

_ CNUE General Assembly, 8-9 December 2022

Speech of the newly elected President

Dr. Peter Stelmaszczyk

Dear President Marcoz, dear Giampaolo,

Dear President Skrastins, dear Janis,

Dear Presidents,

Dear colleagues and friends,

The year 2023 will be of paramount importance for the European notariat.

In 2024, we will have new elections for the European parliament. This will push all political campaigns and law-making into the background.

If the EU institutions still want to pass legislative projects before the end of the legislature, they must come to an agreement in the upcoming year.

That is why the many important legislative EU initiatives will **naturally shape my agenda** as CNUE President.

We will do this as a **team**. As CNUE President, I will put teamwork first.

My short speech is composed of two parts:

In the first part, I will outline **what** I would like to do during my term, namely the political priorities of my Presidency.

In the second part I will present **how** I want to do this, i.e. how I would like to achieve our political goals and defend the European notariat.

I. Priorities of the German 2023 CNUE Presidency

Now, let me go straight to the point and outline three priorities of my Presidency:

1. Anti-Money Laundering Package

My first **political priority** is the **fight against money laundering**.

The AML Package is **opportunity and challenge** alike.

On the one hand, we can prove that we are **essential partners of the State** in the prevention of illegal activity. This is the chance to preserve and even expand our competences.

Remarkably, the Commission has said in its latest **Supranational Risk Assessment**: Human intervention by legal professionals is always necessary to assess money laundering risks – despite the general call for more automation and standardisation!

The prevention of illegal activity is a key and common **added value** of our profession.

We must promote this added value.

As CNUE-President, I want to use the **new eLearning-platform** and other educational formats such as a new **ELAN V** for this. We will educate all our colleagues on the new AML rules and obligations from the **new single rulebook**. This is an important political message we must send to the EU Institutions.

We should also discuss positioning the CNUE in a **public-private partnership**.

Through the CNUE, we can build on and replicate cases of peer reviews and mutual assistance. This enables us to create synergies across borders and support a common understanding of the biggest risks facing the profession.

That way, CNUE can provide the **cross-border perspective** that national authorities and chambers lack – a **real added value** of the CNUE.

All this will promote our profession and position us firmly at the side of the EU Institutions and our national governments.

On the other hand, we must be very careful that the AML Package does not result in endless bureaucracy.

I know that the current political climate makes it all but easy. Nevertheless, we must **prevent “tick the box” rules** and **promote the risk-based approach**.

As one German MEP has said: If you want to hit 100 oligarchs, you must not target 450m EU citizens.

Without the risk-based approach, the vast majority of unsuspecting citizens and businesses will be **overburdened by senseless data collection and the intrusion into their private sphere**.

And they will blame us for this – even though we are not responsible for the new rules.

If we want to avoid useless ticking the box, we must provide politicians with a better solution. We need to **promote effective tools** to prevent money laundering. A good example for this is the AML system of the Spanish notariat. It is a frontrunner system that helps alleviate political pressure from

our profession.

I am convinced: If we work together closely through the CNUE, we can promote the added value of our profession and prevent unsuitable and costly bureaucratic obligations.

In this connection, let me thank President Marcoz and the CNUE office for their highly appreciated work on the **implementation of the EU sanctions**.

Just like the prevention of money laundering, implementing the EU's sanctions regime puts us firmly at the side of the State. It highlights our essential role to combat illegal activities. This work is important and in the public interest. It must be continued in the next year and beyond.

The AML Package and the latest rounds of EU sanctions pose important questions for the **rule of law**.

This is not only an issue within the Member States. This affects the EU Institutions themselves.

Under the new rules, obliged entities could be **named & shamed** before they have exhausted all judicial remedies. Notaries could **lose their license**, simply because they lack "good repute".

At the same time, the EU **outlaws legal advisory services** regarding its own sanction regulations.

These are problems we need to address. We will do so in the political process and we will do so in public. As guardians of the rule of law, we must speak out.

