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## Press Release

# Notaries in touch with European citizens

Brussels, 20 March 2009

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At the invitation of the European Commission and the Notaries of Europe, legal practitioners from across Europe met in Brussels to attend a colloquium organised on 19-20 March, on the theme of "**Legal cooperation at the service of European families**". With representatives of the European institutions, including European Commissioner **Jacques Barrot**, and academics, they considered the action to be taken to create a true European legal area at the service of citizens. Illustrated by practical cases, the colloquium took the form of various sessions, based on a topic affecting the lives of European citizens.

More and more citizens live, study, get married and sometimes get divorced or die in a Member State other than their country of origin, which can lead to numerous complications. For example, same-sex marriages and registered partnerships are not recognised in the same way, depending on the Member State in which the couple lives. There are 170,000 cross-border divorces every year and they often give rise to complicated procedures for citizens, such as the payment of alimony or the division of the couple's assets. There are between 50,000 and 100,000 cross-border successions every year and the settlement of these successions can also lead to considerable legal and practical obstacles, in particular determining the competent jurisdiction or the applicable law.

There is, therefore, a real demand from families for Community initiatives in the area of family law. According to Commissioner Barrot, "*No-one should be penalised because he or she has chosen to live as a European*". In his speech, therefore, he evoked current draft legislation. First of all, on the subject of the proposed Rome III regulation on cross-border divorces, he affirmed that he was examining "*how to put this proposal back on the table with the widest possible agreement between the Member States, so as to avoid any fragmentation*". Clear rules need to be adopted in this area in order "*to avoid the risk of a race to court*". As regards matrimonial property regimes, a proposed regulation is expected by 2010. In the area of successions, a proposed regulation will be published within the next few days. This will give testators greater freedom in planning their succession. In addition a certificate will be introduced which will enable heirs to invoke their rights in all Member States.

The Commissioner also issued a rallying call to the Notaries of Europe to contribute their expertise towards the preparation of the future Stockholm programme, which the Commission will present next May. The theme of the movement of authentic instruments and their mutual recognition will be addressed in this programme, since the construction of the European legal area naturally raises the question of facilitating the movement of authentic instruments, civil status records, writs, court documents and notarial deeds. For **Me Reynis**, President of the Council of the Notariats of the European Union (CNUE), "*the incontestability of these instruments must now be recognised beyond the frontiers of States*".

In order to respond to the needs of citizens, the Notaries of Europe have created the European Network of Registers of Wills (RERT), which interconnects existing national registers and enables a notary to consult a foreign register via his or her national register. It is also to serve European families that the Notaries of Europe have created the European Notarial Network (ENN), which facilitates the settlement of cross-border difficulties. As Me Reynis has declared, these projects illustrate the commitment of the Notaries of Europe "*to ensuring greater legal certainty for family relations beyond frontiers, in response to the increased mobility of citizens*". This proactive approach is in line with "*a Community dynamic which embraces the area of the family and which should, in the future, extend beyond a simple legal area to constitute a true European legal area*".

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**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.*

*The CNUE includes 21 notarial organisations in the European Union. 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.*

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