20 September 2016: Freedom of establishment for notaries

Published on September 21, 2016

The *Autorité de la concurrence* welcomes the publication today of the Order setting out the map for the establishment of new notarial offices, which has taken on board all the recommendations made to the government on 9 June.

This reform, aimed at modernising the profession, will give salaried and young graduates notaries the opportunity to set up and differentiate themselves in the market, particularly in terms of offering innovative services to French people.

>Version française

In brief

Following the recommendations issued by the *Autorité* in its Opinion of 9 June 2016 (see press release and Opinion), the joint order by the Ministers of Justice and the Economy sets out 247 free-establishments areas out of a total of 307 areas in France. 1,650 independent notaries may freely establish practice in these areas between now and 2018.

In order to ensure a degree of progress, the Order sets the number of offices that may be established over the first year at 1,002, while sticking to the target of 1,650 professionals in 2 years, in accordance with the *Autorité*'s recommendations.

The Order also confirms the 60 areas identified by the Autorité where establishment is subject to control. In these areas, applications to establish offices will be subject to a priori examination by the French Minister of Justice, on the basis of an opinion from the *Autorité de la concurrence*.

In addition to its Opinion of 9 June 2016, on 1 July the *Autorité* sent to the Ministers of Justice and the Economy an explanatory note setting out "recommendations regarding the rate of establishment compatible with a progressive increase in the number of professionals". This document is published today on the *Autorité*'s website (link).

A reform that benefits both the French people and the profession itself

The reform, while retaining the economic viability of existing offices, particularly in rural areas, will improve territorial coverage, bringing notaries closer to people and businesses in areas that are currently poorly served.

It also allows the profession to be opened up, giving young graduates and salaried notaries the opportunity to set up in their own right. The entry into the market of this new generation will contribute to rendering the profession more modern and dynamic. The new entrants - who have been looking forward impatiently to this opening up of the market - will be keen to differentiate

themselves by offering innovative services and discounted rates on certain services as the law will henceforth allow them to do.

Three other opinions will be published soon on other regulated legal professions

In accordance with the provisions of the law of 6 August 2015, the *Autorité* will shortly publish three other opinions. The first (adoption planned for between now and the end of September) will establish how many lawyers' offices it will be appropriate to create at the Supreme Court and the Administrative Supreme Court over the next two years. The other two (adoption planned for between now and the end of October) will propose maps to the government identifying the areas in which the respective establishment of court bailiffs' and judicial auctioneers' offices might be useful to improve proximity or the range of services (these two professions have been called upon to merge, in the long term, into a new profession where they will be known as justice commissioners [*commissaires de justice*]).

> See the Order setting out the map of where new notarial offices may be established

Press contact:
Aurore Giovannini / Tel.: +33 1 55 04 01 81 / Email