



EUROPEAN COMMISSION

PRESS RELEASE

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Nationality requirement for notaries: Commission refers Latvia to Court

The European Commission has today decided to refer Latvia to the Court of Justice of the European Union because it allows only Latvian nationals to take up and practise the profession of notary.

The Court of Justice of the EU already ruled in May 2011 that such nationality requirements are contrary to the principle of freedom of establishment, and that the activities of notaries are not covered by an exception under Article 51 of the Treaty on the Functioning of the EU concerning activities linked to public authority.

In its [judgments of 24 May 2011](#), the Court of Justice ruled that notaries in Belgium, Germany, Greece, France, Luxembourg, Austria and The Netherlands do not exercise official authority. According to its judgments, there must be a direct and specific connection between the activity performed and the exercise of official authority. This requirement had not been fulfilled by the notarial profession of these seven countries.

The Commission considers that the activities of Latvian notaries do not present any characteristics that in any way differ from those assessed by the Court in the cases mentioned above and which would bring them closer to the exercise of official authority.

The Commission sent a reasoned opinion to Latvia on 23 October 2007. However, as it was then judged appropriate to wait for the Court's judgments in the above-mentioned cases, no further action was taken at that stage and a complementary reasoned opinion was sent on 22 November 2012 (see [MEMO/12/876](#)).

As Latvia has maintained its position in its replies to the Commission's reasoned opinions, the Commission has decided to refer the matter to the Court of Justice.

For more information:

Further information on professional qualifications can be found at:

http://ec.europa.eu/internal_market/qualifications/index_en.htm

On the January infringement package decisions, see [MEMO/14/36](#)

On the general infringement procedure, see [MEMO/12/12](#)

For more information on infringement procedures:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm

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