

BNotK international



ENGLISH VERSION

1/2022

02. LATEST NEWS

Bilateral meeting with the French Chamber of Notaries: At the beginning of October, the BNotK and the CSN held a bilateral meeting in Paris to further expand the successful cooperation between the two chambers.

03. WORKSHOP REPORT EUROPE

CNUE Conference on the Future of Europe: On 7 December 2021, the CNUE hosted the "Conference on the Future of Europe", as part of an EU-wide initiative.

EL@N IV training series: On 11 March 2022, the international training seminar on European Company Law will be held in Munich. You are all invited!

05. NOTARIES WORLDWIDE

Admission of Uzbekistan and Kazakhstan into the UINL: In 2021, Kazakhstan and Uzbekistan became the first two notariats from Central Asia to join the International Union of Notaries.

CAE – The European Affairs Commission of the UINL: On 26 November 2021, the UINL's European Affairs Commission assembled at the Catalan Chamber of Notaries in Barcelona.

07. HIGHLIGHTS

Round table southeast Europe: After a long, pandemic-related break, cooperation was resumed and current developments in the notariats of the region were discussed in person at the round table southeast Europe in Berlin.

Delegation visit to Kosovo: The BNotK is providing support in Kosovo for the further development of a sustainable system for the recruitment and qualification of notaries.

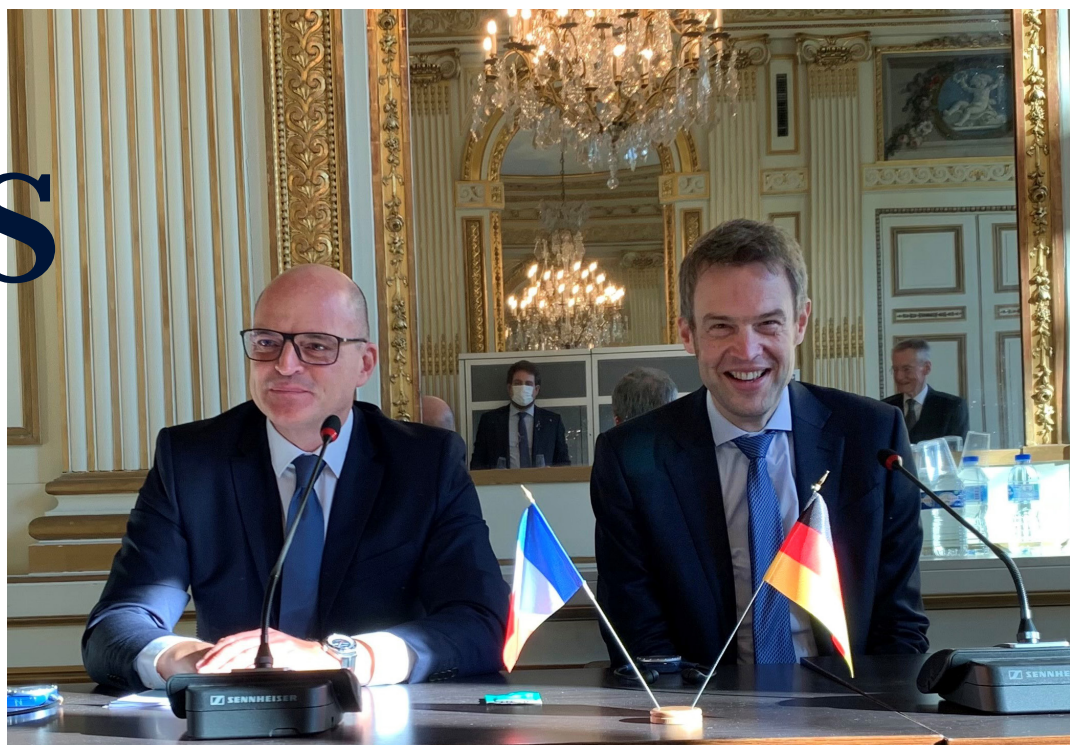
09. A CUP OF COFFEE WITH ... CRISTINA NOEMÍ ARMELLA

Cristina Noemí Armella, President of the International Union of Notaries (UINL) for the 2020-2022 legislative period, spoke to us about these exiting years.

