

Ladies and Gentleman,

As President of the European Notaries, I would like to thank you for the opportunity to talk about our expectations of a European Law Institute. We have been following the developments in establishing the ELI with great interest and appreciation, since, from a notary's point of view, it's an idea that can only be welcomed.

At the core of the notary's activity stands the task of providing legal certainty. In an ever closer European Union, this includes the practical application of different national laws, as well as European law. For the legal practitioner, this is not an easy task and we have developed several instruments to help us giving better service to European citizens.

Firstly, we have created the European Notarial Network - the ENN -, a tool that deals with cross-border cases being handled by the civil law notaries of the 22 participating countries. The ENN's purpose is to help civil law notaries who are confronted with practical questions with a cross-border element. As a network, it provides a forum for discussion and cooperation, which we find very valuable, since it helps us to understand each other's systems better.

Judging from this experience, we think that the ELI could help to establish an inter-professional dialogue between academics, judges and other legal professionals. Here I would like to reiterate my thanks that we as notaries were also invited to join the ELI's structure and I can only underline our appreciation of that.

Secondly, because better information is also key for helping the European citizen to get access to their rights, we have launched the "Successions-Europe-Portal" – [www.successions-europe.com](http://www.successions-europe.com) – which is also co-financed by the European Commission and gives an online overview of the 27 Member States' succession laws. With over 200 000 visits in the first six months, we were very happy to see that this service has been warmly received by the public and we will now try to repeat this success in the field of property regimes for international couples.

A third and important element under development in the European Notarial Network is seminars and training courses. We want to connect knowledge with practical examples and concrete results that notaries can use in their daily practice, so we are currently developing

the concept together with academics. Blended learning – by which I mean mixing different learning environments – could be a good way to facilitate the learning process and to reach more people. We are also wondering if the ELI should think about ways to disseminate information on research results, recommendations and practical guidance.

In addition to these initiatives, the European notaries are working with the European institutions to develop European law by bringing in our practical expertise. For example, in the last years we participated actively in the discussions on a European contract law, from the early beginnings through to the Sounding Board. This experience has clearly shown us that in-depth comparative analysis of legal traditions, systems and national laws is clearly missing.

In particular, we saw that no comprehensive comparison of national consumer laws was available. From the notaries' point of view, given that our objective is to protect the weaker party, this is a real gap and might endanger the whole project. If an optional instrument should prevail over Rome I and mandatory national law, we have to make sure that the consumer does not lose out.

Another problem with the proposal will be the many rather vague general terms used, such as “unreasonable”, “unfair”, etc. Some terms seem to derive from the common law doctrine, others refer to unfairness and good faith but a general concept of good faith or, in German, “Sittenwidrigkeit” seems to be missing.

In this context we think that the European Law Institute could provide real value to lawmaking in Europe. Not only could the ELI bring in comparative studies, it could also offer a better understanding of legal traditions. The ELI could help to overcome these gaps, especially when drafting international instruments or model rules. We firmly believe that respecting legal traditions can help to increase acceptance of new rules and principles that facilitate the further development of the *acquis*.

If the European Law Institute can help to overcome uncertainty and complexity by providing more information, I am sure that it can only be a success. But it's not only the doing good but also speaking about it that helps get the job done. In that sense, I wish the ELI all the best for its future.