

The functions of the notary public in comparative private law

The functions of the notary in the French, Swiss and Romanian legal systems

PhD thesis abstract

The first and most important question to ask when studying the subject of this thesis is "What is a notary?". Let's imagine that an American asks this question to a notary in Europe. The latter will describe what it does and what its purpose is in the Latin legal system. But what will the American hold back? That the notary is a lawyer, who is appointed by the State, therefore he is a civil servant. When the role of the notary in inheritance, wills, matrimonial property regimes and divorce is explained to him, he will conclude that the notary is a true family *counselor*. But our American will find out that the notary advises and has powers not only in family matters, but also in commercial law and companies with or without legal personality. Our overseas friend will think of it this way: the notary advises in all legal areas, is appointed by the State, but is not a civil servant; it means that notary is a liberal profession. That's right, we answer, the notary is a liberal profession; but not completely liberal because the number of notaries, their locations, the way they are appointed and the fees they charge are set and controlled by the State.

Let's imagine that the same American is preparing to enter a notary's office in France or Switzerland. Before he enters, he'll see numerous real estate ads on the windows of the notary's office, with properties for sale like he sees in real estate agencies in the United States. But you'll find that a notary in these countries can put a seller in touch with a buyer, but can't charge a commission and doesn't have the same duties as a real estate agent. Once inside, you will see and hear the notary advising his clients on how to manage their wealth, hear discussions about taxes at the state, mortgages and loans at the bank; so you would say that the notary is like a private banker, looking after and advising his clients on the best way to manage their wealth. Again, it will be misleading because the notary does not offer the same financial services as a banker.

Therefore, according to the above, the notary is not a civil servant, but is appointed by the State; he is a liberal profession, but not completely liberal; his office sometimes looks like a real

estate agency but he is not a real estate agent; he is not a banker, but also provides financial and estate advice when asked.

Stubborn by nature, as all Americans are, our friend, in order to better understand how this European notary's office works, will ask for the organisation chart of a large notary firm in Paris, for example. And you will discover to your surprise that this office employs 5, 10, 50, 100 or even 200 people, that it has a balance sheet, like a commercial enterprise, that it has departments specializing in different areas, also like a commercial company, that it has a board of directors, a general meeting of shareholders and that the office's notary has the same duties and behaves like a company administrator. However, although he behaves in this way, he is not a real factory manager for example, because he is appointed by the State, the fees charged by all the notaries in the office are set by the State and under the tutelage of the State, and the whole "enterprise" can only carry out commercial operations as an exception.

The American's conclusion: the notarial profession is a hybrid construct, with too many aspects to fit into one category. If we also remember that, to become a notary, you have to spend a few years of theory and practice, it is clear to a stranger to our legal system that it will be difficult to understand exactly what it does. The same dilemma can also be faced, if we think about it, by a citizen of a country with a Latin notarial system.

Although it may seem dominated by an exaggerated Cartesianism, difficult to understand in a world where the greatest possible risk in all fields is equated with success, the profession of notary, with its diverse status, has survived for centuries and is implemented, in various forms, in most Member States of the European Union and beyond. There is only one explanation for this survival: the notary responds to a clear need in society.

Precisely in order to discover these needs, but also to study, through a comparative method, the notary both as a legal professional and as a participant in the life of the citizen, we have chosen three systems of law that we considered representative: the French one, because France is the birthplace and a benchmark of notarial law; the Swiss one, because Switzerland, which is not a

member of the European Union, knows all the three main notarial systems that we find throughout the world; the Romanian one, as the author's national system of law.

This work aims to provide the reader with an insight into the profession of notary in these systems, combining the rigor and rationalism of the legal texts on the functioning and powers of the notary with the empiricism of his functions and the needs of society that led the legislator to "break" part of the judge's powers and give them to an independent professional such as the notary.

In addition to the introduction and conclusions, the thesis is structured in two main parts:

The first part, generically entitled *Prolegomena to the Institution of the Notary*, is intended to give the reader a brief history of the institution of the notary, from the time of its emergence at the level of the scribe to the present day. The aim is to understand historically the evolution of the concept of the notary, to understand the social needs that led to the emergence of the notary and, above all, to invite the reader to make various connections with the functions of the notary today. The second section of the first part aims to offer a series of perspectives, more or less hermeneutic, on the different social and personal aspects in which the notary puts his mark: sociological, anthropological, philosophical and ethnological perspectives.

The second part of the thesis, which constitutes the main body of the work, consists of 5 chapters, each dealing with an aspect of the notary's functions, from the definition of the notary, to the principles underlying his activity, to the ways in which notarial activity is organized, both at national and regional level as well as individually, each of these aspects being analyzed from the perspective of each system of law studied. Chapters IV and V of this part of the work aim to introduce the reader to the practical way in which notarial acts are performed, the main focus being on the authentication procedure which, outside the Romanian system, is practically the main quality of the notary public. It also takes an insight into one of today's most obsessive topics, namely how Artificial Intelligence (AI) influences notarial work.

The notary is first and foremost a lawyer. In order to become a notary, he must follow a series of theoretical steps and undergo specialized studies, but the technical competence thus

acquired is only the foundation of the profession; it is not sufficient to be a good notary. He also needs to develop his ability to listen and understand people. He must therefore combine theoretical and human skills.

The notary has an obligation to advise his clients. This advice must first and foremost be impartial; it is the essence of the notary's job to pursue the interests of his clients without favoring any one, to listen to them, to understand their requests and to support them in carrying out their projects. The role of advisor is not the same as that of decision-maker. The notary should be supportive, show clients what options are available to them and be there for them when they choose one of them.

