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Justice Without Litigation II

Economic Analysis

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Justice Without Litigation II

Economic Analysis

Helmut Berrer
Dominik Grübl
Martin Kerndler
Alex Zanol

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Economica
Institut für Wirtschaftsforschung (Institute for Economic Research)
Liniengasse 50-52
1060 Wien (Vienna)
office@economica.eu
www.economica.eu

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1.

Executive summary

Purpose and scope

The organisation of civil justice involves a fundamental allocative choice: which institutional actors should be entrusted with the resolution of legal disputes and the authentication of legal transactions, and on what grounds. Across a growing number of European Union Member States, legislatures have answered this question by systematically reallocating broad categories of non-contentious proceedings – particularly succession, consensual divorce, as well as land and business registration – from courts to notarial institutions. The Justice Without Litigation II project ('JuWiLi II'), co-funded by the European Union under the JUST-2024-JCOO call, provides the analytical infrastructure for a rigorous comparative examination of this structural transformation across 22 EU Member States: Austria, Belgium, Bulgaria, Croatia, Czechia, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain.

This study pursues two interconnected objectives. The primary objective is to characterise the comparative role of notaries in non-contentious proceedings by mapping out the structural variation in institutional design and the degree of judicial delegation. The secondary objective is to evaluate this delegation through the lens of outsourcing theory, that is whether the reallocation of case-handling competence from courts to notaries constitutes an efficiency-enhancing reform and under which conditions.

Method and data

The empirical architecture is based on a structured data collection instrument, the Economics Questionnaire, administered to national notarial chambers across the 22 participating EU Member States. The questionnaire collects harmonised data for the reference years 2018, 2020 and 2022, covering the volume and legal composition of non-contentious caseloads; processing durations disaggregated by legal area; cost structures and fee transparency; caseflow management indicators; quality assurance and training regimes; as well as the state of digitalisation. This longitudinal panel spans both pre-pandemic baseline conditions and the structural accelerations attributable to the COVID-19 pandemic. The methodology is calibrated against the reporting formats of the European Commission for the Efficiency of Justice (CEPEJ), ensuring comparability with the EU Justice Scoreboard. The analytical framework maintains the distinction, essential to law-and-economics scholarship, between productive efficiency, i.e. the minimisation of resource costs for a given legal output and allocative efficiency, i.e. the alignment of institutional design with the needs of the population served.

The economic baseline

Legal expenditure across the European Union is substantial, heterogeneous and predominantly private in nature. Adjusted for purchasing power, public spending on legal services in 2022 ranged from approximately 46 euro to 186 euro *per capita* – a fourfold

difference – while private legal expenditure ranged even more widely, from roughly 1 euro to 586 euro *per capita*. Judicial expenditure in the narrower sense accounted for between 0.3% and 1.6% of total government expenditure. *Per capita* legal spending correlates positively with Gross Domestic Product (GDP) (R^2 of 0.47 for 2022), indicating that roughly half of the cross-country variation reflects differences in prosperity. The remainder points to institutional choices, including the degree to which non-contentious functions are delegated. Across both legal traditions (common and civil law), private legal expenditure exceeds public expenditure – by a factor of about 2.4 across the whole of the EU (EU-27). The main welfare implication follows directly. Given that citizens bear most legal costs through direct private outlays rather than taxation, institutional arrangements that reduce the cost and complexity of accessing non-contentious services generate savings that are felt primarily, and broadly, in the private sphere.

The main cross-country findings

The comparative evidence supports the project's central theoretical proposition: where proceedings are genuinely non-contentious, the delegation of case-handling competence to notaries constitutes, in welfare-economic terms, a Pareto-superior arrangement relative to court-based processing, provided the quality of legal certainty is held constant. The condition is reflected in the data. In the systems with an extended delegation – Austria, Czechia, Estonia, Hungary, Italy, Latvia, the Netherlands and Slovenia – notaries process the overwhelming majority of resolved succession or registry matters (approaching 99 – 100% in several jurisdictions), clearance rates sit at or near unity, disposition times are short and second instance forwarding rates remain below one per cent, showing evidence of high first instance decision quality and a correspondingly low appellate burden on the courts.

Three efficiency mechanisms recur across the high-performing systems: specialisation, which concentrates standardised, high-volume work in a profession optimally configured to process it; scale, which supports the fixed costs of digital infrastructure that would be uneconomic at lower volumes; and digitalisation, which lowers per case administrative cost and processing time.

The geographic accessibility evidence provides the most direct welfare case for delegation. In every system for which spatial data are available, notarial networks are materially closer to citizens than court networks. Given that travel and time costs have the greatest impact on rural and peri-urban residents, the distributional properties of the notarial network are progressively beneficial, reducing the search and travel transaction costs of access to legal services.

Variation, boundary conditions and structural anomalies

The comparative picture is not uniform and the study deliberately resists overgeneralisation across jurisdictions. Several EU Member States demonstrate that the

institutional prerequisites for efficient delegation may be present without the corresponding legislative grant of competence. Malta presents the clearest such case, with its sizeable, well-trained and territorially dense notarial profession. However, the absence of an autonomous statutory transfer of competence leaves citizens bearing higher access costs than the network could otherwise support. Bulgaria similarly confines notarial functions to authentication and certification while reserving case resolution for courts and registry agencies, producing persistently elevated system level workload indicators. Portugal's narrow, judicially supervised perimeter introduces dual-track coordination costs, manifest in an inventory process backlog of 5,573 pending cases and average durations of 1,763 days – a textbook deadweight loss for citizens awaiting formalisation of asset division. Romania's bifurcated structure – near-pure outsourcing in succession alongside a settled tripartite division in divorce – illustrates that competence splitting may reflect revealed preferences rather than transitional states.

Data availability is itself a finding. In certain EU Member States, structural features of the national justice system preclude the construction of the four composite performance indicators. Where judicial administration is distributed across sub-national units without a centralised authority maintaining caseload statistics, the necessary data cannot be aggregated. In other systems, an analogous absence of caseflow data leaves the jurisdiction qualitatively within the high integration, autonomous competence category yet outside the quantitative benchmarking. These limitations are structural rather than incidental and constrain the precision of cross-national comparison accordingly.

Policy implications

The country-level recommendations are calibrated to the institutional context and follow from explicit welfare criteria rather than from a presumption in favour of delegation as such.

Three themes predominate:

First, where delegation is mature and performance demonstrably high, the marginal welfare gains lie in extending notarial competence to adjacent non-contentious areas – most prominently consensual divorce, recently entrusted to notaries in Lithuania, Latvia and Slovenia and warranting evaluation elsewhere – provided that the proceedings concerned are genuinely non-adversarial.

Second, the principal-agent problem of optional digital competence investment, whose social return exceeds its private return, justifies a mandatory baseline of digital literacy training and the systematic, published measurement of digitalisation effects on workflow and citizen outcomes.

Third, adaptive governance requires that institutional reforms should be accompanied by structured, CEPEJ-compatible monitoring of disaggregated caseload, processing time and satisfaction data, so that future reallocations are based on evidence rather than presumption.

Contribution

Treated as constraints rather than trade-offs, legal certainty, equal treatment and procedural fairness frame the central conclusion: the question is not simply what is efficient, but which institutional arrangement best achieves efficiency within the constraints of the rule of law.

The comparative evidence assembled here indicates that, for genuinely non-contentious matters, well-designed notarial delegation – supported by adequate quality assurance, fee transparency, territorial density and digital infrastructure – achieves both productive and allocative efficiency gains whose benefits accrue disproportionately to citizens through reduced private cost and improved access.

The study's contribution lies in grounding that proposition in a harmonised, longitudinal dataset including 22 countries, as much as in precisely mapping out the conditions under which the predicted efficiency dividend is realised, attenuated or foregone.



2.

Introduction

The organisation of civil justice in liberal democratic states reflects a fundamental allocative choice: which institutional actors should be entrusted with the resolution of legal disputes and the authentication of legal transactions, and on what grounds? For the better part of the twentieth century, the dominant answer assigned this function to the judiciary, conceived as the natural custodian of legal certainty and individual rights. Nevertheless, legislatures across a growing number of European Union Member States have undertaken systematic programmes of functional reallocation, transferring broad categories of non-contentious legal proceedings – particularly succession, consensual divorce, land and business registration – from courts to notarial institutions. The Justice Without Litigation II project ('JuWiLi II'), co-funded by the European Union under the JUST-2024-JCOO call, provides the analytical infrastructure for a rigorous comparative examination of this structural transformation as it unfolds across 22 EU Member States.

The economic significance of this reallocation is substantial. Civil justice systems collectively process tens of millions of proceedings annually across the EU and the costs of those proceedings – measured in judicial time, administrative overheads, litigant-borne transaction costs and calendar delay – represent a non-trivial share of the social costs of legal ordering. Where proceedings are genuinely non-contentious, that is, where no adversarial dispute exists and the public interest requires not adjudication but attestation, authentication or formal certification, the deployment of full judicial apparatus is, from a welfare-economic standpoint, presumptively inefficient. It involves the deployment of judges, whose comparative advantage lies in the resolution of contested rights, to tasks for which that comparative advantage is neither necessary nor sufficient. The hypothesis that notarial institutions, as public law professionals with specific expertise in non-adversarial legal acts, lower transaction costs while preserving the quality of legal certainty is thus theoretically grounded and merits systematic empirical interrogation.

This economic study pursues three interconnected analytical objectives, building directly on the empirical and conceptual foundations established in the first JuWiLi project. The primary objective is to describe, across the surveyed EU Member States, the comparative role of notaries in non-contentious legal proceedings by precisely mapping out the structural variation in institutional design and the degree to which judicial functions have been delegated to notarial actors. The secondary objective is to evaluate this delegation through the lens of outsourcing theory: whether the reallocation of case-handling competence from courts to notaries constitutes an efficiency-enhancing institutional reform and if so, under which conditions and with what measurable magnitude. The tertiary objective, representing an innovation relative to the first project, is to extend the analytical framework to incorporate behavioural economics, recognising that the utility and legitimacy of non-contentious procedures depend not only on their objective efficiency characteristics but also on the cognitive accessibility, perceived fairness and choice architecture that they present to citizens navigating legal processes without professional counsel.

These objectives are embedded within a broader normative context. The Organisation for Economic Cooperation and Development (OECD) Recommendation on Access to Justice and People-Centred Justice Systems (OECD-LEGAL-0498) articulates a governance framework that evaluates justice institutions not solely by their internal processing metrics but by the quality of the experience and outcomes that they deliver to the individuals who depend upon them. This study treats that framework as a relevant evaluation standard without reducing the analysis to its normative prescriptions. In particular, the study maintains the distinction, essential to rigorous law-and-economics scholarship, between productive efficiency, i.e. the minimisation of resource costs in achieving a given legal output – and allocative efficiency, i.e. the alignment of legal institutional design with the preferences and needs of the population that it serves. Both dimensions are essential for any adequate evaluation of non-contentious justice systems.

The empirical architecture of the study is based on a structured data collection instrument, the Economics Questionnaire, administered to national notarial chambers in 22 EU Member States: Austria, Belgium, Bulgaria, Croatia, Czechia, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain. The questionnaire collects harmonised data across reference years 2018, 2020 and 2022, covering: the volume and legal composition of non-contentious caseloads; processing durations, disaggregated by legal area and case complexity; cost structures and fee transparency; caseflow management indicators; quality assurance and training regimes; and the state of digitalisation. This longitudinal panel permits analysis of trends across a four-year window that encompasses both pre-pandemic baseline conditions and the structural accelerations attributable to the COVID-19 pandemic. The data collection methodology is calibrated against the reporting formats of the European Commission for the Efficiency of Justice (CEPEJ), ensuring comparability with the EU Justice Scoreboard and with the broader comparative judicial data infrastructure.



3.

Legal infrastructure in the European Union

To appreciate the significance of non-contentious justice as an object of comparative study, it is useful to first contextualise legal expenditure within the broader economic landscape of the European Union. Across EU Member States, spending on legal services – both public and private – varies substantially in scale and composition, reflecting differences in institutional design, legal tradition and the overall level of economic development. Understanding these patterns provides the baseline against which the findings of the JuWiLi II project can be read and interpreted.

3.1. Legal services' expenditure

The range of *per capita* public legal expenditure across EU Member States is wide. Adjusted for purchasing power parity, public spending on legal services in 2022 varied from approximately 46 euro *per capita* at the lower end to 186 euro at the upper end – a fourfold difference that reflects deep structural heterogeneity across national justice systems. Private legal expenditure shows an even more pronounced spread, ranging from as little as one euro to 586 euro *per capita* in purchasing power terms. Taken together, these figures indicate that the legal services' sector is a non-trivial component of household and government budgets across the EU and that the way in which legal tasks are organised institutionally has direct and measurable consequences for both the public budget and private citizens.

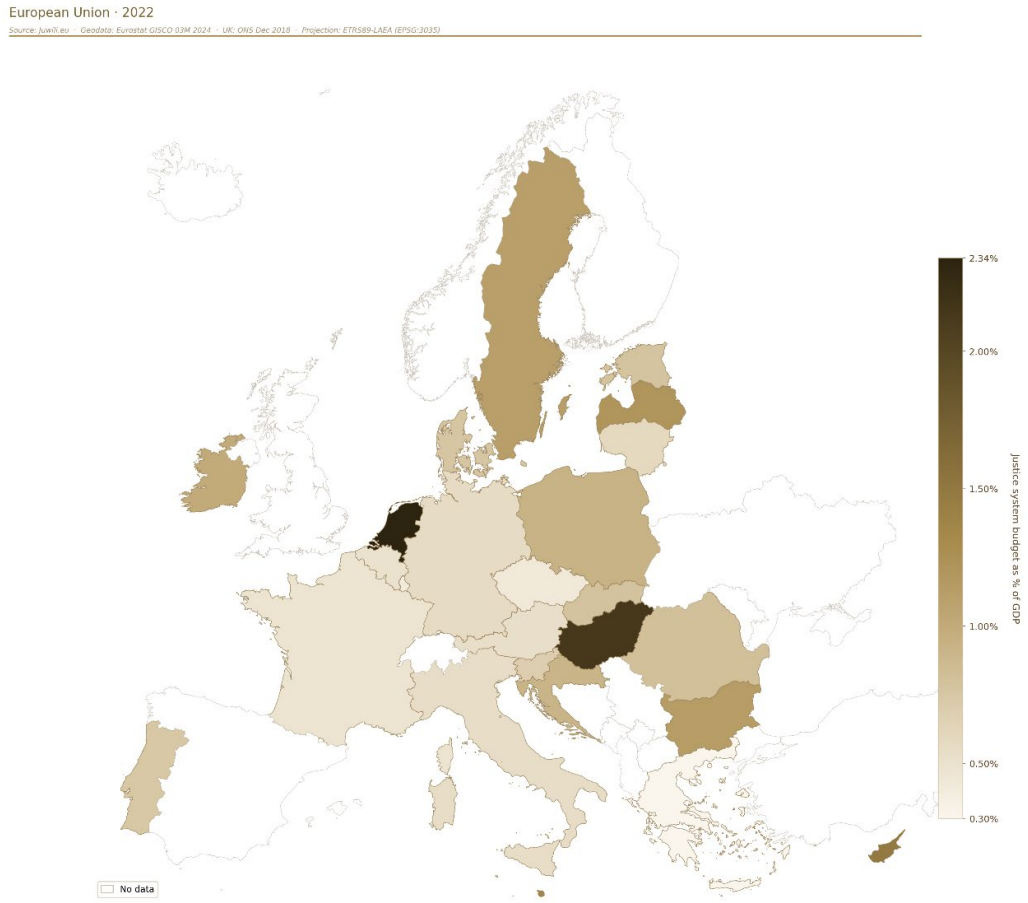
Judicial expenditure in the narrower sense, covering court salaries, construction and equipment, accounted for between 0.3% and 1.6% of total government expenditure across EU Member States in 2022. This range, while moderate in absolute terms, is meaningful when considered alongside overall government budget sizes. For smaller economies, even the lower end of this range can represent a significant fiscal commitment. A further structural observation is that *per capita* legal expenditure and *per capita* GDP are positively correlated across EU countries, with a regression of the two variables for 2022 yielding an R^2 of 0.47. This coefficient indicates that roughly half of the cross-country variation in legal spending is explained by differences in economic prosperity. The implication is important. The level of legal expenditure in a given country cannot be attributed solely to its propensity for litigation or the complexity of its legal system. It also reflects that wealthier societies tend to invest more in legal infrastructure overall. The other half of the variation points to the role of institutional choices, including the degree to which non-contentious functions are delegated to courts or to alternative actors such as notaries.

Figure 1 maps the total justice system budget as a share of GDP across all EU Member States for 2022. The choropleth (differences in shading in the map) confirms that spending intensity is not evenly distributed across the EU. A broad gradient is visible, with a cluster of higher-spending EU Member States concentrated in central and eastern Europe and

certain lower-spending states in western and southern Europe, while the Nordic countries and Ireland display comparatively lower public justice budgets as a share of their economies. The geographical pattern broadly mirrors the civil law versus common law distinction noted above, but it also points to within-tradition variation that merits attention. Even among civil law countries, the spread is considerable. This cartographic overview provides an important complement to the EU-wide aggregates and sets the stage for the country-level analysis developed in the chapters that follow.

Figure 1: Total justice system budget in the European Union 2022

Whole justice system budget / GDP



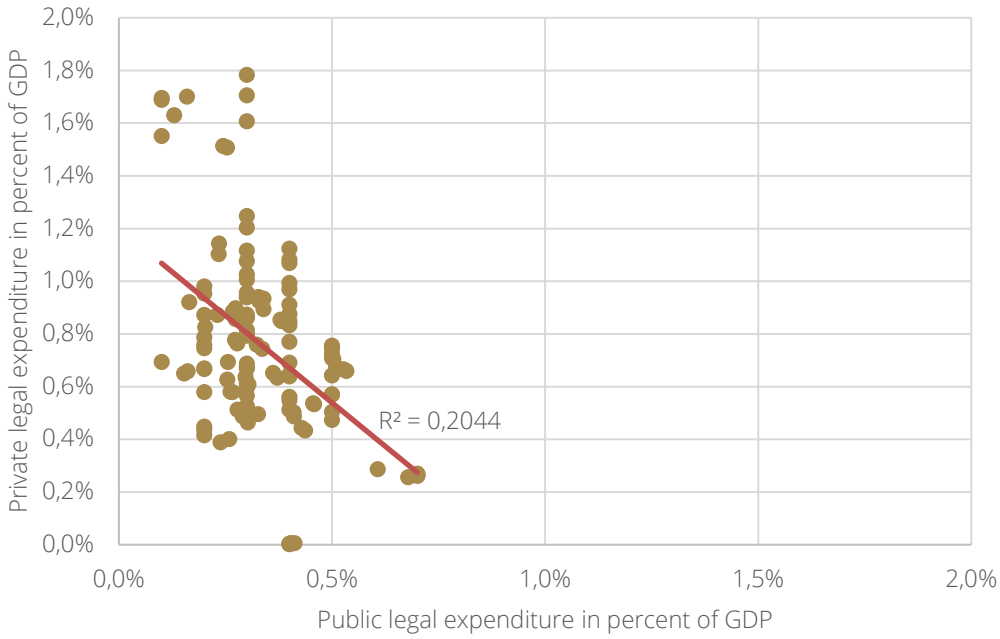
Source: CEPEJ, JuWiLi.

Figure 2 plots private legal expenditure as a share of GDP against public legal expenditure as a share of GDP for the reference years 2018, 2020 and 2022, covering all EU Member States with available data. The scatter reveals a noteworthy pattern. Countries with higher public legal spending tend to exhibit lower private legal spending and vice versa. This negative association suggests a degree of substitutability between the two financing modes – where the State absorbs a larger share of the cost of legal services, private households and firms bear comparatively less and the reverse also holds true. However, the

relationship is not mechanical. Where institutional reform manages to reduce both public and private costs simultaneously – for instance by routing non-contentious proceedings through more cost-effective channels – the combined expenditure point for a country moves closer to the origin. That shift, reflecting genuine efficiency gains rather than mere cost redistribution between sectors, represents the potential that projects such as JuWiLi II seek to identify and support.

Figure 2: Expenditure on legal services in the European Union

Private and legal expenditure in percent of GDP for 2018, 2020, 2022

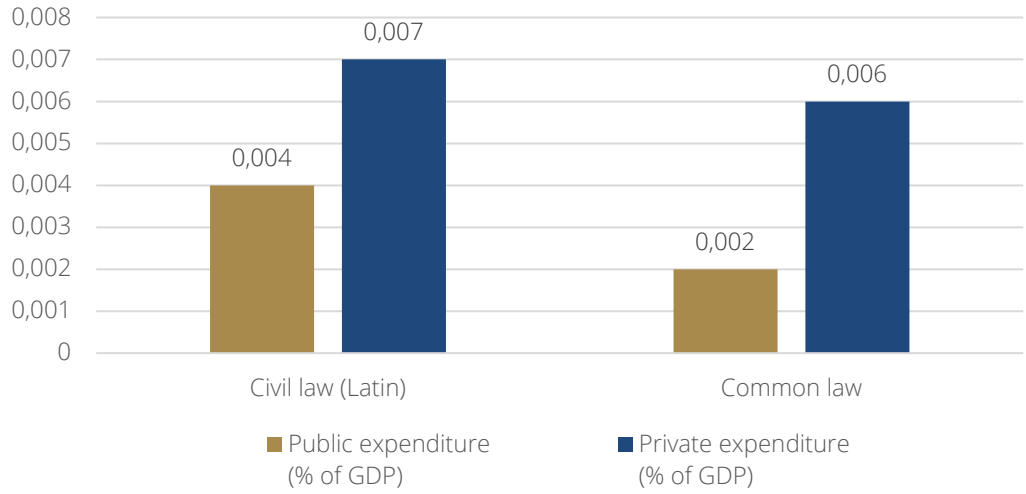


*excl. Luxembourg

Source: Eurostat.

A further dimension of the data concerns how the balance between public and private legal expenditure, each expressed as a share of GDP, differs across legal traditions. Figure 3 compares all EU-27 Member States along this dimension, grouping them by judicial system: civil law (Latin) countries, which constitute the majority and include all 22 JuWiLi II participant States and common law countries (Denmark, Sweden, Cyprus, Finland and Ireland), which fall outside the scope of this project but serve as a useful comparative reference. In civil law countries, average public expenditure on legal services amounts to approximately 0.4% of GDP while average private expenditure is substantially higher, at approximately 0.7% of GDP. In common law countries, public expenditure is substantially lower, at around 0.2% of GDP, while private expenditure is only slightly lower at approximately 0.6% of GDP. Private legal expenditure exceeds public expenditure in both legal traditions, confirming that the burden of legal costs falls disproportionately on citizens and businesses rather than on public budgets, regardless of legal framework.

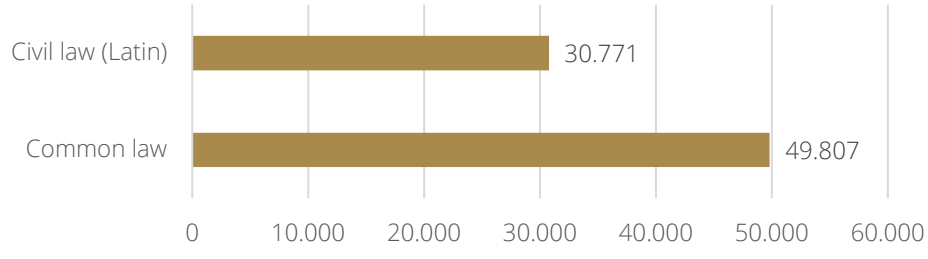
Figure 3: Average public and private expenditure (% of GDP) by judicial system, 2022



Source: Eurostat.

An important interpretive consideration before translating these GDP shares into *per capita* amounts concerns the underlying income differences between the two groups. Figure 4 reports average GDP *per capita* by judicial system in 2022 and the gap is substantial. Common law countries in the EU register an average GDP *per capita* of approximately 49,807 euro, compared to approximately 30,771 euro for civil law countries – a difference of roughly 62%. This income differential is directly relevant to the interpretation of the GDP-share figures in Figure 3. The fact that common law countries show lower public legal expenditure as a share of GDP does not simply mean that they spend less on public justice in absolute terms per person. It reflects a combination of lower institutional investment in public legal infrastructure and a higher base income over which that share is calculated. Conversely, the higher private legal expenditure share observed in common law countries, combined with their higher GDP *per capita*, implies that citizens in those systems may face substantially higher absolute private costs for legal services.

Figure 4: GDP *per capita* (in euro) by judicial system, 2022

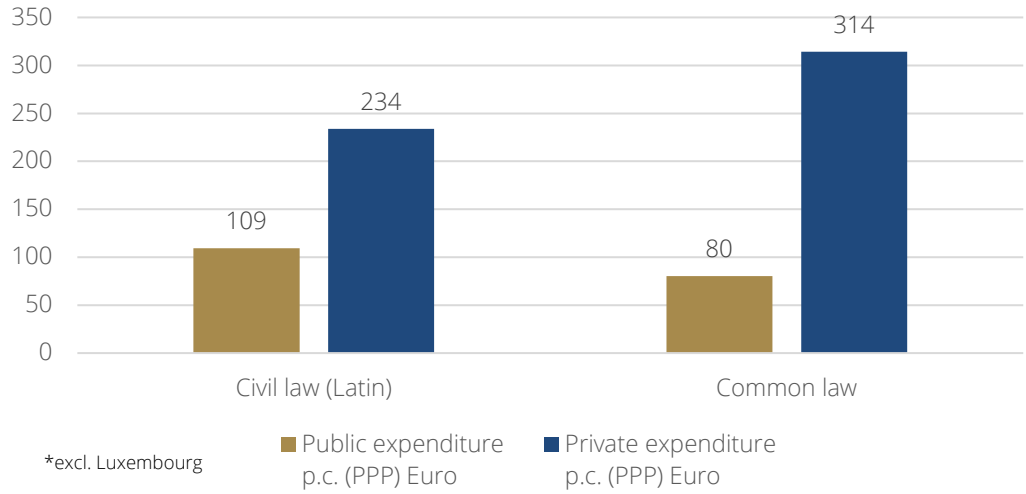


Source: Eurostat.

Figure 5 translates the GDP shares into *per capita* amounts in purchasing power-adjusted euro and the absolute magnitudes make the divergence between legal traditions even more legible. In civil law countries, average public legal expenditure *per capita* stands at around 109 euro, while average private legal expenditure is approximately 234 euro – meaning that private spending already exceeds public spending by a factor of roughly 2.2. In common law countries, public expenditure *per capita* is lower, at around 80 euro, while private expenditure is substantially higher, at approximately 314 euro, yielding a ratio of close to 4. Across the EU-27 as a whole, private legal expenditure exceeds public legal expenditure by a factor of about 2.4 on average.

Taken together, Figures 3, 4 and 5 establish the economic baseline: legal costs are high, predominantly private in nature and shaped by both institutional tradition and income level. These figures have a direct implication for the JuWiLi II project. The bulk of what citizens actually pay for legal services occurs not through taxation but through direct private outlays. Institutional arrangements that reduce the cost and complexity of accessing non-contentious legal services – such as notarial delegation – therefore have the potential to generate savings that are felt primarily in the private sphere, with tangible and broadly distributed benefits for households and businesses across the EU.

Figure 5: Average public and private expenditure *per capita* (PPP, euro) by judicial system, 2022



Source: Eurostat.

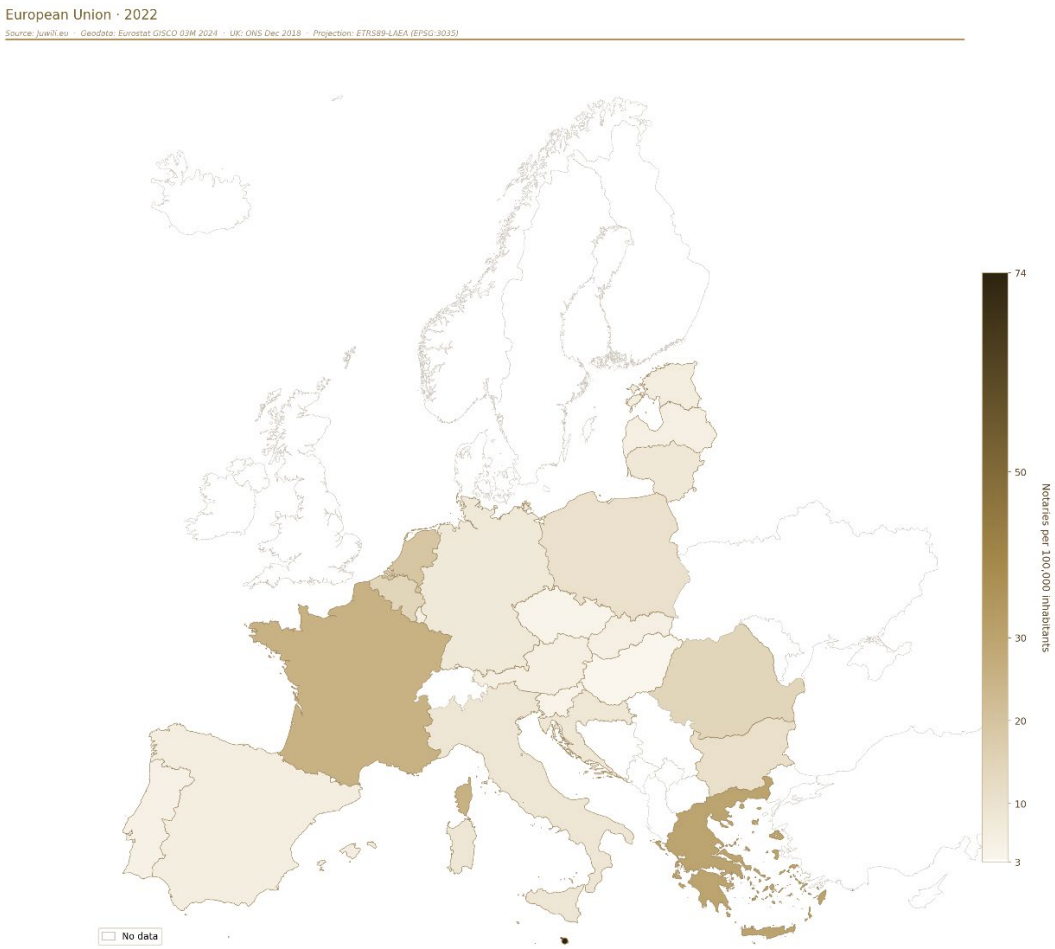
3.2. Legal Structure

3.2.1. Notaries

Figure 6 shifts attention from the cost side of legal infrastructure to its supply side, mapping out the density of notaries per 100,000 inhabitants across EU Member States in 2022. The geographic distribution reveals substantial variation across the EU. Some EU Member States display notably higher notarial concentrations, reflecting long-established notarial traditions and legislative frameworks that assign a broad range of non-contentious functions to the notarial profession. Other EU Member States exhibit markedly lower densities, pointing to more court-centric institutional arrangements or legal service markets structured around different professional actors.

Figure 6: Notaries in the European Union, 2022

Notaries per 100,000 inhabitants



Source: JuWiLi.

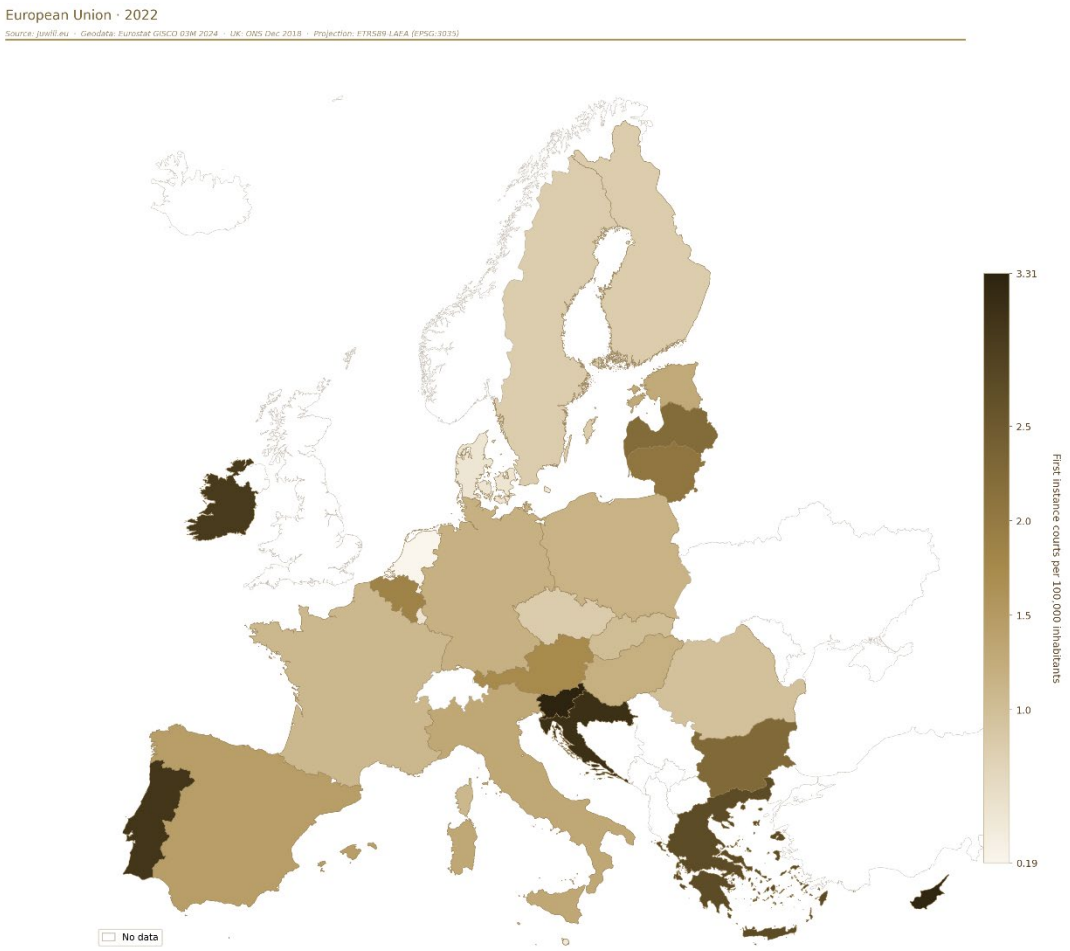
3.2.2. First instance courts

Figure 7 maps out the density of first instance courts per 100,000 inhabitants across the EU Member States in 2022. First instance courts represent the primary point of contact

between citizens and the formal judicial system. They are the institutions to which non-contentious matters are routed when no alternative institutional channel exists or has been established by the legislature. The map reveals a pattern that is, in several respects, the structural mirror of the notarial density picture. The geographic distribution reflects both historical path dependencies in institutional design and more recent reform trajectories, including court consolidation programmes pursued in several EU Member States as part of efficiency-driven judicial restructuring. Understanding the spatial distribution of courts is essential for any assessment of whether citizens in a given territory can realistically access the judicial service that they require and at what cost in terms of time and resources.

Figure 7: First instance courts in the European Union, 2022

First instance courts per 100,000 inhabitants



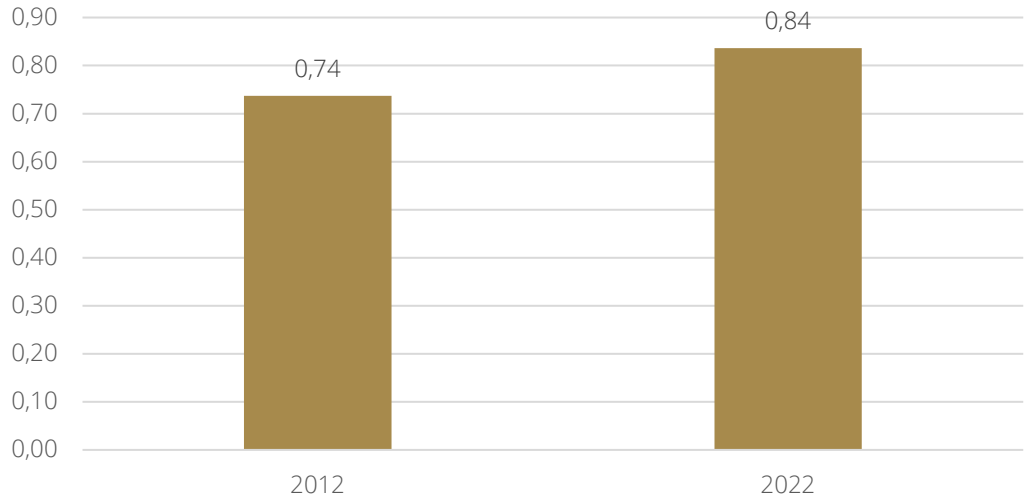
Source: JuWiLi.

Taken together, Figures 6 and 7 constitute the analytical core of this chapter's spatial perspective and their juxtaposition speaks directly to the central hypothesis of the JuWiLi II project. The two maps do not simply illustrate two parallel infrastructures operating independently of one another but represent competing and, to a degree, substitutable

institutional channels for the delivery of non-contentious legal services to citizens. Where notarial density is high and court density comparatively lower, the data are consistent with a model in which the legislature has deliberately redistributed non-contentious caseloads away from courts and towards notarial institutions – the functional delegation that this project evaluates for its efficiency and access implications. Where the inverse holds true, the implication is that courts continue to bear a substantial share of a workload for which they do not hold a comparative institutional advantage. A further observation of material relevance concerns the combined territorial reach of both infrastructures. In EU Member States where neither notarial nor judicial infrastructure is densely distributed, citizens face elevated transaction costs in accessing any form of formal legal service for non-contentious matters, raising concerns that go beyond efficiency and bear directly on questions of equitable access to justice. Taken together, the two maps thus frame both the diagnostic and the normative dimension of the country-level analyses that follow: they identify where the institutional capacity for non-contentious justice is available, how it is currently allocated between judicial and notarial actors and where the case for structural reform – the subject of the JuWiLi II comparative analysis – is most compelling.

Figure 8 introduces a metric that speaks directly to the structural dynamics of institutional delegation across the 22 JuWiLi II countries: the Capacity Share Ratio. The ratio is defined as the number of notaries divided by the number of judges. It does not therefore measure the absolute size of either profession in isolation but rather the relative weight of notarial capacity against judicial capacity within a given legal system. A ratio below 1 – as observed across the JuWiLi II countries – indicates that judicial capacity still exceeds notarial capacity, even where delegation has occurred. The ratio is a compact indicator of how far a legal system has progressed along the spectrum from a fully court-centric model towards one in which a meaningful share of legal service capacity is held by the notarial profession rather than the judiciary.

Figure 8: Capacity-Share Ratios (notaries/judges) in JuWiLi-countries in 2012 and 2022



Source: JuWiLi.

The data show that, aggregated across all 22 JuWiLi II countries, the Capacity Share Ratio rose from 0.74 in 2012 to 0.84 in 2022, an absolute increase of 0.1 over the decade. This shift, while moderate in magnitude, is analytically significant for several reasons. First, it is directionally consistent with the hypothesis of progressive notarial outsourcing: across the JuWiLi II countries as a group, the relative capacity weight of the notarial profession has grown over the reference period, suggesting that the structural conditions for delegation have been strengthening over time. The notarial profession's share of total legal service capacity, broadly understood, has increased relative to the judiciary – not primarily through a contraction of the judiciary, but through the organic expansion of notarial infrastructure in systems that were already moving towards greater functional delegation. Second, the fact that the ratio remains below 1 suggests that there is substantial further room for the outsourcing process to continue, particularly in EU Member States where non-contentious caseloads remain largely processed by courts.

The outsourcing narrative that the Capacity Share Ratio encodes is the structural thread that connects the expenditure patterns documented earlier in this chapter to the institutional design questions examined in the country-level analyses that follow. From a transaction cost economics perspective, the shift in the ratio over time is consistent with a process in which legislatures across the JuWiLi II countries have progressively recognised that notaries hold a comparative institutional advantage in processing non-contentious legal matters. They operate outside the full procedural apparatus of the court, at lower unit cost, with comparable or superior legal certainty and with a territorial distribution that makes access easier for citizens. As this recognition has deepened, the institutional capacity invested in the notarial profession has grown relative to that of the judiciary. The decade-

long trend captured in Figure 8 thus represents, in aggregate, the gradual outsourcing of a growing share of civil legal-service capacity from the courtroom to the notarial office – a structural transformation that the JuWiLi II project is designed to evaluate in terms of its efficiency, access and quality implications across 22 EU Member States.



4.

Country reports

4.1. Austria country report

4.1.1. Abstract

Austria operates one of the EU's most institutionally coherent models for non-contentious justice. Its defining feature is the *Gerichtskommissärsystem* (notary-as-court-commissioner system), under which the courts of first instance delegate operational competence over succession to notaries on a statutory basis in the *Außerstreitgesetz* (Non-Contentious Proceedings Act) and the *Gerichtskommissärsgesetz* (Notary-as-Court-Commissioner Act). Notaries thereby act as part of court administration. Across 2018, 2020 and 2022, notaries handled 100% of succession proceedings as well as land and business registry transactions. In 2022, the 536 active notaries, with 4,108 staff, processed approximately 96,500 succession cases and almost 190,000 registry transactions.

The main efficiency findings are as follows. The population-weighted mean distance to the nearest notary is 4.8 km, against 7.16 km for the nearest court, a differential access ratio of 1.49 favouring notaries. Throughput is high. Registry proceedings are resolved within three months in nearly all cases and succession averages about 95 days in non-pandemic years, with a second instance forwarding rate below 0.4%. Fees are fully standardised and public under the *Notariatstarifgesetz* (Notary Fees' Act) and borne by private individuals. Digital infrastructure is advanced, with a dedicated 60-person IT function. The potential improvements are mandatory digital literacy training and formal process impact assessment.

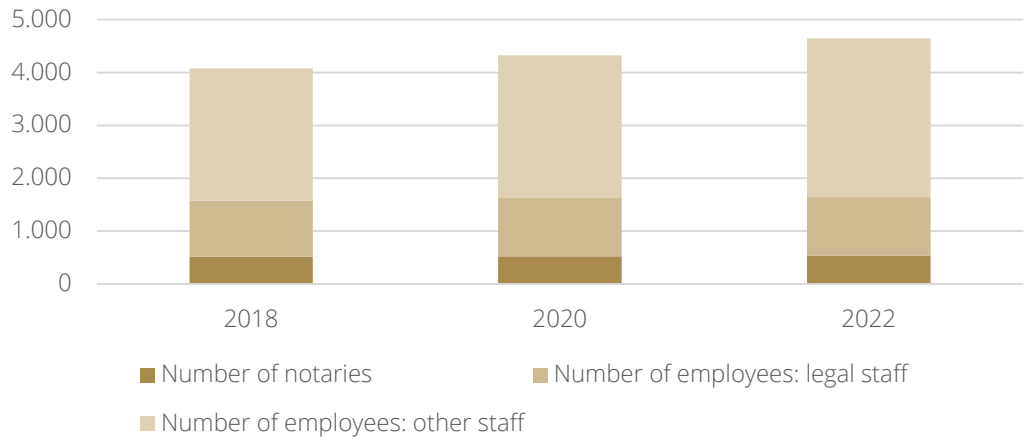
4.1.2. Country profile and institutional context

4.1.2.1. The notarial sector: Structure and scale

Figure 9 documents employment in Austria's notarial sector for the reference years 2018, 2020 and 2022. Active notaries rose modestly (about 4%, to 536 in 2022) and legal staff grew comparably, while administrative and support staff expanded most strongly. Total sector employment grew by approximately 14%, in the period between 2018 and 2022, to about 4,644.

Figure 9: Employment in the notarial sector in Austria

Notaries, legal and other staff between 2018 and 2022



Source: JuWiLi

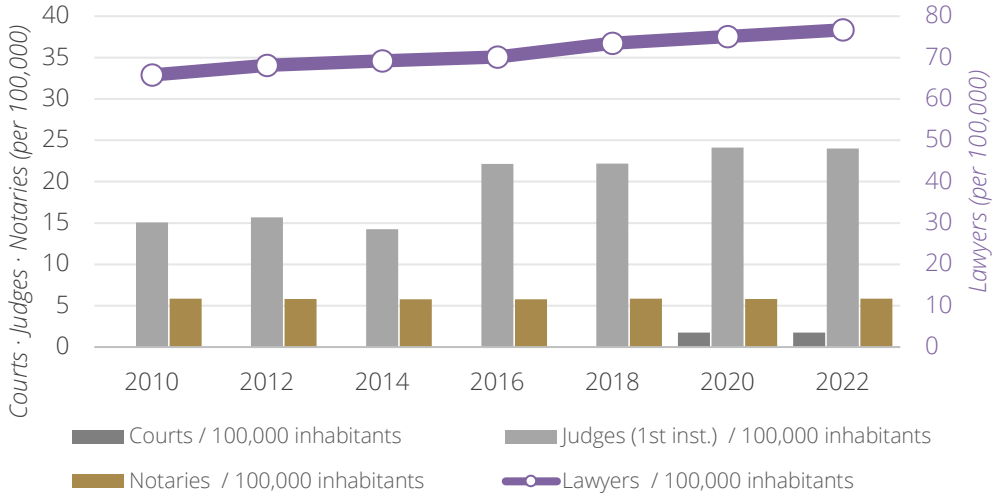
Note: Numbers for legal and other staff are based on a survey of Austrian notaries

Two patterns stand out. The stronger growth in support staff than in principals points to deepening operational capacity within offices rather than network expansion, consistent with digitalisation raising the marginal productivity of support staff. And the uninterrupted staffing growth through 2020 signals institutional resilience in the face of the pandemic caseload surge. At 5.9 notaries per 100,000 inhabitants in 2022, the sector provides the human resource basis for the accessibility and throughput documented below.

Figure 10 sets the sector in the wider population of legal professionals, showing the density of courts, first instance judges, lawyers and notaries per 100,000 inhabitants on CEPEJ data for 2010-2022.

Figure 10: Legal experts in the justice system in Austria

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

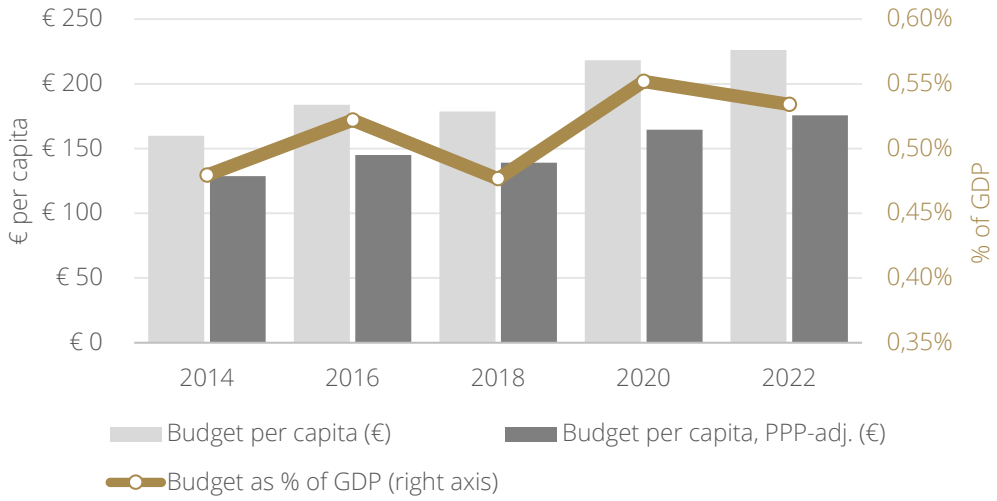
The chart's dominant feature is the sustained growth of the legal profession: lawyer density rose about 17% in the period from 2010 to 2022 and first instance judges by some 59% (partly a CEPEJ reporting change) while courts remain a concentrated network at roughly 1.7 per 100,000.

Against this backdrop, notarial density is strikingly stable, holding near 5.85 per 100,000 across the whole period. This reflects the fixing of notarial positions by judicial district under the *Notariatsordnung* (Code for Notaries); the absence of growth signals not stagnation but the absorption of rising caseloads through productivity gains and digitalisation.

