

Closure of an ex officio complaint in the notarial sector

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Believing that the creation of offices permitted by the Macron Law would have "*the natural consequence of increasing intra-professional competition*" and not intending "*that discounts in fees be used as a commercial argument*" by notaries in the *département*, during a general meeting on 17 May 2018 the Chamber of Notaries of Ille-et-Vilaine adopted a resolution instituting a contribution of 50% on fees subject to a total discount.

By a decision of 19 September 2019, the *Autorité* investigated ex officio in order to assess whether this contribution was likely to hinder free competition.

In practice, it appears from the investigation that this contribution was never called upon, since this would have required the prior modification of the internal rules of procedure of the departmental chamber by a ruling of the Minister of Justice. The Supreme Council of Notaries (*Conseil Supérieur du Notariat* - CSN) refused to submit this resolution to the French Ministry of Justice, judging it to be contrary to the national inter-court regulation, insofar as it would have resulted, *de facto*, in prohibiting total discounts of fees.

This practice, which was intended to deprive notaries of their autonomy in granting this type of discount - and therefore in setting prices - was nevertheless likely to fall within the category of "price agreements", and was therefore an infringement by object of competition law.

However, on its own initiative, the Chamber of Notaries of Ille-et-Vilaine removed the contentious resolution at its general meeting of 28 May 2021. It also informed the notaries in its area of jurisdiction of this removal through an information bulletin.

The Autorité decided to close its ex officio investigation, since these measures, which were adopted spontaneously by the departmental chamber, put an end to the competition concerns that might have arisen from the practice.

PRESS RELEASE

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[See the press release](#)