The notary is not a merchant who aims to sell his services to a client. He is a public officer who is subject to a status in society. The latter is not there to protect the notary, but to protect his clients. The status of the notary public in society, not only in Romania, but in most countries with a Romano-Germanic notarial system, has always been criticized, especially from two perspectives: the existence of a limited number of notaries (*numerus clausus*) and the practice of predetermined tariffs by the State. When you ask a private citizen to characterise the profession of notary, he or she will certainly refer to one of these two aspects which, whether we notaries like it or not, are nevertheless a reality.

Numerus clausus is a limitation on the freedom to practise the profession in a particular locality: the notary is appointed and installed in a location by the Ministry of Justice. Notaries provide a very effective system of safeguards against possible damages that may be caused by notaries to their clients. This system of guarantees, which is present in all notaries' offices worldwide, is also financed by notaries, and this financial solidarity, which protects the client, means that the appointment of notaries must be controlled. At the same time, the notarial service, being a public service, must be provided uniformly throughout the territory of a State, this uniformity being the responsibility of the State. The freedom to carry out an activity, although it is the foundation of any democratic and civilised state, manifests itself in the case of notaries as an

element against the interest of the client. So a freedom to set up notaries in any location would destroy this guarantee and accessibility that notaries currently offer.

The profession of notary is such that it inevitably leads to a relationship of trust and intimacy between the notary and his clients. They have the opportunity to assist clients in the most important moments of their lives: marriage, buying an asset, divorce or death. Of course, not all of these moments are moments of happiness, but some, like death, are moments of sadness in the family. For this reason we can say that the relationship between the notary and his client has a "real" character. The notary contributes, at these moments, to the creation of a legal bond in parallel with the emotional bond that unites the clients, and their joys inevitably end up being transmitted to the notary who, for example, is officiating at the sale of the first apartment bought together by a newly married couple.

As notaries, we meet a lot of clients who pass through our office. Naturally, not everyone marks us with the same intensity and, of course, not everyone marks us in a good way. Some charge us with positive energy, others consume it. This bond with the client is built over time, and is essentially the emotional basis of the notary's profession.

Some of the notarial procedures we handle are set at happy moments in the lives of our clients. We are talking here, for example, about buying a house, or about a visit a couple makes to the notary before getting married. Naturally, a consultation with a notary before marriage is not obligatory, as is a consultation with a doctor, but it is recommended in order to allow couples to choose the most appropriate matrimonial regime for their material situation. It is a sign of modernism and wisdom on the part of future spouses to take this step. The role of the notary in this situation is to explain to them what options are available to them: perhaps in the case of certain couples, a separation of property is more appropriate than legal community. The role of the notary in advising his clients is thus similar to the role of a teacher towards his students: he has to explain to his clients what the law says, because legal language, like any professional language, contains many technical details which are not accessible to everyone; moreover, the specificity of legal

language is that certain terms, although they have a corresponding term in common language, do not mean the same thing (for example, the term "fruit" in common language means a vegetable product, but in legal language, the fruit of a good can even represent the rent received from renting an apartment).

However, the role of the notary is not just a mere "translator" of legal language. Proper advice to clients requires the notary to identify with them, to put himself in their shoes, to present the best options for a person to carry out the plan he wants, but at the same time to keep his distance so as not to influence the client's decision in any way. It belongs exclusively to him. For example, if a doctor wants to buy an apartment in order to convert it into his consulting room, in addition to the elements of legal certainty to which the notary must be attentive (to check the land register, the tax situation of the apartment and the building in which it is located, etc.), he must also show the buyer the options available to him: will it be more advantageous to buy the apartment per office? As an asset? With your wife? By natural or legal entity? etc.

Of course, there are also notarial procedures that intervene in less happy moments in a person's life, such as an inheritance or a divorce. The role of the notary in these situations is to be there for his client and to make this stage of his life administratively easier. Naturally, such a moment is not pleasant for anyone and, although at first sight it may not seem important, the need for the notary's intervention to settle the estate of the deceased or former spouses is vital. These unfortunate proceedings usually end in a partition. The notary must ensure that the sharing procedure takes place in a calm and harmonious environment, and even when there are tense situations, he must put his human and psychological qualities to work so that his clients reach a fair agreement.

But being a notary gives you the chance to meet many people, each one different in their own way. Human relationships imply that the interactions between the notary and his clients are not all the same. People are different. Thus, everyone's ability to understand certain aspects differs, depending on several factors: the person's education, whether or not he or she has legal studies; the

notary's language must therefore be adapted to the interlocutor. Thus, with each client we meet, there is a feeling that we are doing our job well or not, that they understand our explanations or not. Having this quality, this "feeling" with each person you meet, cultivating this characteristic and using it in your profession, is one of the keys to success in the profession, because knowing how to talk to each citizen who uses your services, over time you will build the most important "asset" in this profession, namely the trust of your customers.

Bibliography

I. Literature

Amboulou, Hygin Didace, *Le notaire et le service public*, Editura L Harmattan, Paris, 2008.

Andrier, Nathalie, *Notaires: des hommes, des femmes, des relations humaines*, în publicația *Notaires, la plume et le sceau*, Editura Prat editions, Paris, 2010.

Ankum, Hans, *Les tabellions romains, ancetres des notaires modernes* în *Atlas du notariat*, Editura Wolters Kluwer, Deventer, 1989.

Arnauld, Marie Paule, Jacques Laurend, *Le Notaire au siècle des Lumières*, Editura A. M. Métailié, Paris, 1988.

Aubert, Jean-Luc, *La responsabilité civile des notaires*, Editura Defrenois, Paris, 2008.

Aughuet, Charlotte, Matthieu, Van Molle, Helene, Casman, Philippe, de Page, Isabelle, de Stefani, Elise, Grosjean, Lorette, Rousseau, Laurent, Sterckx, Fabienn, Tainmont, Pierre, Van den Eynde, *Le notaire face aux réformes des régimes matrimoniaux et des successions*, Editura Larcer, Paris, 2019.

