

ELECTRONIC SIGNATURE OF AUTHENTIC DOCUMENTS

- Questionnaire -

covid 19 social distancing



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MS are discussing and approving at national level measures and new rules related to the electronic signature of authentic documents, which include contracts on immovable properties.



New conveyancing
format - security,
speed, effectiveness
Digital signature



Human contact, free
expression of will,
personal verification
of identity

“The changing reality from the physical to the virtual world is suddenly there!”

“Establishing legal certainty must give way to new approaches”



Notaries role interpreting and adapting to a legal format the declarations of the parties, and granting, with independence, the authenticity and public faith of contracts.



Electronically signed contracts

- » nature of the document
- » validity requirements
- » probative value

» *locus regit actum*

Regulation Rome I (Regulation EU 593/2008, 17/06)

article 11 – formal validity of contracts and unilateral acts

- » the law which governs it in substance;
- » **the law of the country where it is concluded** (*locus regit actum*) or of **either of the countries where either of the parties is present at the time of conclusion** (*a new locus regit actum*);
- » the law of the country where either of the parties had his habitual residence at that time.

“As the Registry needs to identify legal situations with precision, advanced technology is an important aid to fulfil this purpose, thus constituting an important auxiliary tool to serve the function of the registrar. To get the most out of new technologies, they must be put at the service of highly qualified and specialized personnel, who take an active position in decision-making” IPRA CINDER Dubai 2016



We do know the way!

QUESTIONNAIRE

Overview of what is going on at national level

PROPOSED QUESTIONS:

1. Is it possible, in your country, to sign acts or contracts regarding immovable properties without physical presence of parties, namely by electronic means or remote mode?
2. What kind of electronic tool is used, or planned to be used, to perform electronic signature of authentic documents?
3. Who is (or is planned to be) the entity responsible for the security and liability of such platform, guaranteeing the inalterability of the electronic document and its recording?

PROPOSED QUESTIONS:

4. Who is (or will be), the legal professional in charge of performing this kind of acts or contracts?
5. What kind of acts or contracts is (or will be) possible to sign electronically?
6. How does (or will) the identification of the involved parties take place?

PROPOSED QUESTIONS:

7. Is there the possibility of georeferencing the location of the contracting parties?

8. Do the contracting parties have (or will have) to sign the contract simultaneously?

Please feel free to contact and share with us your own ideas or questions on this subject.

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Thank you very much for your attention!