Figure 11 presents three indicators of public justice expenditure for 2014-2022: nominal *per capita* budget, PPP-adjusted *per capita* budget and budget as a share of GDP. Together they show a structural increase, interrupted by a temporary 2016-2018 contraction before resuming upwards.

Figure 11: Whole justice system budget in Austria

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

The *per capita* budget rose by about 41% in the period from 2014 to 2022 in nominal terms (to 226 euro in 2022) and by roughly 37% in PPP terms, confirming a real-terms gain. The budget-to-GDP ratio stayed in a narrow band (0.48-0.55%), indicating that justice expenditure broadly tracks economic growth rather than expanding autonomously.

Two implications follow. First, rising public justice costs make the fully self-financed notarial channel – funded through private fee tariffs – increasingly significant fiscally. Second, the 2020 expenditure peak coincides with the pandemic succession surge that the notarial sector absorbed without public emergency funds, a further fiscal-efficiency dimension of the delegation model.

4.1.2.2. Institutional architecture: Courts, notaries and other authorities

Table 1 presents the institutional distribution of resolved non-contentious proceedings across courts, other authorities and notaries for 2018, 2020 and 2022. The data reflect which institution handles the proceeding rather than the formal act of issuing the certificate or deed.

Succession proceedings are handled exclusively by notaries throughout the period from 2014 to 2022, though the final decision lies formally with the court given that notaries act as court commissioners under the *Gerichtskommissärsystem*. Marriages and registered partnerships fall to the civil registration authorities (*Standesamt*) and non-contentious divorce remains within exclusive court competence across all three years.

Land and business registry proceedings show a mixed pattern: courts handle the large majority (about 82-84% of land registry and 77-81% of business registry proceedings), with notaries taking the remainder. The split reflects the distinction between proceedings routed through the notarial channel and those filed directly with the court registry.

Table 1: Legal structure for processing non-contentious cases in Austria

Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	100%	100%	100%	0%	0%	0%	0%	0%	0%
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	82%	83%	84%	0%	0%	0%	18%	17%	16%
Business registry	79%	77%	81%	0%	0%	0%	21%	23%	19%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

The procedural characteristics differ by area. In succession, territorial jurisdiction applies (the competent notary must sit in the district of the deceased's last domicile), the notary acts as court commissioner and the court issues the final decision. For non-contentious divorce, territorial rules do not apply, fees are standardised and the court retains final authority. Land and business registry proceedings likewise carry standardised fees and court-ratified decisions and are served by an electronic court–notary communication system. Marriages fall outside the notarial mandate.

4.1.3. Caseload analysis: Volume, composition and trends

4.1.3.1. Non-contentious caseload by legal area

Austria's institutional distribution of non-contentious proceedings is the foundational structural datum of this analysis, reporting resolved proceedings by legal area and competent institution for 2018, 2020 and 2022.

Succession is handled exclusively by notaries, with volumes rising from about 86,700 resolved cases in 2018 to some 96,500 in 2022; the 2020 increase reflects pandemic excess mortality and the continued rise in 2022 reflects the absorption of residual backlog. Non-contentious divorce sits wholly within court competence and declined about 10%, over the period from 2018 to 2022, while marriages and registered partnerships – handled solely by civil registration authorities – fell about 21%, consistent with declining marriage rates.

Land and business registry proceedings show a different pattern, in which courts are the dominant processing institution by volume. Notaries account for roughly 16-17% of land registry and 19-23% of business registry proceedings. These shares are consistent with Table 1 and reflect the distinction between proceedings routed through the notarial channel and those filed directly with the court registry.

In aggregate, succession is the area of exclusive notarial responsibility, while land and business registry form a mixed architecture in which courts handle the majority by volume. The welfare-economic significance of the notarial channel in registry matters therefore lies not in volume but in the specific transactions – typically those requiring notarial authentication – for which it offers the accessibility and quality advantages documented below.

Caseflow management

Notarial caseflow over the three years confirms the same dynamic. Incoming succession filings spiked in 2020 with pandemic excess mortality, so resolution that year fell short of intake and the year-end pending stock rose. By 2022 the Clearance Rate[1] had recovered above unity and the backlog was drawn down. The forwarding rate to second instance courts stayed below 0.4% throughout – a robust quality indicator – and land and business registry proceedings maintained near-unity clearance with minimal forwarding.

4.1.4. Efficiency analysis: Processing time and throughput

4.1.4.1. Average processing duration by legal area

Processing duration data for cases resolved in 2020 show succession concentrated in the three-to-six month band (about 71%), with only 27% under three months – the pandemic surge stretching times beyond the pre-pandemic structural level. Registry proceedings stayed in the shortest band (land registry about 92%, business registry essentially all under three months) while cross-border succession spread wider, mostly six to twelve months, reflecting the coordination burden of the applicable EU regulations.

By 2022, succession processing had improved markedly. The share resolved under three months rose to about 39% and the estimated mean for domestic succession fell to roughly 95 days, against a 2020 peak near 147 days. Registry throughput remained high (land registry about 87% under three months; business registry near 100%) and cross-border succession improved only moderately, reflecting structural coordination constraints beyond unilateral national control.

The mean-processing-time trajectory across 2020-2022 shows the key dynamic in succession: a marked 2020 deterioration from the pandemic shock followed by a 2022 recovery that broadly restores the pre-pandemic profile. Land and business registry times stayed comparatively flat, confirming that the 2020 shock was domain-specific and concentrated in succession, the most complex and volume-sensitive area.

4.1.4.2. System-level performance indicators

The Clearance Rate, which expresses resolved cases as a proportion of cases newly received (i.e. resolved cases / incoming cases x 100) for notarial succession proceedings stood near 1 in 2018. The CR then dipped to about 0.9 in 2020 – the only year in which pandemic demand outpaced resolution – and recovered to 1 in 2022, confirming a return to surplus resolution. Land and business registry proceedings held clearance at or above 1 throughout, indicating a system in structural balance with temporary deviations driven by exogenous shocks.

At the level of the whole Austrian justice system, the overall Clearance Rate also remained close to unity, over the period from 2018 to 2022, with a slight 2020 dip and recovery. The notarial sub-sector mirrors this pattern. By absorbing high volume succession and registry

[1] Clearance Rate (CR), the ratio of resolved to incoming cases (a value above 1 indicates backlog reduction, while a value below 1 indicates accumulation)

work at near-unity clearance, it materially reduces the burden on the formal judicial sector and helps the system avoid structural backlog accumulation.

The Work Overload indicator (pending plus incoming cases over resolved cases, minus one) was about 0.3 for notarial succession in 2018, rose to approximately 0.4 in 2020, then fell to about 0.27 in 2022. Land and business registry proceedings stayed substantially lower (around 0.12-0.13 in 2022), reflecting faster, more standardised cycles; the declining succession trend confirms that the 2020 overload was transitory.

For the Austrian legal sector as a whole, Work Overload was low and stable (about 0.16-0.17 across the panel), well below the notarial succession sub-sector and reflecting the heterogeneity of caseload types. Austria compares favourably with several EU Member States on this indicator, reinforcing the view that the notarial delegation model contributes positively to overall system performance.

The Stake Change indicator (the ratio of pending cases at year-start to year-end, minus one) was near zero for succession in 2018, turned positive (about 0.45) in 2020 as the surge accumulated backlog and fell to slightly negative in 2022, confirming active backlog reduction in the recovery phase. Land and business registry proceedings showed uniformly negative or near zero values, consistent with their stable throughput.

For the total Austrian legal sector, Stake Change stayed close to zero across 2018-2022. The muted system-level variation, relative to the notarial succession sub-sector, reflects averaging across a large and diverse caseload and is consistent with a justice system managing its aggregate workload without generating structural backlog.

Disposition Time (pending stock at year-end over resolved cases, times 365) for notarial succession was about 110 days in 2018, peaked near 147 days in 2020 and fell substantially to about 95 days in 2022. Land and business registry proceedings held disposition times in the low 40s in terms of days, consistent with faster throughput. The downward succession trend confirms active resolution of inherited backlog.

At system level, Disposition Time was about 57 days in 2018, 63 in 2020 and 62 in 2022 – notably below the European average for non-criminal civil proceedings. The notarial sub-sector's contribution to holding system level Disposition Time below about 65 days throughout is a material efficiency gain attributable to the delegation model.

4.1.5. Geographic accessibility: Mapping notaries and courts

Austria's court network for non-contentious matters comprises 99 locations concentrated in district capitals and regional centres, leaving comparatively sparse coverage in Alpine and peri-urban rural areas. Parts of Styria, Carinthia, Salzburg and Tyrol lie 15 km or more, and some municipalities 25 to 30 km, from the nearest competent court. This is the structural access constraint inherent in a court-centric model.

Figure 12 maps Austria's 536 notarial offices. The denser, more dispersed notarial network achieves district-level coverage across virtually all inhabited areas, except the highest Alpine communities. The population-weighted mean distance to the nearest notary is 4.8 km against 7.16 km for courts – a differential access ratio of 1.49 – and 90% of the population lives within 9.9 km of a notary, versus 15.6 km for courts.

Cumulative population coverage favours the notarial network at every distance threshold. At 10 km, about 90.8% of the population is within reach of a notary, against 72.5% for

courts – a gap of some 18 percentage points, or roughly 1.68 million citizens for whom notarial access is materially closer. At 20 km, coverage reaches 99.3% for notaries against 96.3% for courts. The notarial network therefore lowers search and travel costs, with the largest gains accruing to rural and peri-urban residents, who tend to have lower incomes and less reliable transport connections.

Figure 12: Map of citizens' distance to notaries in Austria

Distance from Local Authorities' Units



Source: JuWiLi

Table 2 reports the distribution in quantile form: the median citizen lives 3.37 km from a notary and 4.5 km from a court, widening to 9.9 km versus 15.6 km at the 90th percentile and 17.8 km versus 25 km at the 99th. The consistently superior notarial accessibility across the whole distribution – not only at the median – confirms that the coverage advantage is structural rather than an artefact of a few densely served urban centres.

Table 2: Population coverage

Share of citizens with a maximum distance to the next notary or court

Share of citizens	Notaries	Courts
50%	3.37	4.5
90%	9.90	15.6
95%	12	18.8
99%	17.8	25

Source: JuWiLi

4.1.6. Cost structure and fee transparency

In Austria, there is an existing pre-defined fee structure for each notarial service (i.e. the *Notariatstarifgesetz*, the Notary Fees' Act), which is readily available for citizens. The notarial costs for all proceedings are borne by private individuals.

Notarial fees are set by the *Notariatstarifgesetz*, graduated by the asset or transaction value and applied uniformly across offices. The standardised tariff removes price competition in court-commissioned proceedings (where territorial assignment precludes free notary selection) and gives citizens predictable, verifiable cost exposure in advance. All notarial costs are borne by private individuals, with no public subsidy for routine non-contentious proceedings. For a representative 100,000 euro estate, the aggregate commissioner fee inclusive of ancillary charges falls in the range of about 1,000 euro to 2,500 euro, or 1 to 2.5% of the estate's value.

4.1.7. Quality assurance, training and supervisory oversight

4.1.7.1. Initial and ongoing professional training

The training framework distinguishes compulsory from optional provision across four categories. Compulsory in-service training is provided for specialised legal areas; optional in-service training covers general and specialised competencies and digital literacy; and legal staff have optional initial and in-service programmes. The absence of mandatory digital literacy training for all personnel categories is a potential improvement addressed in the recommendations.

Notarial candidates must complete a minimum five-year practical training period (*Notariatskandidat*) after a law degree, culminating in the notarial examination (*Notariatsprüfung*) administered by the *Österreichische Notariatskammer* (Austrian Chamber of Notaries). This training ensures that practitioners are equipped for the responsibilities delegated to them in succession and registry proceedings.

4.1.7.2. Systemic control mechanisms

The supervisory architecture lies with the *Österreichische Notariatskammer* together with the regional chambers and the supervising courts, with its legal basis in the *Notariatsordnung*. Notarial offices are subject to regular process auditing of compliance with procedural, fee and record-keeping obligations and a graduated malpractice procedure runs from warnings and fines to revocation of appointment (*Amtsenthebung*).

The multi-tiered supervisory hierarchy – chamber, court, Ministry of Justice – exhibits the principal-agent properties of high-quality professional governance: monitoring is both *ex ante* (auditing) and *ex post* (complaint-responsive discipline), with credible, proportionate consequences for detected deviations.

4.1.8. Digitalisation: Capacity, strategy and bottlenecks

The *Österreichische Notariatskammer* maintains a fully established digitalisation strategy and dedicated resources – a 60-employee department and a designated digital transformation officer – and digitalisation-specific training for notaries is in place. The notable gap is the absence of a formal assessment of the impact of digitalisation on processes and workflows, which limits evidence-based allocation of future digital investment.

4.1.9. Synthesis: Efficiency assessment and country-specific findings

Drawing the evidence together, Austria's non-contentious justice architecture is a structurally coherent and empirically well-supported model of institutional delegation and the efficiency assessment is strongly positive.

In welfare-economic terms, the delegation of non-contentious functions to notaries under the *Gerichtskommissärsystem* is a Pareto-superior arrangement relative to exclusive court-based processing, provided that output quality is held constant. The empirical record meets that condition: a second instance forwarding rate below 0.4% for succession and near zero for registry matters provides evidence of high first instance quality, lowering the appellate burden and the aggregate social cost of non-contentious proceedings.

The geographic accessibility advantage is material: at a differential access ratio of about 1.5, notarial services are closer than court services at every point of the population distribution, with the largest welfare gains for rural and peri-urban residents for whom travel costs and time constraints bind most, giving the network progressive distributional properties.

Throughput is high and resilient: the 2020 COVID-19 shock temporarily depressed succession clearance and raised Disposition Time, but the system returned to above-unity clearance by 2022 without structural deterioration, while registry proceedings maintained near-100% short-cycle resolution throughout.

Austria's most distinctive feature for cross-national typology is the systematic rather than optional character of delegation: notaries are the operational arm of the court for succession and registry functions, with the court retaining formal jurisdiction, supervision and appellate oversight. This eliminates the transaction costs of dual-track processing and ensures system-wide quality consistency. The main areas warranting attention are completion of the digital transition, particularly formal process impact assessment and mandatory digital literacy training.

4.1.10. Policy recommendations

The following recommendations follow from the report's findings; each is paired with its welfare-economic justification.

First, building on the performance demonstrated by Austrian notaries as court commissioners, a structured monitoring programme should accompany any (potentially gradual) divorce reform, collecting disaggregated caseload, processing time and satisfaction data across future reference years for publication in the CEPEJ cycle. Evidence-based evaluation is a prerequisite for adaptive governance and for the people-centred justice framework of JuWiLi II.

Second, the Ministry of Justice and the Austrian Chamber of Notaries should jointly develop an electronic case-handling interface for non-contentious divorce, analogous to the system being tested for succession. Its marginal cost is low relative to the transaction-cost reduction that it would deliver for practitioners and citizens and the complementary infrastructure already exists.

Third, the chamber should conduct and publish a formal assessment of the impact of digital tools on workflow efficiency, processing times and citizen outcomes, at least every three years and across all major legal areas. Without systematic measurement, investment is driven by subjective judgement rather than evidence. The absence of such assessment is inconsistent with the chamber's otherwise advanced digital infrastructure and represents underinvestment in organisational learning.

Fourth, digital literacy training should move from optional to compulsory in-service for all notaries and legal staff – covering the eIDAS electronic signature law, digital document management, electronic registry interfaces and cybersecurity fundamentals – verified

through the chamber's existing audit mechanism. The principal-agent problem of optional training, where practitioners may underinvest in digital competence whose social return exceeds the private return, justifies a mandatory baseline.

4.2. Belgium country report

4.2.1. Abstract

Belgium presents one of the most institutionally distinctive profiles among the 22 EU Member States examined in this study. The country's notarial sector operates not as a delegated extension of court but as an autonomous provider of legal certification services engaged on a demand-driven basis by private parties.

Across virtually all legal areas examined, notaries hold extensive competence for the preparation and authentication of the relevant instruments while in some areas, such as consensual divorce, courts are in charge of pronouncing the dissolution even when the parties' agreement has been prepared and submitted by a notary.

The profession comprised 1,699 registered notaries in 2022, with 367 candidate notaries and 9,517 other staff – a sector workforce of about 11,583. Caseload is substantial: in 2022 notaries handled over 695,000 real estate acts, 96,000 company law acts, 87,000 care mandates, 60,000 certificates of succession, 40,900 marriage contracts and partnerships and 11,300 divorce preparations.

All fees follow a publicly accessible tariff annexed to the Royal Decree of 16 December 1950 and are borne entirely by private individuals. Quality assurance is based on a six-year initial training pathway, compulsory in-service training and a final examination, reinforced by a supervisory body, regular auditing and a functional malpractice procedure.

The main data limitation is the absence of a single, uniform office management software across notary offices, which precludes computing caseflow-based performance indicators from administrative sources.

Policy recommendations address the establishment of a harmonised data reporting standard, the extension of formal training requirements to legal staff, the mandating of electronic communication workflows and a review of the institutional arrangements governing non-contentious divorce proceedings.

4.2.2. Country profile and institutional context

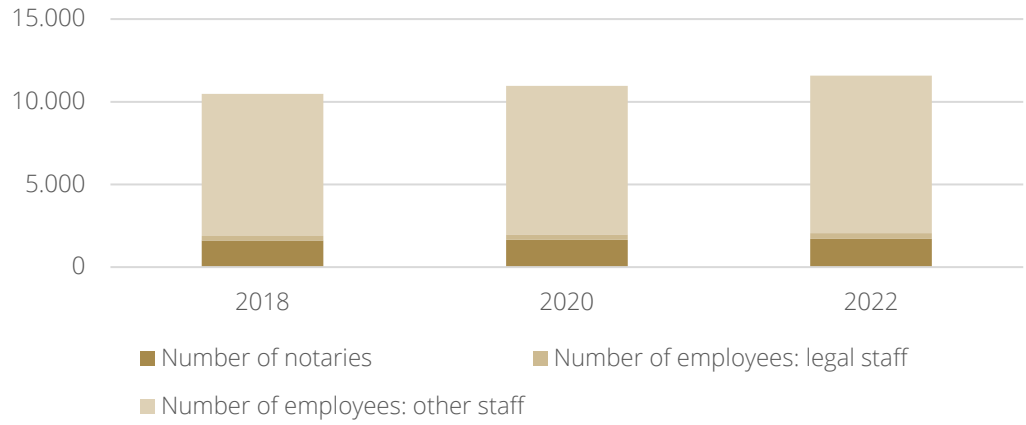
4.2.2.1. The notarial sector: Structure and scale

Figure 13 documents the evolution of notarial sector employment across 2018, 2020 and 2022. Total sector employment grew by 10.5% over the period from 2018 to 2022, to 11,583 in 2022. Growth was uneven across categories: registered notaries rose modestly (+5.7%), legal and other staff expanded by 10.7%, while candidate notaries grew fastest (+33%), signalling a deepening apprenticeship pipeline.

At approximately 14.5 notaries per 100,000 inhabitants in 2022, Belgian notarial density is substantially higher than in many EU Member States, reflecting the broad functional scope of notarial competence. This should not, however, be read as an unregulated profession: Belgian law does not impose a strict *numerus clausus* on the number of notaries as such, but it establishes a regulated system of notarial offices (or 'seats'), the number and geographical distribution of which are determined by the public authorities.

Figure 13: Employment in the notarial sector in Belgium

Notaries, legal and other staff between 2018 and 2022



Source: JuWiLi

Note: The number of candidate notaries includes individuals, who have passed the exam and have been appointed as candidate notaries but not yet as notaries (either as titular notaries or through association with another notary). This number does not concern the number of legal staff that are not candidate notaries but regular legal employees (they are in the third category).

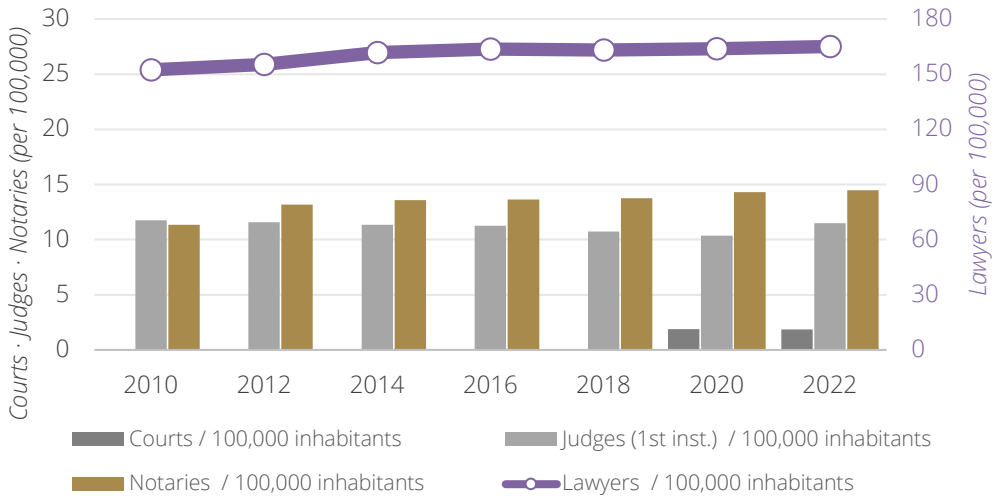
Figure 14 presents the density of four categories of legal expert – courts, first instance judges, lawyers and notaries – per 100,000 inhabitants, drawing on CEPEJ data for 2010-2022. It situates the notarial profession within a high volume legal services' economy in which lawyer density has also expanded markedly. The stability of judicial density over the period from 2018 to 2022 underscores the policy rationale for a robust notarial infrastructure: as court resource intensity is constrained, the capacity of notaries to absorb non-contentious demand without drawing on public judicial budgets acquires increasing fiscal significance.

Two observations follow. First, the disproportionate growth of the candidate cohort relative to the titular corps is structurally significant. It suggests that demand is expanding fast enough to put pressure on the profession's human capital pipeline, anticipating a future wave of titular appointments.[2] Second, sustained growth across all categories – including the 2020 pandemic year – confirms the sector's institutional resilience.

[2] The figures only include appointed notaries (*notaires titulaires*) and exclude associated notaries (*notaires associés / geassocieerde notarissen*). For 2018-2022, any apparent upward trend should be qualified by two factors not reflected in the headcount: the growing practice of notaries forming associations and the introduction of the *notaire adjoint / toegevoegd notaris*, a fully qualified notary who, rather than owning an office, exercises the full notarial function at another notary's office (in effect, an 'employed notary').

Figure 14: Legal experts in the justice system in Belgium

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



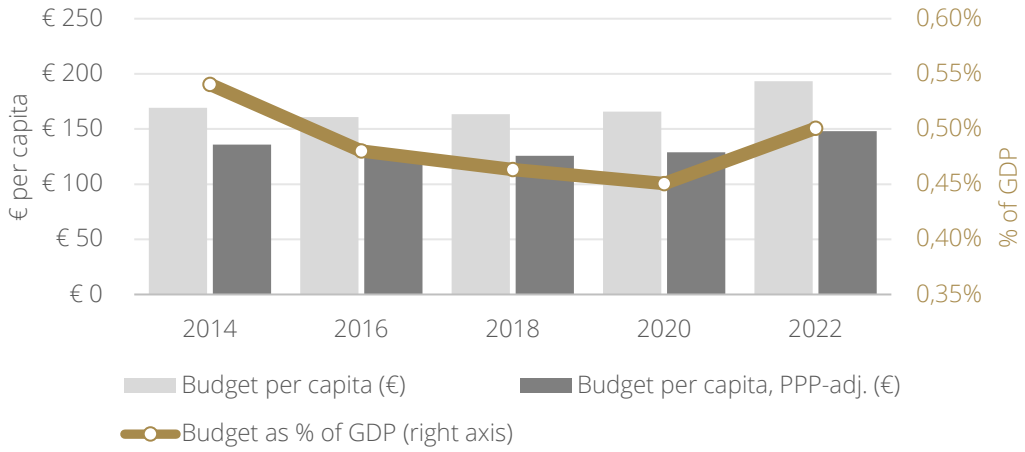
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 15 presents three indicators of Belgium's public expenditure on the justice system: nominal and PPP-adjusted *per capita* budgets and the budget as a share of GDP. Sustained nominal growth is partially offset by GDP growth, leaving the expenditure-to-GDP ratio broadly stable. Given that the notarial sector is self-financing through privately borne, tariff-regulated fees, its substantial caseload imposes no additional burden on the public justice budget – a structural efficiency gain that grows more significant as the real *per capita* cost of the justice system rises.

Figure 15: Whole justice system budget in Belgium

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.2.2.2. Institutional architecture: Courts, notaries and other authorities

One defining structural feature of the Belgian system is the broad notarial competence across all reported legal areas, combined with the complete absence of a court-commissioner mandate in any of them. In Belgium, there is no general legal obligation to consult a notary upon the death of a person and consequently no *ex officio* succession procedure is initiated by the notary in cases of succession. Notarial engagement in succession-related matters arises entirely from the voluntary choices of heirs and beneficiaries. Accordingly, the figures reported for succession represent certificates of succession and related instruments issued on demand rather than a comprehensive succession jurisdiction. Similarly, the land and business registry figures reflect acts authenticated by notaries in their capacity as independent public law professionals rather than as agents acting under court delegation.

The most institutionally nuanced area is non-contentious divorce. The notary's role here is as a drafter and authenticator of the parties' agreement rather than as a decision-making authority: the final decision formally lies with the court. This characterisation is consistent with the data in Table 3, where non-contentious divorce is the only legal area in Belgium for which court competence, notarial competence, client nomination of the notary and court final decision are simultaneously recorded.

Table 3: Legal structure for processing non-contentious cases in Belgium

Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Certificates of succession							True	True	True
Consensual divorce	True	True	True				True	True	True
Marriage contracts and registered partnerships							True	True	True
Land registry							True	True	True
Business registry							True	True	True
Care mandates							True	True	True

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

Several procedural characteristics apply uniformly across legal areas. Territorial jurisdiction rules do not apply: citizens are free to engage any notary regardless of geographic proximity, a design feature that maximises allocative flexibility and competition. Fees are standardised and publicly accessible for divorce, marriage contracts, the land registry and the business registry. No legal area falls under the notary-as-court-commissioner model. Electronic file accessibility and electronic court-notary communication are absent across all legal areas, a structural gap addressed in the digitalisation section.

According to the data collected, Belgian notaries have been entrusted with dealing with non-contentious divorces since 2007. However, as clarified above, this entrustment concerns the preparation and submission of the mutual agreement rather than the pronouncement of the dissolution, which formally remains with the competent family court.

The Belgian institutional architecture therefore represents a model of concurrent autonomy rather than delegated authority. Notaries exercise their functions under a public law mandate and professional licensing framework but do so independently of the court system rather than as an operational arm of it. From a transaction cost perspective, this model eliminates the administrative overheads associated with court-notary coordination, reduces the principal-agent costs inherent in a commissioner relationship and enables the notarial market to respond more flexibly to variations in demand. The trade-off is a reduced capacity for systematic judicial oversight of notarial quality at the case level, which the supervisory architecture of the notariat (notary profession) provides instead.

4.2.3. Caseload analysis: Volume, composition and trends

4.2.3.1. Non-contentious caseload by legal area

Notarial caseload by legal area for 2018, 2020 and 2022 reveals several structurally significant patterns. Land registry is by far the largest area, rising to 695,406 acts in 2022 (+10.7%), driven by the real estate market. Business registry acts grew far faster, to 96,370 (+49.3%), consistent with the 2019 *Code des sociétés et associations* (CSA) (Code of Companies and Associations) reform and the wave of corporate reorganisations that it generated.

Care mandates – the formal designation of a trusted person to manage an individual's affairs in anticipation of future incapacity – grew fastest of all, to 87,644 in 2022 (+84.6%), reflecting population ageing and uptake of a relatively recent instrument. Though absent from the original questionnaire template, their 2022 volume exceeds certificates of succession (60,073) and approaches business registry acts (96,370), making their inclusion as a distinct analytical category essential.

Certificates of succession rose to 60,073 in 2022 (+51.7%), well above the increase in recorded deaths, suggesting a rising propensity to formalise succession notarially despite no legal obligation. The 2020 excess mortality surge (58,055) mirrors patterns elsewhere. Marriage contracts and registered partnerships dipped during the pandemic before recovering to a new peak of 40,913 in 2022, while non-contentious divorce preparation declined moderately to 11,326 (–15.2%).

Aggregate notarial caseload rose to roughly 991,732 proceedings in 2022 (+19.7%), an average of about 584 per notary – an imprecise proxy given heterogeneous complexity, but indicative of a high throughput environment. These volumes confirm that the notarial sector is the primary operational architecture for Belgium's non-contentious legal affairs, not a marginal adjunct to the civil justice system.

4.2.3.2. Caseflow management

A material data limitation must be noted. Belgium has no single, uniform office management software across notary offices. Each office retains an IT provider of its own choosing, consistent with EU competition law, and the Federation imposes no common data submission requirement. Caseflow management statistics cannot therefore be presented here.

4.2.4. Efficiency analysis: Processing time and throughput

4.2.4.1. Average processing duration by legal area

No granular processing time data are available from official or centralised sources. The Belgian Federation of Notaries confirms the expert assessment that notaries resolve cases across all legal areas in under three months under normal conditions, with exceptions in complex matters. This is applied uniformly across legal areas and reference years and is disclosed as a qualitative expert estimate rather than an empirically verified finding.

The sub-three-month norm is structurally plausible. The absence of a court-commissioner mandate removes court-notary coordination overheads; voluntary, demand-driven engagement creates competitive incentives for prompt delivery given freedom of choice; and the high volume of standardised transactions, especially land and business registry acts, supports refined processing routines and templates.

In the absence of an empirically verified national/cross-border breakdown, the structural inference that cross-border cases – particularly in the succession domain, where EU Succession Regulation No. 650/2012 may require coordination with foreign registries and the issuance of European Certificates of Succession – are likely to entail longer processing durations than purely domestic proceedings.

The available caseload data confirm that certificates of succession already include both national and European instruments, with 60,073 certificates issued in 2022 encompassing a cross-border component whose magnitude is not separately recorded. This remains an open empirical question that centralised data infrastructure would be capable of resolving.

4.2.4.2. System-level performance indicators

For system level performance, only the Clearance Rate (CR) is available for the legal sector. No data exist for the Work Overload (WO), Stake Change (SC) or Disposition Time (DT) indicators, either for the notarial sector or for the Belgian legal sector as a whole. The Clearance Rate expresses resolved cases as a proportion of cases newly received. The data available for the period 2016 to 2022 show that CR remained stable at 1. Values at or above unity indicate that the system disposes of incoming matters at least as fast as they arrive, while values below unity indicate backlog accumulation.

4.2.5. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis computes straight-line distances from each Eurostat Local Administrative Unit (LAU) population centroid to the nearest notarial office and to the nearest court with non-contentious jurisdiction. Belgium – a compact state of 30,528 km² with about 11.6 million inhabitants – has one of the denser settlement patterns in the cohort, which moderates absolute distances for both institution types relative to larger EU Member States.

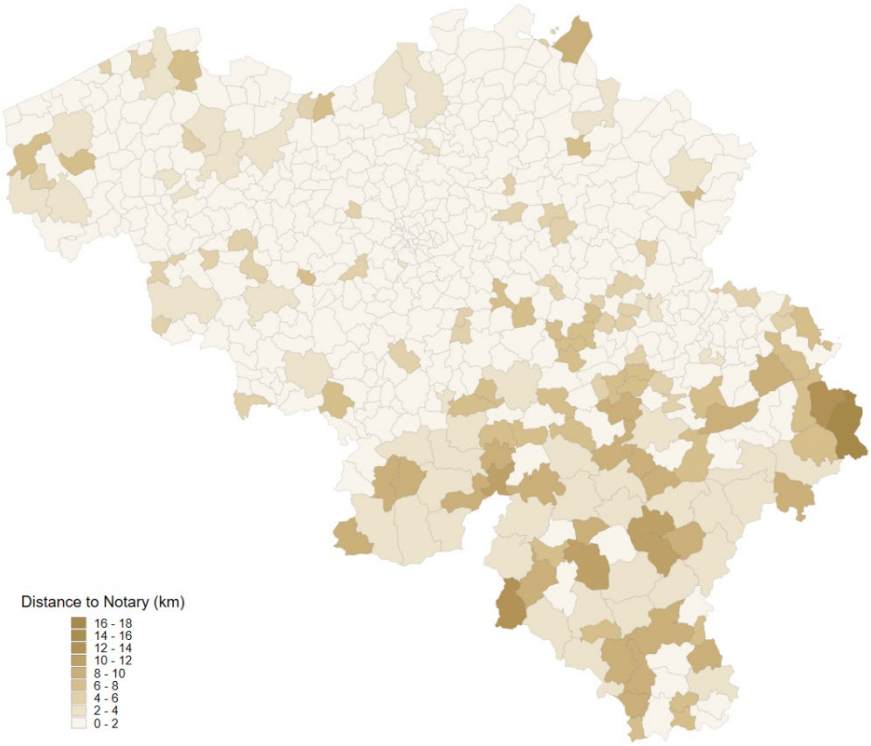
The distance to the nearest court with non-contentious jurisdiction is structurally high. The majority of LAUs fall within the 16-49 km band, with sub-4 km proximity confined to isolated zones around provincial capitals and major urban centres. A substantial share of Belgian territory therefore lies between 10 and 49 km from the nearest competent court, with no contiguous zone of high accessibility beyond each court's immediate urban core.

Figure 16 presents a strikingly different picture. Near white and light shading dominates virtually the entire northern and central territory, indicating that the overwhelming majority of Flemish and central Walloon LAUs lie within 0-4 km of the nearest notary. Darker shading (6-18 km) is confined almost exclusively to the Ardennes in the south east and isolated rural

municipalities in the eastern border zone. The contrast is unambiguous: against the court's landscape of structural distance, the notarial network offers near universal proximity, with access disadvantage limited to the most sparsely populated terrain.

Figure 16: Map of citizens' distance to notaries in Belgium

Distance from Local Authorities' Units (LAUs)



Source: JuWiLi

Translated into cumulative population coverage, the contrast is stark. Notarial coverage reaches approximately 90% of the population within 3 km and approaches universality before 15 km, whereas court coverage rises far more slowly – about 25% at 5 km, 80% at 20 km and full coverage only beyond 30 km. The accessibility differential is widest, and most consequential, in the middle of the distribution where most of the population sits.

The quantitative data in Table 4 confirms and sharpens this. For the median citizen, the nearest notary lies at 1.5 km against 9.8 km for the nearest court – a ratio of about 6.5 to 1 – and the differential widens steadily across the distribution, reaching 8.4 km versus 33.1 km at the 99th percentile.

Table 4: Population coverage in Belgium

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.3	4.4
50%	1.5	9.8
75%	1.9	15.2

90%	2.5	20.6
95%	4.2	23.3
99%	8.4	33.1

Source: JuWiLi

In welfare-economic terms, the access differential directly supports the transaction cost argument for notarial delegation. Proximity proxies the search and travel costs that citizens bear. Reducing distance by a factor of four to seven across the distribution is a genuine reduction in the deadweight loss of access barriers. This is amplified by the absence of territorial assignment rules. Free selection across 1,699 offices adds a competition gain with no equivalent in court-commissioner systems under fixed geographic competence. The evidence is consistent with the notarial network being the primary access infrastructure for non-contentious civil legal services, satisfying the access-to-justice criterion of the OECD Recommendation on People-Centred Justice Systems (OECD-LEGAL-0498).

4.2.6. Cost structure and fee transparency

Belgium maintains a pre-defined fee schedule, set by the Official Tariff annexed to the Royal Decree of 16 December 1950 and revised over the years.[3] The tariff is publicly accessible and value-graduated. Fees are a percentage of transaction or asset value with diminishing marginal rates. A single average cost figure does not therefore adequately characterise citizens' cost exposure across contexts.

All notarial costs are borne by private individuals, with no public subsidy for routine non-contentious proceedings. This model is welfare-efficient provided that the tariff does not create access barriers for lower income citizens where notarial engagement is legally required or materially advantageous. The fully public tariff satisfies the OECD transparency requirement and enables informed pre-contractual cost assessment, combining the predictability of regulated pricing with competition among offices on speed, specialisation and service quality.

4.2.7. Quality assurance, training and supervisory oversight

4.2.7.1. Initial and ongoing professional training

The training framework is in line with the study sample. Candidates complete a five-year Master's degree in Law, a one-year specialised Master's degree in Notarial Law and a compulsory three-year in-house practical period before titular appointment. That amounts to nine years of mandatory pre-appointment training. Compulsory in-service training applies to all practising notaries, ensuring that they keep their skills and knowledge up to date throughout the career.

Initial training for legal staff is also subject to mandatory formal requirements. This matters: with a non-notarial workforce of 9,517 – about 5.6 times the 1,699 titular notaries – support-staff human capital materially determines output quality. A compulsory entry requirement is therefore favourable.

[3] https://www.notaire.be/sites/default/files/files/2026-02/20260209%20-%20Tariefbesluit%20geconsolideerde%20versie%20FR.pdf

The asymmetry arises at the in-service stage, where ongoing training is compulsory for notaries but not reported for legal staff, whose competence rests on the supervising notary's full responsibility for employees' acts. A further gap concerns digital literacy, with no mandatory training for either group, a growing shortcoming as the sector digitalises.

4.2.7.2. Systemic control mechanisms

The supervisory architecture is robust. A statutory supervisory body oversees the profession; regular process auditing reviews compliance with procedure, the Royal Decree tariff and record-keeping; and a malpractice procedure imposes graduated consequences. The multi-level hierarchy – the National Chamber of Notaries, the regional chambers (*chambres des notaires* / *kamers van notarissen*) and the supervising judicial authorities – exhibits the principal-agent properties of effective governance: monitoring is both *ex ante* (periodic auditing) and *ex post* (complaint-responsive discipline), with credible, proportionate consequences.

4.2.8. Digitalisation: Capacity, strategy and bottlenecks

The Belgian Federation of Notaries has a fully established digitalisation strategy backed by dedicated resources – a department, personnel, tools and budget. It has assessed processes and workflows to prioritise investment, runs digital literacy programmes for notaries and takes account of IT expertise in recruitment.

Three processes are the highest priority targets: digital communication between notaries, clients and administrations (secure messaging, e-identity, register integration), the most impactful for efficiency; digital service platforms automating workflow, document generation and registry submission to cut unit costs on high volume standardised acts; and secure archiving and cybersecurity as a systemic prerequisite given the high stakes of notarial instruments.

Three structural barriers were identified. The first is the inherent complexity of notarial acts, which must meet both substantive legal and formal authentication standards. This is not resistance: in Belgium most acts can be executed fully electronically (with narrow exceptions such as last wills) and the notarial system is often more advanced than other authorities. The barrier is full automation, since the dual requirement of validity and authenticated form limits how far notarial acts can be reduced to automated workflows.

The second is technological: cybersecurity and reliable digital identity remain active concerns given the stakes and the evolving eIDAS framework demands continuous adaptation. The third is human resistance – a significant share of clients prefer face-to-face interaction through habit, trust or limited digital access. This behavioural barrier reflects choice architecture effects likely to require both user-friendly interfaces and demand-side strategies that build confidence in electronic procedures.

The decentralised IT architecture is both a driver and a constraint: each office chooses its own IT provider and the Belgian Federation of Notaries mandates no common infrastructure. This preserves competitive neutrality but precludes a unified national notarial data platform – with direct consequences for aggregate caseflow statistics, as documented throughout this report. It is a governance design challenge for which European banking and health sector models offer instructive analogies.

4.2.9. Synthesis: Efficiency assessment and country-specific findings

Belgium's non-contentious justice architecture is a model of extensive notarial competence, coherent within its own logic but distinct from the delegated authority models dominating the JuWiLi II sample. The efficiency assessment is broadly positive, subject to qualifications from data limitations and structural gaps.

Four positive findings stand out: caseload volumes are substantial and growing, demand the courts would otherwise absorb; the sub-three-month processing norm, supported by the demand-driven, territorially unrestricted model, beats court-based processing; the publicly accessible tariff satisfies OECD transparency requirements; and nine years of mandatory training plus compulsory in-service training ensure expertise matching notaries' broad responsibilities.

Most significant comparatively, the accessibility of the notarial network materially exceeds that of the court network, with welfare gains largest for rural and peri-urban citizens; the absence of territorial assignment rules adds allocative efficiency through informed selection and reputational competition – consistent with the prediction that competitive markets for licensed services under regulated pricing and quality floors outperform monopolistic or territorially segmented models.

The qualifications matter equally. The chief gap is the absence of a centralised caseflow system, which prevents verified performance indicators and evidence-based self-assessment. This is not a governance failure but a consequence of the decentralised IT architecture; resolving it needs institutional design – an interoperability framework – not regulatory pressure on individual offices. The absence of electronic case management and court-notary communication likewise constrains the efficiency gains available from the sector's scale and expertise.

Belgium's most distinctive feature for cross-national typology is near total notarial involvement combined with the complete absence of a court-commissioner mandate. This places it in a category of its own. Notaries perform the operational functions of non-contentious justice not by judicial delegation but because the legal framework, licensing regime and structure of private demand have collectively assigned them that role. The welfare-economic implications are broadly positive.

The primary priorities concern data infrastructure, the training architecture for support staff, the digital transition and rationalisation of the divorce framework, reforms that would bring an already high-performing system closer to the efficiency frontier.

4.2.10. Policy recommendations

The following recommendations are derived strictly from the empirical findings of this country report. Each is formulated as a specific, actionable proposition accompanied by its welfare-economic justification.

First, the institutional arrangements governing non-contentious divorce should be reviewed to clarify and potentially rationalise the respective roles of notaries and family courts in a proceeding that currently requires both notarial preparation and judicial pronouncement. The review should assess whether the judicial-pronouncement requirement in mutual-consent cases generates transaction costs – litigant time, administrative overheads, calendar delay – disproportionate to the safeguards that it provides and whether an expanded notarial competence to issue authenticated divorce certificates directly would be

a welfare-improving reform consistent with EU Regulation 2019/1111 (Brussels IIb) and ECHR Art. 6. EU Member States that have extended direct notarial competence – France, Spain, Portugal – provide a comparative basis.

Second, the existing electronic communication infrastructure should be consolidated into a uniform mandatory standard for all case handling. The notariat (notarial profession) already operates eNotariat, a secured system for communication and document filing with national authorities, secure exchange with clients and administrations and electronic registry submission. The recommendation is not to create such channels but to make their use uniform and obligatory across all workflows, including electronic coordination with the court in divorce proceedings. The marginal cost is low relative to the transaction cost reduction. As a complement, digital literacy training – currently not mandatory – should become compulsory in-service for notaries and relevant support staff.

Third, the Belgian Federation of Notaries should develop a harmonised data reporting standard enabling national aggregate caseflow statistics without mandating a common IT vendor – specifying interoperability protocols, data field definitions and annual reporting with data protection safeguards. The justification is direct: the absence of verified caseflow data prevents evidence-based performance assessment and limits Belgium's CEPEJ-level monitoring. Interoperability achieves this without restricting competition in the IT supply market.

4.3. Bulgaria country report

4.3.1. Abstract

Bulgaria presents one of the most institutionally bounded notarial profiles among the EU Member States examined in this study. The defining structural feature of the Bulgarian system is limited notarial competence in the resolution of non-contentious proceedings. Across all five legal areas examined – succession, non-contentious divorce, marriages, land registry and business registry – Bulgarian notaries hold no autonomous case-handling authority.

Non-contentious divorce is under the exclusive competence of the courts of first instance. In matters of succession, the courts have no competence beyond the issuance of the European Certificate of Succession. There is no mandatory *post-mortem* settlement procedure as in Austria, Germany or France. The identity of heirs is certified by the municipal administration through a Certificate of Heirs based on the population registers, with notaries involved on an *ad hoc* basis. The matter is referred to the courts only in the event of a dispute. Marriages and all registry matters are processed by the municipal authorities and the Registry Agency respectively, bodies distinct from both the court system and the notarial profession. Here notaries only hold partial competences or are involved only in *ad hoc* circumstances, such as in particular succession cases.

The 710 notaries active in 2022, supported by approximately 1,420 legal and 3,550 other staff, fulfil a preparatory and authenticating function – certifying documents, authenticating signatures and preparing instruments – rather than assuming any autonomous role in the resolution or registration of proceedings. Notaries have not been entrusted with non-contentious divorces and no such reform was pending as of the reference period.

The main efficiency findings of this report are as follows. Given that notaries do not resolve any non-contentious cases directly, the caseflow performance indicators – Clearance Rate, Work Overload index, Stake Change and Disposition Time – cannot be computed for the notarial sector. The system level performance of the broader Bulgarian justice system, drawing on CEPEJ data, reveals a Clearance Rate close to but consistently below unity for total non-criminal civil proceedings across 2018, 2020 and 2022, with a Disposition Time that rose from approximately 91 days in 2018 to 107 days in 2020 before partially recovering to 99 days in 2022.

Public expenditure on the justice system expanded substantially over the period of the observation window (i.e. from 2018 to 2022), rising from 56.3 euro per capita in 2018 to 97.1 euro in 2022 – an increase of 72.5% – against a backdrop of a sharply declining population. Fee structures for notarial services are fully regulated by the Tariff of notary

fees under the Notaries and Notarial Activities Act and publicly accessible to citizens, with all costs borne by private individuals.

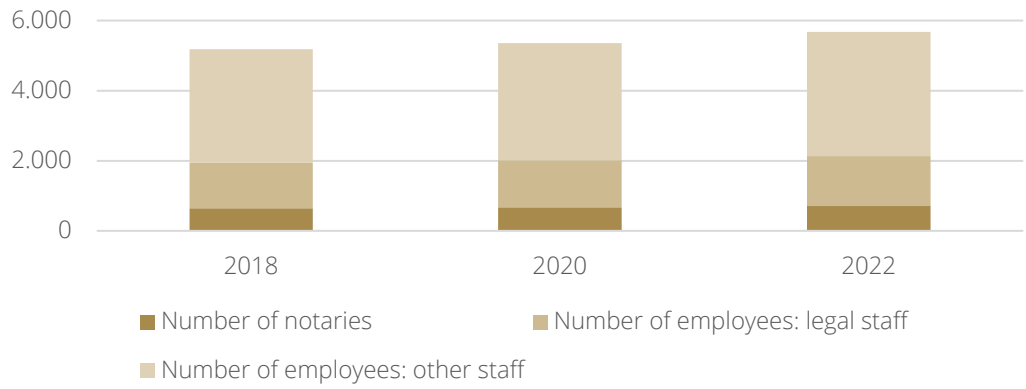
Quality assurance is based on a compulsory three-year initial training requirement, supplemented by optional in-service development. A supervisory body and a malpractice procedure exist, but regular process auditing is absent. The digitalisation strategy is partially developed, with a dedicated but limited IT budget, but significant legislative and technical barriers to full digital integration remain. The primary policy recommendations address the absence of notarial case-handling competence in non-contentious proceedings, the structural gaps in supervisory oversight and the legislative constraints impeding the completion of the digital transition.

4.3.2. Country profile and institutional context

4.3.2.1. The notarial sector: Structure and scale

Figure 17 documents the evolution of employment in Bulgaria's notarial sector across the three reference years 2018, 2020 and 2022 (data: Bulgarian Chamber of Notaries). The number of active notaries rose from approximately 648 to 710, an aggregate increase of 9.6% over the period of the four-year observation window. Legal staff (computed at two per office) and other support staff (five per office) grew by the same proportion. Total sector employment therefore expanded from 5,184 in 2018 to 5,680 in 2022.