Aynes, Laurent, *L'authenticite*, ediția a 2-a, Editura Documentation Francaise, Paris, 2014.

Baumgartner, Fabrice, *Avocat-Les opinions juridiques*, în revista *La semaine juridique*, articolul *Procedures*, iunie 2005.

Bălan, Marius, *Drept Constituțional și Instituții Politice*, Editura Hamangiu, București, 2015.

Bărbat, L., *Histoire de la Ville de Chlons-sur-Marne et de ses Monuments*, Editura Imprimerie et Librairie de T. Martin, Paris, 1855.

Bărbieru, Carmen Nicoleta, *Tehnica redactării unui contract*, Editura Universul Juridic, București, 2023.

Bârsan, Corneliu, *Drept civil. Drepturi reale principale*, ediția a 5-a, Editura Hamangiu, București, 2023.

Berge, E. D., *Historie du Notariat...-Primary Source Edition*, Editura Imprimerie de Le Normant, Paris, 1815.

Biguenet, Cecile Mauriel, *Responsabilite civile des Notaires*, Editura Francis Lefebvre, 2017.

Bohnet, Françoise, *Droit des professions judiciaires*, Editura Neuchâtel, Neuchâtel, 2014.

Bohnet, Françoise, Martenet, Vincent, *Droit de la profession d'avocat*, Editura Stampfli, Berna, 2009.

Boilă, Lacrima Rodica, Luntraru, Bianca, *Tratat de drept civil. Teoria Generală a Obligațiilor*, Editura C.H. Beck, București, 2023.

Bonomi, Andreea, Wautelet, Patrick, *Le droit européen des successions*, Editura Etablissement Emile Bruylant, Bruxelles, 2016.

Bourassin, Manuella, Dauchez, Corine et Pichard, Marc, *Notariat et numérique*, Editura LexisNexis, Paris, 2022.

Boroi, Gabriel, Stancu, Mirela, *Drept procesual civil*, ediția a 6-a, Editura Hamangiu, București, 2023.

Boroi, Gabriel, Anghelescu, Carla Alexandra, *Curs de drept civil. Partea generală, ediția a 3-a*, Editura Hamangiu, București, 2021.

Brandli, Gian, *Handkommentar zum Schweizer Privatrecht*, Ediția a 2-a, Zurich.

Briciu, Traian Corneliu, Ciobanu, Viorel Mihai, Dinu, Claudiu Constantin, *Drept procesual civil*, ediția a 3-a, Editura Universul Juridic, București, 2023.

Brückner, Christian, *Schweizerisches Beurkundungsrecht*, Editura Schulthess, Zurich, 1993.

Burdick, William Liversey, *The Principles of Roman Law and their relation to Modern Law*, Editura The Lawbook Exchange, Londra, 2004.

Burke, D. Barlow, Jr & Jefferson K. Fox, *The notaire in North America: A short Study of the Adaptation of a Civil Law institution*, Tul. R Rev., 1976.

Carlen, Louis, *Notariatsrecht der Schweiz*, Editura Schulthess Polygraphischer Verlag, Zurich, 1976.

Cellier-Dufayel, Narcisse-Honoré, *La philosophie du notariat, ou Lettres sur la profession de notaire*, Editura Imprimerie de F. Marie, Paris, 1832.

Cesoni, Maria Luisa, *La lutte contre le blanchiment en droit belge, suisse, française, italien et international*, Editura Bruylant, Bruxelles, 2013.

Chelaru, Ioan, Chelaru, Ana-Luisa, *Drept internațional privat român*, Editura Universul Juridic, București, 2022.

Christe, Pierre, *Le notariat jurassien*, Editura Revue Juridique de Jura, Jura, 1991.

Ciucă, Valerius M, *Drept roman. Lecțiuni. Ediția a II-a addenda, corrigenda et incrementa*, Volumul I, *Lecțiuni Prolegomene*, Editura Universității Alexandru Ioan Cuza din Iași, Iași, 2014.

Ciucă, Valerius M, *Drept roman. Lecțiuni. Ediția a II-a addenda, corrigenda et incrementa*, Volumul II, *Lecțiuni Prolegomene*, Editura Universității Alexandru Ioan Cuza din Iași, Iași, 2014.

Ciucă, Valerius M., *Drept privat comparat. Lecțiuni Prolegomene*, Editura Universității Alexandru Ioan Cuza din Iași, Iași, 2019.

Ciucă, Valerius M., *Lecții de hermeneutică juridică*, Editura Axis, Iași, 2003.

Clavel, Sandrine, *Le pouvoir d'injonction extraterritorial des juges pour le règlement des litiges privés internationaux*, Editura Mayer, Paris, 1999.

Claudet, A., *Rapport national d'Angleterre*, Notarius international 2/2002.

Coffinet, Georges, *Le notariat en 1610 comparé avec le notariat actuel*, Editura V. Giard & E. Briere, Paris, 1910.

Colin, Thierry, *Le notaire français et le notaire suisse face à l'Europe*, Editura Librairie Generale de Droit et de Jurisprudence, Paris, 1993.

Colomb, V.A., *Le Gnomon*, Revue Internationale d'Histoire du Notariat, no. 71.

Cornu, Gérard, *Vocabulaire Juridique; Association Henri Capitant, ediția a 13-a*, Editura Presses Universitaires de France, Paris, 2003.

Costea, Maria Ioana, *Evaziunea Fiscală*, Editura Hamangiu, București, 2019.

Coulomb, Catherine, *Guide des relations entre le notaire et ses clients: Rôle et missions - Coût - Responsabilités - Règlement des litiges*, Editura Puits Feluri, 2006.

Courbe, Patrick, *Droit international privé*, Editura Hachette, Paris, 2020.

Creț, Daniela Cristina, *Drept procesual civil. Partea specială*, Ediția a 2-a, Editura Casa Cărții de Știință, București, 2022.