2. Digitalisation of the notarial profession

My second main priority is the **digitalisation of our profession**. This also presents opportunity and challenge alike. Some notariats focus on the advantages. Some notariats are concerned.

It is crucial that we meet the challenges of the digital transformation.

You will remember the **Digital Tools Directive**. It was one of our biggest challenges in the last decades.

The EU is now working on the successor project, called "Upgrading Digital Company Law". A proposal for a new directive is expected in early 2023. Like the last time, we will work closely with the EU institutions and make our voices heard.

Let me say this: Despite the digital transformation, we must preserve the characteristics of our profession and ensure that the special features and legal traditions of all of our notariats are respected.

The **quality of the authentic instrument** is one of our most valuable assets and the reason why we are held in high esteem. The quality of our work is the **cornerstone of the preventive administration of justice**.

We must uphold this quality and ensure that an authentic instrument really deserves its great

value: by its contents and by the way it has been established.

That is why we must **prevent the application of the once-only principle**, in particular when based on unreliable registers in certain Member States.

We must **ensure high IT standards and procedures**. We need to prevent reliance on less secure third-party IT systems.

We have to guarantee that citizens and businesses always have **access to the best possible advice**. They need legal certainty for their transactions and activities.

Digitalisation must not change that.

We need to highlight our essential role as guardians of legal certainty in the virtual world and as gatekeepers for registers. We must explain our role to the public and the political decision makers.

That is why we want to **hold a conference on the use of digital tools and procedures** in company law.

I was working very closely with all stakeholders when the Digital Tools Directive was passed. Now, I will build on my experience to the benefit of you all. As CNUE President, I will represent the interests of the European notariat and make our voices heard.

3. Protection of the vulnerable

A third priority is the role of the notary for protecting the vulnerable.

As you know, the EU will publish a proposal next year for the protection of vulnerable adults.

This will be our chance to highlight our added value as guardians for the weak in society.

Now let me come to the second part of my speech, that is how I want to achieve our political goals.

II. Focus on political work through the CNUE

Of course, we can only be successful if we work together.

I am convinced that the best way to do this is **through the Working Groups**.

I still remember vividly how we struggled and fought for a common position on the Digital Tools Directive. But in the end, we succeeded in getting a position paper on time and used it as a perfect basis for our approach towards the political decision makers in the Commission, the Council and the European Parliament.

This **bottom up approach** is the **institutional way**. It is expressly foreseen in the **Rules of Procedure**. That way, we can involve all Members.

For that reason, I want to invite all **Working Group Chairs to a joint meeting** in the beginning of next year – **as was the tradition before**. We will discuss priorities and share our expectations and

concerns. We will get ready for 2023.

We will also organise a **Working Group Day** in presence in Brussels. After so many videoconferences over the past years, I am sure that everyone will be happy to meet in person again and **get to work**.

As I said, the Working Groups serve to involve all Members – bottom up. This is very important to me – **personally**.

We must be very careful not to play out – and I am quoting here – “medium-sized” or “small” notariats against “big” notariats. We must **not put our notariats into these simple categories**. We are all in the same boat.

One notarial competence **lost** will not come back.

If one of us is weakened, it affects all of us because we all lose influence – particularly in the EU.

This means we must **stand together** – regardless of the size of the notariat. We all have one vote. We all count the same.

One notariat may have more resources at its hand than another. But the bigger notariat will profit from the smaller notariats’ activities, contributions and support – **just as the other way around**.

It is exactly how **Albert Camus** has put it in his novel “**Jonas ou l’artiste au travail**” : nous sommes **solidaires** ou **solitaires**.

This cooperation within the CNUE has been instrumental for achieving many important goals in the past and will continue to do so in the future.