Figure 17: Employment in the notarial sector in Bulgaria
Notaries, legal and other staff between 2018 and 2022



Source: JuWiLi

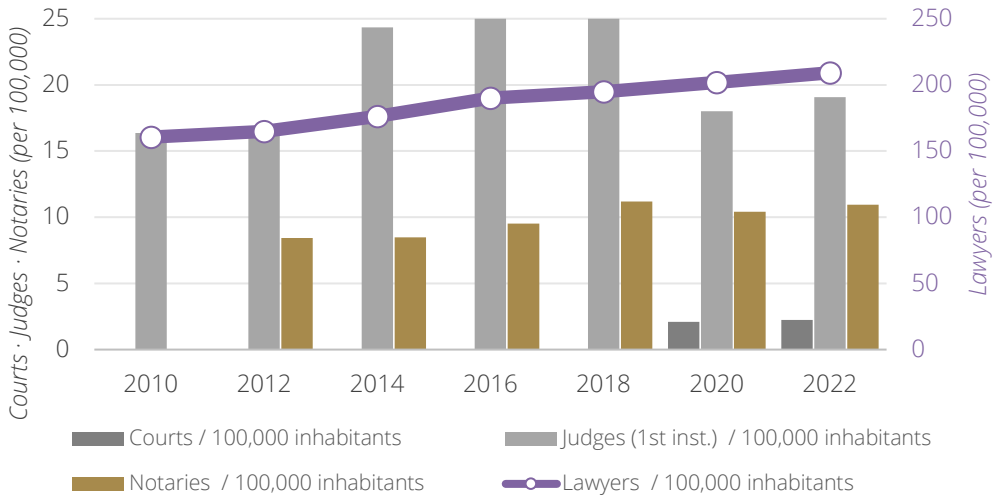
Two observations follow. First, the uniform proportional growth across staffing categories is a mechanical consequence of the fixed per office ratios; the underlying driver is the expansion of the notarial corps itself. Second, Bulgaria's notarial density – approximately 11 notaries per 100,000 inhabitants in 2022 (population of approximately 6.45 million) – is well above the cross-national study average and far exceeds Austria (5.9 per 100,000)

despite Bulgaria's markedly narrower functional scope. This paradox of high density alongside minimal case-handling competence is explained by the scale of notarial authentication activity in real estate and company law, which sustains demand even without a court-commissioner mandate.

The structural context for Bulgaria's notarial sector is best understood in relation to the broader population of legal professionals active in the justice system. Figure 18 presents the density of four categories of legal expert – first instance courts, professional judges, lawyers and notaries – expressed as units per 100,000 inhabitants, drawing on CEPEJ data across the years 2010 to 2022.

Figure 18: Legal experts in the justice system in Bulgaria

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

The dominant feature of the chart is the sustained growth of the legal profession: lawyer density rose from 160.6 per 100,000 in 2010 to 209.2 in 2022 (up 30.3%), making Bulgaria one of the most lawyer-dense jurisdictions in the sample. Professional first instance judge density fluctuated around 16-25 per 100,000, settling at 19.1 in 2022, consistent with staffing adjustment rather than expansion. Notarial density was broadly stable, peaking near 11.2 in 2018 and at 10.9 in 2022, its decade-long growth driven by authentication-market demand rather than any legislated extension of jurisdiction. Bulgaria's rapidly declining population – from 7.36 million in 2010 to 6.45 million in 2022 (a 12.4% contraction) – mechanically inflates all *per capita* density figures over time.

Figure 19 presents three complementary indicators of Bulgaria's public expenditure on the justice system across 2014, 2016, 2018, 2020 and 2022: the nominal *per capita* budget, the

PPP-adjusted *per capita* budget and the budget as a share of GDP. Together, the three indicators document a sustained and accelerating increase in public investment in the justice system, the growth rate of which materially exceeded both GDP growth and population change over the period of the observation window (i.e. from 2018 to 2022).

The nominal *per capita* budget rose from 46.5 euro in 2014 to 97.1 euro in 2022 – a cumulative increase of 108.8% – and the PPP-adjusted indicator confirms a substantial real-terms gain (160.1 euro to 224.9 euro, up 40.5%).

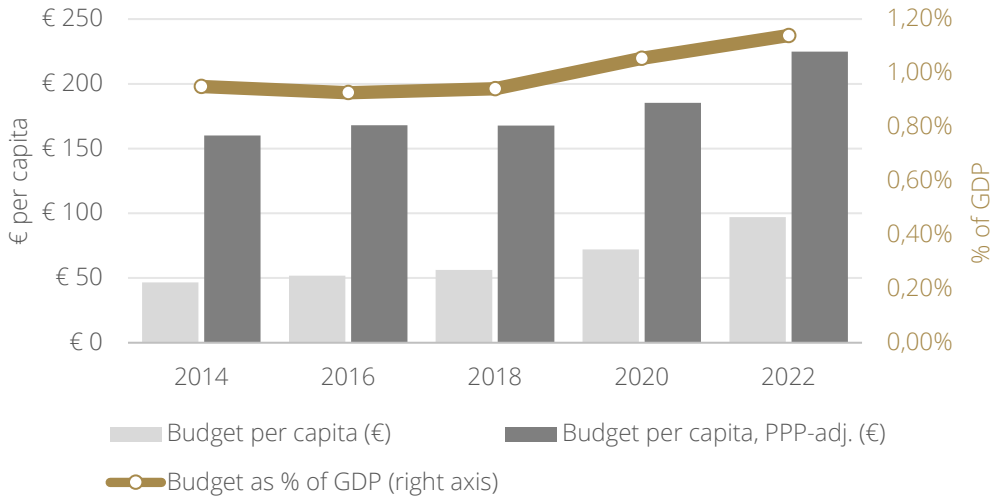
The budget-to-GDP ratio rose from 0.95 to 1.14%. Justice expenditure therefore outpaced GDP growth across the period of the observation window. Bulgaria's budget-to-GDP share is among the higher values in the JuWiLi II sample, reflecting the country's lower income level rather than unusually large nominal spending. The accelerating *per capita* figures are further amplified by the population contraction noted above.

Two implications follow. First, sustained growth in public justice expenditure – in a jurisdiction where notaries bear no case-handling burden – underscores the fiscal significance of the absent delegation model. Unlike Austria or Italy, Bulgaria's courts bear the full institutional cost of non-contentious divorce and contested succession without a self-financing notarial alternative, while uncontested succession is handled by the municipal administration and, *ad hoc*, by notaries, with courts retaining competence only for the European Certificate of Succession.

Second, the rising budget-to-GDP ratio indicates that the fiscal trajectory of Bulgaria’s justice system is expanding faster than the overall economy, reinforcing the welfare-economic case for examining whether a structured delegation of non-contentious competences to notarial institutions would reduce long-run public expenditure pressure.

Figure 19: Whole justice system budget in Bulgaria

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.3.2.2. Institutional architecture: Courts, notaries and other authorities

Table 5 illustrates the institutional distribution of non-contentious proceedings across the three reference years. Bulgaria presents the most restrictive notarial mandate in the study sample with respect to case-handling competence. Across all five legal areas, notaries have no exclusive or autonomous competencies.

The institutional architecture that emerges from this distribution is one of functional separation rather than delegation. Notaries and courts occupy entirely distinct operational spheres, with notaries serving as necessary preconditions for registry and real estate transactions without being integrated into the resolution chain through a court-commissioner or equivalent mechanism. This design stands in structural contrast to the Austrian *Gerichtskommissärsystem*, the Italian delegation model and the approaches of several other JuWiLi II EU Member States in which notaries operate as the primary institutional actor for succession or registry proceedings. Bulgaria has not entrusted notaries with non-contentious divorces and there was no announced legislative reform to this effect during the reference period.

Table 5: Legal structure for processing non-contentious cases in Bulgaria

Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022

Succession	No data								
Divorce	100%	100%	100%	0%	0%	0%	0%	0%	0%
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	No data								
Business registry	0%	0%	0%	100%	100%	100%	0%	0%	0%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

Notaries in Bulgaria do hold some competencies, notably in succession, but even these are limited. Successions are generally handled by the municipal administration, which issues a certificate of heirs based on the population register. Notaries are involved only on an *ad hoc* basis, where a partition, sale, donation or other disposal of inherited property is required. This is potentially problematic, since the Certificate of Heirs only assesses family relations and does not take into account other elements, such as renunciations of inheritance, wills or foreign law applications. If entrusted on this matter, notaries could offer a higher degree of expertise and more specific competences.

The key procedural characteristics of each legal area can be summarised as follows. In succession proceedings, territorial jurisdiction applies: the competent court must be in the same district as the origin of the case. The fee for succession proceedings is standardised and the final decision rests with the court. Notaries do not act as court commissioners in any legal area and no legal area falls within the case-handling competence of the notary. For non-contentious divorce, territorial rules similarly apply, fees are standardised and the court retains final decision-making authority. Land registry proceedings are subject to territorial jurisdiction rules and standardised fees, with registration carried out by the Registry Agency; files are electronically accessible. For business registry, territorial jurisdiction does not apply – a design feature facilitating centralised registration – fees are standardised and files are electronically accessible. The 'marriages' category reflects exclusively municipal authority competence and, accordingly, most procedural characteristics specific to court or notarial processing are not applicable.

A number of these procedural entries require contextual qualification. The items relating to notarial nomination (whether by client or by court), the existence of an electronic communication system between courts and notaries and the final decision authority for land registry and business registry proceedings could not be attributed unambiguously to 'Yes' or 'No' in the questionnaire responses and are accordingly recorded as not applicable given the structural absence of a court-notary delegation relationship in Bulgaria. This is

consistent with the institutional reality. Where notaries are not integrated into the resolution chain, the procedural mechanics of delegation have no operational content.

4.3.3. Caseload analysis: Volume, composition and trends

4.3.3.1. Non-contentious caseload by legal area

Bulgaria's institutional distribution of non-contentious proceedings constitutes the foundational structural datum of the Bulgarian efficiency analysis. The number of resolved proceedings by legal area and by competent institution for the three reference years 2018, 2020 and 2022 is summarised below.

The succession figures refer solely to cases involving the delivery of the European Certificate of Succession and cases initiated in the respective year, not to the full national stock of succession proceedings, which is not separately collected by the court system in a form compatible with the questionnaire categories. Non-contentious divorce falls under exclusive court jurisdiction, with courts resolving 5,554 cases in 2018, 4,830 in 2020 and 5,010 in 2022. Marriages are handled entirely by other authorities, specifically by municipal civil registry offices (Offices for Civil Status). This is because civil marriage in Bulgaria is a function of local public administration and falls entirely outside both the court and the notarial mandate. Land registry and business registry proceedings are similarly handled by other authorities, by the Registry Agency, a body subordinate to the Ministry of Justice that operates through registration judges (for land registry) and registration officials (for business registry). With few exceptions, every real estate transaction must take the form of a notarial deed and the notary is statutorily obliged to submit the deed for registration on the day of its execution. The registration judge then assesses whether the deed is registrable and orders its registration. Notaries thus hold no registering authority of their own but are an integral and mandatory step in the registration chain.

Several observations of structural significance follow. Land registry is by far the most volumetrically significant area, with the Registry Agency resolving 613,802 cases in 2018 and 500,911 in 2022 – an 18.4% contraction consistent with a slowdown in real estate activity after the pre-pandemic peak. Business registry moved in the opposite direction, rising from 443,172 to 509,825 (up 15%) on structural growth in corporate registration demand. Marriage registrations dipped in 2020 (a 23.4% fall attributable in part to restrictions on gatherings during the pandemic) before recovering and non-contentious divorces showed the same V-shaped pandemic pattern. Court-handled succession proceedings are modest in absolute terms (49 to 120 across the three-year reference period (2018, 2020 and 2022)) because they relate exclusively to the European Certificate of Succession under Regulation No. 650/2012 and do not reflect the total domestic succession caseload, which is not captured in the questionnaire format for Bulgaria.

The absence of notarial case resolution across all legal areas and all three reference years means that no notarial market share exists for Bulgaria. The totality of non-contentious proceedings is distributed entirely between courts and other authorities, with courts handling succession and divorce exclusively and other authorities handling marriages, land registry and business registry exclusively. This pattern of complete institutional segregation – with no overlapping or concurrent jurisdiction – is the most distinctive structural feature of the Bulgarian non-contentious justice architecture and the primary point of departure for the efficiency analysis.

4.3.3.2. Caseflow management

Since Bulgarian notaries do not resolve non-contentious cases on a structured basis, the annual caseflow management data for the notarial sector contain no substantive entries. The Bulgarian Chamber of Notaries confirmed explicitly that notaries do not possess the competencies that would generate caseflow statistics of the kind requested in the caseflow section of the questionnaire. All pending, incoming, resolved and forwarded case figures for the notarial sector are accordingly zero across all legal areas and all three reference years.

However, the absence of notarial caseflow data does not preclude a system-level assessment. CEPEJ data for Bulgaria's first instance non-criminal proceedings record the following caseflow profile: incoming cases of 378,948 in 2018, 312,117 in 2020 and 322,794 in 2022; resolved cases of 369,915 in 2018, 314,849 in 2020 and 323,177 in 2022; and pending stocks of cases at year-end of 91,964 in 2018, 92,727 in 2020 and 87,809 in 2022. These figures encompass the full range of non-criminal judicial proceedings and reflect the operational burden borne entirely by the court system and other authorities in a jurisdiction without notarial delegation. The persistence of a pending stock in excess of 87,000 cases at year-end across all three reference years, against a backdrop of incoming volumes that declined by 14.8% between 2018 and 2022, indicates that the court system has consistently fallen short of fully clearing its annual intake, even as inflows moderated.

4.3.4. Efficiency analysis: Processing time and throughput

4.3.4.1. Average processing duration by legal area

Given that Bulgarian notaries do not resolve any non-contentious cases, no processing time data for the notarial sector are available. The Bulgarian Chamber of Notaries confirmed that the processing time questions in the questionnaire are not applicable to Bulgaria and all cells relating to processing time at notarial level are accordingly recorded as ‘not applicable’ across all legal areas and all three reference years.

4.3.4.2. System-level performance indicators

The four composite indicators – Clearance Rate, Work Overload index, Stake Change and Disposition Time – can be computed at the system level for Bulgaria's total first instance

non-criminal caseload using CEPEJ data, but not at the notarial sector level, where all values are structurally zero or undefined. The system level indicators therefore serve as the primary efficiency benchmarks for this country report.

Given that no notarial cases are resolved, the Clearance Rate (CR) for the notarial sector is not defined. The indicators below are therefore reported at the system level only, using CEPEJ data for total non-criminal first instance proceedings.

The system level CR was 0.976 in 2018, rose to 1.009 in 2020 – when pandemic-driven contraction in incoming volume coincided with partly maintained resolution capacity – and returned to 1.001 in 2022. The trajectory paints a picture of a justice system operating close to but historically slightly below full annual clearance, without generating accelerating backlogs over time.

The Work Overload (WO) index rose from 0.249 in 2018 to 0.295 in 2020, reflecting the accumulation of pending stock relative to resolution capacity, before declining to 0.272 in 2022. This level is elevated relative to comparator jurisdictions with established notarial delegation, notably Austria, where the notarial WO for succession was below 0.3 even at the peak of the pandemic. This is consistent with the hypothesis that court-centric processing of non-contentious proceedings generates higher structural workload pressure. In Bulgaria, the court system absorbs both contentious and non-contentious civil matters without any notarial relief valve, producing a workload accumulation that is materially visible in the WO indicator.

The Stake Change (SC) indicator was positive at 0.109 in 2018 (a 10.9% increase in pending stock over the year), turned negative at -0.029 in 2020 as incoming volume fell during the pandemic and settled near zero at -0.004 in 2022. The positive 2018 value signals a year in which the court system was adding to its backlog at a material rate, reinforced by the sub-unity CR for that year. The near-zero 2022 value indicates a system that has stabilised its pending stock without materially reducing the backlog inherited from the pre-pandemic period.

The system level Disposition Time (DT) was 90.7 days in 2018, rose to 107.5 days in 2020 (a deterioration of 18.5% attributable to disruption during the pandemic period and the elevated inherited pending stock) and declined to 99.2 days in 2022. Bulgaria's DT of approximately 99 days compares unfavourably with Austria (61.9 days), Italy and other jurisdictions with established notarial delegation, where transferring non-contentious proceedings to notaries directly reduces the judicial pending stock and compresses disposition times. The structural interpretation is that the absence of notarial delegation is a material contributor to Bulgaria's elevated and rising DT. Courts must process the full range of non-contentious proceedings without the throughput relief that notarial institutions provide elsewhere.

4.3.5. Cost structure and fee transparency

In Bulgaria, a pre-defined fee structure for notarial services exists and is readily available to citizens. The fee schedule is formally established under the TARIFF for notary fees under the Notaries and Notarial Activities Act and applies uniformly across all notarial offices throughout Bulgaria although local taxes levied by municipalities may vary and constitute an additional variable cost element. All notarial costs are borne by private individuals. No public subsidy is provided for routine notarial acts.

The cost structure for representative notarial proceedings in Bulgaria is as follows. For succession proceedings, the respondent reported an average cost in the range of 150 euro to 600 euro, encompassing deed preparation, registration and possible translation fees, with the note that no inheritance tax applies for spouses and direct heirs under Bulgarian law. Non-contentious divorce proceedings before courts incur an average cost in the range of 25 euro to 50 euro. Marriage registrations at civil registry offices average 30 euro to 60 euro. For land registry transactions, the fee of the Registry Agency for the registration step is 0.1% of the interest of the deed, subject to a minimum of 10 Bulgarian lev (BGN, approximately five euro), to which a notarial fee of between1.5-0.1% of the transaction value[4] local tax of 2.5 to 3.5% and deed preparation costs must be added. Total transaction costs for a typical real estate transfer accordingly constitute a material percentage of the transaction value. Business registry fees range from 15 euro to 665 euro depending on the type and complexity of the corporate act. These cost data reflect the ranges reported by the Bulgarian Chamber of Notaries and are disclosed as indicative estimates rather than verified average values from centralised statistical sources.

The fee structure exhibits two welfare-relevant properties. First, the standardised, publicly accessible tariff reduces information asymmetry for citizens, satisfying the transparency condition that the study's framework treats as a prerequisite for informed decision-making. Second, given that registry and authentication costs are borne entirely by private individuals with no public subsidy, the notarial sector is fiscally self-financing, consistent with the efficiency properties of the delegation model. Both properties are directly relevant to any reform extending notarial competence to case resolution. The existing cost-transparency and self-financing characteristics provide a foundation on which a court-commissioner or equivalent model could be built without additional public expenditure.

4.3.6. Quality assurance, training and supervisory oversight

4.3.6.1. Initial and ongoing professional training

[4] The exact amount depends on the transaction value – as this becomes higher, a gradually smaller fee rate is applied. In absolute value, an upper limit is set at approximately 3,067 euro, not including VAT.

The training framework for the Bulgarian notarial profession can be summarised as follows. Notarial candidates are required to complete a compulsory initial training period of three years of general legal experience before appointment, a requirement that ensures practitioners possess a foundation of practical legal expertise commensurate with their authenticating and advisory functions. Compulsory in-service training is not required. All in-service development, including general in-service training, training for specialised cases and digital literacy training, is optional for notaries. For legal staff employed at notarial offices, initial training is optional rather than compulsory and all in-service development categories similarly remain optional. The framework is thus based on a single mandatory threshold, the pre-appointment requirement, supplemented by a voluntary ongoing education architecture supported by seminars organised by the Bulgarian Chamber of Notaries throughout the year.

Two observations follow. First, the absence of compulsory in-service training for practising notaries is a structural gap in maintaining human capital, particularly given the pace of change in the digital environment and the applicable law, including the progressive implementation of EU instruments in succession, registry and civil procedure. In welfare-economic terms, voluntary training yields sub-optimal investment relative to the social optimum because practitioners underweight the externalities that their competence imposes on the legal certainty experienced by third parties. Second, the lack of any compulsory training for legal staff, who handle much of the day-to-day transactional workload, compounds this gap.

4.3.6.2. Systemic control mechanisms

The supervisory architecture of the Bulgarian notarial system can be characterised as follows. A supervisory body exists, exercising oversight over the notarial profession. A process for addressing malpractice exists, providing an institutional channel for the remediation of professional failures and the enforcement of compliance standards. However, regular process auditing is absent. There is no systematic *ex ante* audit mechanism that reviews the procedural correctness of notarial processes as a matter of routine. This absence is significant from a principal-agent perspective. Without regular auditing, the monitoring relationship between the supervisory body and individual notaries relies exclusively on complaint-responsive *ex post* enforcement, which generates lower deterrent effects than a combined *ex ante* and *ex post* monitoring regime.

The supervisory structure thus exhibits an incomplete principal-agent architecture. The necessary components – supervisory body and malpractice procedure – are in place, but monitoring intensity is sub-optimal because regular auditing is not conducted. This matters both for existing authentication services and for any prospective extension of notarial competence to case-handling. A credible delegation model requires monitoring that is robust enough to maintain legal certainty at levels equivalent to court provision. Regular

process auditing would therefore be a structural precondition for such an extension, not a post-reform supplement.

4.3.7. Digitalisation: Capacity, strategy and bottlenecks

The Bulgarian Chamber of Notaries has a partially developed digitalisation strategy – described by respondents to the Economics Questionnaireas existing "to some extent" rather than as a fully implemented framework – backed by dedicated resources, including a contracted IT provider paid 18,000 euro per month. A process-and-workflow assessment of the impact of digitalisation has been conducted, digital literacy training for notaries is in place and IT expertise is taken into account in recruitment. As of 2025, the infrastructure includes two notable achievements: direct electronic access by notaries to property tax assessment certificates and to heir data from government registries, reducing the transaction costs of real estate transfers and inheritance queries.

The Bulgarian Chamber of Notaries identified three highest priority targets: first, interoperability with the civil, land and business registers through Application Programming Interfaces (APIs), to reduce manual errors and the burden of document exchange; second, end-to-end electronic notarial acts with remote identification to speed up access and to create auditable electronic trails; and third, electronic filing of notarial acts in the land register, on which the Ministry of Justice and the Bulgarian Chamber of Notaries have agreed in principle but which was not yet implemented as of the reference period.

The chamber also identified three structural barriers. The first and most fundamental is legislative: the Civil Procedure Code mandates physical presence for all notarial acts and no legal basis exists for remote notarisation (for example by video conferencing) despite the technology being available and deployed in other EU Member States. This is the primary bottleneck for digital access by rural citizens and Bulgarians abroad. The second concerns compliance with data protection and trust services. Although Bulgaria recognises Qualified Electronic Signatures under eIDAS, simple and advanced signatures are equivalent to handwritten ones only by explicit agreement and certain instruments – wills, marriage contracts and real estate deeds – still require handwritten signatures by statute. The third relates to funding and legacy IT integration. The chamber does not have the legal authority to standardise practices or issue binding workflow instructions across offices, producing regional inconsistencies that slow adoption and create uncertainty for citizens and businesses.

4.3.8. Synthesis: Efficiency assessment and country-specific findings

Bulgaria's non-contentious justice architecture is distinguished from most JuWiLi II countries by its very limited notarial case-handling competence across all five legal areas. This is not a capacity gap (the profession is of substantial scale, territorially well-distributed, fee-transparent and subject to a basic quality assurance framework) but a deliberate

legislative design that confines notarial functions to authentication, certification and deed preparation while reserving all case resolution for courts and specialised registry agencies. The efficiency assessment must therefore be conducted primarily at the system level rather than through the notarial sector indicators that are central in other country reports.

At the system level, the CEPEJ-based indicators describe a justice system under sustained and gradually increasing workload pressure: a Clearance Rate fluctuating close to unity while masking a persistent year-end pending stock above 87,000 cases, a Work Overload index materially higher than that of comparators such as Austria, where notarial delegation absorbs a substantial share of non-contentious demand, and a Disposition Time that rose to roughly 99 days in 2022. Together, they indicate a court system that is not materially reducing its structural processing burden over time.

For the cross-national typology, Bulgaria's most distinctive feature is the combination of a sizeable, geographically distributed notarial infrastructure with a legislative design that assigns it no autonomous case-handling role. This is, in some respects, the inverse of the efficiency problem seen in jurisdictions with excessive notarial gatekeeping. Bulgaria does not over-notarialise proceedings that could be processed more cheaply by other means, but it forgoes the efficiency gains that a well-designed delegation model could deliver by transferring appropriate non-contentious categories from an overburdened court system to a qualified and accessible notarial alternative. The public expenditure trajectory reinforces the interpretation that the current design carries a measurable fiscal cost. While providing baseline quality assurance, the supervisory and training architecture needs to be strengthened, particularly through regular process auditing and compulsory in-service training, before any extension of notarial case-handling competence would be consistent with maintaining legal certainty standards.

4.3.9. Policy recommendations

The following policy recommendations are derived from the empirical findings of this country report and are formulated as specific, actionable propositions accompanied by their welfare-economic justification.

First, the Bulgarian legislature should initiate a structured assessment of a notarial delegation model for succession proceedings, modelled on the court-commissioner or equivalent frameworks in comparator EU Member States. The welfare-economic justification is direct. The court system carries an unsustainable workload (Disposition Times near 100 days, Work Overload persistently above 0.25) while a territorially distributed, fee-transparent notarial profession holds no autonomous case-resolution competence, notwithstanding its examining role in voluntary partition.

Reallocating succession competence to notaries, with court oversight and appellate review retained, would reduce the court workload, shorten processing times and generate fiscal

savings. The Austrian and Italian models show such a transition is operationally feasible and welfare-improving.

Second, the Bulgarian legislature should amend the Civil Procedure Code and the Law on Notaries and Notarial Activity to create an explicit legal basis for remote notarisation of a defined category of instruments via secure video identification, subject to eIDAS qualified-signature requirements. The welfare-economic justification is based on access to justice. Bulgaria's population decline is concentrated in rural and peripheral regions, precisely where the cost of travelling to visit a notary or attend a court session is highest. Removing the legislative barrier would convert the notarial network's geographic reach into a genuine access benefit for the most constrained citizens. The technology is available but the legislative framework is the binding constraint.

Third, the chamber should introduce compulsory in-service training for practising notaries and legal staff, with at minimum an annual requirement covering developments in applicable law, digital tools and – as a distinct module – EU instruments in succession and civil procedure. The justification lies in human capital economics: voluntary training yields sub-optimal investment relative to the social optimum because notaries underweight the externalities that their competence imposes on the legal certainty experienced by clients and third parties. A modest compulsory requirement, enforced through the existing supervisory body, would align private incentives with social welfare at low compliance cost.

Fourth, the supervisory body should be mandated by legislation to conduct regular process auditing of notarial offices – at minimum on a triennial cycle – covering procedural compliance, fee regulation under the Notarial Tariff, record-keeping and digital workflow standards. The current absence of regular auditing leaves monitoring reliant on complaint-driven *ex post* enforcement, which deters materially less than a combined *ex ante* and *ex post* regime. This gap is a precondition for any extension of notarial case-handling competence. A credible delegation model requires demonstrably robust quality assurance mechanisms.

Fifth, the Ministry of Justice and the chamber should complete the implementation of electronic filing of notarial acts in the land register without further delay, building on the agreement already reached. The justification is straightforward: digitalising a high-volume, standardised transaction – real estate deed submission – cuts processing costs for both the Registry Agency and notarial offices, eliminates manual transcription errors and speeds up the delivery of legal certainty, at an incremental cost that is low relative to the pertransaction gain across approximately 500,000 annual land registry proceedings.

4.4. Croatia country report

4.4.1. Abstract

Croatia presents a distinctive non-contentious justice model marked by notarial specialisation and a sharp functional division between judicial and notarial competence. Across 2018-2022, notaries held exclusive or near exclusive competence over succession, land registry, business registry and enforcement, while non-contentious divorce and marriage remained reserved to the courts. The sector comprised 303-307 notaries serving about 3.9 million inhabitants at a density of 8-8.6 per 100,000.

The efficiency profile combines high volume enforcement throughput, the dominant share of notarial caseload, with markedly shorter processing times than court-based alternatives. Land registry proceedings administered by notaries expanded 240% between 2018 and 2022; succession proceedings, under the court-commissioner model, resolve approximately 54% of cases within three months. The standardised, publicly accessible fee structure provides a transparent cost framework and a fully operational quality assurance architecture – compulsory training, supervisory oversight, regular auditing and malpractice procedures – reinforces institutional credibility. The main policy priority is completion of the digitalisation programme, which faces barriers in terms of regulatory complexity, system integration costs and financial constraints.

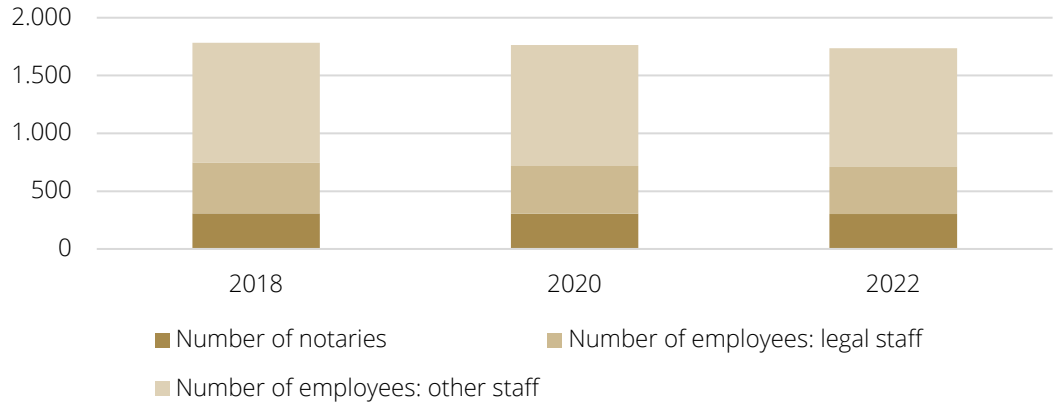
4.4.2. Country profile and institutional context

4.4.2.1. The notarial sector: Structure and scale

The Croatian notarial profession is a *numerus clausus* system supervised by the Croatian Chamber of Notaries (*Hrvatska javnobilježnička komora*). Over the reference years, the number of active notaries declined marginally from 307 in 2018 to 303 in 2022 (-1.3%). Against a falling national population (approximately 4.08 million in 2018 to 3.85 million in 2022), effective service density rose from 8 to 8.6 notaries per 100,000 inhabitants – the familiar pattern in EU civil law jurisdictions where demographic contraction improves *per capita* access even without new appointments.

Figure 20: Employment in the notarial sector in Croatia

Notaries, legal and other staff between 2018 and 2022



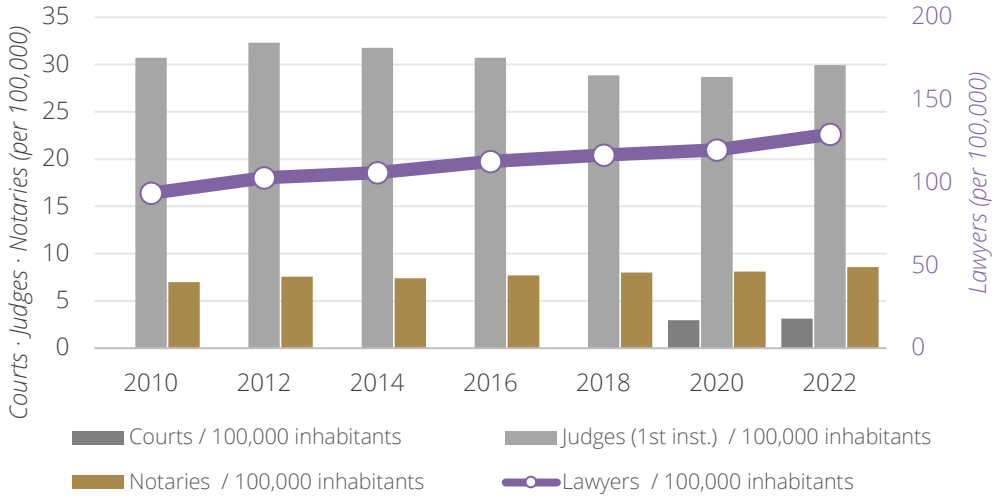
Source: JuWiLi

Total sector employment fell from 1,784 persons in 2018 to 1,735 in 2022, with legal staff declining from 441 to 405 and other staff from 1,036 to 1,027. In 2022, the ratio of legal staff to notaries stood at 1.34 and total staff per notary at 4.73, indicating a small but professionally differentiated team per office. The modest reduction is consistent with efficiency gains from incremental digitalisation, particularly in land and business registry work, where one-day processing reflects near complete electronic workflows.

Croatia's notarial density rose from 7 to 8.6 per 100,000 inhabitants between 2010 and 2022, placing it mid-range among EU Latin notarial systems and well below the density of first instance judges (approximately 29-30 per 100,000, CEPEJ) and lawyers (approximately 94-129). The welfare-economic significance is that higher notarial density reduces average citizen travel time and search costs, lowering the transaction cost component of access to justice and reinforcing the comparative advantage of notaries in routine non-contentious matters.

Figure 21: Legal experts in the justice system in Croatia

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



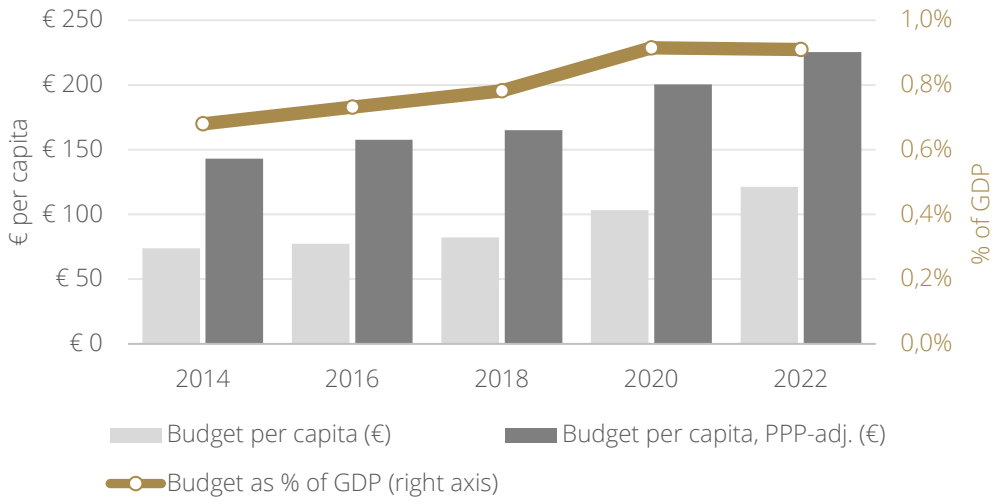
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

The justice system budget rose from approximately 0.68% of GDP in 2014 to 0.91% in 2022 and from about 74 euro *per capita* in 2014 to 121 euro by 2020 (CEPEJ; PPP-adjusted values somewhat higher). In welfare-economic terms, delegating high volume, low complexity proceedings to notaries contains the marginal cost of justice delivery. Given that notarial processing is financed by private user fees rather than public expenditure, the expansion of notarial competence – most notably the growth of land registry proceedings discussed below – implicitly reduces the budgetary burden that would otherwise fall on the State court system.

Figure 22: Whole justice system budget in Croatia

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.4.2.2. Institutional architecture: Courts, notaries and other authorities

Croatia's allocation of competence over non-contentious proceedings follows a model of strict functional segmentation rather than concurrent jurisdiction. As Table 6 documents, each legal area is assigned to a single institutional type, with no overlap between court and notarial competence within the reference period.

Table 6: Legal structure for processing non-contentious cases in Croatia

Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce (non-contentious)	100%	100%	100%	0%	0%	0%	0%	0%	0%
Marriages	100%	100%	100%	0%	0%	0%	0%	0%	0%
Land registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Business registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Enforcement	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

Succession is the most institutionally distinctive area: all cases are processed exclusively by notaries acting as court commissioners (*sudski povjerenik*), a constitutional arrangement

under which the notary exercises delegated judicial authority while the first instance court retains formal oversight but does not conduct the proceedings. The court, not the client, nominates the notary, eliminating consumer choice while preserving public accountability; the final decision lies with the notary, subject to appeal to a second instance court. Territorial jurisdiction applies (the competent notary must sit in the case-origin district), limiting forum shopping but possibly raising access barriers in sparsely populated regions. The succession fee is standardised, expressed as a range calibrated to estate value (see cost section below).

Land registry and business registry proceedings are assigned exclusively to notarial competence, operating under a direct notarial – rather than court-commissioner – model. Here, the case falls directly under notarial competence, the client nominates the notary and the final decision lies with the notary without court involvement. Both legal areas feature electronic file accessibility and an electronic communication system between courts and notaries, reflecting the advanced digitalisation of registry workflows. The territorial jurisdiction constraint does not apply, enabling citizens to approach any notary of their choice regardless of geographic location.

Enforcement proceedings constitute a voluminous and legally distinctive category. Croatian notaries process enforcement orders (*ovrha*) in their capacity as court commissioners,[5] with territorial jurisdiction requirements applying and the court nominating the responsible notary. The final decision lies with the notary. Electronic systems are in use for both file management and court-notary communication. Non-contentious divorce and marriage proceedings remain exclusively within the competence of the ordinary courts, with no notarial involvement of any kind. Croatia has not entrusted notaries with non-contentious divorces – a policy choice that distinguishes it from a growing number of EU Member States that have delegated consensual divorce to notarial or administrative authorities.

4.4.3. Caseload analysis: Volume, composition and trends

4.4.3.1. Non-contentious caseload by legal area

The notarial sector processed approximately 691,804 non-contentious cases in 2018, 592,799 in 2020 and 617,449 in 2022. Enforcement dominates: 585,811 cases in 2018 (84.7% of caseload), 463,382 in 2020 and 469,997 in 2022. This equates to a contraction of about 19.8% per cent over the period, reflecting macroeconomic normalisation after the post-2008 debt burden and enforcement-procedure reform, with the 2020 trough partly attributable to COVID-19 disruption.

[5] The court-commissioner characterisation applies to the enforcement competence only from the 2020 reform of the Croatian Enforcement Act onwards. Under the pre-2020 regime, notaries issued writs of execution on the basis of trustworthy documents without notifying the debtor or hearing both sides. The Court of Justice of the EU accordingly held, in *Pula Parking* (C-551/15) and *Zulfikarpašić* (C-484/15), that Croatian notaries acting in this function did not qualify as a "court" within the meaning of Regulation (EU) No. 1215/2012 and Regulation (EC) No. 805/2004. The 2020 amendment introduced *audiatur et altera pars* (notification of the debtor and the right to be heard), which is what brings the enforcement procedure within the court-commissioner model. The enforcement caseload reported for 2018 (585,811 cases) therefore falls under the earlier legal regime and figures spanning 2018-2022 should be read as bridging this change in legal characterisation.

Succession is the second largest category (57,990 cases in 2018, 56,758 in 2020, 67,222 in 2022; +16.4%), reflecting an ageing population, rising estate settlement demand and growing real property values.

Land registry recorded the most dramatic expansion of any category, from 16,039 cases in 2018 to 40,087 in 2020 and 54,598 in 2022 (+240.4%), consistent with a structural transfer of registry processing to notaries alongside rising real estate transaction volume. Business registry, by contrast, declined 19.8% (31,964 to 25,632), possibly reflecting rationalisation in company formation or registry procedures.

Non-contentious divorce and marriage proceedings, under exclusive court competence, processed 6,125 and 19,921 cases respectively in 2018, declining to 4,808 and 18,074 by 2022. The decrease of approximately 21.5% in court-processed divorces is consistent with declining marriage rates and shifting dispute settlement patterns.

4.4.3.2. Caseflow management

Across all three reference years, land and business registry proceedings show identical incoming and resolved volumes in each year (e.g. land registry 16,039 in 2018, 40,087 in 2020, 54,598 in 2022), confirming completion within the reference year with no backlog accumulation, consistent with one-day average processing and near-total digitalisation.

Succession shows a persistent gap between resolved and incoming cases (resolution ratios of 0.887 in 2018, 0.875 in 2020 and 0.888 in 2022), indicating a structural accumulation of pending cases driven by procedural complexity. The modest upward trend signals improving throughput. Enforcement proceedings were forwarded to second instance courts at broadly stable rates (approximately 3.7% in 2018, 3.9% in 2020, 3.5% in 2022), a proxy for decision quality confirming that the overwhelming majority of cases resolve definitively at first instance without material appeal burden.

4.4.4. Efficiency analysis: Processing time and throughput

4.4.4.1. Average processing duration by legal area

Throughput efficiency varies markedly across legal areas. Land and business registry proceedings are processed in an average of one day, reflecting fully electronic workflows and representing the operational frontier of notarial efficiency for fully digitalised, fee-standardised, procedurally simple categories.

Succession exhibits a more differentiated duration profile. In 2018, about 54.4% of cases were resolved within three months, 24.3% in three to six months, 12.4% in six to twelve months and 8.9% beyond a year. The distribution shifted in 2020 (49.8% within three months) amid pandemic disruption, then returned by 2022 to 54.7% within three months and only 6.5% beyond a year – a marked improvement in the long duration tail.

Enforcement was almost entirely concentrated in the sub-three-month band in 2018 (99.8%), reflecting its administrative, predictable character under the court-commissioner model. The share fell to 72.5% in 2020 before partially recovering to 79.3% in 2022. Cross-border succession cases rose across the period (125 in 2018, 175 in 2020, 296 in 2022), all resolved within three months, indicating efficient handling of EU Succession Regulation procedures within the existing framework.

4.4.4.2. System-level performance indicators

Four composite performance indicators – Clearance Rate (CR), Work Overload (WO), Stake Change (SC) and Disposition Time (DT) – were computed from the caseflow data. For land and business registry, the match of incoming and resolved cases implies a Clearance Rate of 1 in every year, confirming the absence of systemic backlog. For succession, CR of approximately 0.89, 0.88 and 0.89 (2018, 2020, 2022) indicates a persistent but declining throughput deficit consistent with procedural complexity and the sequential nature of estate administration. For enforcement, CR fell from approximately 0.956 in 2018 to 0.916 in 2020 and 0.751 in 2022. The 2022 value, combined with a reduced incoming caseload, implies either an accumulation of complex cases or a capacity reduction and warrants monitoring.

Stock-dependent indicators can be computed only for 2018, where pending data are available for succession (9,158 pending on 1 January 2018, from the JuWiLi I project) and enforcement (39,278). They are unavailable for 2020 and 2022.

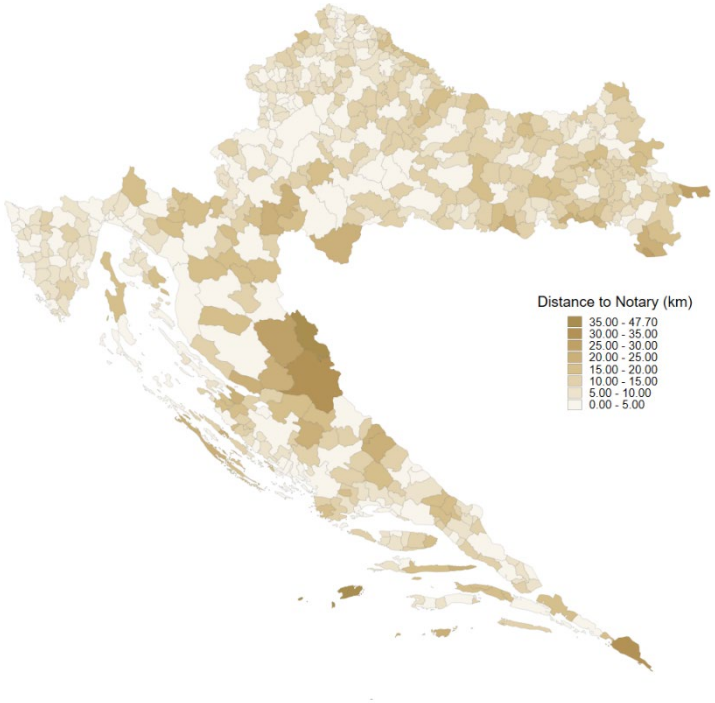
For 2018, the Work Overload index is 0.305 for succession (pending cases about 30% of annual incoming volume) and 0.116 for enforcement, the latter rising to 0.332 by 2022, consistent with that year's lower enforcement CR. The Stake Change indicator (2018) is 0.712 for succession and 0.66 for enforcement. Disposition Time (2018) is approximately 111 days for succession, reflecting its multi-step sequence and approximately 43 days for enforcement, consistent with its more standardised character.

4.4.5. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis operationalises the transaction cost dimension of access to justice by computing straight-line distances from the population centroid of each Eurostat LAU 2024 unit to the nearest notarial office and to the nearest court of first instance with non-contentious jurisdiction. Croatia's territorial structure – characterised by a fragmented archipelago coastline, a densely populated northern hinterland centred on Zagreb and a sparsely inhabited interior – generates significant geographic heterogeneity in service accessibility.

Figure 23: Map of citizens' distance to notaries in Croatia

Distance from Local Authorities' Units



Source: JuWiLi

Distances from each LAU population centroid to the nearest first instance court with non-contentious jurisdiction follow a broadly bimodal spatial pattern. The northern continental interior – the Zagreb metropolitan region and the eastern Slavonian plain – lies predominantly within 0-10 km, reflecting dense settlement and court coverage. The Dalmatian coastal strip and the Lika-Karlovac inland area show distances in the 20-38 km range across the Dinaric hinterland and several islands, where fragmented coastline, low density and limited court locations generate the highest access burdens.

Figure 23 maps the equivalent distances to the nearest notarial office. The pattern is closely analogous to the court distribution, as both networks are concentrated in population centres, but mid-range bands show more light-shaded municipalities between urban centres (notably central Croatia and parts of Istria), consistent with the larger number of notarial offices. The darkest zones (above 35 km) are more geographically restricted than for courts. The maximum notarial distance is 47.7 km against 38.3 km for courts. This reversal at the extreme tail reflects a few sparsely populated island municipalities with no proximate notarial office.

Cumulative population coverage favours notaries throughout. At every percentile, a larger share of citizens resides within a given distance of the nearest notary than of the nearest court. Table 7 provides the quantitative basis for this comparison. At every percentile from the 25th to the 99th, citizens are closer to the nearest notary than to the nearest court; at the median, 3.3 km against 3.9 km (about 15% closer).

The differential widens in the upper tail. Notaries are 2 km closer at the 75th percentile (6.6 vs 8.6 km), 2.2 km closer at the 90th (12 vs 14.2 km) and 2.9 km closer at the 99th (21.5 vs 24.4 km).

Table 7: Population coverage in Croatia

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.9	2.2
50%	3.3	3.9
75%	6.6	8.6
90%	12	14.2
95%	15.5	17.5
99%	21.5	24.4

Source: JuWiLi

The differential access ratio is greater than unity throughout, establishing that the delegation of non-contentious proceedings to notaries constitutes a Pareto improvement in the transaction cost dimension of access to justice. This advantage is particularly pronounced for the most geographically remote citizens, i.e. those in rural inland municipalities and island LAUs. They derive the greatest accessibility benefit from notarial delegation.

4.4.6. Cost structure and fee transparency

Croatia's notarial system operates under a fully standardised, publicly accessible fee structure across all legal areas subject to notarial competence. A pre-defined tariff exists for succession, land registry, business registry and enforcement proceedings, documented in the Notarial Tariff Act (*Pravilnik o nagradama i naknadi troškova javnih bilježnika*), which is publicly accessible to citizens. This transparency arrangement satisfies the information disclosure requirements that welfare economics identifies as a precondition for effective consumer decision-making. In the absence of published fee schedules, citizens cannot meaningfully assess the affordability of proceedings before initiating them.

Average costs of standard proceedings are as follows. Succession proceedings carry a tariff ranging from a minimum of 4 euro to a maximum of 330 euro, calibrated to the value of the estate; land registry proceedings carry a flat fee of 2.66 euro; business registry proceedings 3 euro; and enforcement proceedings 20 euro. All costs are borne by private individuals rather than the State across all four notarial legal areas.

The private financing model reflects the principle that proceedings undertaken for private benefit should be beneficiary-funded. The succession tariff is progressive, graduating by estate value to limit the burden on small estates while ensuring cost recovery from high-value transactions. The very low flat fees for land and business registry indicate that electronic processing has driven marginal costs close to zero and lie well below comparable categories in many EU Member States, a significant transaction cost advantage for Croatian citizens and businesses.

4.4.7. Quality assurance, training and supervisory oversight

4.4.7.1. Initial and ongoing professional training

Croatia's notarial qualification pathway is structured as a three-stage sequential programme. Following completion of a law faculty degree, a candidate undertakes eighteen months of practical training before taking the bar examination, a further eighteen months before taking the notary examination and then a total period of four years from bar examination to formal appointment as a notary. This extended period of training reflects the high professional standards demanded by a system in which notaries exercise delegated judicial authority and bear direct legal responsibility for the documents that they authenticate and the proceedings that they conduct.