Crône, Richard, *La responsabilité pénale du notaire*, Editura Solution Notaires, Paris, 2004.

D'Aumeries, Sylvie, *La responsabilité civile du notaire et son assurance, Etude de droit vaudois*, Thèse Lausanne, Lausanne 1980.

Dariescu, Cosmin, *Fundamentele dreptului internațional privat*, Ediția a V-a, editura Universul Juridic, București, 2018.

Deak, Francisc, Mihai, Lucian, Popescu, Romeo, *Tratat de drept civil. Contracte speciale*, Editura Universul Juridic, București, 2023.

Deak, Francisc, Popescu, Romeo, *Tratat de drept succesoral*, Editura Universul Juridic, București, 2019.

de Charette, Laurence, & Denis Boulard, *Les notaires*, Editura Robert Laffont, Paris, 2010.

de Crisnay, Christian Bastard, *Petit et grand secrets d'un notaire*, Editura L'Archipel, Paris, 2012.

de Ferrière, Claude Joseph, *La science parfaite des notaires*, Tomul I, Editura C. Osmont, Paris, 1728.

Delmas, Corinne, *Les notaires en France: Des officiers de l'authentique entre héritage et modernité*, Editura Presses universitaires de Rennes, Rennes, 2019.

Denisart, Jean Baptiste, *Collection de décisions nouvelles et de notions relatives à la jurisprudence actuelle*, Tomul IV 1771.

Debbasch, Charles, Bourdon, Jacques, Pontier, Jean-Marie, Ricci, Jean-Claude, *Droit constitutionnel et institutions politiques*, ediția a 4-a, Editura Economica, Paris, 2001.

de Poulpiquet, Jeanne, *La responsabilité civile et disciplinaire des notaires*, Editura Librairie générale de droit et de jurisprudence, colecția Bibliothèque de droit privé, Paris, 2010.

Depraz, Alex, *La forme authentique en droit fédéral et en droit cantonal comparé*, Thèse Lausanne, 2002.

Diaconescu, Șerban, Vasilescu, Paul, *Introducere în drept civil*, Volumul I, Editura Hamangiu, București, 2022.

Durac, Gheorghe, *Drept procesual civil. Partea Generală*, Editura Hamangiu, București, 2021.

Fabre, Euryale, *Origine & institution du notariat à l'Académie des sciences, belles-lettres et arts, Clermont-F*, Editura Imprimerie de Thibaud-Landriot Freres, Paris, 1849.

Faggion, Lucien, Anne, Mailloux, Laure, Verdon, *Le notaire- Entre métier et espace public en Europe VIIIe-XVIIIe siècle*, Editura Presses universitaires de Provence. Aix en Provence, 2017.

Farag, Shawki M., *Ancient Egypt: The Development of Record Keeping in the Old kingdom*, The American University in Cairo Press, Cairo, 2003.

Favre, Lise, *De la plume d'oie à l'ordinateur: une brève histoire du notariat vaudoise*, Editur Mélanges, Geneva, 2005.

Fenger, Ole, *Notarius Publicus: Les Notaires Dans L'Europe Medievale*, Editura Aarhus Univeristy Press, Aarhus, 2001.

Ferre-Andre, Sylvie, Jean-Yves, Camouz et alii, *Notaire*, Editura Dalloz, Paris, 2020.

Filipescu, Ion, Filipescu, Andrei, *Tratat de drept internațional privat*, Editura Universul Juridic, București, 2008.

Flour, Jacques, *Sur une notion nouvelle de l'authenticité ((Commentaire des articles 11 et 12 du décret no 71-941 du 26 novembre 1971)*, Editura Repertoire Defrénois, Paris 1972.

Fodor, Maria, *Drept procesual civil*, ediția a 2-a, Editura Universul Juridic, București, 2022.

Fongaro, Eric, Péroz, Hélène, *Droit international privé patrimonial de la famille*, ediția a 3-a, Editura Lexis Nexis, Paris, 2023.

Fortier, Dominique, *Les notaires dans la Révolution*, Revista Le gnomon, Ediția 27, 1989.

Galant, Estelle, *L'office du notaire en droit international privé*, Editura Dalloz, Paris, 2022.

Ganthier, L., *Le Guide du clerc de notaire, depuis le premier jour de son stage jusqu'à sa nomination*, Editura Hachette Livre BNF, Paris, 2018.

Gauch, Peter, Schluep, Walter, Jorg, Schmidt, Emmenegger, Susan, *Schweizerisches Obligationenrecht allgemeiner Teil*, Editura 10, Zurich/Bâle/Geneva, 2014.

Genoiu, Iliaora, *Dreptul la moștenire*, Editura C.H.Beck, București, 2023.

Gimenez-Arnau, Enrique, *Derecho Notarial Español*, Universidad Notarial Argentina, Buenos Aires, 1967.

Girberger, Daniel, Anton, Heini, *Zürcher Kommentar zum IPRG. Kommentar zum Bundesgesetz über das Internationale Privatrecht (IPRG) vom 18. Dezember 1987*, Editura Schultess, Zurich, 2004.

Glandas, Renè, *La garantie collective des notaires*, Paris, 1936.

Guegang, Maitre, Guegang Ghomo, *La responsabilité des notaires: Pour un régime spécifique de responsabilité*, Editura L'Harmattan, 2018.

Guillaumé, Johanna, *L'office du notaire en droit international privé* în revista Journal du droit international "Clunet", numărul 01, ianuarie 2020.

Hermann, Claude, Walter Johns, *Babylonian Law — The Code of Hammurabi*. A 11-a Ediție a Enciclopediei Britannica, Londra, 1910-1911.

Herrnberger, Olivier, Vareille, Bernard, *Notaires, qu'avez-vous fait des réformes ?*, în publicația Defrénois numărul 202w9/09.septembrie.2021, Paris.