During my time as managing director in Brussels, Jens and I have always made it a priority to cooperate with many of the – supposedly – smaller notariats. I still remember in particular our presentation of the online formation of companies with the Czech notariat in Prague on 6 December 2019, our various meetings with the Croatian President Rauš-Klier and the Ministry of Justice in Zagreb and our outspokenly fruitful meetings with the Greek President Rouskas in Athens.

This is something very important to me. You can be assured that I will continue to do so as CNUE President.

I am very **honoured and proud** to have been nominated by my good friend Janis. I am looking forward to closely working together with the Latvian notariat and to making the presidency a great success. We will do this together and it will be a symbol of the friendship between our two notariats.

The close cooperation of our notariats can also be seen in the organisation of the meetings. We will hold the **June General Assembly** in the beautiful city of Riga.

Together, we will also organize a **signature conference in Riga in September** on real estate

transactions, reliable land registers and the protection of good faith. We will use this conference to highlight and promote notarial intervention. We invite you to join us and make this conference a great success.

I also want to **congratulate our next Vice-President Marius Stračkaitis**.

Our Notariats have been working together for many years already, and we have a very close and friendly relationship.

Dear Marius, I was very honoured by the invitation to your Conference on the 30th Anniversary of Lithuanian Notariat Reform a few days ago.

We will be a great team. And, in 2024, the Lithuanian Chamber will assume the CNUE Presidency.

III. Martial plan for Ukraine

I have one more topic that I want to propose as a further political priority for 2023: It is the **support of the Ukrainian notariat**.

Many chambers and colleagues have provided all kinds of assistance: money, housing, material support.

Through the ENN, many important projects have and will be implemented.

The CNUE has already made donations and part of the EUFides budget will be donated as well.

I strongly support all that.

However, if we want to provide real support with a sustainable impact, we must **ask the EU, our national governments and the World Bank** for funds.

We need a **Marshall plan**.

Many notaries have been **injured or killed**, offices and documents are **destroyed**, notaries and their employees have been enlisted. Financial resources are low. **Of the former 6,600 notaries, 4,000 notaries had to cease their activities**.

The **modernization of the profession**, including the digitalization, came to an **abrupt halt**. The notaries do their best to uphold the preventive administration of justice. They keep working while risking their lives. They publish lists of notarial offices, which are still open. They support colleagues without income and they provide for the families of notaries who have died. Still, this is not enough in the long run. We have all seen the videos and pictures of destroyed notaries' offices.

The next year is the time to gather support: As Ukraine pushes Russia back, the **reconstruction of Ukraine becomes the top priority**.

I am confident that we can succeed.

At the end of October, the **President of the Commission von der Leyen and Chancellor Scholz** proposed a Marshall plan for Ukraine.

The **German Minister of Justice**, Marco Buschmann, has stated very recently that Germany will support the judiciary in Ukraine.

The **World Bank** is working on the recovery and reconstruction of Ukraine.

We must access these funds and help our colleagues and friends in Ukraine against Russia's attack on the rule of law.

We must do this **together**.

That way, we can show how important notaries are as trusted guardians of the citizens – in particular in times of war and crisis.

IV. Personal note

Let me end on a personal note:

When my friend Janis – President Skrastins – asked me if I would consider becoming CNUE-President in Marius' stead, I only hesitated for a moment.

Of course, I have just started my own business. You all know how much work that is. But what can I say?

I had to say 'yes'. And I do not regret this decision. The support of Jens and my home chamber will make it possible. My special thanks go to Maximilian Wosgien, Valerie Barthel, Felix Koechel, Veronika Kormann, Larissa Oebel and Sabine Schumann of our Brussels office.

It just feels good to be back here in your midst. It was always an honour and, at the same time highly enriching to work with all of you. Together, we will defend and further our notarial profession.

This is what I like to do and it is what I am good at.

I promise that I will give my best for all of us. And I will always be available for each and every one of you.

Thank you very much!

Now, let's get to work!

And always bear in mind:

l'Union fait la force!

Together we're stronger!

A trabajar!