Beyond initial qualification, notaries face compulsory in-service training, complemented by optional in-service, specialised case and digital literacy training. The absence of compulsory specialised case and digital literacy training for notaries is a structural gap meriting legislative attention given the digital transformation underway in registry proceedings. Legal staff benefit from compulsory initial and in-service training, with optional specialised case and digital literacy provision.

In human capital terms, the investment represented by this training architecture is a prerequisite for sustaining the quality of legal output as caseload volumes and task complexity increase. The growing share of cross-border succession proceedings – rising from 125 in 2018 to 296 in 2022 – is particularly relevant, as these proceedings require familiarity with EU Succession Regulation No. 650/2012 and potentially with multiple national legal systems.

4.4.7.2. Systemic control mechanisms

Croatia's notarial quality assurance architecture encompasses all three pillars of the analytical framework: a supervisory body oversees notarial practice; a regular auditing procedure is in place; and a formal malpractice process exists.

In principal-agent terms, the tripartite structure addresses the agency problem of a court-commissioner system, in which the notary acts as agent for both the court and the parties: the supervisory body monitors, regular auditing deters through the prospect of detection and the malpractice procedure closes the accountability loop. The system's credibility ultimately depends on the supervisory body's independence and on the sanctions attached to detected deviations.

4.4.8. Digitalisation: Capacity, strategy and bottlenecks

Croatia's Chamber of Notaries maintains a digitalisation strategy and a team of eight (six voluntary members, two employees), financed by a statutory levy on the notarisation of promissory notes. No dedicated department exists. Capacity is therefore based on a fragile organisational foundation. A process-impact assessment has been conducted, digital literacy training is in place and IT expertise is taken into account in hiring processes.

The three priority targets are succession procedures (faster, cheaper processing, especially multi-party cases), notarial deed issuance (remote or electronic authentication to overcome physical presence requirements) and commercial-court registry procedures (efficiency gains). These are coherent: succession and deed issuance are the most complex multi-step workflows, while registry procedures are the most tractable for automation.

Three barriers were identified: regulatory (the legal framework does not always permit electronic authentication or remote proceedings), technical-organisational (compatibility with large State-run IT systems, particularly court platforms) and financial (investment constraints). These are shared across JuWiLi II participating countries. The most effective interventions are therefore likely to be horizontal at EU level: harmonising the legal framework for electronic notarial acts, investing in interoperability standards and targeted co-financing under the Digital Europe Programme.

4.4.9. Synthesis: Efficiency assessment and country-specific findings

Croatia's non-contentious justice architecture combines a clear, consistently applied functional division of competence, high notarial throughput in the dominant enforcement and land registry categories, and a transparent, standardised fee structure. Across institutional architecture, caseload, processing efficiency, geographic accessibility, cost transparency, professional quality and digitalisation readiness, the system exhibits the characteristics of a mature notarial order operating at or near its productive frontier in most respects.

The most distinctive feature is the court-commissioner model for succession, combining formal judicial accountability with notarial efficiency: jurisdiction is effectively delegated to notaries while the court remains nominal decision-maker for appeals. The absence of client nomination in succession and enforcement – notaries are court-assigned – strengthens accountability but reduces competitive pressure for improvements in quality.

The main efficiency challenge is succession, where a persistent throughput deficit (Clearance Rate below 1 in all three years) and a non-trivial long-duration share reflect procedural complexity. The declining long duration tail between 2018 and 2022 is encouraging. The 2022 fall in the enforcement Clearance Rate to about 0.75 warrants monitoring to determine whether it is a temporary backlog or a structural capacity constraint.

The growth of land registry proceedings (16,039 in 2018 to 54,598 in 2022, +240%) is significant. Given one-day processing and full matching of incoming to resolved cases, the system absorbed it without any throughput deterioration, demonstrating high scalability in electronically processed categories. Croatia thus sits in the comparative typology as a jurisdiction with deep, exclusive notarial competence in property and succession law, a fully operational quality assurance framework and a digitalisation programme that is near complete in registry categories but in its early stages in succession and deed issuance.

4.4.10. Policy recommendations

The following recommendations are derived strictly from the empirical findings presented in this country report and are addressed to the relevant national authorities.

First, the legal framework governing electronic notarial acts and remote participation in notarial proceedings should be reviewed and updated to permit electronic authentication and video link participation in proceedings currently requiring physical presence, most notably deed issuance and multi-party succession proceedings. The welfare-economic justification is direct. Elimination of the physical presence requirement reduces the private transaction costs borne by parties at distance from the notarial office, with particular

benefit for citizens in rural areas and island municipalities and for cross-border succession proceedings involving heirs resident in other EU Member States.

Second, compulsory in-service training for notaries in digital literacy and in cross-border succession law should be introduced by legislative or regulatory amendment to the existing training framework. As the volume of electronically processed proceedings and cross-border succession cases grows, the adequacy of voluntary training provision alone cannot be assured and the principal-agent quality assurance mechanism requires that minimum competence standards are enforced rather than merely available.

Third, the chamber's digitalisation programme is financed internally through the promissory note levy and the chamber reports that it can fund its own share of every system development. The constraint on interoperability therefore lies not in notarial financing but on the governmental side, where integrating notarial platforms with court software developed by different contractors generates coordination costs. The binding constraint is organisational, not fiscal. The registry efficiency gains could be extended to succession and deed issuance without supplementary public funding once the inter-institutional coordination problem is resolved.

Fourth, consideration should be given to expanding notarial competence to consensual non-contentious divorce, in line with the practice established in a significant and growing number of EU Member States. The institutional infrastructure – standardised fees, quality oversight, supervisory bodies and electronic communication systems – is already in place. The welfare gain from such an expansion lies in reduced court burden, lower processing times for uncontested divorce cases and cost savings for the parties.

4.5. Czechia country report

4.5.1. Abstract

Czechia presents one of the most fully developed models of notarial delegation within the European Union. The dominant institutional feature of the Czech non-contentious justice system is the court-commissioner arrangement in succession proceedings, under which notaries exercise full delegated judicial authority on behalf of the district courts and bear primary responsibility for the resolution of an estate caseload which, in 2022, comprised 139,460 proceedings. The residual judicial share in succession matters is negligible, amounting to fewer than 1,600 court-handled cases in the same reference year. In the business registry domain, notaries hold an independent, court-free entitlement to perform direct entries, creating a parallel processing channel that handled approximately 68,800 proceedings in 2022 alongside 115,492 court-processed entries.

The efficiency profile that emerges from the available data is broadly positive. Notarial processing of domestic succession matters averaged 118 days in 2022, down from a pandemic-affected peak of 119 days in 2020, while cross-border cases averaged approximately 240 days, reflecting the additional complexity of international elements under the EU Succession Regulation (No. 650/2012). The system maintains a comprehensive regulatory framework encompassing a mandatory five-year pre-appointment training period, a supervisory body, regular auditing and a malpractice procedure. Fee transparency is ensured by a publicly accessible tariff schedule. The main data limitation identified in this analysis is the incomplete availability of caseflow statistics for the notarial sector. Data are available for succession proceedings in 2022 only, precluding trend analysis and limiting the computation of standard system level performance indicators. Systematic collection of caseflow data across all reference years constitutes the primary data infrastructure recommendation arising from this analysis.

4.5.2. Country profile and institutional context

4.5.2.1. The notarial sector: Structure and scale

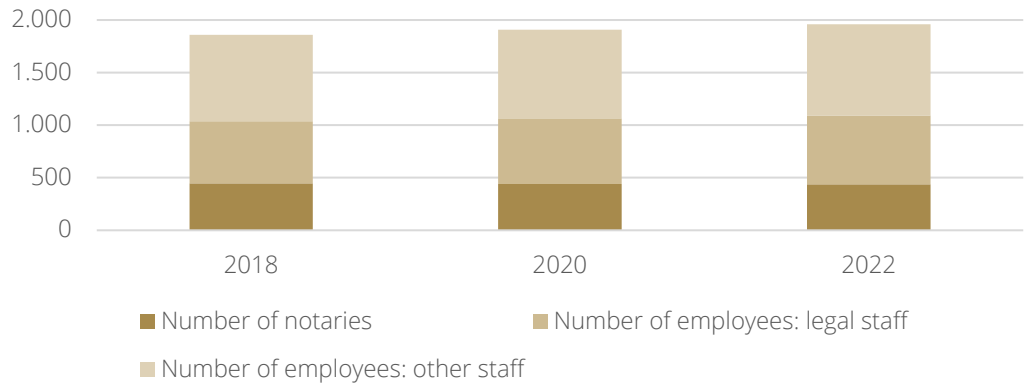
Czechia's notarial profession is characterised by a high degree of institutional stability and a largely static headcount over the reference period. The number of practising notaries remained essentially unchanged between 2018 and 2022, declining marginally from 447 to 439 – a contraction of less than 2% that falls within the range of normal attrition and does not indicate a structural trend.

Figure 24 displays the employment composition of the Czech notarial sector across the three reference years. While the number of notaries themselves remained roughly constant, the legal staff component grew from 589 to 654 employees over the same period, an increase of approximately 11%.

For the other staff category, only a single current estimate of 868 non-legal employees is available from official sources. The corresponding figures for 2018 and 2020 are derived from this value by applying a fixed proportional relationship to the observed notary and legal staff counts in those years. Total sector employment in 2022 may accordingly be estimated at approximately 1,961 persons.

Figure 24: Employment in the notarial sector in Czechia

Notaries, legal and other staff between 2018 and 2022



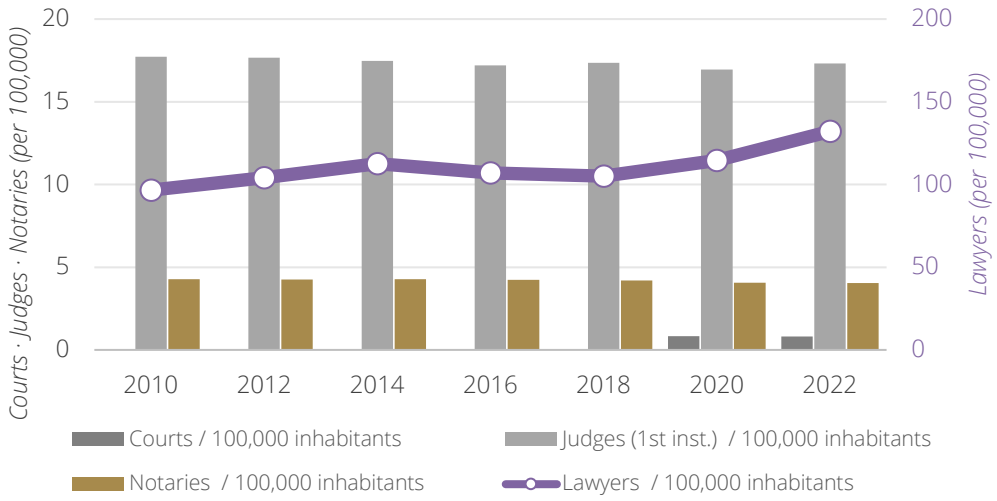
Source: JuWiLi

Note: Figures for the 'other staff' category for 2018 (823) and 2020 (845) were imputed from the 2022 estimate of 868, using a constant ratio of support staff to legal staff.

Figure 25 contextualises the notarial profession within the broader Czech justice system by reporting the number of legal experts – notaries, judges and lawyers – per 100,000 inhabitants. CEPEJ data for the reference years 2018, 2020 and 2022 indicate that the notary-to-population ratio in Czechia declined marginally from approximately 4.2 to 4.04 notaries per 100,000 inhabitants, while the lawyer-to-population ratio increased substantially from approximately 105 to 132.1 per 100,000 inhabitants. The judge-to-population ratio remained broadly stable at approximately 17 per 100,000 inhabitants across the reference period. The relative stability of notarial density against a background of lawyer growth suggests that the two professions serve functionally distinct markets – notaries operating predominantly in the non-contentious, preventive law domain and lawyers in the adversarial, contentious domain – and that demand growth in the latter has not been accompanied by equivalent structural pressure on the former.

Figure 25: Legal experts in the justice system in Czechia

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



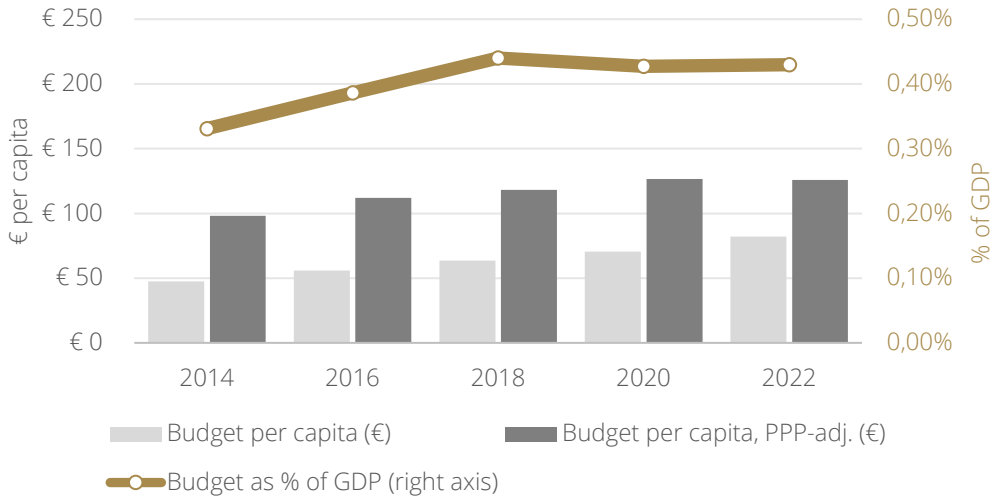
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 26 situates the Czech justice system within a fiscal perspective by reporting the budget for the whole justice system expressed as a share of GDP, on a per capita basis, and on a purchasing power parity-adjusted per-capita basis.

Figure 26: Whole justice system budget in Czechia

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

CEPEJ data indicate that Czech justice expenditure as a proportion of GDP rose from approximately 0.33% in 2014 to 0.44% in 2018 before stabilising at approximately 0.43% in both 2020 and 2022. In absolute *per capita* terms, the budget grew from approximately 47.4 euro in 2014 to 82.2 euro in 2022 in nominal terms. The PPP-adjusted per-capita figure, which controls for both inflation and exchange rate differences, rose more moderately from approximately 98.2 euro in 2014 to 125.8 euro in 2022, providing a more reliable indication of real resource growth over the period. These trends reflect a sustained increase in the resource base of the Czech justice system, a development that is relevant to any assessment of the institutional capacity to absorb the demand for non-contentious legal services – whether through courts or through delegated notarial channels.

4.5.2.2. Institutional architecture: Courts, notaries and other authorities

The allocation of jurisdiction over non-contentious proceedings in Czechia is captured in Table 8, which reports the share of resolved cases handled by courts, other authorities and notaries across the five main legal categories for the reference years 2018, 2020 and 2022.

Data are available for two of the five categories. In succession proceedings, notaries handle approximately 99% of all resolved cases throughout the reference period, with courts accounting for the residual 1%. Other authorities play no role. In business registry proceedings, the distribution is more balanced, with courts handling approximately 63-65% of cases and notaries the remaining 35-37%, again with no involvement of other authorities. The notarial share in this category increased marginally over the reference period, from 35% in 2018 to 37% in 2022.

Table 8: Legal structure for processing non-contentious cases in Czechia
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	1%	1%	1%	0%	0%	0%	99%	99%	99%
Divorce	*100%*	*100%*	*100%*						
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	0%	0%	0%	100%	100%	100%	0%	0%	0%
Business registry	65%	64%	63%	0%	0%	0%	35%	36%	37%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

For the three remaining categories, the picture is mixed. In marriage proceedings and land registry, competence lies entirely with other authorities. Neither courts nor notaries play a

role in the Czech framework. For land registry, notaries may draft the underlying transaction documents but do not carry out the entry itself. For non-contentious divorce, proceedings fall under court competence in Czechia, but no case numbers were reported and the distributional shares cannot therefore be determined.

Taken together, the available data reveal a concentrated pattern of notarial involvement: effectively total in succession and meaningful but secondary in business registry, with no documented role in the remaining categories. The institutional mechanisms underlying these distributions, in particular the court-commissioner model governing succession, are examined in the following section.

The process characteristics of each legal area can be captured in binary form along four dimensions: jurisdiction, appointment, finality and digital infrastructure.

Succession is the most complete form of notarial delegation. The notary acts as court commissioner with full case-handling competence, issues the final decision independently of the court and operates within a fully digitally integrated framework. Business registry presents a structurally distinct model in which the notary holds independent competence without court intermediation, the client nominates the notary freely, no territorial restriction applies and digital communication is in place although files are not electronically accessible as a whole.

For non-contentious divorce, court competence applies and the final decision lies with the court. For marriages and land registry, neither courts nor notaries hold case-handling competence.

4.5.3. Caseload analysis: Volume, composition and trends

4.5.3.1. Non-contentious caseload by legal area

The absolute volumes of non-contentious proceedings resolved across the three reference years, disaggregated by legal area and handling institution, confirm that meaningful caseloads are recorded for succession and business registry only.

In succession, notaries resolved between 133,257 and 145,382 cases per year. Courts handled the residual, rising from 1,207 cases in 2018 to 1,557 in 2022, likely reflecting genuinely complex or contested matters rather than any structural rebalancing. In both institutions, the succession caseload peaked in 2020, which could be partly attributed to elevated mortality during the COVID-19 pandemic.

In business registry, the notarial caseload increased from 62,948 in 2018 to 68,801 in 2022, while the court caseload remained broadly stable, suggesting a gradual migration of demand towards the notarial channel.

4.5.3.2. Caseflow management

The annual caseflow of notarial succession proceedings, reconciled against national statistics, follows a clear cyclical pattern across the three reference years. The opening stock stood at 52,351 cases in 2018 and 48,003 in 2020, rising to 71,643 by 2022. Resolutions fell below intake in the pandemic-affected year 2020 – leaving an elevated year-end stock of 61,719 – before a marked recovery in 2022, when 150,433 resolutions exceeded both the 139,572 incoming cases and the elevated opening stock, drawing the backlog down again.

4.5.4. Efficiency analysis: Processing time and throughput

4.5.4.1. Average processing duration by legal area

For domestic succession proceedings, the average processing time rose from 91 days in 2018 to 119 days in 2020, likely attributable in part to the operational disruptions of the COVID-19 pandemic, before stabilising at 118 days in 2022. The distributional picture is consistent across 2020 and 2022. In both years approximately 36% of domestic cases were resolved within three months, with the majority falling in the three-to-six-month band. The slowest tail contracted slightly, from 10% of cases exceeding one year in 2020 to 9% in 2022.

Cross-border succession proceedings display markedly longer processing times and a wider distribution, with approximately 69% of cases requiring more than six months in both 2020 and 2022. The average cross-border duration rose from approximately 176 days in 2018 to approximately 240 days in 2022, reflecting the additional procedural complexity of multi-jurisdictional estate proceedings under the EU Succession Regulation (Regulation (EU) No. 650/2012). The comments provided by participating notaries show a level of cooperation by foreign banks to be one of the significant obstacles. The volume of cross-border cases grew from approximately 1,120 in 2018 to 4,830 in 2022, a more than fourfold increase that amplifies the systemic importance of this category.

For business registry entries, notarial processing is completed within one calendar day, as no pending proceeding exists – the entry is effectuated immediately upon completion of the notarial act. This compares favourably with the statutory five-day deadline imposed on courts. Cross-border business registry entries grew from an estimated 2,500 in 2018 to 8,100 in 2022, consistent with rising intra-EU business mobility.

System level performance indicators

For the notarial sector, complete succession caseflow data are available across all three reference years, permitting a full longitudinal computation of the four indicators. The Clearance Rate stood at 1.004 in 2018, fell to 0.899 in 2020 and recovered to 1.078 in 2022, a trajectory that traces a pandemic-induced accumulation of pending matters in 2020 followed by their subsequent absorption. The corresponding Disposition Time rose from approximately 142 days in 2018 to 183 days in 2020 before declining to approximately 147 days in 2022, mirroring the same disruption and recovery. Stake Change confirms this reading. The pending stock contracted marginally in 2018 (−0.01), expanded sharply in 2020 (+0.29) and contracted again in 2022 (−0.15).[6]

For the broader legal sector, CEPEJ data permit the computation of all four indicators across the full reference period. The Clearance Rate for total non-litigious cases stood at approximately 1.017 in 2018, 0.978 in 2020 and 1.008 in 2022, with the 2020 deficit consistent with pandemic-related disruption. Work Overload for the non-litigious category ranged from 0.272 in 2018 to 0.291 in 2020 and 0.261 in 2022, indicating a pending stock of roughly a quarter of annual throughput. Disposition Time for non-litigious cases declined from approximately 99.4 days in 2018 to 95.1 days in 2022, following a peak of 106.1 days in 2020. The close correspondence between the notarial and whole system trajectories – both registering a 2020 deterioration and a 2022 recovery – indicates that the notarial sector tracked, rather than diverged from, the systemic shock imposed by the pandemic.

4.5.5. Cost structure and fee transparency

The average costs of standard proceedings differ across the five legal areas. A pre-defined tariff schedule exists and is publicly accessible to citizens, satisfying both the transparency and the rent constraint functions that an open fee structure serves from an access-to-justice perspective.

The average costs of a standard proceeding are 1,000 euro for succession, 1,000 euro for divorce and 150 euro for business registry entries. For succession, where the estate contains no significant assets, the State bears the notarial fee. In all other succession cases, costs are borne by private individuals. The succession figure of 1,000 euro represents an average across estate sizes and therefore masks variation.

[6] Four system level performance indicators – Clearance Rate (CR), Work Overload (WO), Stake Change (SC) and Disposition Time (DT) – can be computed for both the notarial sector and the broader legal sector in Czechia. The Clearance Rate is the ratio of resolved to incoming cases; a value above 1 indicates backlog reduction, while a value below 1 indicates accumulation. Work Overload relates the pending stock to throughput. Stake Change is the proportional change in pending cases between the start and end of the year. Disposition Time, expressed in days, represents the time required to clear the existing stock at the prevailing resolution rate.

4.5.6. Quality assurance, training and supervisory oversight

4.5.6.1. Initial and ongoing professional training

The quality of legal output in the notarial sector is a joint product of the human capital embedded in individual practitioners and the institutional oversight mechanisms that detect and correct deviations from required standards. Both dimensions are present in the Czech notarial system, though with an important asymmetry: compulsory training requirements are front-loaded in the pre-appointment phase, while in-service training for both notaries and legal staff is largely on a voluntary basis.

Initial training before appointment is compulsory and entails a multi-stage process: three years of traineeship following graduation from a law faculty, a further period between the notarial examinations and the competition for vacant notarial offices. The full mandatory pre-appointment period thus extends to at least five years beyond the law degree – a substantial human capital investment that serves as a quality screening mechanism, admitting only practitioners who have demonstrated both technical knowledge and the capacity to complete the entire training cycle. For legal staff, by contrast, initial training is not compulsory but is available on an optional basis.

In-service training is predominantly voluntary, encompassing both specialised programmes and digital literacy provision and applies in this form to notaries and legal staff alike. The single exception is in-service training in digital literacy, which is recorded as compulsory for legal staff while remaining optional for notaries. Despite the voluntary aspect of in-service training, a very high participation rate (about 95%) was observed, according to the national chamber. The near absence of mandated continuing professional development (CPD) represents a structural gap. As caseload volumes grow, cross-border proceedings expand and digital tools become more central to notarial workflow, reliance on voluntary training alone may gradually erode the human capital advantage conferred by initial training. The asymmetry whereby digital literacy training is compulsory for legal staff but not for notaries is particularly notable, given that the main efficiency gains identified in this report depend on the digital competence of the practitioners who supervise and authorise notarial acts.

4.5.6.2. Systemic control mechanisms

The systemic control architecture for Czech notaries is based on three affirmative indicators: the existence of a supervisory body, the conduct of regular auditing procedures and the availability of a malpractice procedure. The supervisory body is the *Notárská komora České republiky*, which exercises disciplinary oversight over the profession, maintains registers for wills and matrimonial agreements and implements quality standards. Supervision is exercised by regional notarial chambers as well. Regular auditing of notarial procedures constitutes a process-oriented form of monitoring that verifies compliance with

procedural requirements rather than merely outcomes. The malpractice procedure provides a formal channel for addressing professional derelictions, creating a reputational and financial sanction mechanism that aligns notarial incentives with the interests of the principal – in succession proceedings, the delegating court; in business registry proceedings, the client.

In principal-agent terms, this three-component control architecture represents a reasonable institutional response to the monitoring problem inherent in delegated judicial functions. The court, as principal, delegates substantial authority to notaries in succession proceedings. Without effective oversight, the agent could deviate from the required standard of care, for instance by processing cases expeditiously at the expense of thoroughness or by prioritising high-fee estates. The regular auditing procedure[7] limits such behaviour by subjecting notarial processes to periodic external scrutiny while the malpractice procedure provides the corrective mechanism for detected deviations. The joint presence of all three control instruments constitutes a well-specified oversight framework, although its operational effectiveness – in terms of auditing frequency, audit scope and sanction severity – cannot be assessed from the available data.

4.5.7. Digitalisation: Capacity, strategy and bottlenecks

Digitalisation of notarial processes constitutes both an efficiency lever and an institutional modernisation challenge. From an economic standpoint, the digitalisation of high volume, standardised notarial workflows – above all, the automated exchange of data between notaries, courts and financial institutions – reduces the marginal cost of processing each case and thereby expands the productive frontier of the notarial system without requiring proportionate increases in staffing. Czech notaries have made material progress in this dimension.

A digitalisation strategy exists to some extent and dedicated resources were confirmed: six internal and four external specialists are employed in this domain, alongside centralised IT infrastructure including a dedicated server, secured videoconference capabilities and a dataroom. Process impact assessments have been conducted, digital literacy training is available to notaries and technology expertise is taken into account in hiring decisions.

The two priority digitalisation targets are the automated provision of information about account balances for succession proceedings and the automated communication with banks for notarial escrows. Both address the highest volume information exchange

[7] Every notary is inspected at least once in three years. New appointed notaries are always inspected within the first year of practice.

workflows in estate proceedings: the identification of assets and the management of liquid funds. Automation of bank account queries would substantially reduce the average duration of succession proceedings, the single largest driver of the multi-month processing times documented above. These priorities reflect a pragmatic digitalisation agenda focused on high return interventions.

No significant barriers to digitalisation were identified. This is notable. It suggests that the institutional, regulatory and technical obstacles that constrain digitalisation in other EU Member States are not currently operative in the Czech context. Whether this reflects a genuinely favourable environment or an underestimation of latent structural barriers, for instance in data protection regulation or in interoperability between notarial systems and those of banks and the central insolvency register, cannot be determined from the available data. However, it represents a broadly positive signal with respect to the Czech notarial sector's adaptive capacity.

4.5.8. Synthesis: Efficiency assessment and country-specific findings

The Czech Republic's non-contentious justice architecture presents a coherent and, in welfare-economic terms, broadly efficient institutional design. The dominant structural feature – the court-commissioner arrangement in succession proceedings – constitutes a near complete delegation of State authority to private practitioners operating under public law constraints, a model that combines the efficiency properties of market-based service provision with the quality assurance properties of regulatory oversight. The empirical evidence available for the reference period 2018-2022 supports the following main findings.

First, the notarial caseload concentration in succession proceedings is exceptionally high by European standards. With notaries handling approximately 99% of all resolved succession cases, the delegation is effectively exhaustive. Courts serve only as nominal principals in a proceeding conducted operationally, procedurally and, in terms of decisions taken, by notaries. This concentration does not, in itself, raise welfare concerns. It is consistent with the theoretical prediction that delegation to agents with comparative advantage in processing standardised, high volume matters produces net efficiency gains relative to direct court resolution, provided that quality is held constant. The quality assurance framework – mandatory multi-year initial training, a supervisory chamber, regular auditing and a malpractice procedure – appears adequate to sustain this inference.

Second, the caseflow evidence permits a dynamic rather than merely static assessment, revealing a system that is resilient rather than merely stable. The notarial succession Clearance Rate fell below unity in 2020, as the pandemic depressed resolutions relative to intake and the pending stock expanded by nearly 30%, but recovered to 1,078 in 2022,

when resolutions exceeded both incoming demand and the elevated opening backlog. Disposition Time traced the same path, peaking near 183 days in 2020 before returning to approximately 147 days in 2022. The capacity of the sector to absorb a substantial exogenous shock and restore equilibrium within a single reference cycle, without structural expansion of headcount, is itself evidence of efficient institutional design.

Third, the cross-border dimension of succession proceedings represents the most significant efficiency challenge for the Czech notarial system. Cross-border cases increased more than fourfold between 2018 and 2022 and their average processing time – estimated at approximately 240 days in 2022, compared with 118 days for domestic cases – reflects the structural complexity imposed by the EU Succession Regulation and the associated need for cross-jurisdictional legal and factual investigation. This disparity is not a dysfunctionality of the Czech system *per se*. It reflects the inherent procedural cost of cross-border complexity. However, it does indicate a growing demand for notarial specialisation in international private law and points to digitalisation of bank data access and inter-notarial cross-border communication as priority investments.

4.5.9. Policy recommendations

The following recommendations are derived directly from the empirical findings of this country report. Each recommendation is formulated as a specific, actionable proposition, accompanied by its welfare-economic justification.

Recommendation 1: Prioritise the development and deployment of automated inter-institutional data exchange between notarial offices and financial institutions for succession proceedings, with a specific focus on the automated retrieval of account balance information. This has been identified as the highest priority digitalisation target. The welfare gains from automation in this domain are quantifiable: each day of reduction in average succession processing time for the approximately 139,000 to 145,000 annual succession proceedings translates directly into reduced uncertainty costs for estate beneficiaries and reduced administrative overheads for notaries.[8]

Recommendation 2: Evaluate the conditions under which the notarial model for business registry entries could be extended to additional categories of non-contentious proceedings currently handled exclusively by courts. The parallel court-notarial arrangement in business registry matters offers a natural quasi-experiment. The notarial channel is faster and has gained market share steadily over the reference period, suggesting citizen preference for notarial processing where choice is available. A systematic evaluation of this model,

[8] Automated interconnection of data with banks and other financial institutions is currently being developed.

including a comparative quality assessment of court and notarial outcomes, would provide the evidentiary basis for an informed discussion on the scope of delegable non-contentious jurisdiction in the Czech legal system.

4.6. Estonia country report

4.6.1. Abstract

Notaries in Estonia play a central role in non-contentious legal proceedings, handling cases in all legal categories examined in this study, namely succession, non-litigious divorce, marriage, land registry and business registry. The country's notarial sector is supported by a substantial body of legal and administrative staff. In terms of caseload, Estonian notaries handle a significant volume of proceedings across succession, land registry and business registry matters, with a sustained growth trend observed across recent reference years. Notarial competence is near exclusive in succession and land registry cases, with most proceedings processed through the notarial system. Notarial charges are governed by a pre-defined, publicly accessible fee schedule across all legal areas, providing a high degree of consumer transparency.

Estonia demonstrates a strong commitment to digitalisation, with authenticated documents having been fully digitalised since 2009, underpinned by a dedicated digitalisation strategy with budgetary support. The quality assurance framework is comprehensive, encompassing compulsory initial and in-service training for notaries, an active supervisory body, regular process auditing and established malpractice procedures.

The analysis identifies the limited availability of centralised, case level statistical data as the main constraint on quantitative efficiency assessment, while documenting a mature and comprehensively digitalised notarial infrastructure that already encompasses all relevant legal domains.

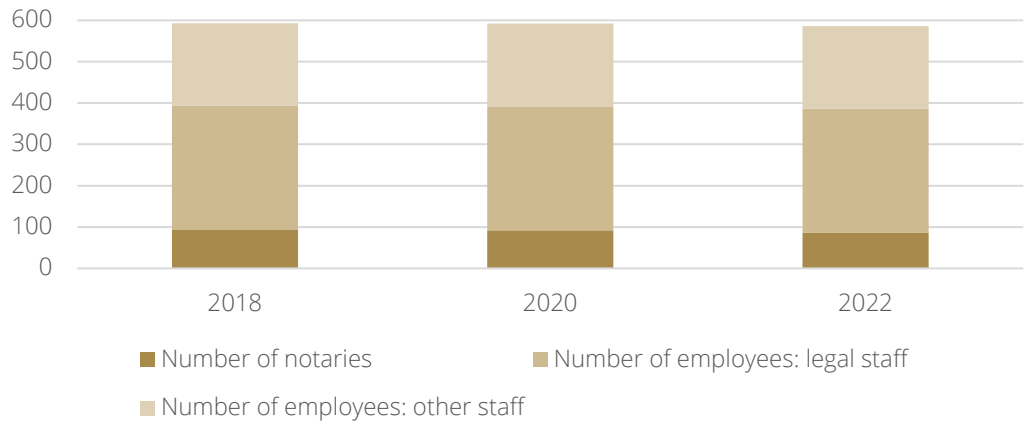
4.6.2. Country profile and institutional context

4.6.2.1. The notarial sector: Structure and scale

Estonia's notarial sector is organised as a Latin notariat operating under the supervision of the Estonian Chamber of Notaries (*Notarite Koda*). As of 2022, Estonia had 86 notaries in active practice, a modest decline from 93 in 2018, while the estimated number of employed legal staff remained stable at approximately 300 throughout the reference period. Administrative and other support staff likewise remained constant at approximately 200 employees across all three reference years. This staffing stability, set against a declining number of notarial offices, implies an increase in average caseload per notary over the observation period, a development that warrants attention from an efficiency perspective. Figure 27 presents the evolution of employment in the notarial sector across the reference period.

Figure 27: Employment in the notarial sector in Estonia

Notaries, legal and other staff between 2018 and 2022

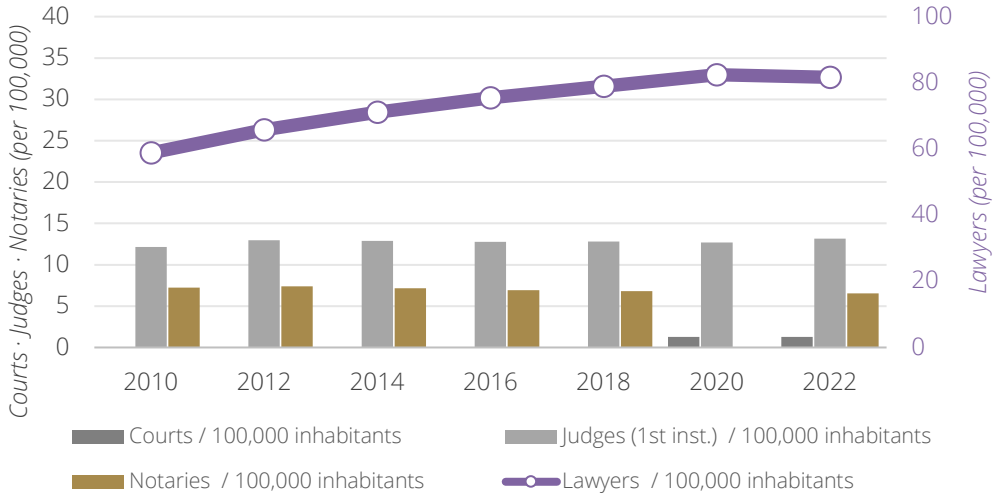


Source: JuWiLi

At approximately 6.5 notaries per 100,000 inhabitants in 2022, Estonia's notarial density is broadly consistent with the Baltic regional average and reflects a gradual compression of the notarial network. Figure 28 situates the notarial sector within the broader institutional landscape, showing that lawyer density grew steadily over the observation period while the number of first instance court locations and judges remained broadly stable according to available data.

Figure 28: Legal experts in the justice system in Estonia

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



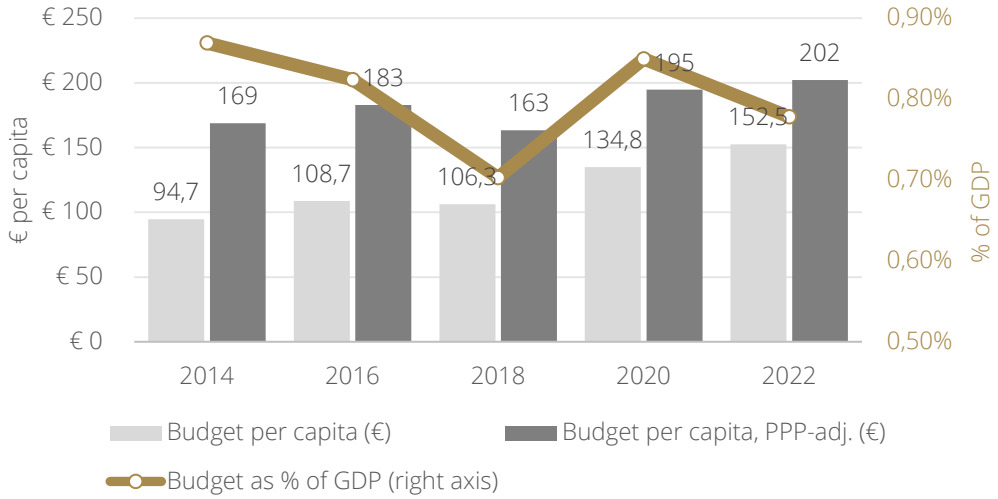
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 29 presents the whole justice system budget across three dimensions. The GDP share fluctuated between 0.87% in 2010 and 0.7% in 2018, recovering to 0.78% by 2022. PPP-adjusted *per capita* spending roughly doubled over the same period. Per-capita spending increased by approximately 60% over the years (from 94.7 to 152.2 euro), while when adjusted for purchasing power the increase is considerably more moderate (+19,5%).

Figure 29: Whole justice system budget in Estonia

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.6.2.2. Institutional architecture: Courts, notaries and other authorities

The institutional architecture governing non-contentious legal proceedings in Estonia is characterised by a strongly notary-centred model in which the courts play a residual role, confined mainly to oversight and second instance review. Table 9 sets out the distribution of competence across courts, other public authorities and notaries for the five legal domains examined.

In the domain of succession, notaries hold exclusive first instance competence. Courts handle less than 1% of succession cases across all three reference years, a share attributable to exceptional circumstances rather than routine processing.

Non-contentious divorce in Estonia presents a more complex picture of concurrent competence. Notaries are formally empowered to dissolve marriages by mutual consent. Courts retain formal competence for certain divorce proceedings and civil registry offices (other authorities) continue to process a substantial share of cases, accounting for 52% of non-litigious divorces in 2022.

Marriage proceedings follow a comparable pattern of shared competence between civil registry offices and notaries, with the former processing the large majority of cases (91% in 2022) and notaries handling approximately 9%. Notarial competence is genuine rather than delegated. Notaries act in their own right, fees are standardised and all files are accessible electronically. Land registry and business registry matters, by contrast, fall almost exclusively within notarial competence for first instance processing.

Table 9: Legal structure for processing non-contentious cases in Estonia
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	1%	1%	1%	0%	0%	0%	99%	99%	99%
Divorce	25%	33%	29%	62%	48%	52%	12%	19%	18%
Marriages	0%	0%	0%	91%	89%	91%	9%	11%	9%
Land registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Business registry	2%	5%	3%	0%	0%	0%	98%	95%	97%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

In every category analysed, the notary does not act as a court commissioner in the Estonian context. Rather, the notary exercises an independent jurisdictional function, with the final decision lying with the notary in most cases. An exception is represented by land and business registry cases, where contracts need to be submitted by the notary to the appropriate Court Department, which is in charge of registering them. Territorial jurisdiction rules do not apply as citizens may freely select any notary regardless of the geographic origin of the case. The fee structure is standardised and publicly available and the entire case file is electronically accessible. No electronic communication system between courts and notaries is in operation for successions, divorces and marriages, reflecting the *de facto* independence of the notarial process from the court system.

4.6.3. Caseload analysis: Volume, composition and trends

4.6.3.1. Non-contentious caseload by legal area

The caseload data reveal a marked and growing dominance of the notarial channel in those legal areas where notaries hold primary competence. Succession proceedings grew from

10,284 notarially resolved cases in 2018 to 12,986 in 2022 (approximately 26%), while courts remained below 1% throughout. Land registry is the quantitatively dominant category, rising from 72,008 to 80,153 cases over the same period. Business registry notarial caseload ranged between 2,065 and 2,723 cases per year.

The non-litigious divorce domain exhibits a different distributional logic, with a three-way division of competence. Civil registry offices (other authorities) handled 1,994 cases in 2018, declining to 1,335 by 2022; courts processed 806 divorce cases in 2018, declining to 747 by 2022; and notaries, who first acquired divorce competence in July 2016, resolved 399 cases in 2018, growing modestly to 464 by 2022. The continued dominance of civil registry offices in divorce processing, despite the extension of notarial competence, warrants attention in a subsequent comparative analysis. Marriage proceedings follow a comparable pattern, with civil registry offices handling over 90% of cases throughout the reference period.

4.6.3.2. Caseflow management

Annual caseflow data are available mainly for the divorce domain. Incoming notarial divorce cases grew from 442 in 2018 to 632 in 2022, reflecting the gradual consolidation of notarial divorce competence following the 2016 reform. Resolved cases track slightly below incoming cases in each year, which does not indicate net inventory accumulation given the statutory rule that an uncompleted procedure is automatically terminated.

Comprehensive caseflow data (pending, carried over, forwarded cases) were unavailable for succession, land registry and business registry proceedings, as Estonian notaries conduct transactions in their own name and are not legally obliged to centralise statistical reporting.

4.6.4. Efficiency analysis: Processing time and throughput

The efficiency assessment covers average processing duration by legal area and system level performance indicators. Available processing time evidence is partial, given the absence of centralised statistical reporting obligations. The most complete data concern succession proceedings.

4.6.4.1. Average processing duration by legal area

For succession, the statutory framework prescribes a minimum processing period of one month (the renunciation window), with notaries in practice typically waiting up to three months before issuing the succession certificate. The large majority of succession cases are resolved within three months across all three reference years, with the share requiring

more than three months remaining stable, indicating no material shift in case complexity. No data were available on cross-border succession cases.

For other legal areas, statutory minimum thresholds define the practical duration range: divorce proceedings must be finalised between one and three months after application (otherwise the procedure must be recommenced); marriage proceedings may take place between one and six months after application; and land and business registry transactions have no statutory time limit, with completion possible in a single day where documentation is in order. The estimated average duration of succession cases improved steadily, from approximately 94 days in 2018 to 83 days in 2022.

4.6.4.2. System level performance indicators

The four composite performance indicators – Clearance Rate, Work Overload index, Stake Change and Disposition Time – require case flow data (pending, incoming, resolved, carried-over cases) as their computational inputs. Based on CEPEJ data, the indicators can be computed for the justice system as a whole.[9]

The Clearance Rate (CR) for the whole legal sector remained broadly stable at around 1 across all categories and the entire observation period, indicating that resolved cases generally kept pace with incoming cases.

The Work Overload (WO) indicator remained at low levels across the observation period, with a decreasing trend over the long term, except for civil non-litigious cases where above-average levels were consistently observed.

The Stake Change (SC) indicator does not follow a precise trajectory in Estonia, but, consistent with the low and diminishing WO values, SC readings are mostly below zero, confirming that the backlog of cases is not growing. The Disposition Time for the whole justice system decreased in every category over the long term, with only isolated spikes in exceptional years (notably 2016).

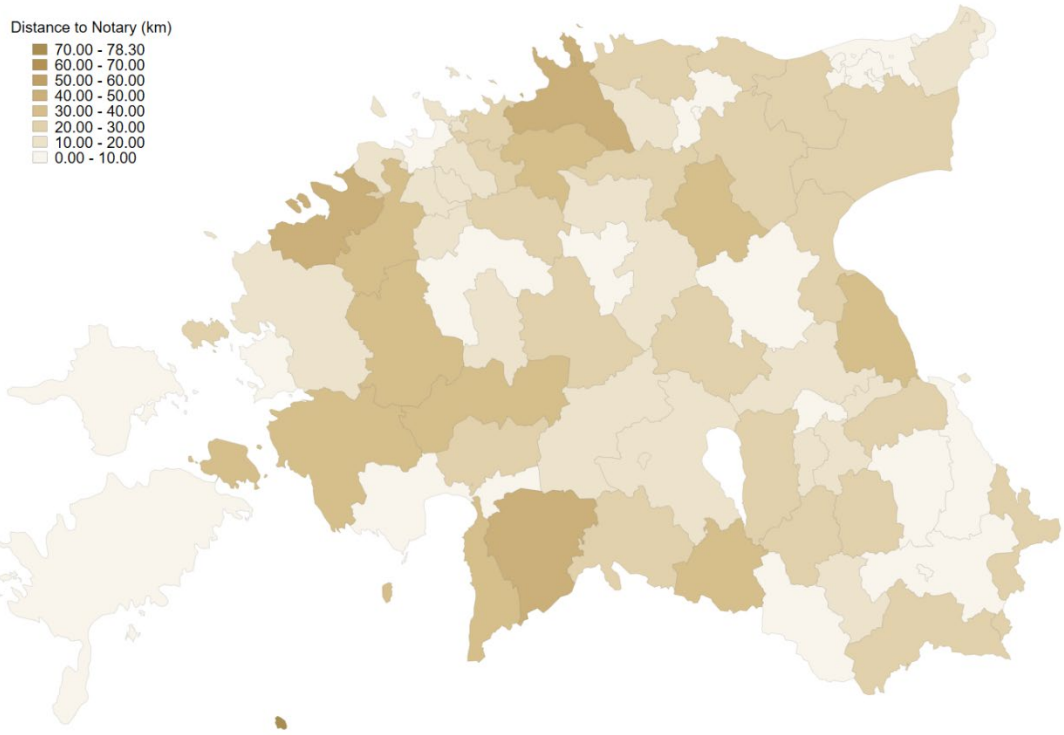
4.6.5. Geographic accessibility: Mapping notaries and courts

[9] Estonian notaries conduct proceedings in their own name and are not legally obliged to maintain court-style pending case statistics. The traditional clearance rate indicators are only partially applicable to the Estonian notarial system. Therefore, no centralised statistics for pending cases of Estonian notaries in succession, land registry and business registry matters are available. This applies to the other indicators as well. Given that these inputs are mostly unavailable for the Estonian notarial sector, the indicators cannot be computed for the reference years.

The geographic accessibility analysis measures citizen proximity to notarial offices and courts of first instance using geo-coded office registers and Eurostat LAU population grids, aggregating mean distances to yield national level accessibility statistics.

Figure 30: Map of citizens' distance to notaries in Estonia

Distance from Local Authorities' Units



Source: JuWiLi

Figure 30 displays high proximity concentrated around Tallinn and the main regional centres, transitioning through medium distances across the central rural interior and reaching the longest distances in the southern Võru and Põlva regions and selected inland areas. The Saaremaa and Hiiumaa islands reflect their physical separation from mainland service infrastructure. The court network and the notarial network produce a broadly equivalent spatial distribution of citizen proximity, a direct consequence of the low notary-to-court ratio in Estonia.

Table 10 shows that the accessibility differential between notaries and courts in Estonia is, at most percentiles, minimal. At the 25th percentile, both are accessible within 2.3 km; the differential widens slightly at the 75th percentile (16 km for notaries vs 16.9 km for courts) but the two series reconverge entirely at the 95th and 99th percentiles.

Table 10: Population coverage in Estonia

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	2.3	2.3
50%	2.3	2.8
75%	16	16.9
90%	26.9	27.6
95%	32.6	32.6
99%	39.6	39.6

Source: JuWiLi

The near equivalent accessibility of notaries and courts is an arithmetical consequence of the low 5-to-1 notary-to-court ratio: a notarial network only five times the size of the court network remains anchored to the same population centres.

This inverts the standard comparative framing: in most JuWiLi II countries, the geographic dimension reinforces the efficiency case for notarial delegation, but in Estonia the proximity advantage is absent. The case for notarial delegation is based entirely on processing speed, fee transparency and digital integration.

At the same time, accessibility of notarial services is further supported through remote authentication procedures and, in certain regions, through regular service provision outside permanent office locations. These elements reduce the practical impact of geographical distance and may not be fully reflected in a location-based accessibility analysis.