Heuze, Vincent, Mayer, Pierre, Remy, Benjamin, *Droit international privé*, Editura LGDJ, Paris, 2019.

Hilaire, Edme, Garnier-Deschêne, *Traité élémentaire de notariat*, Paris, 1808.

Hilaire, Jean, *La science des notaires*, Editura Presses Universitaires de France, Paris, 2000.

Honsell, Heinrich, Vogt Nedim, Peter, Geiser, Thomas, *Schweizerisches Zivilgesetzbuch I und II, Commentaire bâlois*, ediția a 4-a, Editura Helbing Lichtenhahn, Bâle, 2011.

Ionaș, Diana-Geanina, *Drept notarial*, Editura Universul Juridic, București, 2021.

Ionașcu, Aurelian, *Probele în procesul civil*, Editura Științifică, București, 1969.

Jeandin, Etienne, *La profession de notaire*, Editura Schulthess, Zurich, 2017.

Jörg, Schimdt., *Grundlagen zum Beurkundungsverfahren* în *La procédure d'instrumentation des actes authentiques*, Zurich, 2007.

Jugastru, Călina, *Drept civil. Obligații*, Editura Hamangiu, București, 2023.

Kejriwal Surabhi, Mahajan Saurabh, *Blockchain and real estate. Mining unexplored terrain*, Editura Deloitte, Olanda, 2017.

Laffont, J. et alii, *Le notaire, le paysan et la terre dans la France méridionale à l'époque moderne*, Editura Presses universitaires de Mirail, Mirail, 1999.

Lambert Alain, *L'office notarial augmenté ou le notaire a distance*, Editura Defrénois, Paris, 2018.

Laurent-Bonne, Nicolas, *Pour une histoire prospective du notariat française*, Editura Lexis Nexis, Paris, 2016.

Lauret, Jean Claude, Lasier Raymond, *Le juge et le notaire*, Editura Balland, Paris, 1972.

Lazăr, Augustin, Predescu, Ovidiu, Duțu, Mircea, *Ministerul public-Istorie și perspective*, Editura Universul Juridic, București, 2017.

Le Coq, Vincent, Anne-Sophie Poiroux, *Les notaires sous L'Occupation (1940-1945) Acteurs de la spoliation des juifs*, Editura Nouveau Monde, Paris, 2015.

Lelong, Patrick, *Votre notaire mode d'emploi : Famille, logement, épargne*, Editura Balland – Jacob-Duvernay, Paris, 2001.

Leloup Laurent, *Blockchain, La révolution de la confiance*, Editura Eyrolles, Paris, 2017.

Leș, Ioan, *Organizarea sistemului judiciar, a avocaturii și a activității notariale*, Editura Lumina Lex.

Lenouvel, Henri, Poumarède, Matthieu, *Les délais de la vente d'immeuble* în publicația *Droit et Ville*, numărul 86 2/2018, Editura Institut des Etudes Juridiques de l'Urbanisme, de la Construction et de l'Environnement, Paris.

Leș, Ioan, Durac, Gheorghe, Ghiță, Daniel, Hurubă, Eugen, Speriu, Vlad Alin, Stoica, Adrian, Tabacu, Andreea, *Drept procesual civil*, Editura Universul Juridic, București, 2021.

Mackay, Julien S., *Notaires et patriotes, 1837-1838* Editura Septentrion, Lille, 2006.

Macovei, Codrin, Bărbieru, Carmen Nicoleta, *Repere ale activității biroului notarial*, Editura Universul Juridic, București, 2011.

Macovei, Codrin, Bărbieru, Carmen Nicoleta, *Activitatea notarială. De la teorie la practică*, Editura Universul Juridic, București, 2018.

Macovei, Codrin, Dobrilă, Mirela Carmen, *Drept civil. Contractele translativ de proprietate*, Editura Universul Juridic, București, 2019.

Macovei, Codrin, Macovei, Ioan, *Dreptul special al contractelor*, Editura Universul Juridic, București, 2022.

Macovei, Ioan, *Tratat de drept internațional privat*, ediția a 2-a, Editura Universul Juridic, București, 2023..

Malavet, Pedro A., *Counsel for the situation: The Latin Notary, A Historical and Comparative Model*, Georgetown University Law Center, Washington D.C., 1994.

Marți, Hans, *Notariatsprozess*, Editura Neuwere, Berna, 1989 (citat Notariatsprozess).

Marți, Hans, *Bernisches Notariatsrecht*, Editura Stämpfli Verlag, Berna, 1984 (citat Marti Hans BN).

Martin-Suhamy, Marion, *Notaires- la plume et le sceau*, Editura Prat Editions, 2010.

Martroye, Louis-François-Xavier, *La morale du notariat: Considéré dans son utilité sociale...*, Editura Imprimerie de V. J.-J. Vanderborght, Marcue aux poulets, 1842.

Mazeaux, Hentri și Leon și Tunc, André, *Traité théorique et pratique de la responsabilité civile délictuelle et contractuelle*, Editura Montchrestien, ediția a 6-a, Paris, 1965.

Măță, Dan Constantin, *Drept administrativ, Volumul I*, Editura Universul Juridic, București, 2022.

Montjouvent, Philippe, *Depouiller les archives de notaires*, Editura Autrement, Paris, 2004.

Michaux-A, *Guide-pratique pour la rédaction de tous les actes des notaires*, Editura Hachette Livre BNF, Paris, 2018.