10. AGENDA

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NEWS



President David Ambrosiano and President Prof. Dr. Jens Bormann in Paris

BILATERAL MEETING WITH THE FRENCH CHAMBER OF NOTARIES

On 8 October 2021, BNotK President Prof. Dr. Jens Bormann LL.M. (Harvard) and a BNotK delegation travelled to Paris to visit the Conseil Supérieur du Notariat (CSN), the French Chamber of Notaries, upon the invitation of President David Ambrosiano. These bilateral meetings have been held at regular intervals in France or Germany over the years. Ties between France and Germany are traditionally very close. There are over 100,000 French citizens living in Germany and vice versa, with the trend rising. Through joint effort, both chambers are striving for practical facilitation of cross-border notarial cooperation while, at the same time, contributing to the development of legal cooperation between the two countries.

Many years of close cooperation

The cooperation between the two chambers includes informing each other about current developments and programmes at national level. In addition, there is a large exchange of

information on projects at European and international level. Citizens also profit directly from the close cooperation between the two chambers: Free information events are organised to prevent legal difficulties in the (other) country of residence and to facilitate access to justice for the residents concerned there.

Discussion on current topics

This time, the main topics included combating money laundering and the digitalisation of the notarial profession. In addition, the new EUdoc platform was discussed as part of the new CNUE IT Action Plan (see BNotK International 1/2021, p. 3 et seq.) as well as the Conference on the Future of Europe (in this issue). Both chambers want to continue the ongoing training of notaries in the law of the other country, as has taken place at the Franco-German Centre for the Study of Law in Saarbrücken. The regular bilateral meetings between the CSN and the BNotK reflect the successful cooperation between the two chambers, a cooperation which, through mutual commitment, will continue over the coming years. ✓

>> About the author

Dr. Maximilian Wosgien, LL.M. (University of Virginia) is a Candidate Notary in the district of the Baden-Württemberg Chamber of Notaries and Legal Advisor for International Affairs at the BNotK in Brussels.

WORKSHOP REPORT EUROPE



Didier Reynders
European Commissioner for Justice

EU Commissioner Didier Reynders

CNUE CONFERENCE ON THE FUTURE OF EUROPE

With the Conference on the Future of Europe, the European Commission, the European Parliament and the Council have set up a forum to give European citizens the opportunity to shape the future of Europe actively. The aim is to draw conclusions from the hearings by spring 2022. In turn, these conclusions should form the basis for the guidelines to be implemented by the European institutions for the future of Europe.

A direct line to the European institutions

Participation is open to all Europeans, authorities and organisations, who can choose between participating in existing events or organising their own. The CNUE seized this opportunity and held their own online conference on 7 December 2021 entitled "Strengthening the rule of law in the face of economic and social change – The Notaries of Europe propose, The Notaries of Europe act".

The notariat as a forward-thinking institution

On this occasion, the CNUE and its member notariats presented their proposals for the future of Europe to high-profile representatives of the EU institutions, such as Didier Reynders, the European Commissioner for Justice, or Roberta Metsola, now President of the European Parliament, among others. Videos from the conference can be viewed by clicking [here](#).

Rule of law as a key issue

The first part of the event dealt with fundamental topics such as the rule of law principle and legal certainty in the age of digitalisation. Prof. Dr. Bormann, President of the German Federal Chamber of Notaries and Notary in Ratingen, was not only able to captivate the audience with his opening statement on "Guaranteeing the Rule of Law in the Digital Age", but also clearly voiced the concern that digitalisation must not become an end in itself. Rather, the European institutions – together with European notaries – must continue to underpin the rule of law in the

future and offer citizens legal certainty and trust. For this purpose, all possibilities of digitalisation and legal technology must be used to increase the security and efficiency of legal transactions. However, this can only succeed in the long term if the implementation of digital innovations and developments remains in the hands of the democratic, constitutional state.

