, remote authentication and other current digitalisation projects were discussed. The programme was inaugurated and accompanied by the Deputy Head of Mission at the Embassy of the Federal Republic of Germany in Ulan Bator, Regina Rutenberg, whom we would like to thank warmly.



Judicial Counsel Richard Bock, President Ononchimeg Ryenchindorj, Deputy Head of Mission at the Embassy of the Federal Republic of Germany Regina Rutenberg, Veronika Kormann LL.M.

The Hague Conference on the e-Apostille 4 October 2021

The regulations of the Hague Apostille Convention of 1961 have become an integral part of the notaries' daily work. With growing digitalisation, the electronic apostille ("e-Apostille") has become increasingly relevant. Current developments on this topic will be discussed at the "12th International Forum on the electronic Apostille programme (e-APP)", where the BNotK will also be represented by Dr. Torsten Jäger, Representative of the BNotK for International Affairs.



„The BNotK is also a pioneer in digitalisation throughout Europe.“

Sharing a cup of coffee with ... Prof. Dr. Jens Bormann LL.M. (Harvard)

Interview: Veronika Kormann

You have been President of the BNotK since 2015 and in this function, you have in particular promoted international cooperation. What led you to apply for this office?

Professional politics and the related activities in the regional chambers and the BNotK have had a special priority for me for a very long time. When I became a notary candidate in 2002, I initially worked for the Rhenish Chamber. A little later, I joined the BNotK in Berlin and soon became Director-General. I held this office until 2011. During this time, I experienced and learned a lot. I was able to bring significant changes in many fields. Therefore, I decided to remain active in professional politics even after my appointment as a notary. In 2015, I was elected President of the BNotK and, in 2016, Vice President of the Rhenish Chamber of notaries. Both functions are honorary functions that I hold in addition to my office as notary.

It sounds like you are very busy. What tasks as President do you consider particularly exciting?

The tasks of the President of the BNotK are extremely diverse. The BNotK represents all German notaries and expresses their opinion in dialogue with other decision-makers. Also, the BNotK acts as an expert and adviser, both in all substantive legal areas affecting the notariat and in the area of notarial professional law. This includes drafting statements on legislative procedures as well as participating in expert groups of the federal ministries. As President, I represent the BNotK externally and ensure that our interests are heard.

However, the BNotK is not only active at a national level?

No, not at all. International work is very important to us and I am personally very committed to it. Many decisions that are of great importance to notaries are no longer made solely in Germany. Rather, the fundamental decisions are often taken at EU level. It is therefore important that we also keep a close eye on all current developments in this regard while maintaining a good network.

Our efforts within the CNUE, the umbrella organisation of Latin notariats in the EU, is extremely valuable in this respect. The fact that notaries were not included in the EU regulatory index is a great success at European level, to which the

BNotK has contributed significantly. But the BNotK is also a pioneer in digitalisation throughout Europe. As an example, I have just launched the cross-border project "EUdoc" jointly with the President of the Spanish Chamber of notaries.

So, the notariat is very well connected throughout Europe. But what about the rest of the world?

Of course, the impact of the BNotK does not end at the borders of the EU. The BNotK is doing a lot of development work, especially within the notariats in South-Eastern Europe, Central Asia and Africa. Last but not least, the BNotK is also member of the UINL, the International Union of the Notariat with 89 Member notariats from all over the world. As different as these notariats are, they often face similar challenges. At the moment, these are in particular the pandemic and the resulting economic crisis. Notaries can make an important contribution to overcoming the economic crisis in a sustainable way. We want to raise awareness of this fact among decision-makers worldwide. I have therefore decided, together with our Director in Brussels, Dr. Peter Stelmaszczyk, to closely monitor this topic within the UINL as International Coordinator and to present it at the next International Congress of Notaries in Mexico. The German notariat, with its strict professional rules and high level of protection for citizens, can serve as a model in this regard for the whole world. International commitment will therefore continue to be an important part of BNotK activities. ✓

>> About the interlocutor:

Prof. Dr. Jens Bormann, LL.M. (Harvard) is notary in Ratingen, since 2015 President of the Bundesnotarkammer and since 2016 Vice President of the Rhenish Chamber of notaries. In addition, he is honorary professor at Leibniz University Hannover since 2017.

AGENDA

The following overview presents a small selection of important recent and future events. It is subject to changes on short notice.



Photo: Nathan Dumlao | unsplash.com

CNUE GENERAL ASSEMBLY
BUDAPEST | HUNGARY
16 - 17 September 2021

113TH CONGRESS OF FRENCH NOTARIES
NICE | FRANCE
23 - 25 September 2021

26TH SESSION OF UNCITRAL WORKING
GROUP I: MICRO, SMALL AND MEDIUM-
SIZED ENTERPRISES
VIENNA | AUSTRIA
04 - 08 October 2021

SEMINAR ON "MONEY LAUNDERING
PREVENTION" WITH THE NOTARIAT OF
AZERBAIJAN
DIGITAL
11 October 2021

18TH CONFERENCE OF THE NOTARIAT OF
LATIN AMERICA
SAN JUAN | PUERTO RICO
20 - 22 October 2021

ROUND TABLE SOUTH-EASTERN EUROPE
BERLIN | GERMANY
28 - 29 October 2021

CNUE GENERAL ASSEMBLY
BRUSSELS | BELGIUM
06 December 2021

CNUE CONFERENCE IN THE
CONTEXT OF THE "CONFERENCE ON
THE FUTURE OF EUROPE"
BRUSSELS | BELGIUM
07 December 2021

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Mohrenstr. 34, 10117 Berlin, Germany
Phone: +49 30 383866 0
Email: info@bnotk.de
www.bnotk.de

Editor

Candidate notary Dr. Peter Stelmaszczyk,
Maître en Droit (Paris 1 – Panthéon-Sorbonne)
Bundesnotarkammer, Brussels

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