- Mihailovici, Cosmin, *Notarul public. Destinul unei profesii*, Editura Notarom, București, 2015.
- Milo, Max, *Manifeste contre les notaires*, Editura Max Milo, Paris, 2011.
- Moldovan, Carmen, *Drept internațional public. Principii și instituții fundamentale*, Ediția a 3-a, Editura Universul Juridic, București, 2022.
- Morddel, Anne, *French Notaires and Notarial Records*, Editura Morddel Editions, Londra, 2017.
- Moreau, Alain, *Le notaire dans la société française d'hier à demain*, Editura Economica, Paris, 1999.
- Mooser, Michel *Le droit notarial en Suisse*, Editura Stampfli Editions SA, Ediția a 2-a, Berna, 2014.
- Mousnier, Roland, *La venalite des offices sous Henri IV et Louis XIII*, Editura Presses Universitaires de France, Paris, 1971.
- Murzea, Cristinel, Poenaru, Emil, *Procedura succesorala notariala*, Ediția a 2-a, Editura C.H. Beck, București, 2008.
- Müller, Leonard, *Die Haftung der Urkundsperson: mit besonderer Berücksichtigung des aargauischen Rechts*, Editura Schultess, Zurich, 2000.
- Năstase, Adrian, Aurescu, Bogdan, *Drept internațional public. Sinteze*, Ediția a 9-a, Editura C.H. Beck, București, 2018.
- Negrilă, Daniela, *Divorțul prin procedura notarială. Studii teoretice și practice*, Editura Universul Juridic, București, 2014.
- Negrilă, Daniela, *Moștenirea în Codul Civil. Studii teoretice și practice*, Editura Universul Juridic, București, 2018.
- Neron, Gisele, *Victimes de notaires*, Editura Michel Lafon, Neuilly sur Seine, 2000.
- Nicolae, Marian, *Drept civil. Teoria Generală*, Editura Solomon, București, 2017.
- Odile-Mergnac, Marie, *Archives de notaires et genealogie; Les basiques*, Editura Archives Cult, Paris, 2020.
- Onimus Aurélien, *La blockchain, une révolution dans l'immobilier*, Editura Eyrolles, Paris, 2020.
- Papandreou-Deterville, M.France, *Le droit anglais des biens*, Editura LGDJ, Paris 2004.
- Picard, Maurice, *La gestion d'affaires dans la jurisprudence contemporaine, gestion d'affaires et responsabilité notariale*, revista Revue trimestrielle de droit civil, Ediția 1921.
- Pierre, Phillipe, *Responsabilité des notaires*, Editura Dalloz, Paris, 2020.

- Pillebout, Jean Francois, Frederic Hebert, CSN , *Code Notarial*, Editura LexisNexis, Paris 2021.
- Piotet, Denis, *Influences de la Loi de ventôse sur les notariats helvétiques ?*, Editura Melanges, Geneva, 2005.
- Popa, Florin Ionuț, Moise, Alin Adrian, *Legea notarilor publici. Comentariu pe articole*, Editura Solomon, București, 2016.
- Popa, Ionuț Florin, *Forma autentică în contracte – abordarea Codului Civil*, în lucrarea *5 ani de Cod civil. Perspectiva notarială*, Editura Monitorul Oficial, București, 2016.
- Popa, Ioan, Moise, Alin Adrian, *Drept notarial. Organizarea activității. Statutul notarului. Proceduri notariale*, Editura Universul Juridic, București, 2013.
- Popa, Ioan, *Tratat privind profesia de magistrat în România*, Editura Universul Juridic, București, 2007.
- Popa, Ioan, *Drept civil. Moșteniri și liberalități*, ediția a 2-a, Editura Solomon, București, 2022.
- Popescu, Dan Andrei, Oprea, Elena Alina, *Drept internațional privat*, Editura Hamangiu, București, 2023.
- Popescu, Roxana Mariana, *Drept internațional public. Noțiuni introductive*, Editura Universul Juridic, București, 2023.
- Prevost, Xavier, *Registrum Lombardorum, Le premier Registre Notarial des Archives de L'Etat de Fribourg*, Editura Schwabe Verlag, Bâle, 2016.
- Puie, Oliviu, *Tratat de contracte civile*, Editura Universul Juridic, București, 2017.
- Raymon Gregory, *Première vente immobilière vic Blockchain en France*, revista Capital, 25 iunie 2019.
- Ready, N.P., *Brooke's Notary*, Editura Sweet and Maxwell, Londra.
- Rebeca, Ion, *Drept internațional privat european*, Editura Hamangiu, București, 2019.
- Reyerson, Kathryn L., *Medieval Notaries and Their Acts: The 1327-1328 Register of Jean Holanie (Teams Documents of Practice)*, Editura Medieval Institute Publications, Western Michigan University, 2004.
- Reynis Bernard, *Actualité et avenir de l'acte authentique électronique*, Editura Defrénois, Paris, 2023.
- Ripert, Georges, Boulanger, Jean, *Traité élémentaire de droit civil*, Editura LGDJ, Paris, 1951.
- Rouzet, Gilles, *Précis de déontologie notariale*, Editura Presses Universitaires de Bordeaux, Bordeaux, 1999.

Roșu, Claudia, *Drept procesual civil. Partea specială*, Editura C.H. Beck, București, 2023.

Sagaut, Jean François, Mathias, Latina, Jean Francois, Humbert, *Deontologie notariale*, Editura Repertoire Defrenois, Paris, 2017.

Saint-Hilaire, Alexandre Jeannest, *Du notariat et des offices*, Editura Durand Libraire editeur, Paris, 1858.

Sandars, Thomas Collett, *The Institutes of Justinian*, Editura John W. Parker and Son, Londra.

Santschi, Daniel, *Die Auspendungspflicht des Notar*, Thèse Bern, 1991.