The notariat as a pioneer in digitalisation

In contrast, the second part of the event was dedicated in particular to the concrete IT projects of European notaries. The presentation of the online formation of companies as part of the implementation of the Digitalisation Directive or the German-Spanish IT project "EUdoc" gave the representatives of the European institutions an opportunity to take a close look at the pioneering work that the European notaries have already undertaken in terms of digitalisation. The representatives of the EU institutions gave a lot of positive feedback in return. European notaries are perceived by the EU insti-

tutions as important partners in advancing digitalisation in Europe.

Digital transformation is one of the main challenges for the future of Europe. The conference showed that this challenge is shared by everyone. European notaries will continue to play a fundamental role in providing legal certainty in the future. The citizens of Europe can have every confidence in this. ✓

>> **About the author**

Maria Meier is Candidate Notary in the district of the Bavarian Chamber of Notaries and Legal Advisor for International Affairs at the BNotK in Brussels.

EL@N IV TRAINING SERIES

For many years, the CNUE has been running the training series "EU Law for Notaries – Notaries for EU Law", co-financed by the EU Commission. The aim is to train 30% of European notaries annually in EU law from 2022-2024. Participation is free of charge.

The overarching goal of the training series is to enable European notaries to apply EU law so that they can then offer EU citizens more in-depth and competent advice.

Well-established training format

While the focus in the past has been on the EU Inheritance Regulation, the EU Equal Treatment Regulation and combating money laundering, the current training series is dedicated to family law, company law and data protection. Each seminar is jointly organised by two member chambers of notaries, supported by the Steering Committee and Scientific Team at CNUE. The e-learning platform, which makes accompanying, in-depth and supplementary learning content permanently available, is a new addition.

2022: BNotK seminar on Company Law

In 2022, the BNotK, together with the Italian Consiglio Nazionale del Notariato, will hold a seminar on European company law. It will take place on 11 March 2022 in Munich and features a range of important Company Law topics as well as high profile speakers. We cordially invite all readers to participate! ✓

>> **About the author**

Dr. Torsten Jäger is a Notary in Landau in der Pfalz. He is Representative for International Affairs and represents the BNotK in the ELAN Scientific Committee of the CNUE.



TRAINING 2020-2022
EU L@W FOR NOTARIES
NOTARIES FOR EU L@W



Training seminar on "European Company Law"

Organiser: Bundesnotarkammer and Consiglio Nazionale del Notariato (CNN) within the framework of the training programme EL@N Formation IV of the Council of the Notariats of the European Union (CNUE)
Venue: Sofitel Hotel München Bayerpost, Bayerstraße 12, 80335 Munich, Germany or via videoconference
Date: Friday, 11 March 2022
Moderator: Notary in Landau/Pfalz (Germany)
Seminar languages: German / Italian / English

Programme

08:45 – 09:00	Registration
09:00 – 09:15	Welcome
09:15 – 09:45	Development Course of European Company Law Prof. Dr. Peter KINDLER , Professor at LMU University, Munich (Germany)
09:45 – 10:00	Discussion and questions
10:00 – 10:30	The European Company (SE) Prof. Dr. Hartmut WICKE , Notary in Munich (Germany)
10:30 – 10:45	Discussion and questions
-- Coffee break --	
11:15 – 11:45	The Italian "società a responsabilità limitata" in the European Context and the BRIS (Business Registers Interconnection System) Prof. Dr. Corrado MALBERTI , Notary in Como (Italy)
11:45 – 12:00	Discussion and questions
-- Lunch break --	
13:30 – 14:00	Introduction to Cross-Border Conversions of Legal Forms and Transition to the Workshop Dr. Fabian WALL , Notary in Pirmasens (Germany)
14:00 – 15:00	Workshop: Cross-border Conversions of Legal Forms
-- Coffee break --	
15:30 – 16:00	Challenges of the Directive on Cross-Border Conversions, Mergers and Divisions Prof. Dr. Heribert HECKSCHEN , Notary in Dresden (Germany)
16:00 – 17:00	Presentation of the Online Formation in Italy and Germany Followed by a Live Talk Hosted by Experts Valentina RUBERTELLI , President of Consiglio Nazionale del Notariato and Notary in Reggio Emilia (Italy), and Prof. Dr. Jens BORMANN , President of Bundesnotarkammer and Notary in Ratingen (Germany)