4.6.6. Cost structure and fee transparency

The cost structure of notarial services in Estonia satisfies the dual requirements of fee standardisation and public accessibility, both of which are prerequisites for informed consumer decision-making and an efficient market for legal services. A pre-defined fee schedule (tariff) is in force for all five legal areas examined in this study and the schedule is readily available to citizens. All costs are borne by private individuals rather than by the State, which is consistent with the user-pays principle commonly applied.

For succession proceedings, the fee structure is graduated by the complexity and stage of the process. The initiation of succession proceedings carries a base fee of 63.90 euro plus VAT; the renunciation of succession is charged at 6.35 euro plus VAT; the identification of successors and issuance of a succession certificate is priced at 102.25 euro plus VAT; and the authentication of a European Succession Certificate under Regulation (EU) No. 650/2012 costs 51 euro plus VAT. Divorce and marriage proceedings are charged at a flat

rate of 64 euro plus VAT. For land registry and business registry transactions, the fee depends on the value and complexity of the underlying transaction, which precludes a single average figure.

4.6.7. Quality assurance, training and supervisory oversight

The quality of notarial output in non-contentious proceedings is jointly determined by the professional training of practitioners and the institutional mechanisms that monitor and enforce adherence to professional standards. In welfare-economic terms, investment in human capital through compulsory pre-appointment and in-service training functions as a quality assurance mechanism that internalises the risk of legal error into the production function of notarial services. Estonia's quality assurance framework is comprehensive across both training and systemic control dimensions.

4.6.7.1. Initial and ongoing professional training

Notaries are subject to compulsory initial training of two years prior to appointment, which also applies to substitute notaries, followed by mandatory in-service training covering standard practice, specialised cases and digital literacy – with no optional categories reported, indicating that the entire ongoing professional development framework is based on mandatory obligations. Legal staff are subject to compulsory initial training but optional in-service requirements, consistent with the principal-agent structure in which the notary bears primary regulatory and liability obligations.

4.6.7.2. Systemic control mechanisms

All three systemic control indicators are positive for Estonia: a supervisory body exists, regular process auditing is conducted and a malpractice procedure is in place. These mechanisms address distinct aspects of the monitoring problem inherent in the delegation of public legal functions to independent professionals, aligning the notary's incentives with the public interest in legally certain, accurate outcomes.

4.6.8. Digitalisation: Capacity, strategy and bottlenecks

Estonia presents one of the most advanced digitalisation profiles in the European notarial sector. The Estonian Chamber of Notaries operates a dedicated digitalisation strategy with a departmental structure and budget authorised by the General Assembly, invests in digital skills and hiring and has conducted a process impact assessment of its digital transformation – reflecting an institutionalised rather than *ad hoc* approach.

The most significant digitalisation achievement reported is that all notarially authenticated documents have been digitalised since November 2009. This comprehensive retrospective and prospective digitalisation of the notarial archive eliminate a major source of search and retrieval transaction costs and fundamentally transforms the notary's role in property and commercial law from a paper-based certification function to a digital registry node.

4.6.9. Synthesis: Efficiency assessment and country-specific findings

Estonia operates a strongly notary-centred institutional architecture consistent with the theoretical model of efficient outsourcing from courts to specialised intermediaries. Across 2018-2022, notarial processing dominates where it holds primary competence, caseload has grown without systemic overload, fees are transparent and standardised, quality assurance is comprehensive and digitalisation leads the European average. Together, this makes the Estonian system an institutionally coherent and functionally effective model for the delivery of non-contentious justice.

Three country-specific features are of particular analytical significance. The first is the near total concentration of succession and land registry caseload in notarial hands, reflecting a deliberate legislative design choice and the absence of territorial jurisdiction constraints. The second is the sophisticated digitalisation infrastructure, anchored by the comprehensive digitisation of all notarial acts since 2009, which effectively reduces the transaction cost implications of Estonia's dispersed rural settlement pattern. The third is the relative weakness of centralised statistical reporting for notarial activity: the absence of legal obligations on notaries to report case level data creates an information gap that constrains the precision of quantitative analysis although it does not undermine the substantive efficiency assessment.

4.6.10. Policy recommendations

The following recommendations follow from the empirical findings of this report. They are framed within the welfare-economic criterion of efficiency enhancement subject to the constraints of legal certainty and equal treatment and they are calibrated to the institutional reality of a mature, notary-centred system. Importantly, they are addressed primarily to the *lex ferenda* margin – incremental refinements to an already well-functioning architecture – rather than to any structural deficiency in service delivery.

First, the comprehensive digitalisation of notarial acts – all authenticated documents digitalised since 2009 – constitutes a demonstrated comparative advantage. The recommendation is one of preservation and diffusion rather than expansion. The Estonian

model merits documentation as a reference case within the JuWiLi II framework, from which lower digitalisation jurisdictions may derive transferable lessons.

Second, the geographic accessibility analysis indicates that physical proximity confers no material advantage of one institution over another given that the welfare gains from notarial delegation in Estonia are based on processing efficiency, fee transparency and digital integration rather than on distance. Where residual access concerns exist for the dispersed rural population, the appropriate instrument is the continued use of remote authentication and periodic service provision outside permanent office locations, which already mitigate the impact of geographical distance and should be sustained.

Third, the main scope for marginal improvement lies in the analytical observability of the system rather than in service provision. Given that Estonian notaries operate in their own name and maintain no court-style pending case statistics, several standard indicators – Clearance Rate, Disposition Time and the derived workload measures – cannot be computed. This is a constraint on external comparative assessment, not a defect in notarial practice. A proportionate response would be the voluntary compilation, at chamber level, of a minimal set of aggregate caseflow indicators by legal domain, made available periodically for comparative study at modest marginal cost and without imposing case level reporting duties on individual notaries.

4.7. France country report

4.7.1. Abstract

France presents one of the most institutionally integrated models of notarial non-contentious jurisdiction among the 22 EU Member States participating in the JuWiLi II study. Notaries exercise exclusive primary competence – without court confirmation – over succession proceedings, land registry transactions, last will registration and, since the 2017 legislative reform, non-contentious divorce. The notary-to-inhabitant ratio expanded between 2018 and 2022, reaching a density 3.2 times that of first instance judges, thereby generating a measurable reduction in the transaction costs of access to non-contentious legal services. This led, in the end, to shorter waiting times for case processing.

Fee transparency is high. A mandatory published tariff supplemented by publicly accessible online fee simulators satisfies the price certainty conditions for informed consumer choice. The supervisory architecture, which combines a regulatory body, regular process auditing and a malpractice procedure, satisfies the conditions for effective principal-agent governance. The principal data limitation is the absence of a national caseflow register, which precludes computation of the Clearance Rate, Work Overload, Stake Change and Disposition Time indicators, and excludes France from quantitative analysis. Two policy recommendations are derived: establishment of a standardised national case management registry and mandatory digital literacy training for notaries and staff.

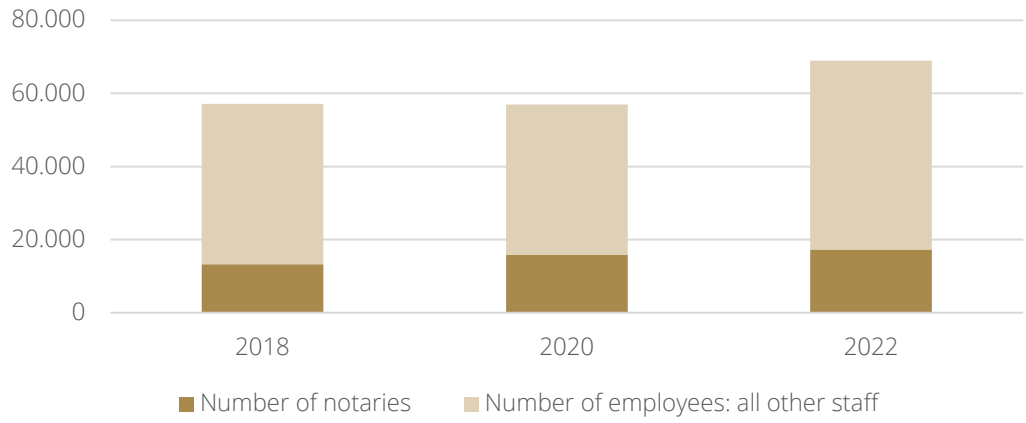
4.7.2. Country profile and institutional context

4.7.2.1. The notarial sector: Structure and scale

Figure 31 documents the structural composition of the French notarial sector. Notary numbers grew continuously from 13,292 in 2018 to 17,315 in 2022 (i.e. up 30.3%), reaching 25.5 per 100,000 inhabitants – a density 3.2 times that of first instance judges by 2022.

Figure 31: Employment in the notarial sector in France

Notaries, legal and other staff between 2018 and 2022



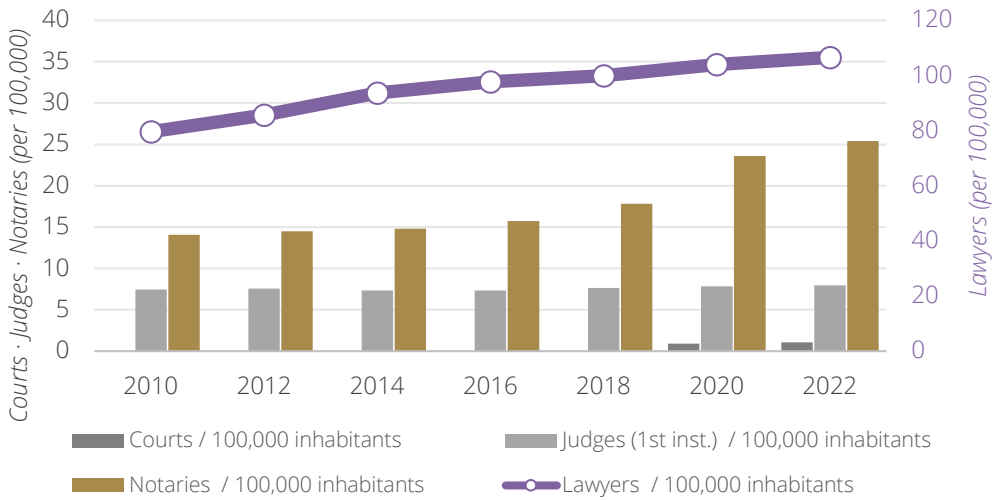
Source: JuWiLi

Total sector employment grew from 57,106 in 2018 to 69,011 by 2022. France's professional notarial organisation, the *Conseil Supérieur du Notariat*, notes that disaggregation into legal and other staff subcategories is not possible given workforce heterogeneity. The staff-to-notary ratio fluctuated between 3.6 and 4.3 across the period, reflecting a transitional adjustment to rapid notary headcount expansion.

Figure 32 situates the French notarial profession within the broader landscape of legal experts, drawing on CEPEJ data for 2010-2022. The notarial density trajectory is markedly steeper than that of the judiciary and the legal profession, reflecting liberalisation of notarial entry, demographic ageing, real estate market activity and the 2017 legislative entrustment of non-contentious divorce.

Figure 32: Legal experts in the justice system in France

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022

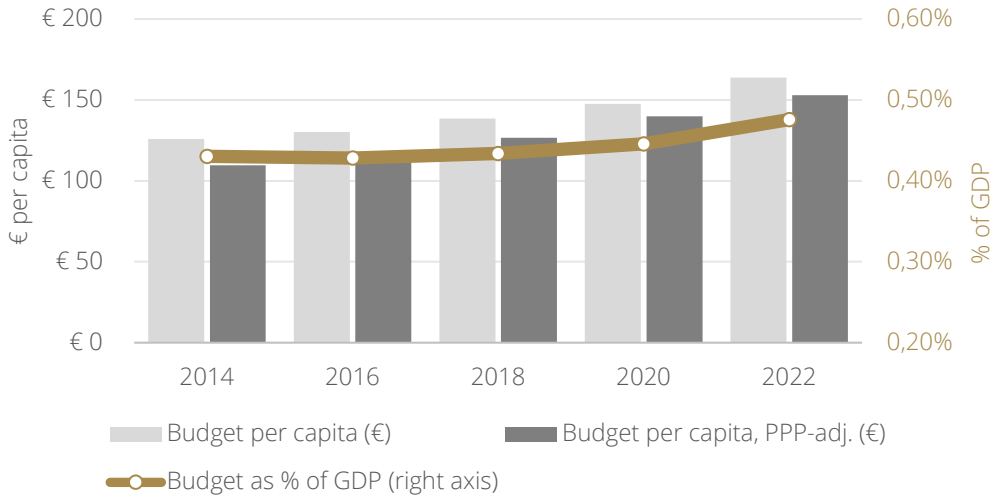


Source: CEPEJ | Economica

Figure 33 presents the budget for the justice system in France. The GDP share remained broadly stable at 0.43-0.48% over the observed period; *per capita* costs rose from 125.7 euro in 2014 to 163.8 euro in 2022, with PPP-adjusted spending following a similar trend.

Figure 33: Whole justice system budget in France

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

4.7.2.2. Institutional architecture: Courts, notaries and other authorities

Table 11 presents the institutional distribution of non-contentious competence in France. Succession, real estate transactions and last will registration fall exclusively to notaries throughout the reference period. Non-litigious divorce reflects the 2017 reform, with notaries handling almost all non-contentious divorces in 2020. PACS (*Pacte civile de*

solidarité, Civil Solidarity Pact) competence is concurrent, with municipal administrations and consulates handling approximately 89-91% and notaries handling the remainder. Business registry proceedings fall exclusively within other authority competence.

Table 11: Legal structure for processing non-contentious cases in France
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	n/a	0%	n/a	n/a	0%	n/a	n/a	100%	n/a
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Business registry	0%	0%	0%	100%	100%	100%	0%	0%	0%
PACS	0%	0%	0%	91%	89%	89%	9%	11%	11%
Last Wills	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Three structural features merit attention. First, no territorial jurisdiction constraint applies: parties freely appoint any notary, enhancing inter-office competition. Second, fees are standardised under the *Tarif des notaires* (notary fees) in all areas, satisfying price certainty requirements under EU services law. Third, France does not apply the notary-as-court-commissioner model: the notarial act carries direct legal force without judicial confirmation, eliminating residual judicial review costs. Electronic file accessibility is confirmed in all three areas.

4.7.3. Caseload analysis: Volume, composition and trends

4.7.3.1. Non-contentious caseload by legal area

The caseload data confirm near exclusive notarial market share in succession, land registry and last will registration throughout the period. Succession caseload grew from 344,282 in 2018 to 402,300 in 2022, with a brief pandemic-related dip in 2020. Real estate transactions – the dominant category – rose from 975,000 to 1,115,000 (14.4%). PACS notarial cases grew from 19,471 to 23,595 and last wills from 387,748 to 445,810 over the same period.

4.7.3.2. Caseflow management

No data on caseflow management are available for France.

4.7.3.3. System level performance indicators

The four composite performance indicators – Clearance Rate, Work Overload index, Stake Change and Disposition Time – require caseflow data (pending, incoming, resolved, carried over cases) as their computational inputs. Since these inputs are unavailable for the French notarial sector, the indicators cannot be computed for the reference years. The indicators are thus presented for the whole legal sector.

CEPEJ data show a clearance rate close to 1 for both total non-litigious and civil non-litigious categories throughout the observed period, indicating broadly sufficient capacity to handle incoming cases.

The Work Overload (WO) indicator shows a clearly increasing trend in both categories, indicating that pending cases are accumulating from year to year.

The Stake Change (SC) indicator is consistently positive, confirming a growing backlog of unresolved cases over time, consistent with the WO findings.

The Disposition Time (DT) indicator shows a steady increase throughout the whole period, meaning that the average time required to resolve a pending case has grown continuously.

4.7.4. Cost structure and fee transparency

The *Tarif des notaires*, codified in the *Code de Commerce* (Commercial Code), establishes a mandatory published fee schedule for all regulated notarial acts, supplemented by publicly accessible digital fee simulators. For example, the standardised divorce fee stands at 49.44 euro. On the other hand, for most categories covered, costs are too diverse based on the scope in order to give an average. Succession and real estate fees are value-linked, computed as a percentage of estate or transaction value, aligning fee revenue with the economic significance of the legal service provided and approximating the marginal social cost profile of notarial output across transaction sizes.[10] All costs are borne by private individuals.

4.7.5. Quality assurance, training and supervisory oversight

4.7.5.1. Initial and ongoing professional training

[10] For cases of real estate purchases, a simulation tool has been developed by the Paris Chamber of Notaries and can be consulted online (**https://paris.notaires.fr/fr/outils-et-services/calcul-de-frais-d-achat**)

For both notaries and legal staff, compulsory initial training and general in-service training are mandated; specialised case training and digital literacy training remain optional. The optional nature of digital literacy training is the main qualitative finding. Given that the *Conseil Supérieur du Notariat* identifies cybersecurity and data protection as the foremost barriers to digitalisation, a voluntary regime may be insufficient to generate the sector-wide capability required to address systemic technological vulnerabilities.

4.7.5.2. Systemic control mechanisms

The systemic control architecture is complete: a supervisory body exists, regular process auditing is conducted and a malpractice procedure is in place. This architecture satisfies the conditions for effective principal-agent governance – performance standards set by tariff and procedural code, observable outputs through the deed registration system, credible sanctions and an institutionally independent monitoring body.

4.7.6. Digitalisation: Capacity, strategy and bottlenecks

The French notarial sector presents a well-resourced digitalisation profile: a formal strategy is in place, approximately 500 personnel operate in digital functions and IT expertise is factored into recruitment. Three priority processes are identified: secure information-system interconnections, act preparation automation and authentication/identity verification for remote delivery. Three main barriers were reported: cybersecurity, cost and data protection – a predominantly supply-side pattern reflecting institutional capacity constraints rather than regulatory impediments.

The French notarial profession is now highly digitalised. One of the challenges that it faces, with the development of artificial intelligence, is to ensure that a human touch remains central to the handling of client cases.

4.7.7. Synthesis: Efficiency assessment and country-specific findings

Quantitative analysis is constrained by the absence of caseflow data. The following qualitative findings characterise the French notarial sector:

First, the notarial network density generates a notary-to-judge ratio of 3.2 to 1, possibly producing a geographic reduction in the search and travel transaction costs of access to non-contentious legal services.

Second, the fee transparency architecture (a mandatory published tariff supplemented by publicly accessible online fee simulators) satisfies the price certainty conditions for

informed consumer choice and reduces information asymmetry in the market for notarial services.

Third, the supervisory architecture is complete: a supervisory body, regular process auditing and a malpractice procedure with credible sanctions are all operative, satisfying the conditions for effective principal-agent governance.

The main structural limitation of the French country record is the absence of caseflow data, which precludes computation of the four system level efficiency indicators and prevents France from participating in the quantitative comparative benchmarking of the JuWiLi II cross-national analysis. Within the comparative typology of the project, France falls clearly within the category of high integration, autonomous-competence notarial systems and provides the closest observable approximation to the theoretical model of a Pareto-superior notarial outsourcing arrangement.

4.7.8. Policy recommendations

Two policy recommendations follow. First, a standardised national case management registry for notarial proceedings should be established, recording incoming, resolved and pending caseloads. This would close the data gap that currently prevents computation of system level indicators and excludes France from quantitative comparative benchmarking. By adopting this recommendation, possible trends and issues within the sector could be identified and addressed with higher precision and efficacy.

Second, digital literacy training could be made compulsory for both notaries and legal staff, replacing the current optional regime. The justification is the internalisation of the systemic cybersecurity and data protection risks identified as the primary digitalisation barriers. Given the quasi-judicial function of the notariat, this represents a proportionate public law intervention addressable within *lex lata* through amendment of the professional training regulations issued by the *Conseil Supérieur du Notariat*.

4.8. Germany country report

4.8.1. Abstract

This report presents an economic analysis of the non-contentious justice system in Germany by examining the structure, scale and institutional context of the German notarial sector covering the period from 2018 until 2022. Drawing on data provided by the German Chamber of Notaries, the *Bundesnotarkammer* (*BNotK*) and CEPEJ statistics, the report analyses employment trends, institutional competences, geographic accessibility, cost structures, quality assurance mechanisms and digitalisation capacity.

A central structural feature of the German case is the very high level of professional secrecy and data protection as well as the very rigorous application by the German federal States (*Länder*) of the strict regulatory criteria for deciding upon the number of notaries to be appointed. The criteria correspond to the requirements of an orderly administration of justice, with particular consideration given to the need to ensure adequate access for those seeking public legal services as well as to maintaining a balanced age structure within the profession. As a result, data availability at the federal level is intentionally and naturally limited. Given the federal organisation of the German justice system, no nationwide datasets are available on caseload volumes, processing times or caseflow management for the notarial sector. As a result, the analytical core of the of the JuWiLi II framework, the composite performance indicators chosen by the project team, do not fit squarely with the German case, as their computation requires data that the German system does not produce.

Despite these data constraints, the report documents several qualitative findings that can be used as a starting point for future analysis.

4.8.2. Country profile and institutional context

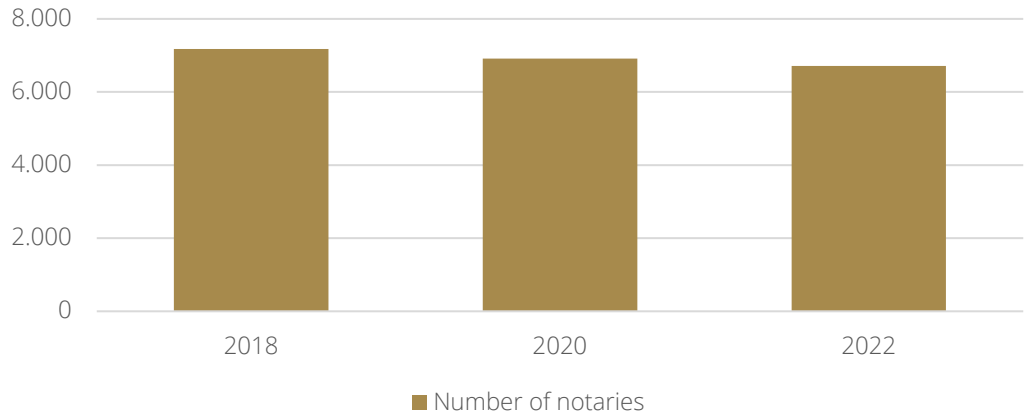
The German notarial profession is regulated under the *Bundesnotarordnung* (*BNotO*) (German Federal Notaries' Ordinance) of 1961, as amended. Notaries in Germany are appointed by the federal State governments (*Länder*), hold a public office and are organised within the *Bundesnotarkammer* (*BNotK*) at the federal level and 21 regional chambers (*Notarkammern*) at the *Land* level. Germany operates a system of *Nur-Notare* (notaries-only) in the majority of federal States, alongside a geographically limited tradition of *Anwaltsnotare* (attorney-notaries) in certain northern federal States.

4.8.2.1. The notarial sector: Structure and scale

The aggregate headcount of notaries declined from 7,179 in 2018 to 6,912 in 2020 and 6,711 in 2022, representing a cumulative reduction of 468 practitioners over the four-year interval, equivalent to a 6.5% contraction. The absence of data on notarial legal staff and administrative staff from the *BNotK* questionnaire response means that the full employment table cannot be constructed. The *BNotK* noted that centralised staffing statistics are not maintained at the federal level, with individual office employment conditions varying considerably by office size and regional economic structure. This limitation is noted as a structural observation for comparative purposes.

Figure 34: Employment in the notarial sector in Germany

Notaries between 2018 and 2022

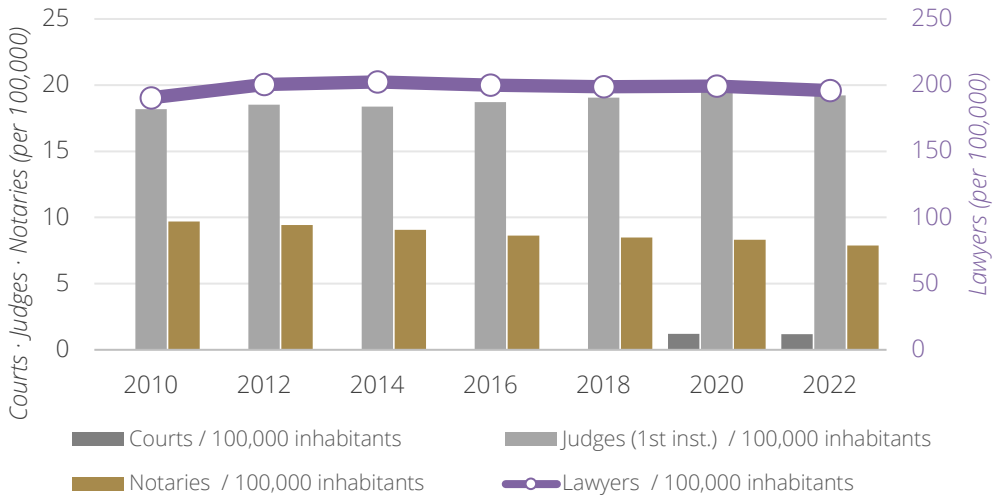


Source: JuWiLi

CEPEJ longitudinal data confirm this downward trajectory, which began from a peak of approximately 7,934 notaries recorded in 2010. Over the longer horizon from 2010 to 2022, the German notarial sector contracted by more than 16% in terms of absolute headcount. Concurrently, the notary-to-population ratio declined from approximately 9.7 notaries per 100,000 inhabitants in 2010 to 7.9 in 2022, a figure that merits contextualisation against the density of competing justice system actors.

Figure 35: Legal experts in the justice system in Germany

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

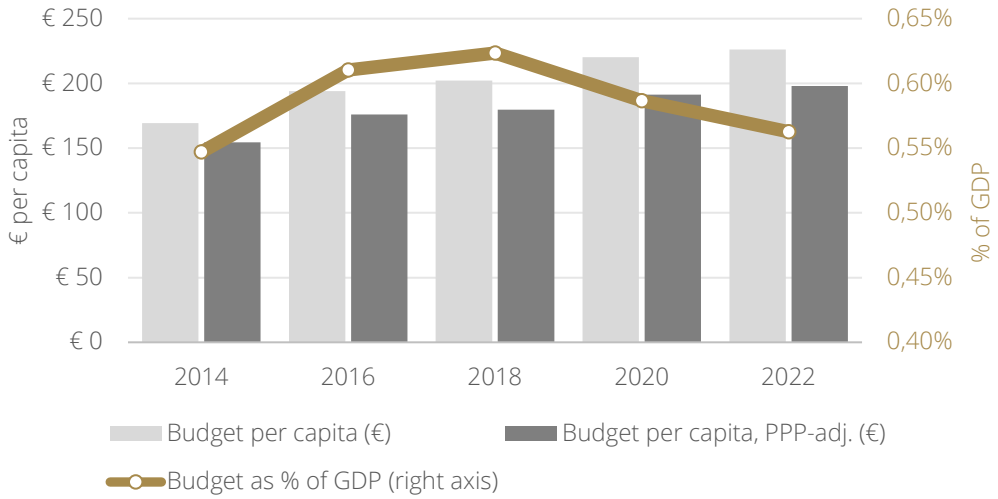
CEPEJ data for the reference years indicate that Germany maintained approximately 998 courts of first instance with non-contentious jurisdiction in both 2020 and 2022, serving a population of 80 million inhabitants. The number of professional judges at first instance stood at 16,207 in 2020 and 16,215 in 2022, corresponding to approximately 19.5 judges

per 100,000 inhabitants, a figure that has grown modestly over the reference period. The total stock of admitted lawyers reached 165,680 in 2020 and 165,186 in 2022, equivalent to approximately 199 lawyers per 100,000 inhabitants.

The evolution of the budget for the whole justice system in Germany is presented in Figure 36 across multiple dimensions. Data show that Germany's budget for the justice system as a percentage of GDP remained in the range of approximately 0.55 to 0.62% between 2014 and 2022, with a peak in 2018 followed by a moderate decline. In *per capita* terms, expenditure on the justice system steadily increased from about 169 in 2014 to 226 euro in 2022, with the PPP-adjusted figure following the same trajectory.

Figure 36: Whole justice system budget in Germany

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

4.8.2.2. Institutional architecture: Courts, notaries and other authorities

No nationwide datasets are available that differentiate between areas of non-contentious cases. Case process competences differ across the five legal case types. On the geographic dimension, the competent authority must be located in the same district as the origin of the case for non-litigious divorce and land registry, but this requirement does not apply to succession. Fees are standardised across all five case types, providing full *ex ante* cost transparency for citizens, regardless of the type of proceeding.

Court competence applies to succession, non-litigious divorce, land registry and business registry, but not to marriages, which fall under the exclusive authority of civil registry offices. Notaries do not act as court commissioners in any of the five areas. Notarial case handling competence exists for succession among the five observed categories where notaries are especially responsible for drafting applications for certificates of succession by conducting the legal analysis to determine the heir(s) and collect and transmit all documents required to prove the inheritance. Notaries also have important non-litigious roles, in particular in

marriage, divorce, real estate and company law matters and the protection of adults. They act as '*ex- ante* judges' but do not issue decisions with *res judicata* or similar effect. Rather, they give high quality neutral advice in these areas of law and draft and draw up the public documents that many key declarations in these areas of law must be recorded in (authentic instruments). They thereby ensure the validity and fairness of these declarations, giving them evidentiary value, which reduces the burden on courts by pre-empting litigation. In 2013, Germany introduced the so called 'Act on the Transfer of Tasks in the Area of Voluntary Jurisdiction to Notaries'. The act aims to efficiently alleviate the judiciary by transferring the handling of formal but non-disputed processes in the matter of property division to notaries. When speaking of property division matters according to German law, reference is made to "the duties that courts must perform [...] concerning the distribution of property of estates and communities of property upon the termination of a marriage, a life partnership, or a continued community of property"[11]. Where notarial competence applies, it is the client who nominates the notary, while court nomination does not occur. The final decision lies with the court in succession, non-litigious divorce, land registry and business registry, but not in marriages, where other authorities hold exclusive competence.

Electronic access to the full case file is available for land registry and business registry, but not for succession, non-litigious divorce or marriages. Electronic communication between courts and notaries is confirmed across all five case types.

4.8.3. Efficiency analysis: Processing time and throughput

4.8.3.1. System level performance indicators

The four composite performance indicators – Clearance Rate, Work Overload index, Stake Change and Disposition Time – require caseflow data (pending, incoming, resolved, carried over cases) as their computational inputs. Given that these inputs are deliberately not centrally collected in Germany for the German notarial sector, the indicators cannot be computed for the reference years.

While the notarial questionnaire returns no caseflow data, the CEPEJ-derived first instance statistics permit computation of the four composite indicators for business registry proceedings – the only non-contentious category with complete pending, incoming and resolved indicators. Two caveats apply: the figures describe the court-and-registry system rather than notarial activity and the 2022 observation departs sharply from trend across all four indicators, suggesting a definitional or coverage change rather than a genuine break. It is treated as provisional.

The Clearance Rate remained below unity throughout, declining from 0.75 in 2014 to 0.69 in 2018 and 0.64 in 2020, indicating that resolutions did not keep pace with filings and that the backlog accumulated steadily. The Work Overload index rose correspondingly from 19.3 in 2014 to 20.8 in 2018 and 22.5 in 2020, reflecting a pending stock approximately twenty times annual throughput. The Stake Change indicator is small and positive (0.021 to 0.03 over 2014-2020), confirming a backlog expanding by only 2 to 3% annually. The Disposition

[11] Gesetz zur Übertragung von Aufgaben im Bereich der freiwilligen Gerichtsbarkeit auf Notare (NotAufgÜbG) vom 26. Juni 2013 (BGBl. I S. 1800)

Time is high – around 7,030 days in 2014, rising to 8,196 in 2020 – although this reflects the large standing register intrinsic to register-keeping rather than the waiting time of an individual proceeding.

Taken together, the indicators describe a system that maintained a stable resolution volume of approximately 88,000 cases per year against a slowly rising stock. From a welfare-economic perspective, these magnitudes reflect the institutional nature of register maintenance – where a large, persistent stock is intrinsic rather than pathological – and should not be equated with the throughput pressures that the same indicators would signal in adjudicative proceedings.

4.8.4. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis for Germany operationalises the transaction cost dimension of access to non-contentious legal services across a large, federally structured territory of approximately 357,000 km² with a population of approximately 84 million. Germany's settlement geography is characterised by a polycentric structure – combining major metropolitan agglomerations in the Rhine-Ruhr, Rhine-Main, Munich, Berlin, Hamburg and the Saxon cities with a dense network of medium-sized towns and extensive rural areas, particularly in the northeastern states of Mecklenburg-Vorpommern and Brandenburg and in parts of rural Bavaria. This settlement structure is directly reflected in the geographic distribution of the notarial network mapped out in Figure 37 and in the comparative court-versus-notary distance statistics reported in Table 12.

Excerpt from the notarial system in Germany

An important institutional context shapes the interpretation of the geographic data for Germany. The notarial system distinguishes between two appointment models: in the majority of GermanStates, practitioners are solely notaries (*Nur-Notare*), operating as independent and public legal service providers exclusively engaged in notarial functions, while in certain States attorneys may simultaneously hold notarial appointments (*Anwaltsnotare*), with the latter model resulting in a denser spatial distribution of notarial access points. The geographic analysis presented here covers the network as a whole. Differences in access quality between the two appointment models cannot be separately captured from the available data.

Germany secures an even nationwide distribution of notaries through a tightly regulated system that combines State planning, territorial restrictions and appointment rules. Each federal State determines how many notaries are needed for an orderly administration of justice and creates or reopens positions only when demographic or economic factors show a genuine need. These positions are publicly advertised so that notaries do not cluster in attractive cities while rural areas remain underserved. Once appointed, notaries are bound to their *Amtsbereich*, usually matching the local court district, and they may perform their

core duties outside this area only in very exceptional cases that must be reported to the supervisory authority. Even notarial online procedures do not loosen this territorial principle, because a video-based act is legally attributed to the notary's district only when specific connecting factors - such as a company's registered office or a representative's residence - are located there.

The appointment system reinforces this regional balance. Candidates apply only for the specific district advertised and single profession notaries complete their traineeship within the State where they seek appointment, while attorney-notaries must have years of continuous practice in the district that they wish to serve. The law strengthens this further through the rules governing *Notarassessoren* (notary candidates wishing to become singleprofession notaries).

The system is further stabilised by the rule that notaries may generally apply for a different official seat only after five years, which maintains continuity in each district while at the same time giving candidates enough long-term flexibility to accept initial appointments in rural or structurally weaker regions, knowing that such posts do not irrevocably determine their future location.

Figure 37 maps the straight-line distance from each LAU population centroid to the nearest notary office. The map is visibly light in tone across the great majority of the territory, indicating that notarial offices are densely distributed relative to the resident population: the 0 to 5 km band covers large contiguous areas of the Rhine-Ruhr conurbation, Baden-Württemberg, Bavaria's urban zone and much of western Germany, reflecting the high density of the notarial network.

Figure 37: Map of citizens' distance to notaries in Germany

Distance from Local Authorities' Units



Source: JuWiLi

The darkest bands – above 35 km, with a maximum of about 60 km – remain concentrated in the northeastern states and rural eastern Bavaria, the same regions that are most underserved by courts. The structural implication is that, for the great majority of Germany's population, notarial services are accessible at shorter distances than court-based services, a finding quantified in Table 12.

Given that this book edition retains the notarial distance map only, the court network is characterised here through its distance statistics rather than a separate map. Germany's relatively dense network of approximately 650 first instance courts (*Amtsgerichte*) places most of western and central Germany within 5 to 20 km of a court, while the longest court distances – reaching a maximum of about 66 km – occur in the sparsely populated northeastern states of Mecklenburg-Vorpommern and Brandenburg, parts of the Eifel and Hunsrück uplands and rural southeastern Bavaria. These extremes are consistent with the 90th and 99th percentile court figures of 14 km and 23.7 km recorded in the following table.

Table 12 quantifies population coverage at six percentile thresholds and confirms the pattern. In the most accessible quartile, the two services are effectively co-located (0.8 km for notaries against 1 km for courts), but the differential widens steadily up the distribution: at the median 1.1 km against 1.8 km and at the 75th percentile 5.6 km against 9.6 km – the widest relative gap in the table, a ratio of about 1.7 to one. At the upper percentiles, the absolute gap persists (9.6 vs 14 km at the 90th, 11.8 vs 16.9 km at the 95th and 16.6 vs 23.7 km at the 99th), so that the maximum notarial distance for 99% of the population is approximately 30% per cent below the corresponding court figure. From a welfare-economic perspective, this persistent differential confirms that the notarial network offers structurally superior geographic accessibility across the full population distribution, with the advantage most pronounced for the approximately 20 million inhabitants in the 75th to 95th percentile range. For this segment, notarial delegation of succession, land registry and business registry proceedings would generate a material reduction in search and travel costs relative to the court-based alternative.

Table 12: Population coverage in Germany

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	0.8	1
50%	1.1	1.8
75%	5.6	9.6
90%	9.6	14
95%	11.8	16.9
99%	16.6	23.7

Source: JuWiLi

4.8.5. Cost structure and fee transparency

In Germany, court fees and fees for notarial services are statutorily pre-defined in the Act on Court and Notarial Costs and are made readily available to citizens. This feature is key to provide a high level of transparency for citizens in terms of costs and to enhance the accessibility of the whole system to German citizens, ensuring social equality in terms of access to high-quality public legal services. Costs are usually borne by the persons seeking the public legal service. In some specific cases where the court is involved, some kind of financial support and legal aid may be available. Data regarding average costs of a typical proceeding are not shared in Germany for professional regulatory reasons.

4.8.6. Quality assurance, training and supervisory oversight

4.8.6.1. Initial and ongoing professional training

Access to the notarial profession in Germany requires successful completion of both State examinations in law that give access to all German legal careers, including attorneys, judges and State attorneys (depending on the exam grades achieved) and a further specific notarial examination in some regions. Furthermore, notaries in Germany also need to

attend in-service training. Due to the highly competitive and merit-based entry requirements, as well as the emphasis on high standards, individuals with strong academic and professional performance are more likely to gain access to the notarial profession.

Compulsory initial legal training is required for other members of the legal staff as well. The in-service training for the legal staff is instead available on a voluntary basis and is also offered for special cases and digital literacy.

4.8.6.2. Systemic control mechanisms

Germany's supervisory architecture for the notarial profession comprises three distinct institutional layers. First, a supervisory body exists at both the *Land* level and at the chamber level. The supervisory authority of the State ministry is hierarchical and extends to disciplinary sanctions, including removal from office. Second, regular auditing procedures are conducted for all notaries at regular intervals, covering different aspects of the notarial profession. Third, there is a malpractice procedure, providing a graduated system of sanctions from professional reprimands to revocation of appointment. This well-established structure of oversight ensures proper surveillance of the quality of the service provided by notaries in Germany and offers adequate intervention tools in case of malpractice.

4.8.7. Digitalisation: Capacity, strategy and bottlenecks

Germany's notarial chamber infrastructure has developed a comprehensive digitalisation strategy. This strategy is supported by dedicated institutional resources: the *BNotK* maintains a specialised digitalisation department with 71 employees. The existence of process impact assessments of digitalisation, skills and training programmes for digitalisation and IT/tech expertise as a hiring criterion confirms that Germany's notarial sector has institutionalised digitalisation as a strategic governance priority.

The *BNotK* identified three processes as important.

> *First, electronic documents and signatures are now possible in in-person proceedings (except testaments) and in unilateral or aligned-interest company law matters online, reducing medium discontinuities. Online proceedings run on a State-run platform operated by the Federal Chamber of Notaries that all notaries and citizens must use to match in-person quality standards and digital archiving is being expanded.*
>
> *Second, electronic communication with courts and authorities is being standardised using a common software solution and XML. A growing number of local authorities, including land registry courts, can communicate digitally with any notary and a forthcoming law will fully digitalised real estate transactions, replacing paper-based communication.*
>
> *Third, citizen-facing digital portals – the chamber's own and private alternatives – reduce citizens' search and coordination costs, offering scheduling, document submission and case status tracking.*

Federalisation is no structural barrier as such but might rather imply that some regions are connecting faster to the standardised communication system than others. But this is no structural problem for digitalisation.

The self-financing structure of the German notarial profession is no barrier to digitalisation. While capital costs of digital infrastructure investment (hardware, software, cybersecurity, training) fall on individual practitioners – and do not go far beyond the costs for standard hardware solutions, such as a computer and a webcam – statutory fees exist to finance digitalisation (for instance a small fee for sending a digital document). Moreover, the software necessary to draw up electronic public documents (authentic instruments) in-person or online is prescribed by statute and operated by the German Federal Chamber of Notaries. Hence, the German system requires and encourages all notaries to digitalise and therefore proactively diminish investment barriers for all notaries equally, ensuring that digitalisation is possible at the same speed for all notaries.

4.8.8. Synthesis: Efficiency assessment and country-specific findings

An economic analysis of Germany's non-contentious justice system by employing this study's composite performance indicators is limited because of the structure of Germany's non-contentious justice system. Favouring discretion and local governance/subsidiarity over centralisation, the German justice system's federal structure neither envisages nor necessitates the collection of nationwide caseload and caseflow statistics at the notarial level and no centralised federal authority maintains these data. The four composite performance indicators that this study is based on (Clearance Rate, Work Overload index, Stake Change and Disposition Time) cannot therefore be constructed for the German case. This limitation is not incidental but structural and it reflects a broader governance characteristic of the German system. The distribution of judicial administration across sixteen *Länder* generates a fragmented information environment that is difficult to aggregate without dedicated federal data infrastructure.

Regarding the qualitative dimensions of the analysis, Germany presents a notably strong profile in terms of quality assurance. Entry requirements for the notarial profession are among the most demanding in the European Union, the legal education and training architecture for both notaries and legal staff is well-developed and the three-layer supervisory system provides robust monitoring and enforcement capacity. The *Bundesnotarkammer*'s digitalisation strategy is similarly advanced in institutional terms, with a dedicated department and confirmed process impact assessments. The speed of the connection of notaries to local public authorities via a standardised communication system is somewhat determined by structural (especially the distributed legislative competences of the *Länder*) rather than strategic or operational aspects at the notarial-chamber level.

The key country-specific finding might appear to be a tension between institutional quality and systemic transparency: a professionally regulated, technically capable notarial system that seems to lack the data needed to evaluate its performance quantitatively. However, the capacity for quantitative evaluation is inherent in how the number and geographic distribution of notaries are determined to ensure the proper administration of justice. Given that a federal system appropriately leaves these decisions and the supporting information to the *Länder*, there is no need for centralised federal data collection and hence no genuine tension between institutional quality and systemic transparency. Nonetheless this pattern may merit attention in other areas of future cross-country reporting. Moreover,

German notaries and courts perform distinct roles, which inherently limits the 'case' data available for comparison.

4.8.9. Policy recommendations

Based on the findings of this report, the following policy recommendations are proposed for consideration by the relevant German authorities and stakeholders.

First, observed developments of the notary-to-population ratio warrants the maintenance of a balanced age structure within the profession in the context of access-to-justice objectives.

Second, the *Länder* should continue on the positive path of enabling digital communication between notaries and local authorities, such as via land registries. Standardised communication tools should continue to be used as well as standardised formats where appropriate.

4.9. Greece country report

4.9.1. Abstract

Greece operates a civil law legal system in which notaries play a significant and expanding role in non-contentious proceedings. The notarial profession is served by a sizeable and broadly stable corps of practitioners and support staff, with total sector employment recovering from a pandemic-related contraction in 2020 to reach its highest level in the observation period by 2022. The density of the notarial network relative to the population compares favourably with that of the court system, attesting to the role of notaries as a geographically distributed access infrastructure for non-contentious legal services. Notarial fees are governed by a statutory tariff regime and are publicly accessible, providing citizens with full *ex ante* cost information and satisfying the transparency requirements associated with effective access to justice.

The notarial caseload grew substantially over the observation period. Despite this growth, processing times remained stable across all legal areas, implying that the sector absorbed higher caseload volumes without measurable productivity losses. System level performance indicators confirm a consistently positive efficiency trajectory. Direct comparison with data for the broader legal sector reveals that the notarial sector substantially outperforms the wider justice system on Disposition Time and clearance metrics for equivalent or overlapping case types, providing empirical support for the efficiency rationale underpinning notarial delegation.

The quality assurance framework combines a supervisory body, a malpractice procedure and regular auditing, although initial training for notaries is not compulsory and digital literacy training for legal staff remains optional. The sector demonstrates a strong institutional commitment to digitalisation, with a dedicated chamber department, a substantial annual investment budget and several major digital platforms already operational. Key remaining priorities include the digitalisation of notarial archives, the creation of centralised registries for powers of attorney and prenuptial agreements and the extension of electronic file access to succession proceedings. The main policy recommendations address the development of an interinstitutional electronic communication system, the expansion of e-file functionality to succession cases and the

removal of legislative and funding barriers to the continued advancement of digital infrastructure.[12]

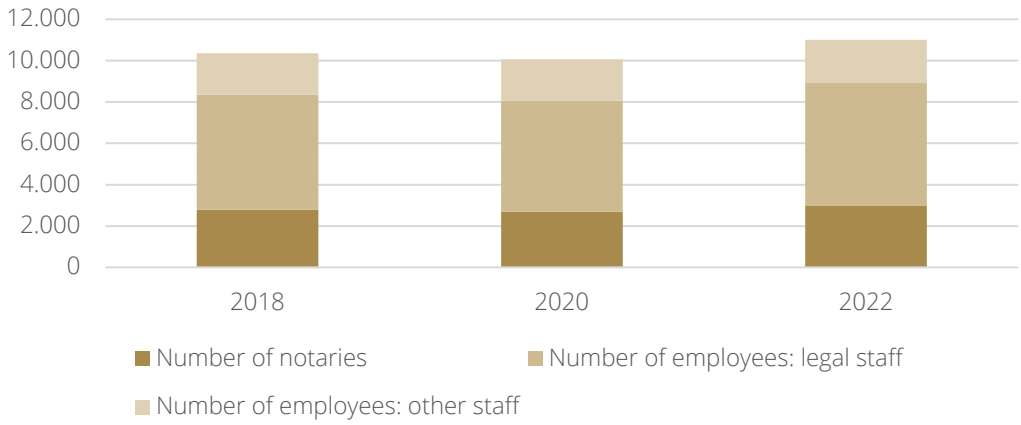
4.9.2. Country profile and institutional context

4.9.2.1. The notarial sector: Structure and scale

Active notaries declined modestly from 2,787 in 2018 to 2,687 in 2020 before recovering to 2,970 by 2022 (+6.6% over the period). Total sector employment followed the same trajectory, falling to 10,061 in 2020 before rising to 11,010 in 2022. The 2020 contraction reflects COVID-19 disruption. The recovery reflects deferred demand and expanded notarial competences.

Figure 38: Employment in the notarial sector in Greece

Notaries, legal and other staff between 2018 and 2022



Source: JuWiLi

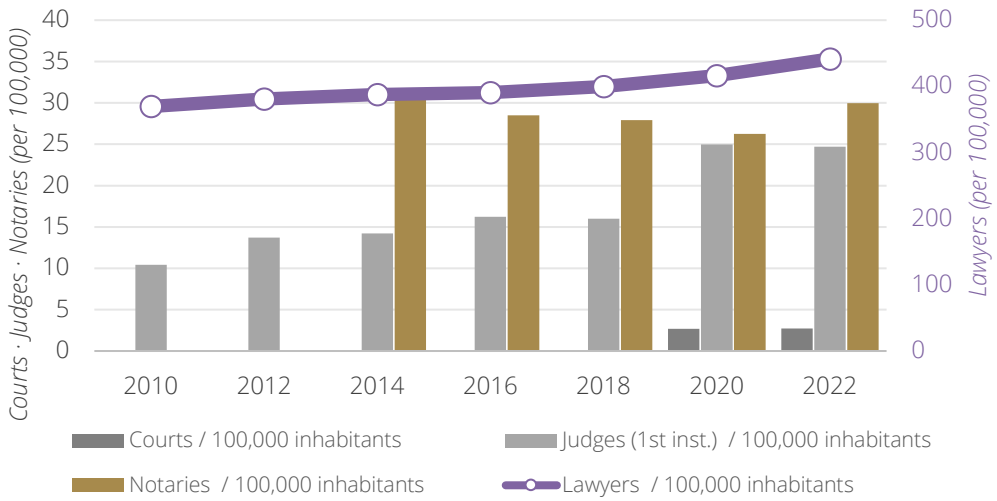
As shown in Figure 39, the notary-to-population ratio remained broadly stable at approximately 30 per 100,000 inhabitants – denser than the court system's 2.7 per 100,000 and first instance judges' 25 per 100,000 in 2022. This density is consistent with the transaction cost rationale for notarial delegation: citizens face lower search and travel costs

[12] Regarding the digitalisation/electronic access to published wills and to certificates on the existence of a published will, it should be noted that, by virtue of Law No. 5221/2025 (Government Gazette A 133/28.7.2025), the competence for the publication of wills and the validation of holograph wills was transferred from the district court to the notaries. An Electronic Wills Registry, which is maintained by the notarial chambers of the country and is electronically accessible upon application and payment of a fee, has been operational since the end of 2025.

when approaching a notary than when navigating a more sparsely distributed court network.