Sarlat, Jean-Jacques, Pierre Seillan, Bruno Voisin, Benoît Renaud, Xavier Daudé, Jean Tarrade, Philippe Mercadier, Pierre Tajan, Sébastien Luquet, Hanin Gillès De Pélichy, Bernard Monassier, Françoise Calmelssentenac, Benoît Van Themsche, Mario-Jean Ossola, Paul Amann, Paul-André Soreau, Patrick Serlooten, Alix Filipowicz, Gabriel Bresson, Alain Géraldy, François Teston, Nathalie Vidal-Alandete, Didier Krajieski, Romain Laffontan, Claude Graulière, Pierre-Luc Vogel, Nathalie Andrier, Aude Seillan, Isabelle Haramburu, Marie-Hélène Kraft-Faugère, Pierre Beaudran, François Faugère, Christophe Jankowiak, *Notaires d'hier et d'aujourd'hui: Réactions contemporaines au "testament" de Maître Jean-Baptiste Seillan, notaire de 1777 à 1830 et maire de Mirande (Gers) durant la Révolution*, Editura LexisNexis, Paris, 2019.

Sauzet, Robert, *LE NOTAIRE ET SON ROI.: Etienne Borrelly (1633-1718) un Nîmois sous Louis XIV*, Editura Plon, Paris, 1998.

Sas, Constantin, *Activitatea notarială pe înțelesul tuturor-Ediția a II-a actualizată și completată*, Editura Notarom, București, 2013.

Savatier, Renè, *Traité de la responsabilité civil en droit français civil, administratif, professionnel, procédural*, Editura LGDJ, Paris, 1951.

Schmid, Jorg, *Die Öffentliche Beurkundung von Schuldverträgen*, These, Fribourg, 1988.

Schneider James, Blostein Alexander, Lee Brian, Kent Steven, Groer Ingrid, Beardsley Eric, *Profiles in innovation Blockchain putting theory into practice*, 26 mai 2016 GoldmanSachs.

Schnyder, Thierry, Steiner, Flurina Maria, Murmann, Fabienna, Guntern, Volken Deborah, Schnyder, Samira, *Le notaire en Valais*, Editura Weblaw, Berna, 2020.

Steer, Francis W., *Scriveners' Company Common Paper 1357-1628 With A Continuation To 1678*, Editura London Record Society, Londra, 1968.

Steinauer, Henri Paul, *La forme authentique en droit fédéral* în revista *Journée juridique à l'intention des notaires*, Fribourg, 1989 (citat Henri Steinauer, *La forme authentique*).

Steinauer, Henri Paul, *Le droit des successions*, Editura Stampfli, Berna, 2006 (citat Henri Steinauer, *Successions*).

Steinauer, Henri Paul, *La procédure d'instrumentation des testaments publics, des pactes successoraux, des contrats de mariage et des conventions sur les biens*, în *La procédure d'instrumentation des actes authentiques*, Zurich, 2007 (citat Henri Steinauer, *La procédure*).

Stevens, Fred, *La loi de ventôse contenant organisation du notariat et sa genèse*, Editura Bruylant, Bruxelles, 2004.

Stoffel, Walter, *L'instrumentation des actes authentiques en droit des sociétés*, în *La procédure d'instrumentation des actes authentiques*, Zurich, 2007.

Stoica, Adrian, Beleniuc, Valentin, *Manual de drept civil. Teoria Generală a Obligațiilor*, Editura Universul Juridic, București, 2019.

Stoica, Veronica, *Drept civil. Contracte speciale*, Editura Universul Juridic, București, 2008.

Stoica, Valeriu, *Drept civil. Drepturi reale principale, ediția a 4-a*, Editura C.H.Beck, București, 2021.

Stoica, Valeriu, *Studii de drept civil*, Editura Universul Juridic, București, 2023.

Stoica, Veronica, Dragu, Laurențiu, *Moștenirea legală*, Ediția a 2-a, Editura Universul Juridic, București, 2022.

Sturner, Rolf, Peter L. Murray, *The civil Law Notary-Neutral Lawyer for the situation*, Editura C.H. Beck, 2010.

Tăbărcă, Mihaela, *Drept procesual civil*, ediția a 3-a, Editura Solomon, București, 2023.

Teaca, Mihaela Ioana, *Drept notarial. Note selective de curs*, Editura Pro Universitaria, București, 2018.

Tercier, Pierre, Pichonnaz, Pascal, *Le droit des obligations. Les notaires*, Editura Schulthess Verlag, Zurich, 2019.

Toader, Ionuț-Alexandru, *Răspunderea juridică a notarului public în context național și european*, Editura Hamangiu, București, 2021.

Trigallou, Bernard, *L honneur d un notaire*, Editura SPS, Lyon, 2004.

Trousset-Fawcett, Nathalie, *Notary public à Londres, Présentation du « deed » en Angleterre et au Pays de Galles*, Paris, 2011.

Tudorașcu, Miruna, Drăgoi, Adam, *Dreptul asupra moștenirii. Explicații teoretice și aspecte practice*, Editura Pro Universitaria, București, 2019.

Ungureanu, Carmen Tamara, Toader, Ionuț Alexandru, *Drept Civil. Partea Generală. Persoanele*, ediția a 5-a, Editura Hamangiu, București, 2022.

Ungureanu, Ovidiu, Munteanu, Cornelia, *Drept civil. Partea generală*, ediția a 2-a revizuită și adăugită de Cornelia Munteanu, Editura Universul Juridic, București, 2017.

Uniunea Națională a Notarilor Publici din România, *Actul autentic notarial între teorie și practică*, Editura Notarom, București, 2014.

Vauchelle, Jean Marie, *Notariat. Dèontologie et Responsabilité* Editura Presse Universitaires de Bordeaux, Pessac, 2022.

Wild, Wolfgang, *Kantonale Beurkundung und Grundbuchführung*, în *Revue suisse du notariat et du Registre Foncier*, ed. 32/1951.

Wolf, Stephan, *Kommentar zum Notariatsrecht des Kantons Bern*, Editura Stampfli, Berna, 2009 (citat: Stephan Wolf, *Kommentar*).

Wolf, Stephan, *Erwachsenenschutz un Notariat*, în *Revue suisse du notariat et du Registre Foncier*, ed. 91/2010.