Co-funded by the European Union

The project « EU L@w for Notaries – Notaries for EU L@w » is co-funded by the Justice programme of the EU: JUST-JTRA-EJTR-AG-2020 in the framework of the Grant Agreement n.101008418

NOTARIES WORLD WIDE



ADMISSION OF UZBEKISTAN AND KAZAKHSTAN INTO THE UINL

The International Union of Notaries (UINL) won two new members last year. At the UINL General Assembly on 3 December 2021, Kazakhstan and Uzbekistan became the first notariats from Central Asia to join the umbrella organisation. Ahead of any admission, a comprehensive examination of the national notariat is conducted, as well as at least one delegation visit to assess the local conditions.

Kazakhstan

Kazakhstan first applied for membership in 2003. Thanks to several visits by delegations from the International Notarial Cooperation Commission (CCNI) as well as the close contact between the BNotK and the Kazakh Chamber of Notaries a favourable decision by the Union could be achieved

this year. Kazakh notaries and the BNotK have enjoyed a good and friendly working relationship since 2013. At the end of 2018, a bilateral cooperation agreement was signed in Berlin as the basis for further collaboration.


Uzbekistan

With its 34 million inhabitants, Uzbekistan is the most populous country in the region. The existing state notarial system was converted into a notarial system with self-employed notaries in 2020 as part of the general opening-up of the country after the change of the state president. By this time, the BNotK, in cooperation with the IRZ, had already organised several events for the state notaries together with the Uzbek Ministry of Justice. As part of the application for admission, the CCNI was presented with regulations and structures on professional law practice that met the admission requirements almost perfectly. This assessment was expressly confirmed by the Commission delegates who visited the country in September this year.



Welcoming of the CCNI delegation by the Uzbek Minister of Justice R. Davetlov (centre), 30 November 2021 in Tashkent

An expanding UINL

The UINL family, thus, continues to grow and now comprises 91 member notariats. We offer our sincerest congratulations to the newly-admitted chambers of notaries and look forward to working together in the future! 

>> About the author

Judicial Counsel Richard Bock is an Honorary Notary and the BNotK's Chief Representative for International Affairs. He is also President of the Commission for International Notarial Cooperation (CCNI) of the UINL.



The signing of the cooperation agreement with Kazakhstan, Berlin, May 2018. President Assel Zhanabilova stands in the centre



Participants of the CAE Assembly in Barcelona | Photos: @ Colegio Notarial de Cataluña

CAE – THE EUROPEAN AFFAIRS COMMISSION OF THE UINL

In addition to various thematically-specific commissions, the UINL also has four so-called “Continental Commissions” for Europe, Africa, Asia and the Americas. The members of the European Affairs Commission (Commission des Affaires Européennes, CAE) met in person on 26 November 2021 for the first time in a long time to exchange views on current issues in their notariats.



Participants of the CAE Assembly in Barcelona

Commission of all notariats on the continent

Unlike the CNUE, the umbrella organisation of the notariats of the European Union, the CAE comprises delegates from all member notariats that lie with-

in the geographical borders of Europe. Thus, the CAE also represents f. ex. the Scrivener Notaries in London and numerous eastern and south-eastern European notariats.

