



NOTARIES BEYOND FRONTIERS

Work package 2

Setting up the capacity building tools and services

D2.5:

User Guide for Q&A service

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2 About Notaries Beyond Frontiers

The European project Notaries Beyond Frontiers (NBF) is co-funded for a period of two years (October 1st, 2018 – September 30th, 2019) by the Justice Programme of the European Union (2014-2020). The partners of this project are: Lyon catholic university (AFPICL-UCLy, France), the Centre Notarial de Droit Européen (ACENODE, France) and Ordem dos Notarios (Portugal). The Conseil International du Notariat belge (CINB, Belgium), the Consiglio Notarile di Milano (Italy), the Consejo General del Notariado (Spain) and, by way of representation, the Koninklijke Notariële Beroepsorganisatie (KNB, Netherlands) are associated partners.

Thanks to the EU funding NBF shall carry out the following activities:

- Inventory of the capacity building needs of notaries related to Council regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes (hereinafter referred to as regulation 2016/1103 matrimonial regimes) and Council regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships (hereinafter referred to as regulation 2016/1104 registered partnerships).
- Organisation of 10 bilateral workshops intended for notaries, enabling them to improve their grasp of the new regulations 2016/1103 matrimonial regimes and 2016/1104 registered partnerships, from the examination of specific/cross border cases built from the outcomes of the inventory of the capacity building needs.
- Launch a continuous Q&A service to answer questions raised by notaries on regulations 2016/1103 matrimonial regimes and 2016/1104 registered partnerships.
- Implementation of a communication campaign intended for the general public, targeting in particular couples with different nationalities, informing them on the benefits of regulations 2016/1103 matrimonial regimes and 2016/1104 registered partnerships.
- Feedback to the European Commission and chancelleries.



3 Introduction

Pursuing its goal to be appealing, NBF intends to establish several innovative services for notaries such as a Question and Answer Service for the exclusive use of notaries. This Q&A Service did not exist in such a cross-border configuration prior to NBF. It has been set-up to meet a real need on the part of notaries for a bespoke service capable of refining their practice.

In addition to NBF's webinar service and workshops, the FAQ service now forms part of ACENODE's advisory mission (www.acenode.eu). Notaries who wish to do so are able to submit written questions at any time on NBF's website (<https://www.nbfproject.eu/service-de-questions-reponses/>). ACENODE will either respond within five days or delegate the answer to one of the best-qualified partners. The question and answers will be compiled in a FAQ report (deliverable 3.2). This service will be maintained after the project has come to an end.

Should you wish to submit a written question and use NBF's Q&A Service please consult the Q&A Service user guide on how to operate the Q&A Service (see below).



4 NBF's Question-Answer Service - User Guide

4.1 Main purpose

This Q&A service aims at answering questions raised by notaries on regulations 2016/1103 matrimonial regimes and 2016/1104 registered partnerships.

This service is part of a larger capacity building initiative comprising workshops and webinars on regulations 2016/1103 and 2016/1104. For more information please consult our website www.nbfproject.eu

4.2 Who may use the Q&A service?

This Q&A service is reserved for practising notaries, probationer notaries and clerks.

4.3 How and where to submit a question?

Notaries who wish to do so are able to submit written questions at any time on NBF's website: <https://www.nbfproject.eu/service-de-questions-reponses/>.

4.4 Accepted format

The question may be written in French or in English up to 300 words.

Types of questions that may be raised:

- Does a marriage contract established in 1998 fall within the scope of the Regulation?
- Is my country constrained by the Regulations?
- Can spouses married in 1975 use the tools offered by the Regulations to change the law applicable to the matrimonial regime?
- What judge is competent to decide the dispute concerning the matrimonial regime of a couple who is currently in the process of divorce?

Type of questions that will not be addressed:

- Could you give me your opinion about this problem? (attached file)
- Could you give me some information about the different content of the foreign law?

4.5 Deadlines for responding and procedures



NBF's experts will either respond within five days or delegate the answer to one of the best-qualified partners.
Answers will come in brief explanations illustrated, when possible, by concrete examples.

4.6 Cost

This service is entirely free of charge.

4.7 Confidentiality of data processing

The question and answers will be compiled in a FAQ report. Personal data processing are subject to the rules of the European General Data Protection Regulation. All personal data will be anonymised.

Data subjects in this service must have the right of access, rectification, erasure and portability on their personal data. They must also have the right to object to or to limit the processing of their personal data and the right to issue directives regarding the fate of their data after their death. These rights may be exercised at any time simply by contacting the data processor.

Data are retained solely for the period required for performance of this service and not subject to any subsequent processing not expressly authorised by the data subject concerned.

Personal data is not transmitted to third parties outside the scope of this service.

The data processor shall take all appropriate measures to ensure the security and confidentiality of the personal data that is processed. The data processor shall notify to the data subjects and to the competent authorities, in writing, of any security and confidentiality breaches relating to personal data.