Yaigre, Jean, Jean Francois Pillebout, *Droit professionnel notarial*, Editura LexisNexis, Paris, 2019.

Zattara-gros, Anne Francoise, Jean Yves-Camoz, *Comment devenir notaire ?*, Editura Defrenois, Paris, 2014.

II. Law

France

Loi du 25 ventôse an XI cu privire la organizarea notariatului (adoptată în 1803).

Loi du 28 avril 1816 cu privire la reforma fiscală .

Ordonanța numărul 45-1418 din 28 iunie 1945 cu privire la regulile de disciplină a notarilor publici și a anumitor ofițeri ministeriali.

Ordonanța numărul 45-2590 din 2 noiembrie 1945 cu privire la statutul notariatului.

Decretul numărul 45-0117 din 19 decembrie 1945 cu privire la regulile administrative publice aplicabile notarilor.

Decretul numărul 71-941 din 26 noiembrie 1971 cu privire la actele eliberate de notarii publici.

Decretul numărul 71-942 din 26 noiembrie 1971 cu privire la crearea, transferul și închiderea birourilor notariale, la competența notarilor și a reședinței notarilor, la arhivarea și transmiterea arhivei și a registrelor notariale.

Regulamentul Național din 24 decembrie 2009 cu privire la activitatea notarială.

Legea numărul 2015-990 din 6 august 2015 cu privire la creșterea economică, a activităților economice și a egalității de șanse în economie .

Legea 2016-1000 din 22 iulie 2016 cu privire la angajații birourilor notariale.

Codul Civil Francez.

Codul Comercial Francez .

Codul Construcțiilor din Franța.

Codul Fiscal din Franța.

Codul de Procedură Civilă francez.

Switzerland

1. Federal Law

Constituția Elveției.

Codul Civil elvețian.

Codul Obligațiilor al Confederației Elvețiene.

Codul de Procedură Civilă elvețian.

Ordonanța Consiliului Federal din 23 noiembrie 2011 cu privire la forma autentică electronică.

2. Cantonal Law

Cantonul Appenzell Rhodes-Extérieures: Beurkundungsgesetz 26 octombrie 2009.

Cantonul Appenzell Rhodes-Intérieures: Verordnung über die öffentliche Beurkundung im Kanton Appenzell 1 iunie 1951.

Cantonul Argovie: Beurkundungs und Beglaubigungsgesetz 30 august 2011.

Cantonul Bâle-Ville: Notariatgesetz 18 ianuarie 2006.

Cantonul Bâle-Campagne: Notariatgesetz 22 martie 2012.

Cantonul Berna: Loi du 22 novembre 2005 sur le notariat.

Cantonul Fribourg: Loi du 20 septembre 1967 sur le notariat.

Cantonul Geneva: Loi sur le notariat du 25 noiembrie 1988.

Cantonul Glaris: Gesetz über Beurkundung und Beglaubigung 6 mai 2007.

Cantonul Grisons: Notariatsgesetz 18 octombrie 2004.

Cantonul Jura: Loi sur le notariat du 9 novembre 1978.

Cantonul Lucerna: Gesetz über die öffentlichen Beurkundungen 18 septembrie 1973.

Cantonul Neuchâtel: Loi du 26 août 1996 sur le notariat.

Cantonul Nidwald: Gesetz über die öffentlichen Beurkundungen 27 aprilie 1969.

Cantonul Obwald: Gesetz über die öffentlichen Beurkundungen 30 noiembrie 1980.

Cantonul Schaffhouse: Gesetz über Einführung des Schweizerischen Zivilgesetzbuches 27 iunie 1911.

Cantonul Schwytz: Verordnung über die Beurkundung und Beglaubigung 24 mai 2000.

Cantonul Soleure: Notariatsverordnung 21 august 1959.

Cantonul Sankt Gall: Verordnung über die Amtsnotariate 13 iunie 2000.

Cantonul Tessin: Legge sul notariato 23 februarie 1983.

Cantonul Thurgovie: Einführungsgesetz zum ZGB 3 iulie 1991.

Cantonul Uri: Verordnung über das Notariat 9 octombrie 1911.

Cantonul Valais: Loi du 15 décembre 2004 sur le notariat.

Cantonul Vaud: Loi du 29 juin 2004 sur le notariat.

Cantonul Zug: Gesetz über die öffentliche Beurkundung und die Beglaubigung in Zivilsachen 3 iunie 1946.

Cantonul Zurich: Notariatsgesetz 9 iunie 1985.

Romania

Legea 36/1995 a notarilor publici și a activității notariale republicată, cu modificările și completările ulterioare.

Regulamentul de punere în aplicare a Legii 36/1995 a notarilor publici și a activității notariale republicată, cu modificările și completările ulterioare.

Statutul Uniunii Naționale a Notarilor Publici din România.

Codul Deontologic al Notarilor Publici.

Legea 589/2004 privind regimul juridic al activității electronice notariale.

Codul Civil Român.

Codul de Procedură Civilă Român.

Ordinul Ministrului Justiției numărul 46/C/2011 privind aprobarea normelor privind tarifele de onorarii prestate de notarii publici.

Regulamentul de organizare și desfășurare a examenului de notar public pentru notarii stagiați și a concursului pentru ocuparea posturilor vacanțe de notar public.

III. Online sources

<http://fathom.lib.uchicago.edu/1/777777190170/>, University of Chicago, 2002.

<http://www.antiquitatem.com/en/tironian-notes-shorthand-ampersand>.

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part32#32.20>.

<https://codexpenal.just.ro/laws/Cod-Penal-Franta-RO.html>.

<https://www.notairesdoc.fr/details-+acte+authentique+a+distance+comment+ca+marche-56.html>.

<https://notariatpublic.com/blog/certificat-mostenitor-titlu-proprietate>.