Figure 39: Legal experts in the justice system in Greece

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022

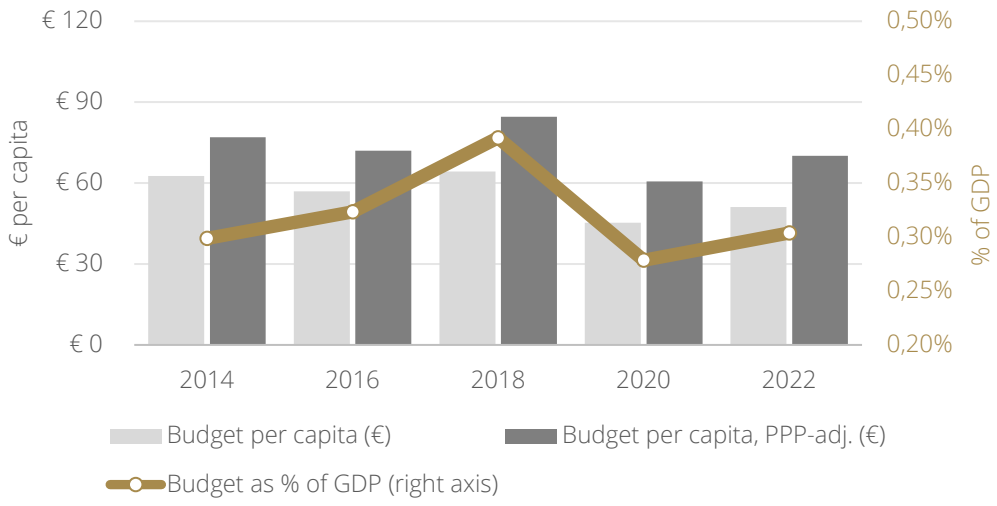


Source: CEPEJ | Economica

Figure 40 shows the budget for the Greek justice system. The GDP share fell from 0.39% in 2018 to approximately 0.3% in 2022. PPP-adjusted per capita spending declined from 84.6 euro in 2018 to 60.6 euro in 2020 before recovering to 70.2 euro in 2022, reflecting COVID-19-related fiscal contraction.

Figure 40: Whole justice system budget in Greece

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

4.9.2.2. Institutional architecture: Courts, notaries and other authorities

Table 13 shows the institutional distribution of non-contentious proceedings across courts, other authorities and notaries for 2018, 2020 and 2022. Notaries hold exclusive competence for non-litigious divorce and for the conclusion and dissolution of registered partnerships. Marriages are handled entirely by other authorities. Notaries' share in cases regarding the business registry declined from 7% to 2%. Both notaries and courts or other authorities in Greece have competences in cases of successions and land registry. However, their respective shares cannot be estimated due to lack of official data.

Table 13: Legal structure for processing non-contentious cases in Greece

Institutional distribution[13]

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Notarisation of wills							100%	100%	100%
Divorce* (non-contentious)	0%	0%	0%	0%	0%	0%	100%	100%	100%
Marriages				100%	100%	100%	0%	0%	0%
Land registry							27%	26%	50%
Business registry	0%	0%	0%	93%	96%	98%	7%	4%	2%
Reg. Partnership							100%	100%	100%

Source: JuWiLi

The procedural architecture across all case types reflects consistent features: no territorial jurisdiction constraints apply; fees are standardised under published tariff schedules; notaries do not act as court commissioners and are nominated by the client rather than the court; and the final decision does not lie with the court. Electronic file access is available for non-litigious divorces, business registry and land registry, but not for other categories; interinstitutional digital communication remains absent in most areas. A newly delegated

[13] Data on succession refer only to the notarisation of wills. Notarial acceptances of inheritance, which also include intestate succession, fall in the statistics under 'miscellaneous acts'. No exact number can be ascertained.

The land registry percentage figure for notaries refers to all acts, including transfer of immovable property (sales, donations etc.), which are subsequently followed by the preparation and submission of the documents by the notary to the Land Registry/Cadastral Office. The acts registered at the Land Registries/Cadastral Offices are issued by various authorities, apart from notaries (courts, lawyers, administration) such as court decisions, lawsuits, seizures and administrative acts. There are no separate statistical data distinguishing between acts related to litigation and those under non-contentious jurisdiction.

The business registry percentage figure refers to all the notarial acts founding and dissolving a company. The number for other authorities refers indicatively to the total of the registration of new companies with the General Commercial Register including those founded by notarial act.

competence for will publication (Law 5221/2025) is inherently digital from the outset, with full electronic file access and communication already operational.

4.9.3. Caseload analysis: Volume, composition and trends

4.9.3.1. Non-contentious caseload by legal area

Notarial caseloads grew substantially over the observation period. Succession cases recovered from a pandemic dip to reach 33,206 in 2022, with courts also holding concurrent competence for which no official statistics are available.[14] Non-contentious divorces grew by 41.1% to 12,411 in 2022; land registry cases rose sharply to 177,507 in 2022 (+36.3% relative to 2018), driven by post-pandemic property market activity.[15] Business registry acts declined modestly (from 2,599 to 1,739) as online registration expanded. Registered partnership acts grew from 834 to 1,565.

4.9.3.2. Caseflow management

According to data collected, based on a survey of 31 Athenian notaries, resolved cases broadly matched incoming caseloads across all three reference years, with carryover volumes remaining low, indicating limited backlog accumulation.

In general, a positive trend, in terms of swifter workflow management, is highlighted throughout the observed period. This is mainly due to the accelerated digitalisation of some procedures during the Covid-19-pandemic and to the abolition of some additional documentation that was previously required.

4.9.4. Efficiency analysis: Processing time and throughput

Processing time data are based on surveys of Athenian notarial offices and reveal stable, highly differentiated throughput speeds across legal areas.

4.9.4.1. Average processing duration by legal area

Processing times remained stable across 2018, 2020 and 2022 despite rising caseloads, confirming that the notarial sector absorbed demand increases without productivity losses.

[14] Data on succession refer only to the notarisation of wills. Notarial acceptances of inheritance, which also include intestate succession, fall in the statistics under 'miscellaneous acts'. No exact number can be ascertained.
[15] Source: Hellenic Statistical Authority

Average processing times for succession averaged 66.5 days, for divorce two days, for land registry and business registry three and one days respectively across all three reference years. These durations remained stable despite rising caseload volumes, implying an implicit productivity improvement. No systematic cross-border caseload is recorded.

4.9.4.2. System level performance indicators

The Clearance Rate (CR) remained at or above 1 across all legal areas and all reference years, confirming that the notarial sector resolved at least as many cases as it received in every period. Succession CR of approximately 1.1 reflects active reduction of a pre-existing backlog; divorce CR was precisely 1; land registry was marginally above 1; business registry dipped to 0.95 in 2018 before recovering to 1 by 2022.

These trends are consistent with the caseflow management data collected and jointly confirm that the notarial sector progressively improved its capacity utilisation across the observation period. A Clearance Rate above 1 in succession proceedings reflects active backlog reduction rather than a capacity deficit.

For the whole legal sector (CEPEJ data, 2022 only), the CR is more volatile across case categories, permitting only a cross-sectional rather than longitudinal comparison with notarial performance.

For land registry, CR in the notarial sector is distinctly higher than in the whole justice system, pointing to shorter resolution times. Business registry CR is broadly similar between the two sectors.

The Work Overload (WO) indicator declined markedly across all legal areas between 2018 and 2022. Succession WO fell from 0.31 to 0.07 (−75%); land registry from 0.16 to 0.03; business registry from 0.21 to 0.07; divorce remained consistently low at approximately 0.03 throughout. By 2022, the Greek notarial sector had largely eliminated its legacy backlog across all the main legal areas.

For the whole legal sector (2022), all case categories show substantially higher Work Overload than the notarial sector, consistent with the CR findings.

The Stake Change (SC) indicator confirmed accelerating backlog reduction between 2018 and 2022. Succession SC deepened from −0.22 to −0.50; land registry fell sharply to −0.68 in 2022, implying near complete elimination of the pending stock. Divorce SC remained near zero throughout, confirming full annual clearance. Business registry SC reversed from +0.30 in 2018 to −0.45 in 2020 following COVID-19-period digitalisation, stabilising near zero in 2022.

For the whole legal sector in 2022, land registry shows large positive SC values (+1.4 to +1.6), indicating rapidly growing pending stocks in stark contrast to the notarial sector's near elimination of the same backlog. Whether this divergent dynamic is persistent cannot be assessed due to the absence of multi-year whole sector data.

The Disposition Time (DT) declined substantially across all legal areas, constituting the clearest expression of efficiency gains. Succession DT fell from approximately 115 days in 2018 to 32 days in 2022 (−72%); land registry from 59 to 12 days (−80%); business registry from 76 to 26 days; divorce remained stable at 11-12 days throughout.

For the whole legal sector in 2022, land registry DT was at approximately 630 days and business registry approximately 240 days – substantially higher than the corresponding notarial sector figures of 12 and 26 days, confirming the markedly superior disposition efficiency of the notarial sector.

4.9.5. Cost structure and fee transparency

In Greece, notarial fees are standardised under a statutory public tariff, with all costs borne by private individuals. Fee schedules are publicly accessible and costs vary according to case complexity. The tariff model provides citizens with full *ex ante* cost information, eliminating information asymmetry and approximating the transparency conditions for effective access to justice. The private cost model may create access barriers for lower income citizens, particularly in succession proceedings.

4.9.6. Quality assurance, training and supervisory oversight

Quality assurance in the Greek notarial sector encompasses both the initial and continuing professional development (CPD) of notaries and their staff, as well as systemic oversight and control mechanisms. The data presented in this section provide a structured overview of the applicable training requirements and supervisory arrangements.

4.9.6.1. Initial and ongoing professional training

Only initial training is compulsory for notaries. For legal staff, even initial training is optional. In-service, specialised case and digital literacy training are available on an optional basis for both groups. The availability of optional specialist and digital training is a positive indicator of a culture of professional development, although the increasing digitalisation of registry processes makes ongoing investment in digital literacy important for sustaining efficiency.

4.9.6.2. Systemic control mechanisms

The Greek systemic supervisory architecture is complete: a supervisory body exists, regular auditing is conducted and a malpractice procedure is in place. Notaries are subject to annual prosecutorial review of their books and deeds on a sample basis, constituting an external oversight layer independent of chamber self-regulation. Together, these mechanisms provide the institutional foundation necessary to sustain public confidence in a system that delegates binding legal authority to private practitioners.

4.9.7. Digitalisation: Capacity, strategy and bottlenecks

Greece presents a well-developed institutional commitment to the digitalisation of notarial processes, characterised by the existence of a formal strategy, dedicated resources and ongoing process impact assessments. The Hellenic Notarial Chamber maintains a dedicated digitalisation department comprising 40 employees, with an annual investment budget in the range of 2 to 2.5 million euro allocated to servers, software, hardware and digital platforms. A formal process impact assessment of digitalisation measures has been conducted. Digital literacy training and IT expertise hiring criteria are both operational, indicating that the human capital dimension of the digitalisation transition is actively managed alongside the technological infrastructure dimension.

Two significant digitalisation achievements are already operational. Since 2011, the registration of companies in the General Commercial Registry through the notary as a one-stop-shop has been fully digitalised, enabling same-session company incorporation with immediate electronic registration. Since 2017, the conduct of compulsory auction proceedings has been digitalised. A further milestone, the electronic platform for the publication of wills, mandated by Law 5221/2025, has been operational since the end of 2025, conferring on notaries a new and exclusively digital competence for the registration and publication of wills through a national electronic registry for testaments maintained by the regional notarial chambers.

The three digitalisation priorities identified by the Hellenic Notarial Chamber for the near term policy horizon are the digitalisation of notarial archives (currently maintained exclusively in hard copy form), the establishment of a digitalised registry of powers of attorney and the creation of a digitalised registry of prenuptial and succession agreements. Each of these priorities addresses a genuine information cost bottleneck: paper archives impede the rapid retrieval and authenticated circulation of certified copies; the absence of a central powers-of-attorney register creates verification costs and legal uncertainty in transactions relying on agency authority; and the absence of a prenuptial and succession agreement registry generates information asymmetries in inheritance and matrimonial property proceedings. The three main barriers identified are: incomplete and impractical

enabling legislation; insufficient government co-funding; and a scarcity of digital training programmes.

4.9.8. Synthesis: Efficiency assessment and country-specific findings

Taken together, the data presented in this report paint a broadly positive picture of the Greek non-contentious justice system, where notaries are important actors in many fields. Employment in the sector has remained stable, supporting consistent service delivery. Caseloads have grown modestly over the observation period, driven by increased activity in non-litigious divorce and land registry, while business registry transactions have shifted progressively towards other authorities.

Performance indicators confirm that the system is operating efficiently. For example, clearance rates improved significantly between 2018 and 2022 and Work Overload indicators declined across all three notarial case types. These trends indicate that the notarial sector in Greece has absorbed growing caseloads without a corresponding deterioration in performance. Fee standardisation and a structured supervisory framework further underpin the quality and accessibility of notarial services.

4.9.9. Policy recommendations

Based on the findings of this analysis, the following policy recommendations are proposed for consideration by relevant Greek authorities and stakeholders.

First, the electronic accessibility of succession case files should be prioritised. Currently, succession proceedings, which represent the most complex and time-intensive notarial case type, are the only category without electronic file access. Extending e-file functionality to this area would reduce processing times and improve service delivery for citizens navigating estate settlements. Second, an electronic communication system between courts, notaries and registry authorities should be developed. The absence of such a system creates friction in multi-institutional proceedings and limits the potential efficiency gains from digitalisation. A shared digital communication platform, aligned with existing e-government infrastructure, would facilitate faster and more reliable case handover.

In order to accelerate the implementation of such recommendations, measures to improve digitalisation may be helpful. These should be put in place both at the level of the notarial chamber and on the political side through proper legislation and the development of adequate training programmes.

4.10. Hungary country report

4.10.1. Abstract

Hungary operates a civil law legal system in which notaries exercise a central and formally autonomous role in many non-contentious proceedings. The notarial sector is served by a stable corps of practitioners supported by a growing body of legal staff, reflecting an expanding administrative burden consistent with the substantial and increasing caseload managed across reference years.

Across many proceeding types, notarial competence is either exclusive or near exclusive, attesting to the deeply institutionalised nature of the delegation model. Notary fees are governed by a statutory tariff regime and are publicly accessible, satisfying consumer transparency requirements and eliminating information asymmetries in the cost of legal services. Efficiency indicators reveal a well-functioning system with structurally sound throughput performance.

Hungary's notarial sector maintains a comprehensive quality assurance framework, encompassing compulsory initial and in-service training requirements for notaries, an active supervisory body, regular process auditing and established malpractice procedures. The sector demonstrates a strong and strategically oriented commitment to digitalisation, with a dedicated institutional department, proprietary digital registries and a fully operational electronic payment order system in place. Key remaining priorities include the introduction of fully digital notarial acts, the establishment of a legislative framework for remote electronic notarial procedures and the completion of electronic land registry integration. The main policy recommendations address the extension of compulsory digital literacy training to notaries and legal staff and the initiation of a formal legislative assessment of the preconditions for authorising remote electronic notarial procedures.

4.10.2. Country profile and institutional context

Hungary operates a civil law legal system in which notaries play a central and formally autonomous role in non-contentious proceedings. The country’s notarial profession is governed as a liberal profession under public law, with the Hungarian Chamber of Notaries serving as the central professional body. Hungarian notaries hold exclusive statutory competence over succession proceedings, payment orders and European payment orders. In land and business registry matters, competence is shared with attorneys. Courts retain jurisdiction for other civil and commercial non-contentious matters. Non-contentious

divorces have not been delegated to notaries in Hungary. However, notaries hold competence over the non-contentious dissolution of registered partnerships (since 2009).

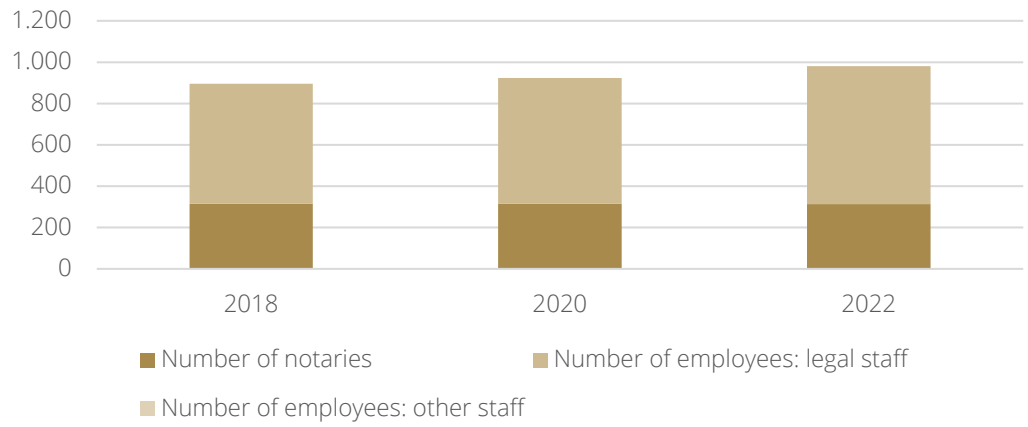
4.10.2.1. The notarial sector: Structure and scale

In the reference years, the corps comprised 315 notaries in 2018 and 2020, declining marginally to 313 in 2022. This constitutional stability of headcount is noteworthy given the substantial caseload managed. It implies high average throughput per notary and underscores the comparative advantage of a specialist, high volume institutional processor relative to the generalist court system.

The legal staff employed within notarial offices grew over the observation period, rising from 580 employees in 2018 to 608 in 2020 and 668 in 2022, an aggregate increase of approximately 15%. By contrast with the stability of notary numbers, this growth trajectory suggests that the administrative burden of casework is expanding, consistent with the volume data examined below.

Figure 41: Employment in the notarial sector in Hungary

Notaries, legal and other staff between 2018 and 2022



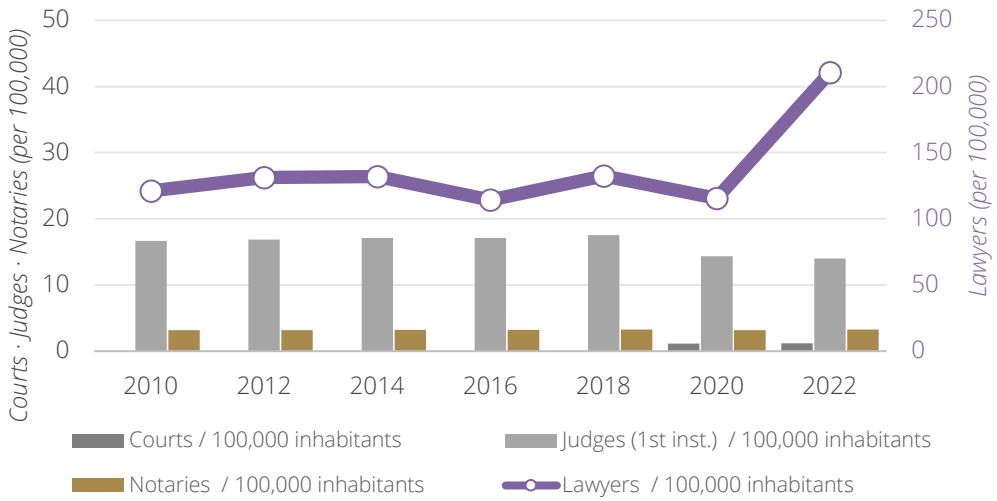
Source: JuWiLi

Note: Due to lack of official data and high levels of fluctuation with regard to personnel, it was not possible to assess the overall non-legal employees ('other staff') in the notarial sector in Hungary.

Figure 42 situates the Hungarian notarial profession within the broader justice system using CEPEJ data. Notary density per 100,000 inhabitants remained consistently low across 2010-2022, while lawyer density grew considerably to become the highest among the legal professions shown. Judge and court densities remained broadly stable throughout the period.

Figure 42: Legal experts in the justice system in Hungary

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



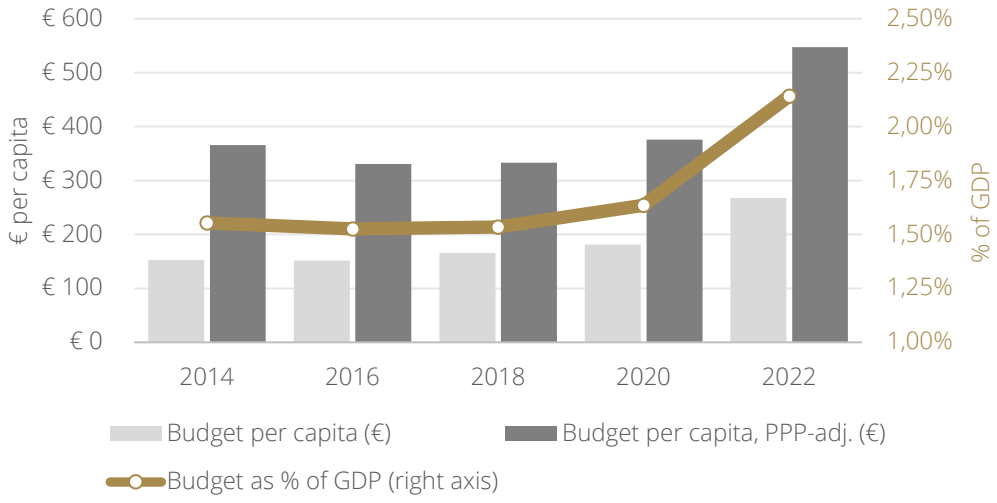
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 43 illustrates the evolution of Hungary's whole justice system budget from 2014 to 2022. The budget is presented in three forms: as a share of GDP, as an amount *per capita* in euro and as a PPP-adjusted *per capita* figure. The share of the justice budget in GDP increased from approximately 1.5% in 2014 to around 1.6% in 2020 and reached approximately 2.1% in 2022. In *per capita* terms, expenditure rose steadily from approximately 200 to 300 euro in 2014 to over 500 euro in 2022.

Figure 43: Whole justice system budget in Hungary

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

4.10.2.2. Institutional architecture: Courts, notaries and other authorities

Across all reference years, notaries held exclusive competence over succession, payment orders, European payment orders and enforcement orders (based on notarial acts plus national or EU payment order), collectively representing the overwhelming share of resolved proceedings. In the large majority of cases, land registry cases and business registry cases are processed by attorneys. However, no statistics regarding the processed cases are available. The respective shares of land registry and business cases cannot therefore be assessed.

Table 14: Legal structure for processing non-contentious cases in Hungary
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce* (non-contentious)	100%	100%	100%	0%	0%	0%	0%	0%	0%
Land registry excerpt Business registry excerpt	No data available								
Other: civil and commercial non-contentious matters	100%	100%	100%	0%	0%	0%	0%	0%	0%
Other: European payment order	0%	0%	0%	0%	0%	0%	100%	100%	100%
Other: Payment order	0%	0%	0%	0%	0%	0%	100%	100%	100%
Other: Ordering of enforcement upon European payment order	0%	0%	0%	0%	0%	0%	100%	100%	100%
Other: Ordering of enforcement upon national act	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Across all key proceeding types, competence is geographically restricted to predetermined districts, except for marriages and EU payment orders. Fees are standardised; notaries act autonomously rather than as court commissioners; and electronic file access and interinstitutional communication vary by proceeding type.

For all categories, fees are standardised, ensuring a high degree of transparency in terms of the cost structure of the service offered. Most categories fall under the competence of notaries and, for land registry cases, business registry cases and EU payment orders, it is the client who nominates the notary. National payment orders are subjected to a slightly different regime. By default, the application is submitted electronically, in which case the digital notarial system distributes the cases among the notaries of the country. In case of in-person application, which is possible if the creditor is a natural person without legal representative, the notary is chosen by the creditor.

In terms of digitalisation, the picture is not homogenous. For successions and business registry cases, files are accessible electronically and there is a digital communication system between courts and notaries. These features increase both the transparency and the efficiency of the sector.

4.10.3. Caseload analysis: Volume, composition and trends

4.10.3.1. Non-contentious caseload by legal area

Hungary's non-contentious caseload is dominated by payment order and enforcement proceedings. In absolute volume terms, payment orders resolved by notaries amounted to 508,743 in 2018, declining to 435,694 in 2020 and recovering to 439,593 in 2022. The 2020 contraction is consistent with the macroeconomic disruption associated with the COVID-19 pandemic, which suppressed commercial credit activity and, consequently, enforcement demand. The subsequent stabilisation of volumes in 2022 reflects the post-pandemic normalisation of commercial credit flows.

Orders of enforcement upon a national payment order followed a declining trajectory: 405,209 in 2018 to 331,434 in 2022, likely reflecting improving voluntary compliance rates or structural shifts in creditor behaviour.

Succession proceedings, the other major category of notarial competence, exhibited a V-shaped trajectory: 111,107 resolved cases in 2018, a pronounced contraction to 93,095 in 2020 and a full recovery to 126,519 in 2022. The 2020 decline in succession cases is attributable at least in part to pandemic-related administrative disruptions and court closure effects on the filing of succession petitions. However, the 2022 surge significantly exceeded the pre-pandemic baseline, which may reflect a demographic bulge in mortality outcomes and associated estate filings. Land registry proceedings (5,419 in 2018; 3,262 in 2020; 3,863 in 2022) and business registry excerpt proceedings (101 in 2018; 63 in 2020; 48 in 2022) remained quantitatively marginal throughout the period, reflecting the fact that the notarial intervention in this area is rather limited. Non-contentious divorce proceedings,

which remained under exclusive court jurisdiction throughout the reference period, were stable at approximately 24,000 to 25,500 cases *per annum*.

4.10.3.2. Caseflow Management

Annual caseflow data for notaries reveal structurally sound throughput performance across all major categories of proceedings. In succession matters, pending inventories at the start of each reference year (30,074 in 2018; 30,434 in 2020; 41,883 in 2022) remained within a range compatible with normal processing continuity, notwithstanding the elevated 2022 opening balance that reflects the above-noted surge in incoming filings (127,834). The forwarding rate to second instance courts was reported as not applicable (n/a) in all succession categories and across all three reference years, indicating that the national data system does not separately track appeals forwarded to higher courts at the notarial level or, alternatively, that such appeals are negligible in volume. This represents a data gap that partially limits the quality signal ordinarily extractable from the forwarding rate as a proxy for first instance decision quality.

4.10.4. Efficiency analysis: Processing time and throughput

4.10.4.1. Average processing duration by legal area

The processing time data below cover both national and cross-border proceedings.

In 2020, succession cases averaged 117 days, with 58% resolved in under three months. Land registry and business registry cases were resolved almost entirely within three months, averaging three days and one day respectively. Payment orders were similarly concentrated in the shortest bracket.

In 2022, the distribution patterns were broadly consistent with 2020. Succession averaged 121 days (56% within three months); land registry averaged three days; business registry averaged two days; payment orders averaged 75 days; enforcement orders averaged 33 days; and European payment orders averaged 57 days.

Mean processing times vary substantially by legal area. Succession averaged 103 days in 2018, rising progressively to 121 days in 2022, consistent with growing estate complexity and demographic ageing. Land and business registry proceedings were virtually

instantaneous (one to three days). Payment orders averaged 75-81 days; enforcement orders 27-34 days; European payment orders 57-75 days.[16]

4.10.4.2. System level performance indicators

The four composite performance indicators – Clearance Rate (CR), Work Overload (WO) index, Stake Change (SC) and Disposition Time (DT) – are presented below. The indicators are disaggregated by legal area for both the notarial sector and the wider legal sector, enabling cross-institutional comparison. Consistently positive clearance rates and declining disposition times in the notarial domain provide empirical support for the efficiency rationale underpinning notarial delegation.

The CR for the notarial sector remained close to 1 for succession throughout the period; land registry CR declined modestly from near 1 in 2018 to approximately 0.95 in 2022, indicating a backlog that is slightly growing. Overall, clearance rates reflect a well-balanced caseload with no structural backlog.

For the broader legal sector (CEPEJ data, 2010-2022), CR for non-litigious cases remained close to or above 1 throughout, with occasional values above 1 indicating backlog reduction periods.

The WO indicator shows a gradual upward trend across all notarial areas. Succession rose from 0.28 to 0.34; land registry from 0.007 to 0.17; business registry from 0.059 to 0.25 between 2018 and 2022. While values remain below critical levels, the upward trends in registry proceedings warrant monitoring.

For the legal sector (2010-2022), WO generally remained below 0.15 across non-litigious categories, consistent with near unity CR; a spike in 2012-2014 likely reflects a data collection change and 2020 anomalies reflect COVID-19 disruption.

The SC indicator for the notarial sector shows minimal change in succession; land registry SC was highly volatile, with a spike in 2020; business registry SC turned slightly negative in 2022, indicating gradual backlog reduction.

For the legal sector (2010-2022), SC for non-litigious cases fluctuated moderately around zero. Early negative values in civil and commercial cases reflect structural reforms. By 2022,

[16] *From the moment that the request for payment order is assigned to the notary, the notary has three business days to issue the payment order (unless additional information needs to be collected from the creditor). The indicated average takes into consideration the period between the assigning of the payment order to the notary until the date on which the notary officially closes the procedure, which can vary in its duration given that the payment orders are delivered by postal mail. Furthermore, the case can be transformed into a contentious court procedure. The periods and the average indicated above also reflect the periods at the end of which the notary officially closes the procedure.*

SC values had broadly stabilised near zero across categories, with the exception of a 2020 spike across all categories.

The DT for the notarial sector increased across all legal areas. Succession rose from approximately 100 to 125 days (2018-2022); land registry from 2.7 to 63 days; business registry from 21.7 to 91.3 days. While these values do not indicate a critical backlog, the upward registry trends suggest increasing pressure.

For the broader legal sector (2010-2022), DT is generally lower than in the notarial sector but has grown over the decade across most categories, consistent with the notarial sector trends.

4.10.5. Quality assurance, training and supervisory oversight

4.10.5.1. Initial and ongoing professional training

Hungarian notaries are subject to a compulsory training regime that operates at both the pre-appointment and in-service stages. Before being appointed as a notary, candidates must complete three years of practice at a notarial office followed, upon completion of the bar exam, by a minimum of three years of service as deputy notaries. This puts Hungary among the more demanding EU Member States in terms of initial qualification requirements. In-service training is compulsory for practising notaries in both general and specialised case categories. No optional or voluntary provision is indicated, signalling a system that treats professional development as an institutional obligation rather than as an individual choice. For legal staff employed in notarial offices, compulsory initial training and compulsory in-service training for specialised cases are both required, consistent with the high volume, technically complex nature of the proceedings that they support. Since 2025, both notaries and legal staff with less than three years of experience are required to complete a mandatory AI training programme, which includes a legal tech module. For notaries and legal staff with longer tenure, this kind of training is available on a voluntary basis.

4.10.5.2. Systemic control mechanisms

The systemic control architecture in Hungary is complete. A supervisory body exists, regular auditing procedures are conducted and a formal malpractice process is in place. This configuration addresses the core monitoring problem inherent in delegating sovereign legal functions to a self-regulated profession, combining process compliance verification with *ex post* accountability and deterrent incentives against professional misconduct.

4.10.6. Digitalisation: Capacity, strategy and bottlenecks

Hungary's notarial sector has a well-developed digitalisation infrastructure. A formal strategy exists, a 19-person chamber department implements it, process impact assessments have been conducted and IT competence is a recruitment criterion. Proprietary digital registries and a fully operational electronic payment order system are deployed, constituting a significant competitive advantage relative to less digitalised EU Member State systems.

Three near term digitalisation priorities were identified: full digital notarial acts to eliminate residual paper-based components; remote electronic notarial procedures pending legislative authorisation, which constitutes a binding regulatory constraint; full electronic integration of land registry proceedings, currently under development by the State.

Three main barriers were identified by the chamber: the low penetration of digital signatures among the general population, the absence of a legislative framework for remote electronic procedures and deficiencies in the e-land-registry system. Each barrier requires a different policy instrument to be resolved and their simultaneous presence explains why, despite its advanced institutional digitalisation capacity, the Hungarian notarial system has not yet achieved the full-cycle digital processing of all proceeding types.

4.10.7. Synthesis: Efficiency assessment and country-specific findings

Hungary presents a paradigmatic case of deep institutional delegation of non-contentious legal functions to the notarial profession. The Hungarian institutional model generates efficiency gains through three reinforcing mechanisms: specialisation, scale and digitalisation. First, the conferral of exclusive – rather than concurrent or delegated – jurisdiction over succession, payment order and enforcement proceedings concentrates case volumes in a profession optimally configured to process them, eliminating the procedural overhead costs associated with court involvement in low complexity, high volume matters. Second, the resulting scale of notarial throughput – exceeding 900,000 resolved proceedings *per annum* – supports the fixed costs of digital infrastructure investment that would be economically unjustifiable at lower volumes, thereby generating increasing returns to scale in the provision of notarial legal services. Third, the deployment of a fully electronic payment order system has materially reduced per case administrative cost and processing time, as shown by the declining pending stock inventories and improving clearance ratios observed over the reference period.

Against these strengths, the analysis identifies one structural feature in particular warranting continued monitoring. The progressive extension of succession case duration requires sustained attention, notwithstanding its plausible attribution to post-pandemic backlog effects and demographic volume increases. If this trend persists beyond the

current observation window, it would suggest capacity constraints that the current headcount configuration may be unable to absorb without remedial action.

4.10.8. Policy recommendations

Notaries in Hungary already have a mandate in various fields of non-contentious matters and deal with a high number of cases on a regular basis.

Nevertheless, a possible recommendation for the Hungarian legislature would be to initiate a formal assessment of the regulatory preconditions for authorising remote electronic notarial procedures, with a view to establishing framework legislation within the current parliamentary term. The chamber has identified this as a priority and the technology enabling it is available. The regulatory gap represents a binding constraint on service access for citizens with mobility limitations, geographic isolation or international residence – precisely the categories for which the access-to-justice objectives of the OECD recommendation are most salient.

Furthermore, the introduction of consensual divorce as a notarial competence could also be recommended here. The application could be inspired by the role of notaries in dissolving registered partnerships.

4.11. Italy country report

4.11.1. Abstract

Italy presents one of the most structurally significant cases of notarial dominance in non-contentious civil proceedings within the European Union. Across the three reference years 2018, 2020 and 2022, Italian notaries handled approximately 80% of succession cases, 94% of land registry transactions and 96% of business registry filings, leaving courts with only a marginal residual caseload in these legal areas. The notarial sector is large by European standards, comprising 5,120 notaries in 2022, supported by a total workforce of approximately 22,600, of whom roughly 78% hold legal qualifications.

Geographic accessibility data confirm that notaries are substantially closer to citizens than courts of first instance. The median population-weighted distance to the nearest notary is 2.1 km, compared to 10.9 km to the nearest court. The Cartabia reform (Legislative Decree 149/2022) has extended notarial competence into the field of voluntary jurisdiction, adding a further layer of delegated authority to an already deeply notarialised system. The caseflow indicators demonstrate robust throughput capacity, with clearance rates close to or at equilibrium for all major legal areas. The main policy implication is that Italy constitutes an advanced and largely efficient model of notarial outsourcing, whose remaining areas of development include the introduction of normative tariff references, the completion of digitalisation and the formal extension of notarial competence to consensual divorce proceedings.

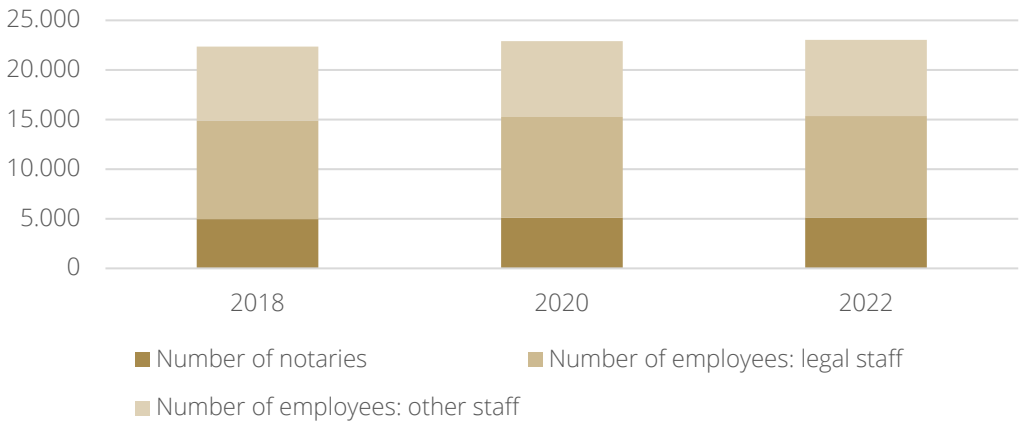
4.11.2. Country profile and institutional context

4.11.2.1. The notarial sector: Structure and scale

The Italian notarial profession is among the largest and most institutionally embedded in Europe. The number of notaries grew modestly but steadily over the reference period, reaching 5,120 in 2022, a cumulative increase of approximately 3%, as shown in Figure 44. There are no official data on the total workforce of notarial offices. Based on informed estimates, the average notary employed two legal staff and 1.5 administrative staff throughout the reference period, implying that approximately 78% of the total workforce holds legal qualifications, a comparatively high human capital intensity.

Figure 44: Employment in the notarial sector in Italy

Notaries, legal and other staff between 2018 and 2022



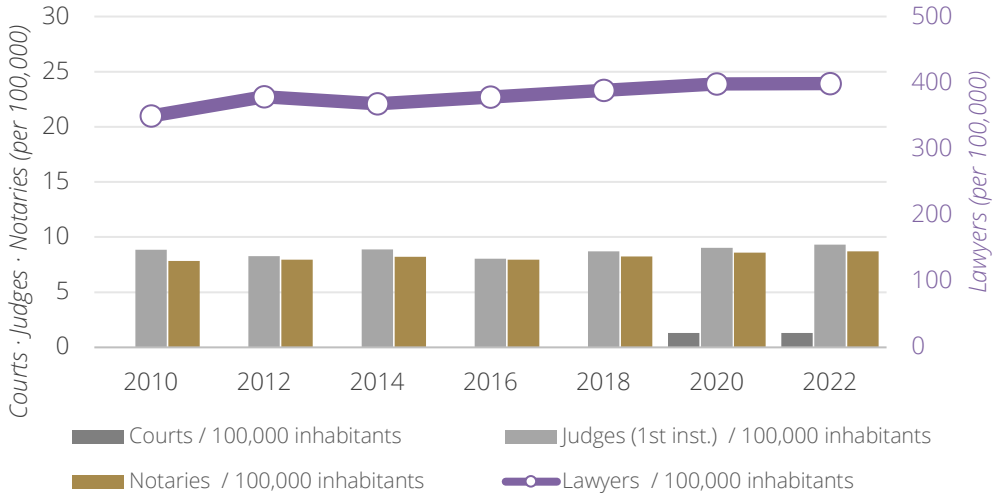
Source: JuWiLi

Note: Legal and other staff figures are estimates derived by applying per notary ratios of two legal employees and 1.5 administrative employees to the observed notary headcount for each reference year.

The density of notaries corresponds to approximately 8.7 per 100,000 inhabitants in 2022 – comparable to the density of judges of first instance (9.3 per 100,000) and far below that of lawyers (approximately 399 per 100,000).

Figure 45: Legal experts in the justice system in Italy

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

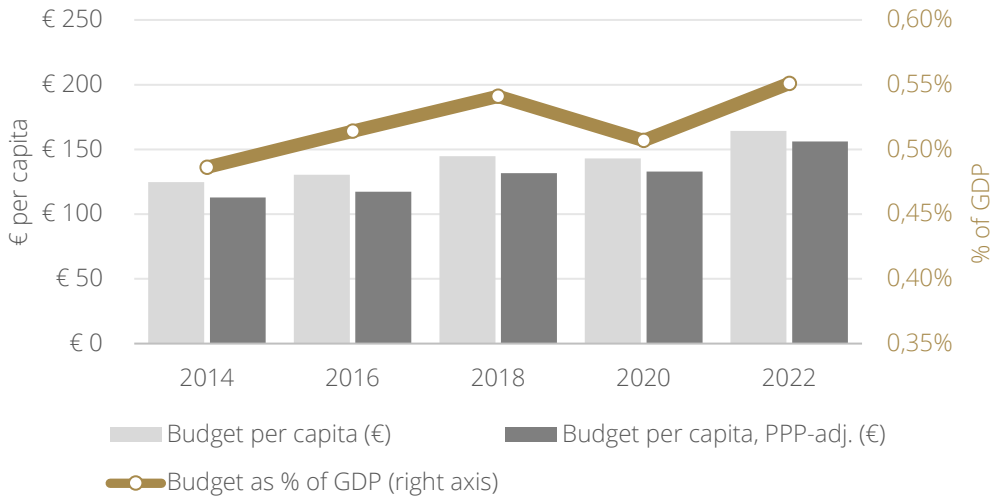
Figure 46 shows Italy's aggregate budget for its justice system from 2014 to 2022 across three CEPEJ-derived metrics: share of GDP, *per capita* nominal euro and PPP-adjusted *per*

capita. The data reveal a clear and sustained upward trajectory in Italian justice expenditure, interrupted only modestly by the COVID-19 year of 2020 and reaching its highest level in 2022. This pattern is consistent with a structural, if moderate, expansion of public resource allocation to the justice system.

In nominal *per capita* terms, the justice budget rose by approximately 32% over the eight-year observation window, with the PPP-adjusted series following a structurally equivalent trajectory.

Figure 46: Whole justice system budget in Italy

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

The justice expenditure data acquire particular analytical significance when read alongside the caseload trends reviewed below. The broadly stable GDP share of justice expenditure over a period of declining first instance caseloads implies rising per case public expenditure. This is a pattern consistent with the cost rigidity characteristic of court-based institutional structures, where fixed personnel and infrastructure costs cannot be readily adjusted downwards in response to falling demand. This observation reinforces the welfare-economic rationale for notarial delegation of non-contentious proceedings. By transferring a substantial share of civil non-contentious matters to a system whose costs are variable and borne directly by private parties, the Italian institutional model effectively insulates the public justice budget from the per case cost escalation that a court-centric counterfactual would imply.

4.11.2.2. Institutional architecture: Courts, notaries and other authorities

The Italian legal system embeds a distinctive model of concurrent and delegated competence, with the allocation of jurisdictional authority between courts and notaries varying substantially by legal area.

Table 15 reveals three broad patterns. First, notarial competence is dominant and stable in land registry (92-94%) and business registry (95-96%). Second, succession presents a mixed model with notaries at 78-80%, courts at approximately 9% and other authorities handling the remainder. Third, consensual divorce and marriages fall entirely outside notarial competence. The institutional distribution is remarkably stable across the reference period, consistent with the structural nature of Italy's institutional architecture.

Table 15: Legal structure for processing non-contentious cases in Italy
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	9%	9%	9%	13%	12%	12%	78%	80%	80%
Divorce (non-contentious)	67%	65%	66%	33%	35%	34%	0%	0%	0%
Marriages				100%	100%	100%			
Land registry	4%	3%	3%	4%	3%	3%	92%	94%	94%
Business registry	3%	3%	3%	2%	1%	1%	95%	96%	96%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

Several cross-cutting observations on the procedural architecture emerge from the institutional distribution presented in Table 15 and from the legal framework governing the five areas of non-contentious proceedings and the newly introduced voluntary jurisdiction category.

Territorial jurisdiction applies uniformly across all areas with the sole exception of voluntary jurisdiction, where the Cartabia reform departed from the territorial principle. The competent notary is exclusively the *notaio rogante*, the notary mandated to draft the underlying deed, without geographic restriction, materially reducing transaction costs for geographically dispersed parties.

Fee standardisation is limited. Among the areas surveyed. Succession, property transfers, company incorporation and voluntary jurisdiction operate without a standardised fee structure, suggesting that the introduction of normative tariff references would enhance benefits for citizens and notaries, making the entire framework more transparent and clearer.

The notary acts as court commissioner in succession and voluntary jurisdiction proceedings, exercising delegated judicial authority pursuant to Article 786 of the Code of Civil Procedure and Article 21 of Legislative Decree 149/2022 respectively. By contrast, in land registry and business registry proceedings, the notary exercises autonomous first instance competence without court delegation and the client nominates the notary directly.

Electronic file accessibility is confirmed across all areas, while an electronic communication system between courts and notaries exists specifically for voluntary jurisdiction proceedings, reflecting the coordination requirements of that category's concurrent competence model.

4.11.3. Caseload analysis: Volume, composition and trends

4.11.3.1. Non-contentious caseload by legal area

The caseload data reveal the exceptional scale of Italian notarial activity. In 2022 alone, notaries resolved 147,378 succession cases, 1,438,934 land registry transactions and 290,967 business registry filings.

Caseloads follow a broadly consistent trajectory: a moderate decline in 2020 (pandemic effect) followed by recovery in 2022. Land registry exceeded the 2018 baseline, reflecting post-pandemic real estate acceleration; business registry remained below it (304,607 against 317,050), suggesting structural rather than purely cyclical factors.

Consensual divorce remains outside notarial competence, with courts and municipal civil registry offices handling 42,381 and 21,475 cases respectively in 2022, reflecting the availability of the simplified municipal procedure introduced by Law 162/2014 for cases involving no minor children or complex asset transfers.

4.11.3.2. Caseflow management

The annual caseflow data for Italian notaries, which is based on an estimation in the absence of official administrative statistics, reveal a system operating with exceptional throughput efficiency across all three reference years and legal areas.

The most striking feature of the data is the near complete absence of pending stock relative to annual incoming volume. For succession, the end-of-year pending stock represents less than 0.3% of annual incoming cases. For land registry and business registry, the proportion is smaller still. This pattern is consistent across all three reference years without exception, reflecting the structural incentive architecture of notarial practice, in which cases are typically initiated and concluded within a single professional engagement, precluding the accumulation of unresolved inventory that characterises overburdened court systems.

No cases were forwarded to second instance courts in any of the three reference years, consistent with the procedural architecture of notarial instruments, which are final and executory in most legal areas without separate judicial confirmation.

4.11.4. Efficiency analysis: Processing time and throughput

4.11.4.1. Average processing duration by legal area

Processing time data for notarial activities are based on estimations, with the reported figures derived from a survey of Italian notaries. The available evidence indicates that, for succession, land registry and business registry, the overwhelming share of cases – both national and cross-border – are resolved within three months.

4.11.4.2. System level performance indicators

The four composite performance indicators – the Clearance Rate (CR), the Work Overload (WO) index, the Stake Change measure (SC) and the Disposition Time (DT) – can be computed from the caseflow data reported above, providing an integrated diagnostic framework for evaluating throughput efficiency.

For Italian notaries, CR is approximately 1 across all three legal areas and all three reference years. Given that the underlying caseflow figures are estimation-based rather than derived from administrative records, this result is most appropriately interpreted as consistent with a system operating without structural backlog accumulation rather than as a precisely measured throughput ratio. Indirect corroboration is nonetheless available. CEPEJ data for the Italian legal sector as a whole show a CR close to unity in non-litigious cases across the same reference period. If the legal system as a whole is operating at this threshold, it is entirely plausible that the notarial subsector, which handles the substantial majority of non-litigious civil matters and operates under stronger throughput incentives than court-based institutions, performs at least as well. The two data sources are thus mutually consistent and, while not independently verified, the estimation-based notarial figures are plausible in light of the broader institutional evidence.