Discussion on current developments

The CAE’s meetings traditionally serve to promote the legal and academic exchange between the notariats. The short reports on current developments from the past year presented by each notariat provide a valuable basis for this. The focus this year was on digitalisation, which was fuelled even more so by the COVID-19 pandemic. Specific working groups also dealt with divorce law and the cross-border use of powers of attorney. Lionel Galliez, President of the Working Group “Cooperation with International Organisations”, and Judicial Counsel Richard Bock, President of the Commission for International Notarial Cooperation, had the opportunity to report on the work in their bodies. In addition to the Vice-President for Europe, Franco Salerno Cardillo, the President of the BNotK, Prof. Dr. Jens Bormann, and the UINL President Cristina Armella also attended the meeting. ➤



Veronika Kormann LL.M. and the Presidents Judicial Counsel Richard Bock and Lionel Galliez at the CAE

>> About the author

Veronika Kormann, LL.M. is a fully-qualified lawyer and the BNotK’s Legal Advisor for International Affairs in Brussels.

HIGHLIGHTS



Participants of the southeast Europe round table in Berlin

ROUND TABLE SOUTHEAST EUROPE

On 28 and 29 October 2021, the BNotK invited its partners from southeast Europe to a round table in Berlin to resume collaboration after a long pandemic-related break and to discuss current developments in the notarial profession in the region in person. Representatives of the notarial chambers from Bosnia and Herzegovina, Kosovo, Croatia, Montenegro, Serbia and Slovenia took part in the event, as well as representatives from the German organisations GIZ and IRZ, Jana Schuhmann and Dr. Stefan Pürner. The event was opened by BNotK Director-General Dr. Nadja Danninger.

First face-to-face meeting in a long time

The main topics included anti money laundering and digitalisation, on which Maria Meier, Felix Schmitt and Veronika Kormann gave presentations on behalf of the BNotK. They then answered numerous questions from colleagues. Furthermore, the notariats shared their experiences throughout the pan-

dem and discussed current developments in professional law.

The event was organised and chaired by Honorary Notary Richard Bock, Notary Dr. Lovro Tomasic and Ms. Veronika Kormann.

Money laundering prevention, digitalisation and experiences during the pandemic

The event provided an opportunity to deepen the long-standing and successful contact on a personal and professional level and to identify synergies between the neighbouring chambers for future cooperation. For some time now, the mostly smaller chambers of notaries from the region have faced a variety of challenges on a professional-political level and therefore seek close links with German notaries, both in legal and technical terms. For this reason, the BNotK has further reinforced its cooperation with the chambers in this region. In doing so, the BNotK aims to strengthen the quality of preventive administration of justice in these transition states by preserving and promoting the diversity of notariats in the region. Conversely, the

BNotK can also draw lessons from the challenges discussed for the further development of its own understanding of the profession.

In-depth, expert exchange

The two days in Berlin were a valuable experience both for the colleagues from the region and for the German notariat. ✓

>> About the author

Dr. Lovro Tomasic is a Notary in Erlangen and BNotK's Representative for International Affairs as well as a member of the UINL working group "Cooperation with International Organizations". His focus lies on the partners in southeast Europe.



Pristina, Photo: DaveLongMedia | istockphoto.com

DELEGATION VISIT TO KOSOVO

On 15 and 16 November 2021, a BNotK delegation, consisting of Honorary Notary Richard Bock, Notary Dr. Lovro Tomasic and Ms. Veronika Kormann visited Pristina, upon the invitation of the German Ambassador and the Notary Chamber of the Republic of Kosovo. A new sustainable and transparent system for the recruitment, qualification and appointment of notaries is to be developed there. The BNotK was invited to support the local institutions in an advisory capacity.

