

8 November 2016: Freedom of establishment for notaries

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The notarial offices created on proposal of the *Autorité de la Concurrence* will soon be able to accept applications from candidates

The *Autorité de la concurrence* welcomes the adoption by the French Minister of Justice of an Order enabling electronic application from 16 November 2016

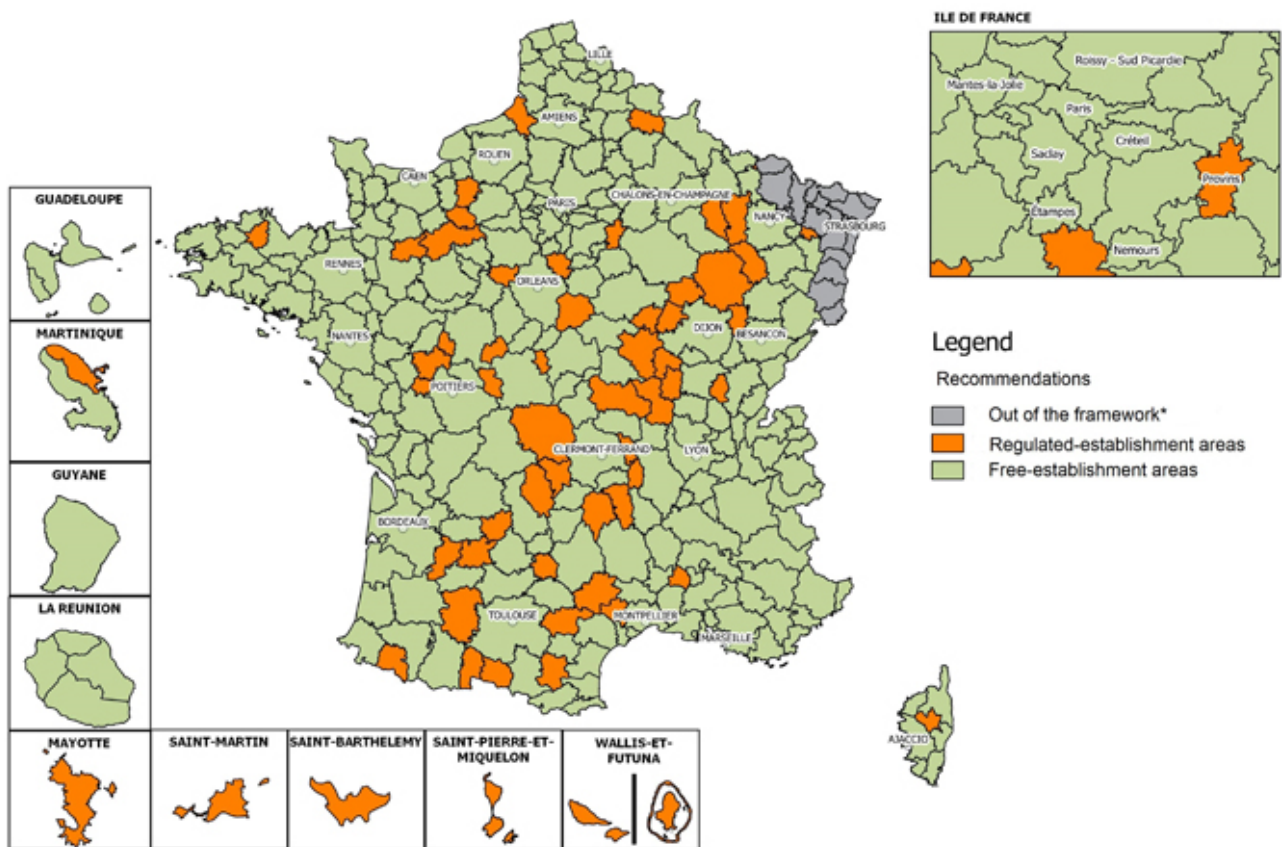
By Order of the French Minister of Justice (Garde des Sceaux) of 4 November 2016 and published in the Official Journal, the opening date for applications to positions in the newly created notarial offices will be Wednesday, November 16th 2016 at 2pm (Paris time). The new offices are to be created in accordance with Law 2015-990 of 6 August 2015 for Growth, Activity and Equal Economic opportunities (also known as the "Macron law").

Applicants can access the OPM (Officiers publics et ministériels, OPM) portal on the Ministry of Justice's website via the following link:

<https://opm.justice.gouv.fr/>. While applicants won't be able to submit their application before 16 November, they can create in the meantime their personal account and become familiar with the functioning of the digital Platform.

This decision is a key stage of a process decided by the legislator towards the gradual rebalancing of the number of notaries in accordance with the needs of the French population and economy. In the areas identified by the *Autorité* and according to the rate of establishment it suggested, the soon to be launching of the procedure will enable 1,650 independent notaries to freely establish by 2018.

On a proposal from the *Autorité* issued on 9 June 2016, the joint order by the Ministers of Justice and the Economy of 16 September 2016 sets out areas for the implementation of new notary offices by 2018 (hereafter the "'map' order"). This map identifies 247 free-establishments areas (out of a total of 307 areas), in which 1,650 new notaries will be able to freely establish within the next two years. For every area, the "map" Order defines the suggested number of offices to be created and the target number of appointments for liberal professions by 2018.



From 16 November 2016 at 2pm, applicants wishing to set up in these areas will be able to complete their application electronically on the French Minister of Justice's website, according to the rules set down in the Decree of 20 May 2016 and the implementing decrees. These applications will be stamped. In the 10 days following the date of receipt, the applicants will have to submit the required documents listed in the Order of 16 September 2016 (hereafter "documents' order").

Applicants will have to specify the municipality they wish to be appointed in for every area they submit an application for. Applicants may only apply once in each area. However, when applying for several areas, applicants may be appointed in any of these zones, without being able to indicate an order of preference.

For every free-establishment area, applications will be investigated by the Ministry of Justice following their date of receipt. Nonetheless, if the number of

applications for the creation of offices registered in the 24 hours following the 16 November 2016 at 2pm is superior, for one area, to the recommendations, the order of the applications will be determined by lots, as defined in the upcoming French Ministry of Justice Order.

Applications for establishment will be granted by the Ministry of Justice in that order and according to the recommendations specific to each one of the 247 free-establishment areas.

> **See the Order of 4 November 2016 setting up the opening date for applications to positions in the newly created notarial offices**

Reminder:

> **See the press release of the Autorité of 20 September 2016**

> **See the "map" order of 16 September 2016**

> **See the "documents" order of 16 September 2016**

> **See the press release of the Autorité of 9 June 2016**

> **See the Decree of 20 May 2016 on public and ministerial officials**

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