The Work Overload index is approximately zero across all three legal areas and reference years, consistent with, but not independently confirming, a notarial subsector operating without significant work overload. The CEPEJ aggregate WO of approximately 0.6 for the Italian legal sector in non-litigious cases provides broader context but cannot be broken down into notarial and court-based components.

The Stake Change indicator reflects whether the stock of unresolved cases is growing or shrinking relative to the start of the year. For succession, land registry and business registry, SC is negative across all three reference years and in all three legal areas, indicating that the system is consistently drawing down its pending inventory rather than accumulating it.

The magnitude of this drawdown has increased over the reference period, with SC becoming more negative between 2018 and 2022 across all legal areas.

The Disposition Time is approximately one day across all three legal areas and reference years, a direct arithmetic consequence of the near zero pending stock. Independent corroboration is available from processing time surveys, which indicate that the overwhelming majority of cases are resolved within three months, consistent with a system that does not accumulate backlogs.

Taken together, these four indicators are consistent with an Italian notarial system operating at the threshold of sustainable efficiency in throughput terms across the three main legal areas. The SC, which shows a consistent and deepening negative trend across all areas and reference years, constitutes the most independently interpretable signal among the four indicators.

4.11.5. Geographic accessibility: Mapping notaries and courts

The geographic accessibility data, derived from Eurostat LAU population centroids, provide a compelling empirical basis for the transaction cost dimension of notarial outsourcing. Italy's approximately 7,900 LAUs are served by notarial offices in 1,728 of them, against only 140 courts of first instance with non-contentious jurisdiction.

Figure 47 presents citizen distance to the nearest notary, measured at LAU level. The notarial network is substantially denser than the court network across the peninsula, with the majority of the population residing within 10 kilometres of a notarial office. The areas that are hardest to reach are concentrated in mountainous inland areas, the more remote parts of Sardinia and selected areas of southern Italy and Sicily, with this pattern more pronounced for courts than for notaries. The denser territorial distribution of notarial offices translates directly into lower average search and travel costs for citizens accessing non-contentious legal services, consistent with the transaction cost argument for notarial delegation.

Figure 47: Map of citizens' distance to notaries in Italy

Distance from Local Authorities' Units



Source: JuWiLi

Table 16 shows, for successive population percentiles, the maximum distance that Italian citizens must travel to reach their nearest notary or court. The figures are striking. The median citizen lives 2.1 km from the nearest notary but 10.9 km from the nearest court, an accessibility differential of a factor of approximately five. This differential is broadly stable across the distribution: at the 75th percentile, it remains at approximately five (3.9 km versus 20.1 km) and at the 99th percentile, the most geographically remote population, the ratio widens further. These figures represent straight-line distances. Actual travel times will be materially greater in mountainous or island territories.

Table 16: Population coverage in Italy

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.4	3.3
50%	2.1	10.9
75%	3.9	20.1
90%	7.3	28.9
95%	10.3	34.4
99%	17.7	47.8

Source: JuWiLi

Note: Distances in kilometres, computed as straight-line distances from population centroids of Eurostat LAU 2024 units to the nearest sworn notary office and the nearest court of first instance with non-contentious jurisdiction respectively.

In welfare-economic terms, the factor-five accessibility differential represents a genuine Pareto improvement. Substituting notarial for judicial competence in non-contentious proceedings materially reduces access costs for those citizens, particularly in rural areas, for whom court distance would otherwise constitute a barrier to the exercise of their legal rights.

4.11.6. Cost structure and fee transparency

In Italy, there are no fixed notarial fees (fees are currently subject to free negotiation between notaries and client). The legislative reintroduction of normative tariff parameters would yield mutual benefits for both consumers and notaries given that the clarity and equity of predefined parameters ensure a level of transparency consonant with the notary's role as a public official, thereby providing consumers with enhanced predictability and clear advantages.

In this context, the introduction of indicative normative tariff references, in line with the approach adopted by the vast majority of European countries, would enhance clarity and transparency for consumers while allowing professionals to focus entirely on the legal service provided. Such a measure would be consistent with the access-to-justice objectives of the OECD Recommendation on People-Centred Justice Systems (OECD-LEGAL-0498).

4.11.7. Quality assurance, training and supervisory oversight

4.11.7.1. Initial and ongoing professional training

The Italian notarial profession is subject to a comprehensive and formally regulated training regime. Since 2006, compulsory pre-appointment training has consisted of an 18-month practical internship (reduced to eight months for lawyers with at least one year of practice and for judicial officials), which must be completed within 30 months of registration.

Ongoing professional development is mandatory and calibrated through a credit system requiring 100 Professional Training Credits (CFP) over a two-year period (minimum 40 CFP per year), covering professional ethics, institutional independence and digital literacy. Failure to comply constitutes a disciplinary offence. This investment threshold – 18 months of pre-appointment apprenticeship plus lifelong continuing professional development (CPD) – is welfare-justified by the public good character of notarial output, where errors generate negative externalities.

4.11.7.2. Systemic control mechanisms

Italy maintains a supervisory architecture satisfying all three quality assurance criteria: a supervisory body (the local and national Notarial Council, exercising disciplinary authority as professional self-regulation under public law); regular process auditing; and a malpractice procedure creating *ex post* accountability.

The principal-agent dimensions of this oversight architecture are notable: the client nominates and bears the cost; the supervisory council monitors compliance as a collective agent of the State.

4.11.8. Digitalisation: Capacity, strategy and bottlenecks

Italy presents one of the most advanced digital infrastructure configurations among the JuWiLi II jurisdictions. The Italian Notarial Council (*Consiglio Nazionale del Notariato*) maintains a formal digitalisation strategy with dedicated resources, process impact assessments, specialised training and systematic recruitment of IT expertise. Its technology company NOTARTEL employs approximately 90 professionals, incurs total production costs of approximately 190 million euro and serves as the infrastructure backbone connecting notarial offices with the land registry, business registry and tax authorities. Electronic access to case files is confirmed for land registry, business registry, non-litigious divorce and voluntary jurisdiction.

4.11.9. Synthesis: Efficiency assessment and country-specific findings

Italy occupies a distinctive position in the comparative typology of European non-contentious justice systems. It has achieved nearly complete notarial substitution for judicial authority across the three largest legal areas, while maintaining high throughput efficiency, a sophisticated training regime and a technologically advanced processing infrastructure. The four efficiency indicators – CR close to 100%, near zero WO, consistently negative SC and low DT – are uniformly consistent with a system at the frontier of processing efficiency. The factor-five proximity differential between notaries and courts provides additional welfare evidence that delegating non-contentious competence to notaries has materially reduced access transaction costs.

The main institutional anomaly is the continued exclusion of notaries from consensual divorce proceedings, which is structurally comparable in legal intensity to succession proceedings routinely handled by Italian notaries. The welfare-economic case for extension is therefore strong. A secondary observation: the introduction of indicative normative tariff references, in line with the vast majority of European countries, would provide a transparent reference framework beneficial to consumers and professionals alike.

4.11.10. Policy recommendations

A first recommendation is to grant notaries concurrent competence to process non-contentious consensual divorce proceedings, supported by Italian evidence and the comparative experience of multiple EU Member States.

Furthermore, indicative normative tariff references, in line with most European countries, would be helpful for both consumers and notaries, boosting transparency and clarity. Lastly, the integration of succession proceedings into the NOTARTEL infrastructure would help to align succession with the standard achieved in the other legal areas.

4.12. Latvia country report

4.12.1. Abstract

Latvia presents one of the most consolidated models of notarial competence over non-contentious proceedings in the European Union. Sworn notaries hold exclusive jurisdiction over succession and non-litigious divorce matters, with the entrustment of divorce to notaries dating back to February 2011 and exercise full competence over enforceable notarial deeds. Since January 2022, they exercise full competence over a novel pre-litigation pathway for the release of natural persons from consumer credit obligations not exceeding 5,000 euro. This is an instrument that reduces judicial workload through prevention rather than reallocation. The notarial corps comprised 106 sworn notaries in 2022, supported by 55 notary assistants, yielding a notary-to-population ratio of approximately 5.63 notaries per 100,000 inhabitants.

Against this institutional backdrop, this country report applies the analytical framework of the Economic Analysis of Law to assess the efficiency of Latvia's non-contentious justice architecture. The main findings indicate that the exclusive allocation of high volume, recurrent proceedings to notaries constitutes a welfare-superior institutional arrangement relative to court-based processing, reducing transaction costs borne by citizens while relieving the public court budget of caseload pressure. A robust quality assurance framework – encompassing compulsory in-service training, the active digital development of the notariat (notarial profession), a supervisory body and a structured malpractice procedure – underpins output quality. The Notariat Digitalisation Strategy, developed and implemented by the Council of Sworn Notaries of Latvia, is supported by dedicated personnel within the Council Office and a self-financed budget allocation of 260,000 euro.

4.12.2. Country profile and institutional context

4.12.2.1. The notarial sector: Structure and scale

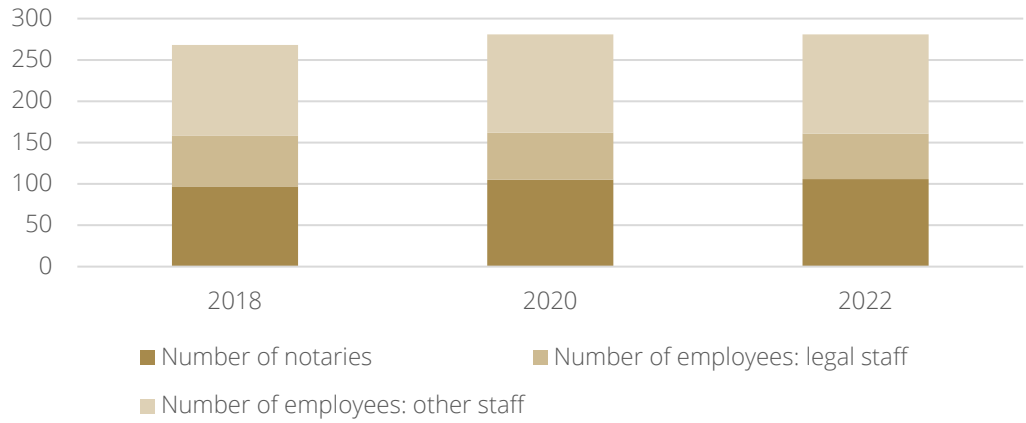
The Latvian notarial corps underwent a modest but consistent expansion over the three reference years. The number of sworn notaries rose from 97 in 2018 to 105 in 2020 and 106 in 2022. Notary assistants, officials appointed by order of the Minister of Justice who may substitute the notary and thus contribute to the operative measure of notarial human capital, declined slightly from 61 to 55 over the same time period. Data on other administrative staff were not submitted by the national chamber. The available figures have been estimated by applying the 2026 ratio of non-legal staff per notary to the earlier reference years.

Computed against Latvia's population of roughly 1.9 million in 2022, the notary-to-population ratio stood at approximately 5.63 per 100,000 inhabitants, rising from 5.1 per

100,000 in 2018. This trajectory reflects a controlled expansion of productive capacity broadly commensurate with the upward trend in notarial caseload observed across the same period.

Figure 48: Employment in the notarial sector in Latvia

Notaries, legal and other staff between 2018 and 2022



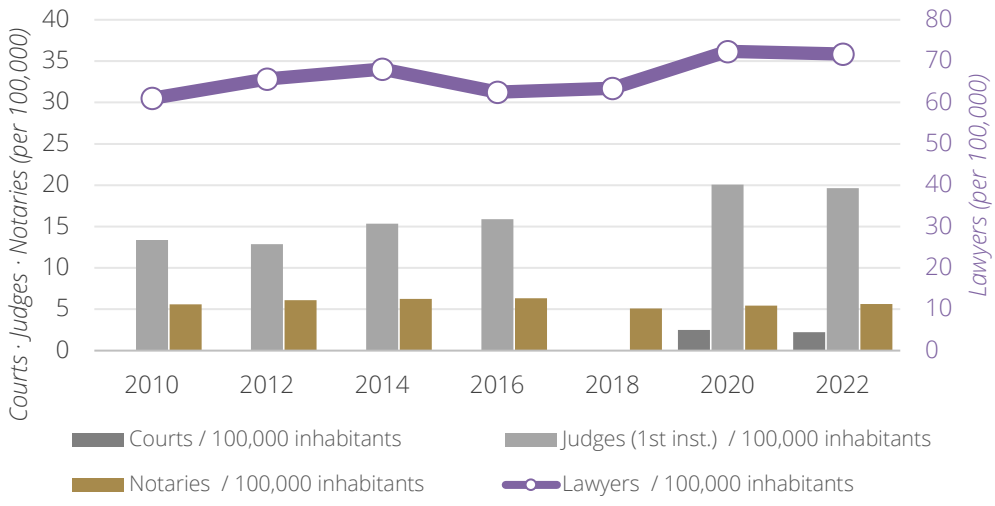
Source: JuWiLi

Note: Legal staff refers to notary assistants. The 'other staff' category is estimated by applying the 2026 ratio of non-legal staff per notary.

Figure 49 contextualises Latvia's notarial density within the broader justice system. The notary-to-population ratio grew from 5.1 per 100,000 in 2018 to 5.63 in 2022, a controlled expansion commensurate with caseload growth.

Figure 49: Legal experts in the justice system in Latvia

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



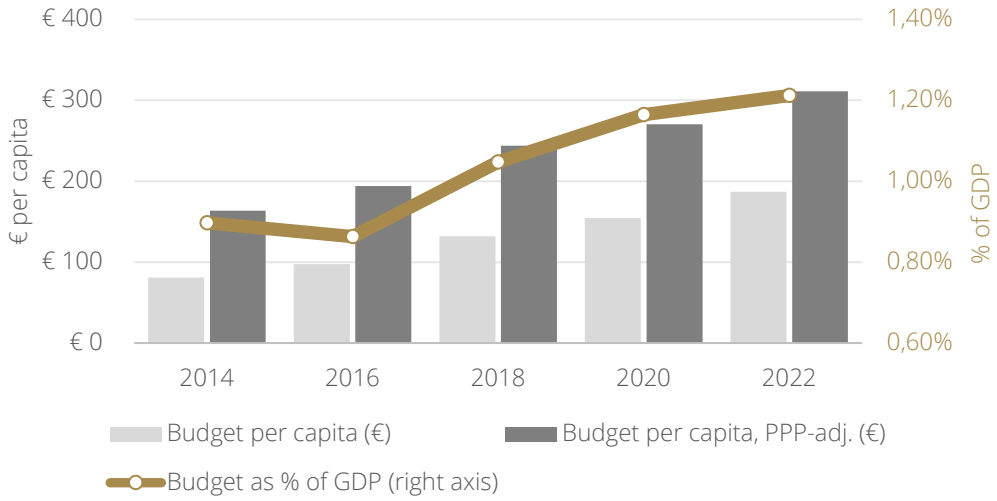
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 50 shows Latvia's total justice budget rising from 0.9% of GDP in 2014 to 1.21 per cent in 2022, with *per capita* spending more than doubling in nominal terms. The sustained delegation of non-contentious proceedings to the self-financing notarial sector – funded through private client fees rather than public appropriations – constitutes a structural fiscal offset that attenuates the headline cost of delivering legal certainty to citizens.

Figure 50: Whole justice system budget in Latvia

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.12.2.2. Institutional architecture: Courts, notaries and other authorities

Latvia presents one of the most thoroughgoing models of notarial exclusivity in the EU Member States surveyed. As Table 17 documents, sworn notaries hold one hundred per cent of the resolved non-contentious caseload in succession and non-litigious divorce proceedings across all three reference years, a configuration that persisted unchanged between 2018 and 2022. Courts of first instance retain exclusive competence over land registry proceedings, reflecting the Latvian system of court-administered property registration, while other authorities are responsible for the registration of marriages and business entities.

In terms of institutional design theory, the Latvian allocation constitutes a near complete outsourcing of non-contentious private law proceedings to the notarial sector, reserving

judicial resources for contentious matters and for the distinct category of property rights' administration.

This arrangement is consistent with the transaction cost logic of the JuWiLi II framework: sovereign authority over high volume, low complexity proceedings is delegated to a private law profession that is structurally better positioned to process them at lower unit cost, closer to citizens and without the procedural overheads associated with court adjudication.

The formal entrustment of non-contentious divorce to notaries in February 2011 relieved the judiciary of nearly 4,500 proceedings per year. The January 2022 consumer credit release procedure (max. 5,000 euro) extends the outsourcing logic further: rather than reallocating existing court proceedings, it creates an entirely new pre-litigation discharge pathway, reducing judicial workload through prevention rather than reallocation.

Table 17: Legal structure for processing non-contentious cases in Latvia
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	0%	0%	0%	0%	0%	0%	100%	100%	100%
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	100%	100%	100%	0%	0%	0%	0%	0%	0%
Business registry	0%	0%	0%	100%	100%	100%	0%	0%	0%
Notarial deed	0%	0%	0%	0%	0%	0%	100%	100%	100%
Release			0%			0%			100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.
Enforceable notarial deed issued by a sworn notary.
Release from consumer credit obligations (max. 5,000 euro).

The process architecture across all four notarial legal areas features free choice of notary in divorce proceedings (reducing search costs and introducing competitive pressure), autonomous notarial decision-making without judicial supervision (full transfer of sovereign adjudicatory authority) and a standardised, publicly accessible fee schedule.

4.12.3. Caseload analysis: Volume, composition and trends

4.12.3.1. Non-contentious caseload by legal area

Caseload is dominated by succession and non-litigious divorce, both handled exclusively by notaries. Succession grew 25.6% over the period to reach 14,566 cases in 2022. Divorce stabilised at 4,437 cases. Together, they constituted 19,003 resolved notarial proceedings

in 2022. Residual categories, i.e. enforceable notarial deeds (222 cases) and the small insolvency procedure (11 cases, reflecting the instrument's novelty), are minor in volume but represent significant institutional expansions of notarial competence.

4.12.3.2. Caseflow management

The low rate of court challenges to notarial decisions and the predominance of findings in the notary's favour when challenges are brought confirms high output quality and supports the effectiveness of the delegation model.

4.12.4. Efficiency analysis: Processing time and throughput

Processing time is the most directly observable dimension of procedural efficiency. The sections below assess average processing durations by legal area and four composite system level throughput indicators to evaluate whether the notarial sector is operating at, above or below the threshold of sustainable efficiency.

4.12.4.1. Average processing duration by legal area

The most precise quantitative information available concerns the non-litigious divorce proceeding, for which Notariat Law Article 333 specifies an explicit minimum processing period of 30 days from the date of commencement. This statutory minimum represents a deliberate cooling-off mechanism rather than an administrative bottleneck. The average reported duration of 30 days is thus structurally determined by positive law.

For succession proceedings, the estimated average processing time is approximately 120 days, reflecting the inherent complexity of estate administration – including asset identification, creditor notification and the resolution of potential competing claims. Cross-border succession cases, requiring coordination under EU Succession Regulation No. 650/2012 (Brussels IV), are estimated at approximately 165 days on average, a differential of 37.5% over domestic cases that is consistent with the established literature on the additional transaction costs of cross-border inheritance proceedings.

Processing times for issuance of enforceable notarial deeds by a sworn notary (approximately 2.5 days) and the small insolvency procedure (approximately 120 days) reflect the fundamentally different legal and administrative nature of those instruments. Across all categories for which data were submitted, the available evidence suggests that processing times have remained stable across the three reference years, consistent with a sector operating at or near its effective capacity equilibrium.

4.12.4.2. System level performance indicators

System level efficiency is assessed through four indicators derived from caseflow data: the Clearance Rate (CR: resolved/incoming cases), the Work Overload (WO) index, the Stake

Change (SC: directional backlog shift) indicator and the Disposition Time (DT: average days to resolution).

Expert-derived estimates indicate a CR at or near unity (no structural backlog accumulation), a WO well below unity and an SC at or near zero. DT stood at 95 days for succession and 27 days for divorce, comparing favourably with the broader civil non-litigious system, where CR has declined and DT increased since 2016. Securing more granular longitudinal data would enable systematic tracking of whether a similar trend applies to the notariat.

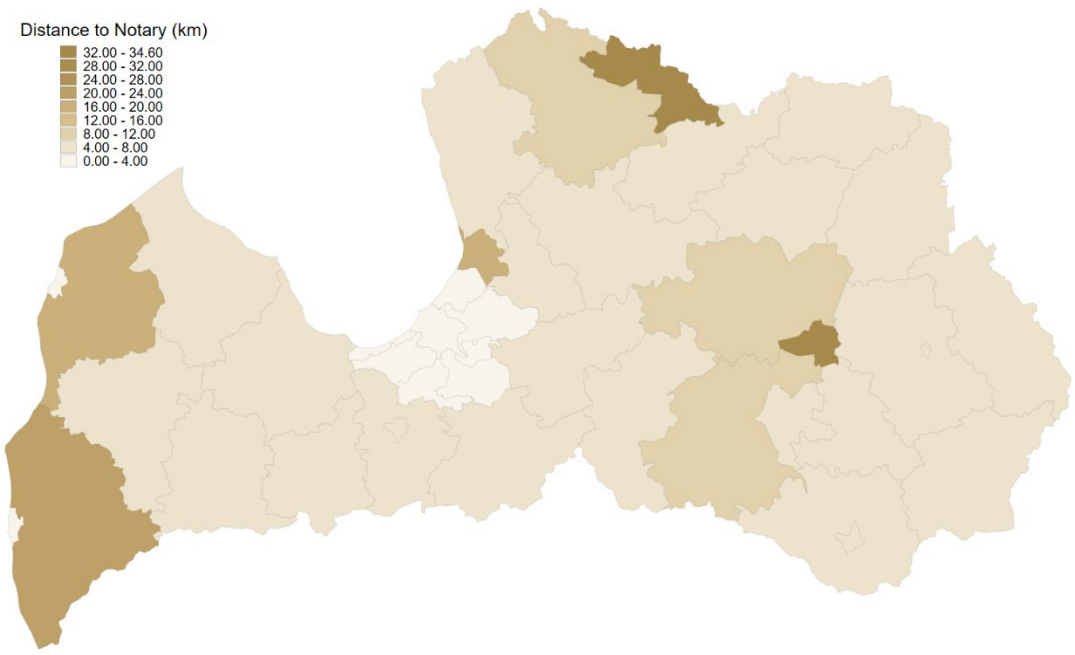
4.12.5. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis measures citizens' travel cost burden by computing straight-line distances from each LAU population centroid to the nearest notarial office and court, weighted by resident population. Figure 51 (notary distance map) and Table 18 together assess whether the notarial channel offers a spatial accessibility advantage over court-based proceedings.

Court accessibility shows pronounced spatial polarisation: the Riga corridor registers distances of 0-8 km while peripheral areas of Kurzeme and Latgale reach 20-36.5 km. This centre-anchored pattern imposes disproportionate access burdens on rural residents (90th percentile: 18.5 km; 99th percentile: 34.2 km).

Figure 51: Map of citizens' distance to notaries in Latvia

Distance from Local Authorities' Units



Source: JuWiLi

Note: Straight-line distances from population centroids of LAU units to the nearest sworn notary office, overlaid on population density. Darker shading indicates greater distance from the nearest notary.

Table 18 shows the notarial network outperforming courts at the periphery: 75% of the population lives within 7.2 km of a notary and the 99th-percentile maximum of 21.9 km is 36% below the corresponding court figure of 34.2 km. The notarial delegation delivers its largest spatial accessibility dividend to the most remotely served citizens.

Table 18: Population coverage in Latvia

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	3	3
50%	3	5
75%	7.2	7.7
90%	7.9	18.5
95%	8.2	23.4
99%	21.9	34.2

Source: JuWiLi

Note: Distances in kilometres, computed as straight-line distances from population centroids of Eurostat LAU 2024 units to the nearest sworn notary office and the nearest court of first instance with non-contentious jurisdiction respectively.

The notarial and court networks are equally accessible at the 25th percentile (both 3 km), reflecting shared concentration in the Riga metropolitan area. The notarial advantage opens from the median onward – 3 km versus 5 km for courts – and widens sharply at higher percentiles: at the 90th percentile the court distance of 18.5 km is more than twice the notarial distance of 7.9 km and, at the 95th percentile, the ratio reaches almost three to one (23.4 km versus 8.2 km). The delegation arrangement thus delivers its largest transaction cost saving precisely to the most remotely served citizens.

4.12.6. Cost structure and fee transparency

Latvia operates a publicly accessible, pre-defined fee schedule. Average fees are 150 euro (divorce), 202 euro (civil partnership), 300 euro (domestic succession) and 438 euro (cross-border succession). All costs are borne by private individuals. The regulated tariff satisfies the transparency condition for rational consumer choice and avoids the deadweight loss of tax-funded provision.

4.12.7. Quality assurance, training and supervisory oversight

4.12.7.1. Initial and ongoing professional training

For sworn notaries, compulsory initial and in-service training applies; digital literacy, though not formally mandatory, earns continuing professional development (CPD) credit points under Cabinet Regulation No. 485/2008 and is thereby embedded in the professional incentive structure.

Entry requires educational qualifications, minimum experience and a qualifying examination under the Notariate Law. The *DigiNotārs* platform embeds digital competence in daily practice by enabling remote notarial services via videoconference.

4.12.7.2. Systemic control mechanisms

All three systemic control mechanisms are operative in Latvia: a supervisory body with defined legal basis and institutional independence; regular process auditing that verifies compliance prospectively; and a malpractice procedure whose defined consequences raise the expected cost of non-compliance. These three forms of control address the classic principal-agent monitoring problem and is a necessary condition for the sustained welfare superiority of the notarial outsourcing model.

4.12.8. Digitalisation: Capacity, strategy and bottlenecks

Latvia's notarial sector ranks in the upper tier of JuWiLi II countries for digitalisation readiness, with two dedicated IT staff and a self-financed Council budget of 260,000 euro for 2024.

The three Council-identified digitalisation priorities are: virtual document templates for succession proceedings (highest volume category, throughput gains); AML (anti-money laundering) questionnaire digitalisation (mandatory compliance leads to reduced overheads); and an upgraded client communication portal with e-signature and centralised document management. Another key issue is how the notariat can integrate and use artificial intelligence tools in the most effective, secure and efficient manner. The main barriers, i.e. resource constraints, pace of technological change and skills gaps, are shared by JuWiLi II countries.

4.12.9. Synthesis: Efficiency assessment and country-specific findings

The evidence supports a convergent efficiency assessment. Latvia's non-contentious justice architecture constitutes a mature outsourcing arrangement that generates Pareto-superior outcomes relative to court-based processing, conditional on maintained output quality, a condition that the available evidence confirms as satisfied. Main findings:

- On institutional architecture: Latvia holds exclusive notarial competence over succession and non-litigious divorce, extended since 2022/2024 to consumer credit release and civil partnership. This concentration in a single specialised

institution yields economies of scale, deepens expertise through repeated transaction exposure and eliminates jurisdictional fragmentation costs.

- On caseload dynamics: notarial succession caseload grew by 25.6% between 2018 and 2022, a trajectory consistent with demographic ageing and the progressive accumulation of private wealth subject to inheritance norms. Whether the notarial sector absorbed this growth without observable degradation in processing times could unfortunately not be assessed due to a lack of longitudinal caseflow data.
- On processing efficiency: divorce proceedings are resolved at the statutory minimum of 30 days (cooling-off mechanism); succession averages 120 days, cross-border succession 165 days. Both compare favourably with court processing of equivalent contentious matters. The low rate of successful appeals confirms high first instance decision quality.
- On quality assurance: the complete system of the three forms of control, i.e. supervisory body, regular process audit and malpractice procedure, is operative, providing the institutional preconditions for sustained output quality.
- On digitalisation: Through its proactive strategy, dedicated resources and well-defined investment priorities of its Council of Sworn Notaries, Latvia stands among the more advanced participants in the JuWiLi II comparative sample.

The main country-specific distinguishing feature of the Latvian model is the completeness of notarial exclusivity. Latvia is among the few EU Member States where notaries exercise plenary autonomous jurisdiction over both succession and divorce, with no residual judicial competence. This consolidation reduces coordination costs and maximises economies of scale achieved via specialised processing.

4.12.10. Policy recommendations

The following recommendations derive from the empirical findings of this report and are addressed primarily to the national legislative and regulatory level, with secondary implications for the Council of Sworn Notaries.

Recommendation 1: Complete caseflow data collection and systematic reporting for all notarial matter types. Without complete incoming, pending and left-over case data, the CR, WO, SC and DT indicators cannot be fully calibrated and longitudinal efficiency tracking is foreclosed. Systematic reporting is also a prerequisite for evidence-based planning under the OECD Recommendation on People-Centred Justice Systems (OECD-LEGAL-0498, Pillar 5).

Recommendation 2: Accelerate implementation of the virtual document template system for succession proceedings. With 14,566 succession cases in 2022 and a Disposition Time of 95 days, even a ten percent reduction in average handling time would save approximately 138,000 citizen days of waiting time annually across the succession caseload.

Recommendation 3: Establish a monitoring framework to track whether the current corps of 106 (108 as of end of June 2026) sworn notaries – within a regulatory ceiling of 119 under Cabinet Regulation No. 230/2019 – remains adequate as demographic ageing and expanded competences (civil partnerships, small insolvency) increase demand. Pre-defining explicit demand thresholds for activating the 13 unfilled positions converts reactive capacity adjustment into a rules-based mechanism.

4.13. Lithuania country report

4.13.1. Abstract

Lithuania's non-contentious justice system is characterised by exclusive notarial competence in succession and executive inscriptions, against a background of full court jurisdiction over divorce and registration of civil status acts by other public authorities. The notarial corps declined from 252 practitioners in 2018 to 229 in 2022, while total notarial sector employment rose from 675 to 742 over the same period. This reflects both a consolidation of office structures and growth in support staffing. Notarial succession caseload fluctuated substantially, from 51,914 resolved proceedings in 2018 to 42,406 in 2020 and 59,897 in 2022. There was an estimated Clearance Rate (CR) of approximately 0.91 in each year, consistent with a system that largely clears its annual incoming volume. The average processing time for succession proceedings is approximately 180 days, with 50% of cases resolved within three to six months. Executive inscriptions are resolved in an average of 12 days, almost entirely within the under-three-months band.

Non-contentious divorce was entrusted to notaries in 2023, just outside the study reference window, a reform whose caseload effects will be measurable in future reporting cycles. Geographic accessibility is broadly comparable between notarial offices and courts at the lower percentiles of the population distribution but diverges at the upper end. At the 99th percentile, the maximum distance to a notary is 7.1 km against 32 km for a court. A standardised, publicly accessible fee schedule exists. Fees for all notarial acts are borne by clients as private individuals. Lithuania has achieved an advanced level of digitalisation through the chamber-owned *eNotaras IS*, with remote notarial services accounting for approximately 10% of all acts and operates a full supervisory and quality assurance framework.

4.13.2. Country profile and institutional context

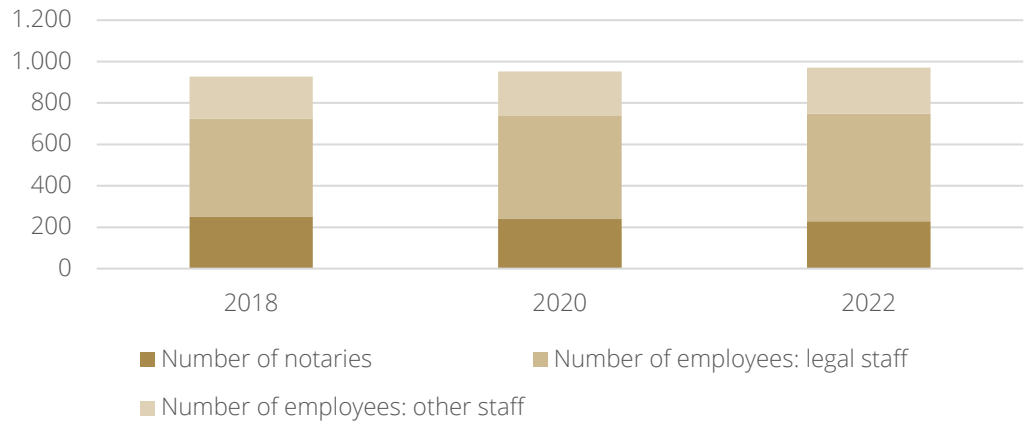
4.13.2.1. The notarial sector: Structure and scale

The Lithuanian notarial corps underwent a gradual contraction across the three reference years, declining from 252 practising notaries in 2018 to 240 in 2020 and 229 in 2022, a reduction of approximately 9.1% over the four-year period. This decline is consistent with the operation of *numerus clausus* regulation governing notarial appointments in Lithuania and reflects a trend toward larger, better-staffed offices rather than a reduction in service capacity. In fact, total notarial sector employment increased over the same period, from 675 employees in 2018 to 712 in 2020 and 742 in 2022. This indicates that the average notarial office expanded from approximately 2.68 employees per notary in 2018 to approximately 3.24 in 2022. The Lithuanian Chamber of Notaries estimates that approximately 70% of employees in notarial offices are lawyers. On this basis, legal staff

numbered approximately 473 in 2018 and 519 in 2022, with the remaining approximately 202 and 223 respectively in other support roles.

Figure 52: Employment in the notarial sector in Lithuania

Notaries, legal and other staff between 2018 and 2022



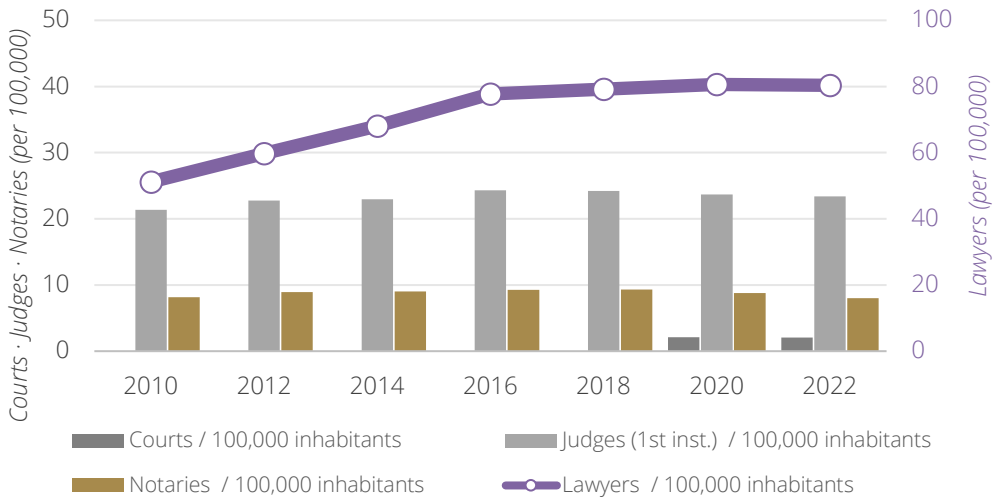
Source: JuWiLi

Note: Split of total employees into legal and other staff based on expert opinion.

Figure 53 benchmarks the densities of notaries, lawyers, judges and courts per 100,000 inhabitants from 2010 to 2022. Notarial density declined modestly from approximately 9.3 to 8 per 100,000, while lawyer density grew from 51.2 to 80.4 over the same period. The density ratio of notaries to court locations stands at approximately 3.9 to one in 2022, confirming the notarial network's materially wider geographic reach relative to the judiciary.

Figure 53: Legal experts in the justice system in Lithuania

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



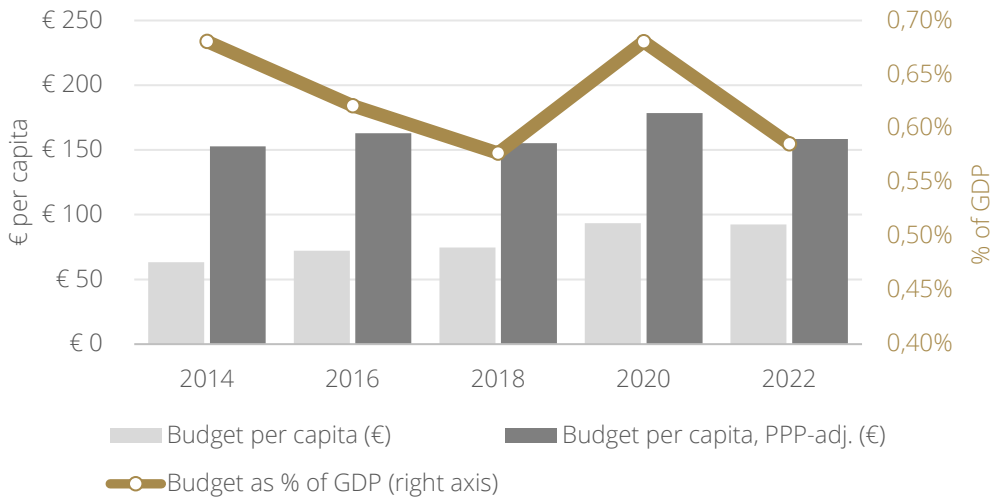
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 54 presents Lithuania's whole justice system budget from 2014 to 2022 through GDP share, nominal *per capita* and PPP-adjusted *per capita* measures. The GDP share was stable at approximately 0.59-0.68% across the period, while PPP-adjusted *per capita* expenditure peaked at 178.5 euro in 2020 before settling at 158.6 euro in 2022. The relatively modest GDP share, combined with Lithuania's broad delegation of non-contentious proceedings to notaries, suggests that the public justice budget benefits from a meaningful fiscal dividend. Non-contentious proceedings handled by notaries are processed by privately funded notarial offices at no marginal cost to the State court system.

Figure 54: Whole justice system budget in Lithuania

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.13.2.2. Institutional architecture: Courts, notaries and other authorities

Lithuania's institutional architecture for non-contentious proceedings reflects an advanced delegation model across several legal areas, as summarised in Table 19. Notaries hold exclusive competence in succession and executive inscriptions. For marriages, civil status registration is handled by other public authorities (municipal civil registry offices), with neither courts nor notaries in the processing role. The notarial role is limited to the attestation of marriage contracts. Lithuanian legislation does not provide for the registration of civil partnerships. Non-contentious divorce remained within exclusive court jurisdiction throughout the three reference years. Lithuania entrusted non-contentious divorce to notaries in 2023, a reform whose caseload effects fall outside the reference period of this study. While land registry registration is carried out by other institutions, notaries hold exclusive competence in attesting transactions on the transfer and encumbrance of real property rights. Business registry cases present a mixed picture, with a declining notarial market share across the reference period.

Table 19: Legal structure for processing non-contentious cases in Lithuania
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	100%	100%	100%	0%	0%	0%	0%	0%	0%
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Business registry	0%	0%	0%	73%	89%	99%	27%	11%	1%
Other executive inscription	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

The detailed process indicators for Lithuania's four active legal areas, i.e. succession, non-contentious divorce, marriages and executive inscriptions, confirm an unambiguous notarial delegation model. For succession, standardised fees apply, a territorial restriction applies, notaries hold autonomous competence without court involvement and the final decision rests with the notary. In executive inscriptions, notaries likewise hold exclusive competence: the fee is standardised, no territorial restriction applies and the client nominates the notary. For non-contentious divorce (applicable from 2023), client nomination and absence of court involvement are confirmed. Lithuania operates an electronic portal for civil and administrative court proceedings. However, no institutional

basis for digital court-notary communication exists in the non-contentious domain, as notaries are not court commissioners.

4.13.3. Caseload analysis: Volume, composition and trends

4.13.3.1. Non-contentious caseload by legal area

The caseload data for Lithuania establish a clear hierarchy among the case categories. Succession proceedings constitute the dominant caseload, recovering from a pandemic-year trough of 42,406 in 2020 to a high of 59,897 in 2022. This represents a rise of approximately 18.3% from the 2018 base of 51,914. Executive inscriptions declined sharply across the period, from 9,254 in 2018 to 2,986 in 2022, a cumulative reduction of approximately 67.7%. Non-contentious divorce remained within exclusive court jurisdiction throughout (approximately 7,500-7,700 annually) and marriage registration was handled by municipal civil registry offices. The business registry data show a structural contraction: notarial market share fell from approximately 27% in 2018 to below 1% in 2022, driven by the growing use of direct electronic registration with the Register of Legal Entities. Beyond these proceedings, notaries hold exclusive competence in attesting real estate transfer and encumbrance transactions. Approximately 123,880-131,159 real estate transfer attestations were recorded annually across the reference period, confirming this as a high volume and stable area of notarial activity.

4.13.3.2. Caseflow management

Caseflow estimates from the Lithuanian Chamber of Notaries, which are based on expert assumptions, indicate approximately 90% of succession cases are resolved within the year of receipt. This yields an implied Clearance Rate of approximately 0.91 across all three reference years and a Work Overload index of approximately 0.1, reflecting a stable and bounded backlog. According to data collected, executive inscriptions are fully resolved within the year of initiation (clearance rate 1). All figures are based on expert estimates rather than verified administrative records. Systematic caseflow statistics are not separately available.

4.13.4. Efficiency analysis: Processing time and throughput

4.13.4.1. Average processing duration by legal area

Processing time data are available for two legal areas. Succession proceedings average 180 days, with the distribution stable across all three reference years: approximately 30% resolved within three months, 50% within three to six months, 13% within six to twelve months and 7% requiring more than one year. Executive inscriptions are substantially faster, averaging 12 days, with effectively all cases falling in the under-three-months band. The chamber estimates approximately 1% of succession cases involve cross-border

elements. Appeal data are not separately available. Notarial divorce competence commenced in 2023 and accordingly falls outside the reference period.

4.13.4.2. System level performance indicators

The composite system level performance indicators are derived from expert-based caseflow estimates rather than verified administrative records. For succession, the Clearance Rate (CR) is approximately 0.97, the Work Overload (WO) index is approximately 0.1 and the implied Disposition Time (DT) is approximately 37.7 days based on the pending-end stock – all internally consistent with the 90% in-year resolution assumption. For executive inscriptions, CR and WO are effectively 1 and 0 respectively. System-wide figures for total non-litigious cases in Lithuania yield very similar CR and WO values but a substantially lower DT, placing the notarial sector's performance indicators in a broader system context.

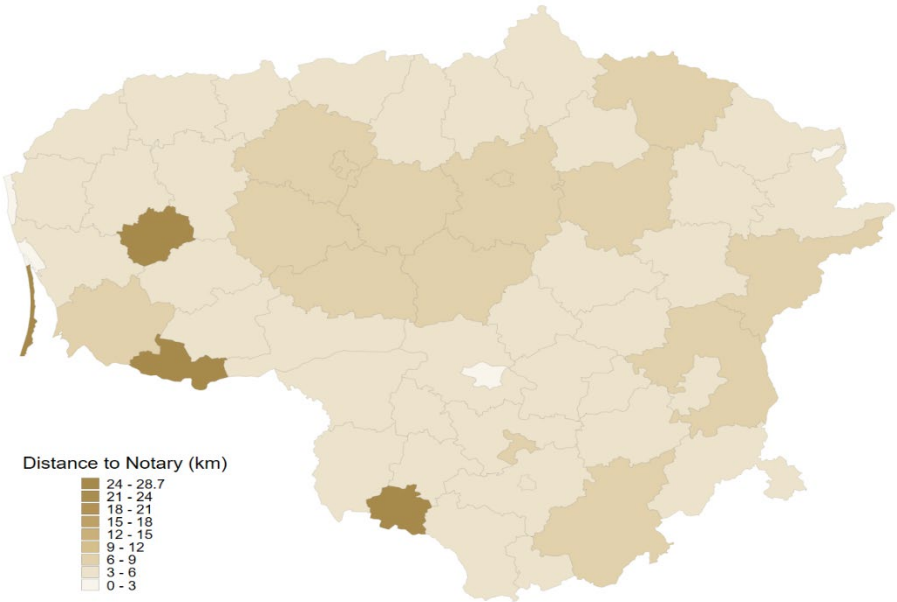
4.13.5. Geographic accessibility: Mapping notaries and courts

The map of courts with non-contentious jurisdiction across Lithuania's Local Authority Units shows that Lithuania's 59 first instance court locations are concentrated in the five main urban centres, leaving the more sparsely populated rural regions with materially greater distances to the nearest court facility.

Figure 55 maps the geographic distribution of notarial offices across Lithuania's Local Authority Units. The network of 229 offices in 2022 is substantially more evenly distributed than the court estate, reflecting the *numerus clausus* appointment system designed to ensure territorial coverage even in the more sparsely settled eastern and northern regions.

Figure 55: Map of citizens' distance to notaries in Lithuania

Distance from Local Authorities' Units



Source: JuWiLi

Table 20 quantifies the population coverage statistics for Lithuania. At the lower end of the distribution, access is broadly equivalent: notaries and courts are equidistant at the 25th percentile (1.9 km each) and the gap at the median is modest (3.8 km versus 4.7 km). The divergence becomes pronounced above the 75th percentile. At the 95th percentile, the court distance (15.8 km) is more than twice the notarial distance (6.5 km) and, at the 99th percentile, the gap is fourfold – 32 km to reach a court against 7.1 km to reach a notary.

Table 20: Population coverage in Lithuania

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.9	1.9
50%	3.8	4.7
75%	5.8	5.9
90%	6.3	8.5
95%	6.5	15.8
99%	7.1	32

Source: JuWiLi

From a welfare-economic perspective (Shavell, 2004), this advantage is directly achieved via the succession caseload delegated to notaries: the approximately 59,897 proceedings

resolved in 2022 were processed by a network demonstrably more accessible than the court system for all population segments above the median.

4.13.6. Cost structure and fee transparency

Lithuania operates a standardised, publicly accessible notarial fee schedule covering succession and executive inscriptions. The fee structure is predominantly value-based, scaling as a percentage of the asset value or amount at stake, subject to statutory minima and maxima. For succession, fees range from a flat 34 euro for acceptance or refusal of inheritance to 0.09% of the value of inherited immovable property for the issuance of a certificate of succession (not less than 29 euro, not more than 400 euro). For agreements on the division of inherited property between close relatives, the rate is 0.23% (minimum 38 euro, maximum 400 euro), rising to 0.46% for other persons (minimum 76 euro, maximum 2,500 euro). For non-contentious divorce, a flat fee of 10 euro applies for confirmation of the consent application, with 120 euro for a divorce agreement without assets, or 0.17% of total distributed assets (minimum 72 euro, maximum 2,500 euro) where assets are involved. Executive inscription fees are set at 0.4% of the recovery amount (minimum 21 euro, maximum 5,000 euro). Fees for all notarial acts are borne by clients as private individuals.

4.13.7. Quality assurance, training and supervisory oversight

4.13.7.1. Initial and ongoing professional training

Initially, Lithuanian notaries are required to do either two years or six months of supervised training, with compulsory structured training on both pathways. In-service training for notaries is compulsory in general form, with optional specialisation and digital literacy modules available. However, for legal staff in notarial offices, all training categories are optional. Given the chamber's estimate that approximately 70% of notarial office employees are lawyers who contribute materially to the processing of non-contentious proceedings, this fully voluntary framework represents a potential human-capital gap. Where support staff exercise substantive discretion in complex legal matters, a purely voluntary regime may systematically under-produce the professional competence that the market outcome requires.

4.13.7.2. Systemic control mechanisms

Lithuania's notarial sector operates under a complete supervisory framework: all three control mechanism indicators are affirmative. A supervisory body exists, providing institutional oversight of the notarial profession. A regular auditing procedure verifies process compliance at the level of individual practitioners. A formal malpractice procedure is established, creating credible consequences for detected deviations and thereby

maintaining the incentive-compatibility of the professional compliance regime. This tri-partite structure – supervision, auditing and malpractice sanctions – constitutes the standard configuration identified in the JuWiLi II assessment framework as the minimum required for effective principal-agent accountability in a system where significant legal functions have been delegated to private practitioners. The completeness of this framework is particularly relevant given the scale of the succession caseload (59,897 proceedings in 2022) and the legal and financial significance of the matters involved. A robust supervisory infrastructure is a necessary condition for maintaining the quality assurance levels that justify continued and potentially expanded delegation.