The highlight of this delegation visit was a discussion between the delegation and the Minister of Justice, Albulena Haxhiu, together with the German Ambassador, Jörn Rohde. During this fruitful discussion, the BNotK delegation was instructed to submit legislative proposals for the modernisation of the law on notaries, which is currently being revised and newly adopted as part of an overall codification of civil law in Kosovo – an assignment that was readily accepted by the delegation.

In order to obtain a relatively broad and comprehensive picture of the local situation, the delegation also held talks with representatives of civil society, the EU rule of law project EuKojust and representatives of the EU Delegation in Kosovo. In addition, the relationship and exchange with the Notary Chamber of the Republic of Kosovo was strengthened through meetings in person. The Notary Chamber of the Republic of

Kosovo has firmly established itself as a reliable and visible institution of the rule of law since its foundation in 2012. It is now important to consolidate the preventive administration of justice by notaries and to further increase the quality. All the institutions and participants of the meeting have committed themselves to these goals and want to use the current legislative process, among other things, to advance the digitalisation of the profession.

The BNotK enjoys a close partnership with the Notary Chamber of the Republic of Kosovo. Together with the German Embassy, it supports the development of preventive justice through advice, delegation visits and training events, bilaterally and also in cooperation with the German organisations GIZ and IRZ. *✓*

>> **About the author**

Dr. Lovro Tomasic is a Notary in Erlangen and BNotK's Representative for International Affairs as well as a member of the UINL working group "Cooperation with International Organizations". His focus lies on the partners in southeast Europe.



“We have shown our resilience and great power of adaptation in the face of new challenges.”

A coffee with Cristina Noemí Armella,
President of the International Union of Notaries (UINL)

Interview: Veronika Kormann LL.M.

Photo: © Colegio Nacional del Notariado Mexicano

Just over 2 years ago on 1 January 2020, you took over the presidency of the UINL. Why does your time at the UINL mean so much to you? What have been your best moments so far?


On 27 November 2019 in Jakarta, Indonesia, I was elected President of the UINL for a three-year period from 2020 to 2022. This distinction honoured me as much as it bestowed me an immense responsibility. Leading an organisation with a great socio-cultural diversity that has been in existence for 73 years and covers 91 notariats on all five continents, requires dedication and creativity. Leading this organisation is very important to me: I have set myself the goals to be achieved during my three years in office and included them in my action plan, and the best moments so far were those in which, together with the members of the UINL bodies, these projects became a reality. As a matter of fact, in December 2021, numerous projects were unanimously approved, such as the “Guidance on remote authentication”, the text of the “Model Notary Act”, the entry of two new notariats, those of Kazakhstan and Uzbekistan, and the partial reform of the UINL statutes. This brings me great pride because many men and women of the law were called upon for this purpose and responded with competence and efficiency, proving that our organisation is dynamic and strong.

As President, you also had to lead the UINL through the (still ongoing) COVID-19 pandemic. How did the pandemic affect the UINL and what were the biggest challenges?

Physical presence as a fundamental principle of the UINL's activity had to be transported into the virtual world because of the pandemic. The biggest challenge has been to maintain a constant rhythm of work for all the members of our organisation in an absolutely adverse scenario. There was every indication that the aims and objectives of the UINL could lose in interest or importance. That is why the effort from the leadership has been even greater. We have shown our resilience and great power of adaptation in the face of new

challenges. Therefore, the UINL is not only an example of internal strength, but also of a strong role in the international arena.

2022 will be your last year as President. There are some big conferences planned for the coming year, such as the General Council meeting in Germany in May or - as a grand finale - the World Congress in Mexico in November. Which projects are particularly close to your heart for 2022?

First of all, I would like to thank the German Federal Chamber of Notaries and, in particular, President Jens Bormann for the invitation to hold the Steering Committee and the General Council meeting in person. I hope that we will be able to make this happen. And we will conclude the year at the 30th International Congress in Cancun. My main goal is to complete all the projects currently in progress. The success of the institution lies in mid-term and long-term projects, which are consolidated beyond a three-year mandate and with new projects being constantly added. However, my priorities, especially at the political level, include the expansion of the UINL, the comprehensive reform of its statutes and, at the academic level, the definitive implementation of the Global Virtual Educational Platform. I will conclude my mandate with a document entitled: “Strategic Plan 2048. More than one hundred notariats over one hundred years of the UINL”. 

>> About the interlocutor

Cristina Noemí Armella is a Notary in the Province of Buenos Aires in Argentina. She is President of the UINL for the 2020-2022 legislative period.

AGENDA

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

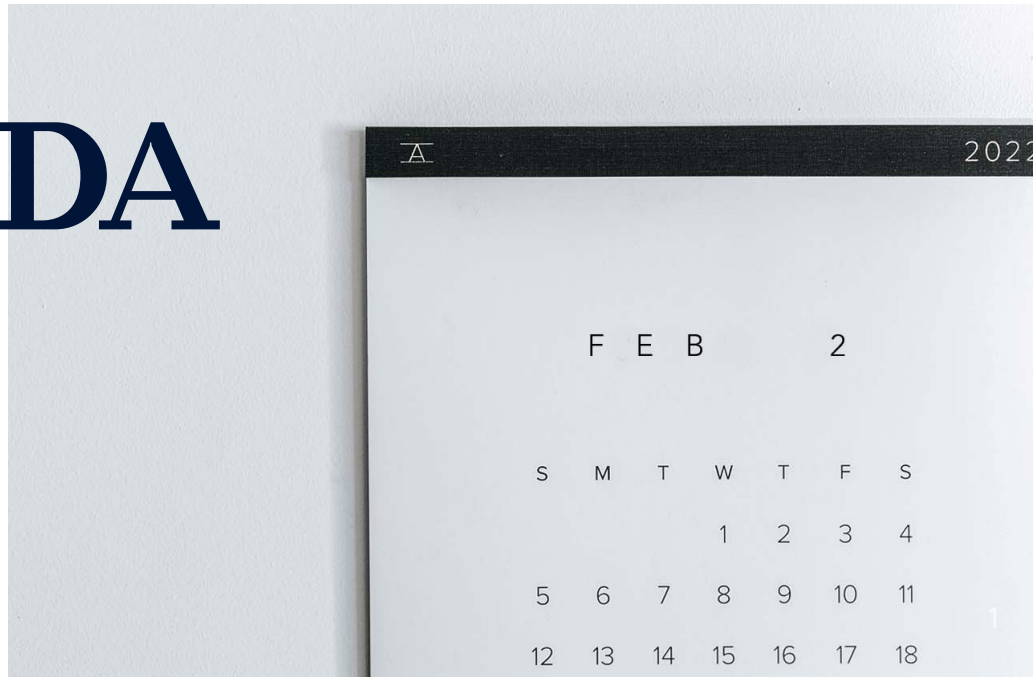


Photo: Nathan Dumlao | unsplash.com

CNUE HANDOVER OF POWER
ROME | ITALY
18.01.2022

CNUE GENERAL ASSEMBLY
BRUSSELS | BELGIUM
18.03.2022

"EUDOC" MEETINGS
RIGA | LATVIA, VILNIUS | LITHUANIA
27. - 28.01.2022

BNOTK 60TH ANNIVERSARY CELEBRATION
BERLIN | GERMANY
07.04.2022

CNUE CONFERENCE "COMPANY LAW"
ONLINE
17.02.2022

UNCITRAL WG IV: ELECTRONIC COMMERCE
NEW YORK | USA
04. - 08.04.2022

**EL@N TRAINING SEMINAR "EUROPEAN
COMPANY LAW"**
MUNICH | GERMANY
11.03.2022

**UINL GENERAL COUNCIL AND STEERING
COMMITTEE MEETING**
MUNICH | GERMANY
25. - 28.05.2022

LEGAL NOTICE



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