4.13.8. Digitalisation: Capacity, strategy and bottlenecks

The Lithuanian notarial sector has achieved a substantial level of digitalisation through the *eNotaras IS*, developed and owned by the Lithuanian Chamber of Notaries. Since January 2021 the system has been in full use. The notarial registry is maintained electronically, invoices are issued automatically and clients register online. Since July 2021, remote notarial services have been legal; biometric identity verification is used and remote acts now account for approximately 10% of all notarial activity. The chamber maintains a dedicated digitalisation team and considers IT expertise in hiring. Complementary tools cover document signing, collaboration and online payments.

The two highest priority digitalisation targets identified by the chamber, as further steps in the ongoing digitalisation process, are: first, the creation of a digital document archive; and second, the digitalisation of the inheritance tax calculation process, which would enable notaries to submit data to the tax administrator through integrated interfaces, eliminating the current manual data transfer step between the notarial process and the taxation authority. The three main barriers identified are: data protection and cybersecurity concerns; shortcomings in the current legal framework; and the need for significant financial investment. The data protection barrier is particularly salient in the context of succession proceedings, which involve sensitive personal and financial data. The intersection of GDPR (EU's General Data Protection Regulation) obligations with operational digitalisation creates a compliance layer that requires legal-technical resolution before full digital workflow integration can proceed. The legal framework barrier echoes a pattern observed across several JuWiLi II jurisdictions, where the regulatory cycle is misaligned with IT development timelines, rendering completed projects obsolete before deployment.

4.13.9. Synthesis: Efficiency assessment and country-specific findings

Lithuania's non-contentious justice architecture presents a well-functioning delegation model in the succession domain alongside a system still in transition in adjacent areas. Succession is the dominant caseload (59,897 proceedings in 2022), processed with a

Clearance Rate of approximately 0.97 and an average duration of 180 days. Although sharply declining in volume, executive inscriptions demonstrate, at an 12-day average, the system's capacity for high-speed resolution. The 2023 delegation of non-contentious divorce transfers approximately 7,500-7,700 annual proceedings to notaries. The current statutory scope is limited to childless couples and waiving this restriction would further maximise the efficiency gains from delegation. Business registry notarial involvement has contracted structurally to below 1%, raising welfare-economic questions about legal scrutiny quality that warrant formal assessment within *lex ferenda*. The geographic network provides a four-to-one accessibility advantage at the 99th percentile. The digitalisation profile is among the most advanced in the study, with *eNotaras IS* having been fully operational since 2021 and remote acts at 10%. Primary barriers to further digitalisation (cybersecurity, legal framework, capital) will require action beyond the chamber's own resources.

4.13.10. Policy recommendations

Three policy recommendations follow from the empirical findings of this report.

First, the Lithuanian Chamber of Notaries should organise structured training programmes for legal staff employed in notarial offices. All training categories for this group are currently optional despite their substantive role in processing non-contentious proceedings. Chamber-organised programmes covering succession law, procedural requirements and the *eNotaras IS* would close the human-capital gap without requiring legislative intervention. The chamber's demonstrated capacity to build and operate the *eNotaras IS* confirms that it is well-placed to design and deliver such programmes.

Second, the welfare-economic consequences of the structural shift in business registry competence away from notaries should be formally assessed within *lex ferenda*. The contraction of notarial market share from 27% in 2018 to below 1% in 2022 raises questions about the quality of legal scrutiny applied to entity formation, citizen access costs and the overall integrity of the registry, which warrant explicit policy attention.

Third, two targeted further developments of the *eNotaras IS* should be pursued, supported where necessary by legislative amendment: first, a comprehensive digital document archive for secure long-term storage of notarial records with remote access for authorised parties; and second, standardised API (Application Programming Interface) specifications for the inheritance tax data interface, eliminating the current manual data transfer step between notaries and the tax administration. Both require a GDPR-compliant legal basis for digital document storage. Addressing this would benefit Lithuania and could provide a regulatory template for comparable EU jurisdictions.

4.14. Luxembourg country report

4.14.1. Abstract

Luxembourg's non-contentious justice system is characterised by a partially delegated notarial model covering, *inter alia*, the three legal areas: succession, non-contentious divorce and matrimonial agreements. The notarial corps consists of 36 practitioners, supported by an estimated 300 to 400 legal and other staff. Estimated caseload volumes reported by Luxembourg's Chamber of Notaries, the *Chambre des Notaires,* amount to approximately 3,000 succession, 1,050 divorce and 1,900 matrimonial-agreement proceedings per year, for a combined notarial non-contentious caseload of approximately 5,950 cases annually. Systematic caseload and caseflow statistics are not available from official sources. The figures provided are expert estimates.

Processing times are reported qualitatively: succession proceedings typically require six to twelve months, while divorce and matrimonial matters average one to six months. The geographic accessibility analysis shows that notaries and courts of first instance are comparably accessible at the first quartile (1.2 km and 1.5 km respectively) but diverge substantially at the median (1.5 km versus 7.2 km) and beyond. A standardised fee schedule exists and is publicly accessible to citizens. Costs are borne entirely by private individuals. Luxembourg's notarial chamber has a fully articulated digitalisation strategy supported by dedicated personnel and has conducted a process impact assessment, representing one of the more advanced digitalisation profiles within the JuWiLi II study. More specifically, a substantive part of the notarial profession has already been digitalised. A notarial electronic exchange platform has been up and running since the end of 2023. This tool gives notaries access to important State-held databases and connects notaries with certain administrations.

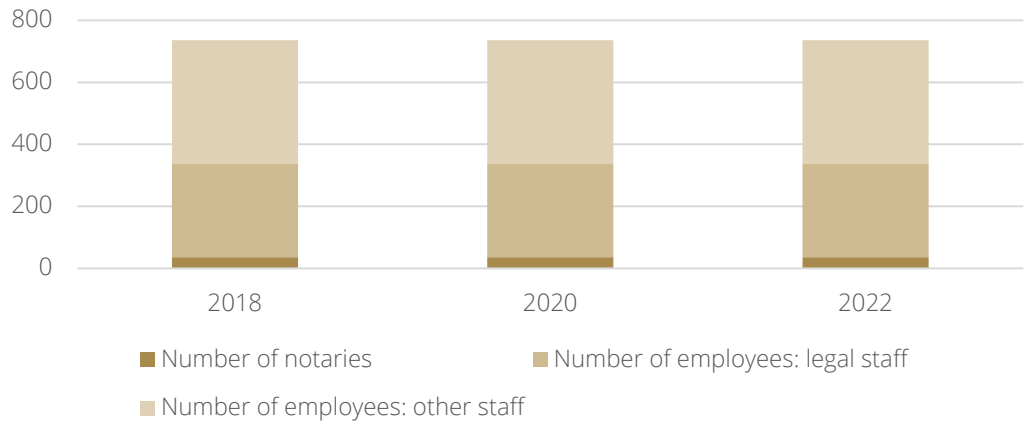
4.14.2. Country profile and institutional context

4.14.2.1. The notarial sector: Structure and scale

The number of practising notaries remained constant at exactly 36 across all three reference years (2018, 2020 and 2022), a feature attributable to the *numerus clausus* regulation governing notarial appointments in the Grand Duchy of Luxembourg. Staffing data for legal and other employees are available for 2022 only, with the *Chambre des Notaires* estimating the number of legal and other staff at between 300 and 400. The questionnaire refinement document indicates that staffing levels for 2018 and 2020 are assumed to be approximately equal to the 2022 values, though no precise historical statistics are available.

Figure 56: Employment in the notarial sector in Luxembourg

Notaries, legal and other staff between 2018 and 2022

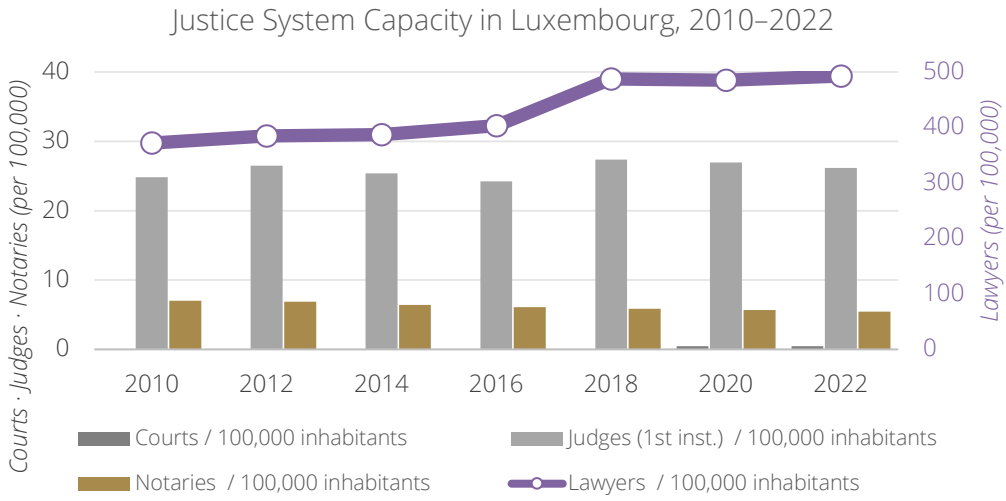


Source: JuWiLi

Figure 57 presents the densities of four categories of justice system professionals per 100,000 inhabitants in Luxembourg from 2010 to 2022: notaries, lawyers, first instance judges and courts.

Figure 57: Legal experts in the justice system in Luxembourg

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Lawyer density dominates, growing from approximately 372 to 493 per 100,000 inhabitants between 2010 and 2022 (+32.5%), substantially outpacing population growth and reflecting

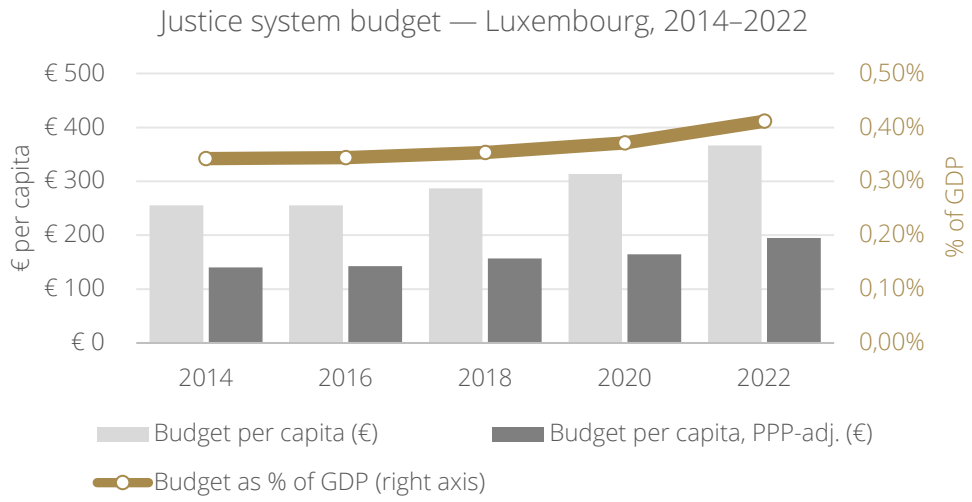
the expansion of Luxembourg's financial centre legal market. Judicial density remained broadly stable at around 26 per 100,000, while notarial density is below that of judges and court-location density is near negligible, confirming the concentrated institutional architecture visible in Figure 57.

Figure 58 shows Luxembourg's budget for its entire justice system from 2014 to 2022 across three indicators: GDP share, nominal *per capita* spending and PPP-adjusted *per capita* spending. All three indicators exhibit a consistent upward trend, distinguishing Luxembourg from several other JuWiLi II jurisdictions.

All three indicators rose continuously from 2014 to 2022: the GDP share increased from 0.34% to 0.41%, nominal *per capita* spending from 255 euro to 367 euro (+44%) and PPP-adjusted spending from 140 euro to 195 euro (+39%). The persistent and widening gap between nominal and PPP-adjusted indicators reflects Luxembourg's exceptionally high price level. Nonetheless, both indicators confirm a genuine increase in real justice resources. From a welfare-economic standpoint, the fiscal dividend from notarial delegation moderates what would otherwise be an even steeper upward trajectory in court sector resource consumption.

Figure 58: Whole justice system budget in Luxembourg

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.14.2.2. Institutional architecture: Courts, notaries and other authorities

Luxembourg's institutional architecture for non-contentious proceedings reflects a partially delegated model. Notaries hold substantive competence over, *inter alia*, succession, non-

contentious divorce and matrimonial agreement and business law. In addition, notaries feed information into the Luxembourg land register and the Luxembourg business register. In succession proceedings, the institutional arrangement is a hybrid one: the notary exercises competence under court-commissioner principles, with the court nominating the notary and the final decision formally residing with the court, though the notary's role is substantive rather than merely administrative. No territorial restriction applies. Citizens are therefore free to approach any notary regardless of district.

In non-contentious divorce, notaries hold direct competence without acting as court commissioners and without court nomination: the final decision lies with the notary and neither courts nor other authorities are involved in the process. Luxembourg has thus entrusted non-contentious divorce entirely to notaries, a reform that represents a full outsourcing of this legal area to the private notarial sector. For matrimonial agreements covering pre-nuptial and post-nuptial contracts, notaries have exclusive, autonomous competence with client-nominated appointment and no court involvement at any stage.

Table 21: Legal structure for processing non-contentious cases in Luxembourg
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	n/d	n/d	n/d	n/d	n/d	n/d	True	True	True
Divorce	n/d	n/d	n/d	n/d	n/d	n/d	True	True	True
Marriages	n/d	n/d	n/d	n/d	n/d	n/d	True	True	True

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed. Given that there is no data available (n/d) for the number of resolved proceedings in courts and other authorities for some cases, shares cannot be calculated for notaries. True = Notaries are in charge of some cases.

From a transaction cost perspective, the three delegated areas represent an outsourcing arrangement in which the processing burden is borne by privately funded notarial offices rather than the public court budget, generating a fiscal dividend for the State.

The detailed process indicators for succession, non-contentious divorce and matrimonial agreements confirm several shared features: territorial restriction does not apply in any area, client mobility is unrestricted and fee standardisation is confirmed for matrimonial agreements (varying by case for succession and divorce). Electronic file access and court-notary electronic communication systems are currently under discussion. The succession process reflects the court-commissioner model – the court nominates the notary and retains formal final authority – while, in divorce and matrimonial proceedings, final authority lies with the notary without court nomination.

4.14.3. Caseload analysis: Volume, composition and trends

4.14.3.1. Non-contentious caseload by legal area

The caseload estimates reported by the *Chambre des Notaires* indicate a combined annual notarial non-contentious caseload of approximately 5,950 proceedings (approximately 3,000 succession, 1,050 divorce, 1,900 matrimonial agreements). These figures are held constant across the three reference years as the chamber characterises them as rough estimates rather than systematic statistics. Court-handled volumes are not separately available. CEPEJ data indicate approximately 11,820-13,339 total first instance non-litigious court filings across the period, covering a broader scope than the delegated areas. Market share computation is not therefore feasible.

4.14.3.2. Caseflow management

Annual caseflow statistics (pending, incoming, resolved, leftover) are not available for Luxembourg's notarial sector, reflecting the absence of systematic case tracking records within the *Chambre des Notaires* for these proceedings.

4.14.4. Efficiency analysis: Processing time and throughput

4.14.4.1. Average processing duration by legal area

Quantitative processing time data for non-contentious cases resolved by notaries – covering the distribution across duration bands and average days for national and cross-border proceedings – are not available from systematic records for any of the three reference years. The *Chambre des Notaires* has provided qualitative estimates: succession proceedings typically require between six and twelve months as a rule of thumb, with complex cases and in particular cross-border succession matters routinely exceeding one year. Non-contentious divorce and matrimonial agreement proceedings are estimated to average between one and six months. The chamber notes that processing times vary considerably from case to case, which is itself economically informative. High levels of variation in processing duration within a single legal area typically indicates that case complexity is the binding constraint on throughput rather than procedural or administrative factors.

4.14.4.2. System level performance indicators

The four composite system level performance indicators – Clearance Rate (CR), Work Overload (WO), Stake Change (SC) and Disposition Time (DT) indicators – cannot be computed for Luxembourg's notarial sector in any reference year, as their calculation requires caseflow data (pending, incoming, resolved and leftover cases) that are not available.

Although not exclusively attributable to notarial proceedings, the Work Overload index for total non-litigious cases in Luxembourg stands at approximately 0.25, which reflects a well-functioning and lightly loaded system.

4.14.5. Geographic accessibility: Mapping notaries and courts

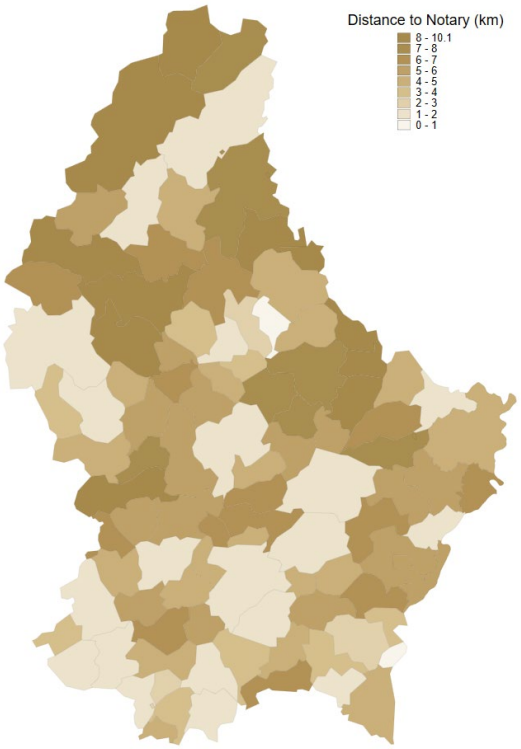
The geographic accessibility analysis reveals a distinctive pattern: notarial offices and courts are nearly equidistant for the most accessible quarter of the population, but the gap widens substantially and continuously from the median onward (Table 22). Luxembourg's polycentric settlement structure means that notarial coverage is materially superior to judicial coverage across the majority of the residential population, supporting the welfare-economic case for the current delegation arrangement.

Court accessibility is concentrated at three locations – Luxembourg City, Esch-sur-Alzette and the Diekirch–Ettelbruck area – while most of the country's communes lie at considerably greater distances from a court. This reflects Luxembourg's historically centralised judicial architecture.

Figure 59 shows a distributed notarial network: most communes in the south and centre lie within 0-5 km of a notary, with distances rising to up to 10.1 km in the sparsely populated north. The distributed pattern reflects the *numerus clausus* system, under which notarial office locations are allocated across districts rather than concentrating organically in the largest population centres.

Figure 59: Map of citizens' distance to notaries in Luxembourg

Distance from Local Authorities' Units



Source: JuWiLi

Table 22 quantifies the access differential at six population percentiles. Notarial and court distances are near equal at the 25th percentile (1.2 vs 1.5 km) but the gap widens sharply from the median onward: at P50 the ratio is 4.8 to one (1.5 vs 7.2 km), at P75 the court distance reaches 12.4 km against 4.6 km for notaries and, even at 99th percentile, the notarial maximum of 9.3 km compares with 26.4 km for courts. These figures operationalise the transaction cost advantage of the current delegation arrangement across the full residential distribution.

Table 22: Population coverage in Luxembourg

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.2	1.5
50%	1.5	7.2
75%	4.6	12.4
90%	6.4	19.4
95%	8	22.5
99%	9.3	26.4

Source: JuWiLi

4.14.6. Cost structure and fee transparency

Luxembourg's notarial sector operates under a standardised, publicly accessible fee schedule, satisfying the consumer information prerequisite for informed decision-making under the OECD Recommendation on People-Centred Justice Systems. Costs in all three delegated areas are borne entirely by private individuals – no State subsidy applies. The delegation arrangement therefore imposes no fiscal burden on the public budget while relieving the court system of the corresponding processing load.

4.14.7. Quality Assurance, training and supervisory oversight

4.14.7.1. Initial and ongoing professional training

Notaries in Luxembourg complete a compulsory two-year initial training period, complemented by a two-tier continuing development framework: specialised areas (including *inter alia* AML/CFT - anti-money laundering / countering the financing of terrorism (AML/CFT) regulations) carry mandatory in-service training, while general and digital literacy development is optional but strongly recommended. The same two-tier structure applies to notarial staff, with digital literacy training consistently flagged as a priority – consistent with the chamber's broader digitalisation strategy.

4.14.7.2. Systemic control mechanisms

Luxembourg's notarial sector operates under a complete tri-partite supervisory framework: a supervisory body, a regular process auditing procedure and a formal malpractice mechanism – the standard JuWiLi II minimum configuration for principal-agent accountability in delegated proceedings. This architecture creates aligned incentives for procedural and substantive compliance and provides a ready institutional foundation for any future extension of notarial competence.

4.14.8. Digitalisation: Capacity, strategy and bottlenecks

Luxembourg's *Chambre des Notaires* presents one of the more advanced digitalisation profiles in the JuWiLi II study: a full strategy is in place, supported by four dedicated staff plus external consultants and Luxembourg is the only country to have completed a formal process impact assessment. The top priority deliverables – electronic deed registration with the *AED* (*Administration de l'Enregistrement, des Domaines et de la TVA*, Land Registration and Estates Department) the *RCS (Registre de Commerce et des Sociétés,* Luxembourg Trade and Companies Register) and the land register, operational since end-2023 and electronic signing – target the bottlenecks that generate the highest administrative transaction costs. The main challenges are legal framework instability (legislative amendments overtaking completed IT projects), incomplete pre-commitment opportunity analysis and costs.

4.14.9. Synthesis: Efficiency assessment and country-specific findings

Luxembourg's non-contentious justice architecture reflects a mature but incomplete delegation model. Three important legal areas – succession, non-contentious divorce and matrimonial agreements – have been entrusted to notaries, generating a combined estimated caseload of approximately 5,950 proceedings annually. The institutional conditions for this delegation are well-established: a stable notarial corps of 36 practitioners with structured training and a complete supervisory framework, a publicly accessible standardised fee schedule and a network that provides outstandingly easy access to notarial services for the entire Luxembourg population.

The geographic data establish that, in terms of territorial accessibility, the notarial network is materially superior to the court system at every population percentile above the 25th, with the median access differential standing at approximately 4.8 to one in favour of notaries. These features collectively confirm that the delegation arrangement achieves the efficiency dividend predicted by the transaction cost framework: citizens access lower-cost, geographically proximate services and the public court system is relieved of the corresponding processing burden. The digitalisation profile is the strongest positive feature: a fully articulated strategy, a process impact assessment and clearly identified priority targets distinguish Luxembourg from jurisdictions where digitalisation remains aspirational.

4.14.10. Policy recommendations

The Luxembourg notariat already operates as a well-functioning and adequately supervised system, and the evidence assembled in this study does not indicate a need for structural reform. Notarial offices provide broad territorial coverage, and the existing framework is sufficient to sustain current competences without additional infrastructure. The principal recommendation is to continue the ongoing digitalisation of the notariat, building on the existing consultation procedures and mechanisms. This requires no legislative amendment and falls within ordinary administrative practice.

4.15. Malta country report

4.15.1. Abstract

Malta presents one of the most institutionally distinctive cases within the JuWiLi II comparative study. Unlike the majority of participating civil law jurisdictions, Malta has not conferred autonomous non-contentious decision-making competence on notaries. The substantive resolution of succession, divorce, marriage, land registry and business registry matters remains within the jurisdiction of the courts. Nonetheless, Maltese notaries perform a range of statutory non-contentious functions, several of which require court authorisation. Accordingly, the Maltese case is best characterised not in terms of the absence of notarial non-contentious competence, but as a configuration in which existing notarial functions are largely ancillary to, or conditioned upon, court involvement.

Accordingly, caseload, processing time and caseflow data are not available for this report, as these indicators presuppose a functioning notarial non-contentious caseload that does not yet exist at scale. Nonetheless, the notarial sector exhibits measurable productive capacity – 385 practising notaries as of 2022, representing approximately 74 notaries per 100,000 inhabitants – and demonstrates notably superior geographic accessibility relative to courts, with 50% of the population residing within 0.7 km of a notary compared with 4.7 km for a court of first instance. The main policy implication is that Malta's institutional architecture represents a prime case for reform: the welfare-economic conditions for delegation of non-contentious competence to notaries are present, but the legislative basis has not yet been enacted.

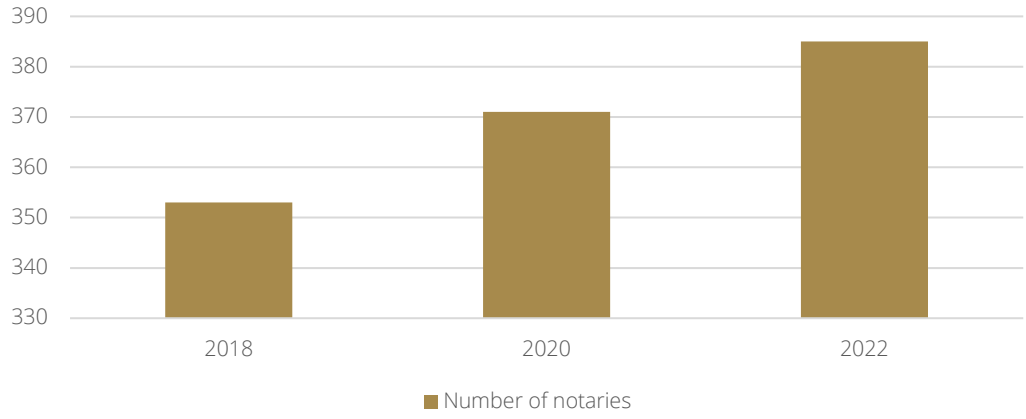
4.15.2. Country profile and institutional context

4.15.2.1. The notarial sector: Structure and scale

The Maltese notarial corps grew from 353 practitioners in 2018 to 385 in 2022 (approximately 9.1%), settling at 74 notaries per 100,000 inhabitants once Malta's rapid population expansion is accounted for. CEPEJ data place the 2022 lawyer density at approximately 292.8 per 100,000 and the judicial density at 7.1 per 100,000, underscoring the notarial sector's substantial latent capacity for non-contentious processing. Staffing data for notarial offices are unavailable, consistent with the prevailing pattern of solo practice. Productive capacity in the non-contentious domain remains constrained by the absence of legislative delegation.

Figure 60: Employment in the notarial sector in Malta

Notaries, legal and other staff between 2018 and 2022



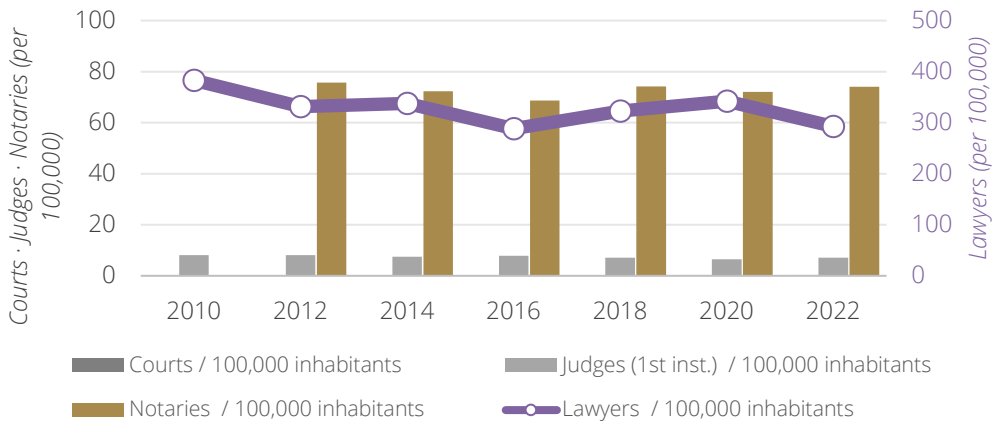
Source: JuWiLi

Note: No data on employees.

Figure 61 benchmarks four categories of legal expert – notaries, lawyers, first instance judges and courts – as densities per 100,000 inhabitants over 2010-2022. The dominant structural feature is lawyer prevalence: at approximately 292.8 per 100,000 in 2022, lawyers outnumber notaries by a factor of roughly four and judges by a factor of approximately 41. Notarial density is broadly stable across the period, reaching 74 per 100,000 in 2022 after a minor trough. The trend reflects population growth rather than any contraction of the notarial corps. With the notarial corps roughly ten times larger than the judiciary per unit of population, the chart underscores the considerable latent capacity available for non-contentious processing under a model of legislative delegation.

Figure 61: Legal experts in the justice system in Malta

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



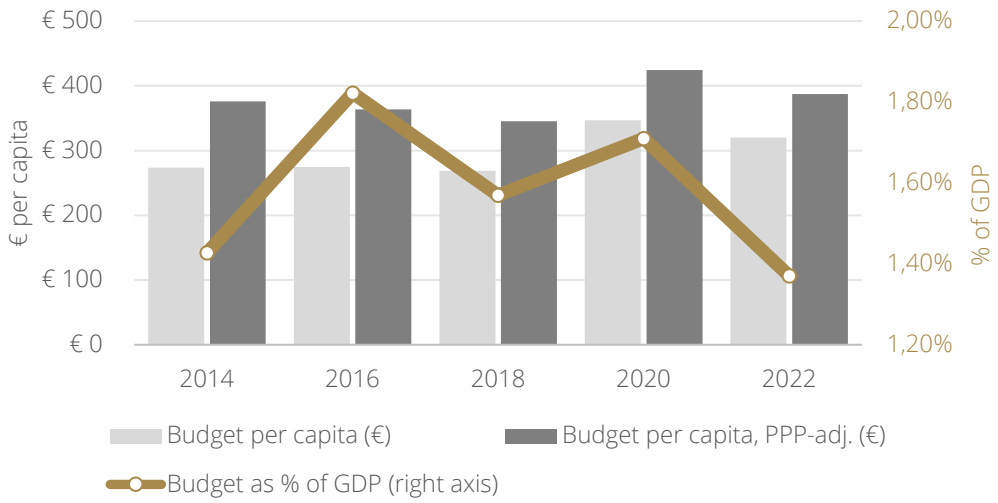
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 62 tracks Malta's public justice expenditure across three indicators – GDP share, nominal *per capita* budget and PPP-adjusted *per capita* figure – from 2014 to 2022. The GDP share peaked at 1.82% in 2016 and fell to 1.37% in 2022, its lowest recorded value, confirming that spending on justice has not kept pace with Malta's exceptional economic expansion. The PPP-adjusted *per capita* figure stood at 387.5 euro in 2022, compared with 375.7 euro in 2014. From a welfare-economic standpoint, this declining fiscal headroom reinforces the efficiency case for legislative delegation. A court system absorbing the processing burden of non-contentious matters under a tightening budget-to-GDP ratio generates growing costs that a privately funded notarial network would carry off the public account.

Figure 62: Whole justice system budget in Malta

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.15.2.2. Institutional architecture: Courts, notaries and other authorities

Notaries in Malta have not been appointed as court commissioners and are therefore not authorised to handle non-contentious cases on behalf of the court, nor have they been granted autonomous statutory competence over such proceedings.

In the area of succession, primary jurisdiction lies with the First Hall Civil Court. Nonetheless, notaries fulfil an active procedural role: relatives of a deceased person approach a notary with the death certificate and request a testamentary search to establish whether a will exists, obtaining a copy from the signing notary or the Notarial Archives. Where no will exists, the notary files the application in court to open the intestate succession in favour of the heirs under Maltese law. The notary's further succession competences are the issuance of the European Certificate of Succession (ECS) under Act XVI of 2015, implementing EU Succession Regulation No. 650/2012, with a dedicated register that became operational in

2022 and recorded 37 certificates by year-end and the publication of the declaration of transmissions *causa mortis,* which is published for fiscal purposes, whereby heirs declare which immovable property was owned by the *decuius* at the time of his death and pay the relative stamp duty on the value thereof. Non-contentious divorce does not exist as a distinct legal category. The Civil Code (Chapter 16 of the Laws of Malta) requires all divorce proceedings to be filed in court without distinguishing between litigious and non-litigious instances.

In the domain of marriage and family matters, notarial involvement extends beyond the publication of pre-nuptial and post-nuptial agreements and deeds of personal separation (which require authorisation from the First Hall Civil Court (Voluntary Jurisdiction) or the Family Court). Maltese notaries are also competent for: the establishment or modification of matrimonial property regimes, including the pre-marital exclusion of the community-of-property regime by notarial instrument (court approval being required where the parties are already married); the conclusion and termination of cohabitation agreements in the form of a notarial authentic instrument; the drawing-up of reconciliation agreements between legally separated spouses, subject to prior court authorisation; the formalisation of child maintenance, contact and custody agreements for unmarried parents, where the notary verifies compliance with the formal requirements of notarial acts before final reading and signing with the court decree attached; and the publication of contracts recognising paternity under Art. 87 of the Civil Code.

Cases involving the land registry are processed by the civil courts. Notaries are statutorily obliged to initiate the registration of those instruments which, under notarial law, must be registered by the notary within a prescribed time period and accordingly handle post-deed registration applications.

Business registry matters fall under court commercial jurisdiction, with the Malta Business Registry managing company law administration. Notaries have no competence in this domain. From a transaction cost perspective, this institutional configuration implies that the full administrative burden of non-contentious proceedings is borne by the public court system, without the cost-offloading mechanism that delegation to notaries could provide.

Table 23: Legal structure for processing non-contentious cases in Malta

Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	n/d	n/d	n/d	0%	0%	0%	0%	0%	True

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed. Given that there is no data available (n/d) for the number of resolved proceedings in courts, shares cannot be calculated for notaries. True = Notaries are in charge of some cases.

Detailed process indicators for the ECS caseload cannot be provided. Although Maltese notaries hold competence over the issuance of the European Certificate of Succession under Act XVI of 2015, the caseload recorded since 2022 is insufficient to generate meaningful throughput statistics.

4.15.3. Caseload analysis: Volume, composition and trends

4.15.3.1. Non-contentious caseload by legal area

Disaggregated caseload data for non-contentious proceedings handled by courts, other authorities and notaries are not available for Malta across any of the three reference years.

The sole quantified entry is the figure of 37 European Certificates of Succession issued by notaries since the dedicated register became operational in 2022. This figure constitutes the entire quantified non-contentious notarial caseload. It should be read in light of the fact that Maltese notaries also perform non-quantified non-contentious functions, including testamentary searches, applications to open intestate successions and the formalisation of various family-law agreements, for which no systematic caseload data have been compiled. The 37 ECS certificates therefore understate the actual volume of notarial non-contentious activity rather than measuring it comprehensively.

4.15.3.2. Caseflow management

The absence of caseload data for courts precludes the computation of notarial market share, clearance rates and other throughput indicators that form the comparative backbone of the JuWiLi II efficiency analysis.

4.15.4. Efficiency analysis: Processing time and throughput

The four composite system-level performance indicators – Clearance Rate (CR), Work Overload (WO) index, Stake Change (SC) indicator and Disposition Time (DT) – cannot be computed for Malta's notarial sector in any reference year. These indicators require caseflow data (pending, incoming, resolved and leftover cases) as their input and such data are not available given the structural absence of a notarial non-contentious caseload. This limitation underscores the unique nature of the Maltese case as a jurisdiction in which the institutional preconditions for measuring notarial throughput efficiency have not yet been established.

4.15.5. Geographic accessibility: Mapping notaries and courts

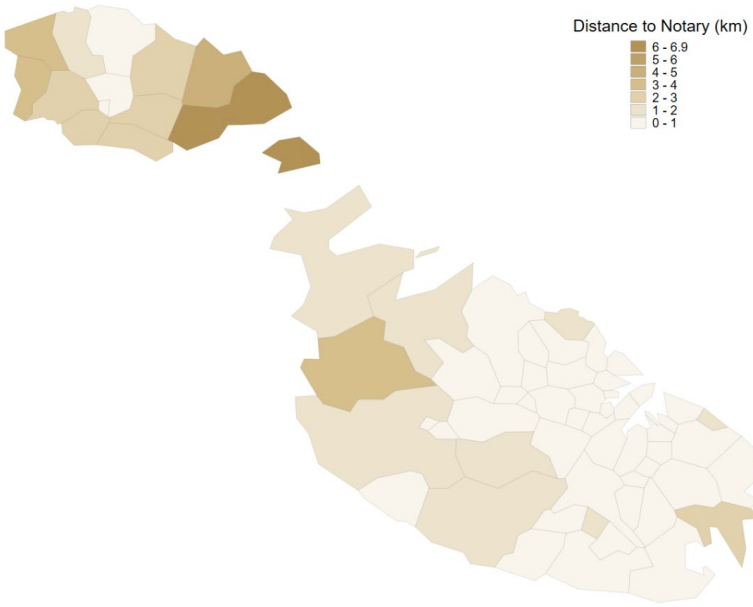
The geographic accessibility analysis for Malta clearly illustrates the structural disparity between a densely distributed private professional network and a judiciary concentrated in a limited number of institutional sites. Malta is a small island jurisdiction with a total land area of approximately 316 km² and a population of approximately 520,174 in 2022. The physical smallness of the territory means that absolute distances to any service provider are short relative to continental jurisdictions. What is analytically significant is not the

absolute distance values but the pronounced differential between the notarial and court networks within the same geographic constraints.

The court network is strikingly concentrated. As Table 24 shows, 50% of Malta's population must travel at least 4.7 km to the nearest court with non-contentious jurisdiction, rising to 10.5 km at the 90th percentile and 13.6 km at the 99th percentile. This pattern reflects a service concentrated at a single point on each island, with access costs increasing steeply as one moves outwards.

Figure 63: Map of citizens' distance to notaries in Malta

Distance from Local Authorities' Units



Source: JuWiLi

Note: Straight-line distances from population centroids of LAU units to the nearest sworn notary office, overlaid on population density. Darker shading indicates greater distance from the nearest notary.

Figure 63 maps straight-line distances from each LAU population centroid to the nearest sworn notary office. The contrast with the court network is immediate: the great majority of LAUs on the main island are rendered in white or the lightest band (0-1 km), with virtually universal sub-kilometre access across the central and eastern portions of Malta. A band of 2-3 km distances appears in the west and the southwestern tip reaches 4-5 km. On Gozo, the outer extremities and small outlying islet reach 5-6.9 km. As recorded in Table 24, half of Malta's population resides within 0.7 km of a notary.

The access differential between the notarial and court networks – quantified across six percentile thresholds in Table 24 below – is exceptional in magnitude and consistent across the entire population distribution. At the median, a citizen seeking court services faces a 4.7 km journey compared with 0.7 km for a notary; at the 90th percentile, 10.5 km against 1.2 km. The notarial-to-court distance ratio ranges from approximately 6.7 to 7.5 at the middle percentiles, operationalising the welfare-economic cost of the court-only model:

conferring non-contentious competence on notaries would deliver a structurally Pareto-relevant reduction in citizen travel costs at every point in the distribution.

Table 24: Population coverage in Malta

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	0.4	2.9
50%	0.7	4.7
75%	1	7.5
90%	1.2	10.5
95%	2.3	11.1
99%	4.9	13.6

Source: JuWiLi

Note: Distances in kilometres, computed as straight-line distances from population centroids of Eurostat LAU 2024 units to the nearest sworn notary office and the nearest court of first instance with non-contentious jurisdiction respectively.

4.15.6. Cost structure and fee transparency

Notarial fees in Malta are regulated by law. The Notarial Council of Malta provides a publicly accessible fee calculator through which citizens may obtain an estimate of notarial fees by selecting the relevant service category and entering the transaction value. This regulatory framework satisfies the basic precondition for cost transparency, a prerequisite for informed consumer decision-making under the OECD Recommendation on People-Centred Justice Systems. Nonetheless, a residual gap exists with respect to search costs, which are not amenable to standardised estimation as they depend on the root of title and the specific parties involved. Systematic quantitative data on the full cost structure of notarial proceedings, suitable for cross-country comparison within the JuWiLi II framework, are not available for Malta.

4.15.7. Quality assurance, training and supervisory oversight

4.15.7.1. Initial and ongoing professional training

Appointment as a Maltese notary requires six years of academic legal education followed by a two-year supervised traineeship, eight years of training in total, constituting a credible quality assurance signal in the market for legal services. No mandatory in-service training exists, representing a structural gap in ongoing professional development that would become material if notarial competence is extended to more complex non-contentious proceedings.

4.15.7.2. Systemic control mechanisms

Malta's notarial sector operates under a complete tri-partite supervisory framework. A supervisory body exists, providing institutional oversight of notarial conduct and

professional standards. A regular auditing procedure is in place, enabling systematic verification that prescribed processes are followed correctly – a principal-agent mechanism that reduces the informational asymmetry between the supervising authority and individual practitioners. A formal procedure for addressing malpractice also exists, establishing clear consequences for detected deviations and thereby strengthening the incentive-compatibility of the professional compliance regime. These three affirmative indicators confirm that the supervisory architecture of the Maltese notarial sector is institutionally complete. The existence of independent oversight and credible sanctions for malpractice constitutes a structural quality assurance foundation that would support the extension of notarial competence to non-contentious proceedings without requiring the creation of new oversight infrastructure.

4.15.8. Digitalisation: Capacity, strategy and bottlenecks

The Notarial Council of Malta reports a partial digitalisation strategy reflecting incremental engagement with digital transition rather than a fully articulated programme. No dedicated resources, personnel or budget allocations for digitalisation exist; no process impact assessment has been conducted; and no digital literacy training is available. The three highest priority targets are: full post-deed registration at the Public Registry and Land Registry (currently limited to online payment only); digitalisation of applications at the Court of Voluntary Jurisdiction; and electronic search infrastructure for notarial offices (for which no government support is provided). The three main barriers are the absence of any annual government budget allocation, the lack of inter-departmental API linkage and inadequate cross-registry management oversight. These barriers are predominantly of a public goods and coordination failure nature, amenable to resolution only through targeted public investment and legislative action.

4.15.9. Synthesis: Efficiency assessment and country-specific findings

Malta presents the JuWiLi II study with its most structurally distinctive case: a civil law notarial jurisdiction in which the institutional conditions for an efficient delegation of non-contentious competence are demonstrably present, but in which the legislative transfer of that competence has not occurred. The notarial sector is of substantial size – 385 practitioners in 2022, growing at approximately 9.1% over the study period – and its territorial distribution provides access that is structurally superior to that of the court system by a factor of between 6.7 and 7.5 across the middle of the population distribution (Table 24).

The supervisory architecture is institutionally complete, with a supervisory body, regular auditing and a malpractice procedure in place. Initial professional training is rigorous, with eight years of combined academic and practical training. These features collectively satisfy the institutional prerequisites for delegation: adequate human capital, territorial reach and quality assurance mechanisms. The decisive constraint is legislative: the absence of a statutory grant of competence prevents notaries from exercising the jurisdiction that their professional training and network density would otherwise support.

The welfare-economic costs of this legislative gap are twofold. First, citizens bear higher travel costs than they would under a model conferring non-contentious competence on notaries. As the geographic data demonstrate, the median Maltese citizen must travel 4.7 km to a court, compared with 0.7 km to a notary. Second, the public court system absorbs the processing burden of proceedings that, in comparable jurisdictions, are handled at lower unit cost through the notarial channel, generating a persistent inefficiency in the allocation of public justice expenditure. The digitalisation analysis reinforces this diagnosis: the main barriers are structural and financial, amenable to resolution through targeted legislative and fiscal action.

4.15.10. Policy recommendations

Three policy recommendations follow from the empirical findings of this report.

First, the Maltese legislature should extend the existing notarial competences in succession matters – which currently comprise the issuance of the European Certificate of Succession under Act XVI of 2015, the publication of declarations of transmission *causa mortis* and the conduct of testamentary searches and the filing of applications to open intestate successions – to encompass autonomous notarial competence over the full range of non-contentious succession proceedings. This thereby relieves the First Hall Civil Court of the adjudicative burden that it currently retains and should progressively confer equivalent competence across further categories of non-contentious proceedings. This recommendation falls within *lex ferenda*, requiring formal legislative amendment, but its welfare-economic justification is compelling. The geographic data establish that conferring non-contentious competence on notaries would reduce citizen travel costs by a factor of between five and seven relative to court-based processing and the existing supervisory infrastructure would absorb the expanded mandate without structural modification.

Second, the Government of Malta should establish a dedicated national digitalisation fund for the notarial sector, with a mandate to finance the API interoperability framework linking the Public Registry, Land Registry and the registry of ECS applications. The absence of this infrastructure is a coordination failure that cannot be resolved through individual notarial investment; public provision is economically justified on public goods grounds and falls within *lex lata* insofar as it requires only an administrative budget reallocation.

Third, the notarial chamber should introduce a structured programme of compulsory in-service training, covering substantive legal developments and digital literacy, as a condition of continued practice. The current absence of any mandatory ongoing professional development is inconsistent with the human-capital investment logic underlying the eight-year initial training requirement and constitutes a quality assurance gap that would become material if notarial competence is extended to non-contentious proceedings of greater legal complexity.

4.16. The Netherlands country report

4.16.1. Abstract

The Netherlands is one of the most institutionally consolidated models of notarial competence for non-contentious proceedings in the EU. Notaries hold exclusive substantive competence in succession, marriage contracts, land registry and business registry, with courts absent from first instance processing. The notarial workforce grew to 12,178 employees by 2022 and aggregate caseload across the four active areas rose about 8.3% to 969,777 cases. Accessibility is among the best in the study, the median citizen lying 1.9 km from a notary as opposed to 9.1 km from a court. Fees are market-determined rather than tariff-regulated and borne by private individuals, except in the business registry, which receives an annual government contribution. The Dutch Notarial Association (*Koninklijke Notariële Beroepsorganisatie, KNB)* maintains a comprehensive digitalisation infrastructure (a dedicated department of some 25-45 staff and a 20 million euro annual budget). The main policy implications concern the absence of centralised fee reporting, the incomplete digital integration of court and notarial systems for divorce and the identification of eIDAS 2.0 compliance, the digital deed and the ALMR (Anti-Money Laundering Register) gatekeeping function as priority digitalisation targets.

4.16.2. Country profile and institutional context

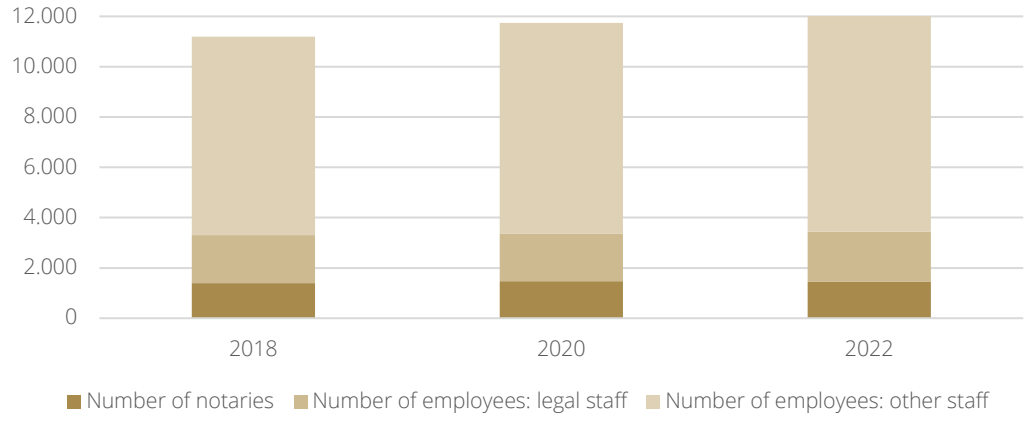
4.16.2.1. The notarial sector: Structure and scale

The Dutch notarial sector is organised under the *Wet op het notarisambt* (Notaries Act) and constitutes a liberal profession subject to public law regulation. Notaries are appointed by the Crown and operate as self-employed practitioners within privately managed offices, although their substantive functions carry the character of public authority. As of the reference year 2022, the Netherlands had 1,461 practising notaries (notaries and salaried notaries / *toegevoegd-notaris* combined), a figure that represents a modest decline from the peak of 1,469 recorded in 2020, itself an increase from 1,399 in 2018. The total number of employees engaged in the notarial sector – encompassing both legal staff (candidate notaries and qualified legal assistants) and administrative staff – increased consistently across the observation period, rising from 11,189 in 2018 to 11,740 in 2020 and reaching 12,178 in 2022. This aggregate employment growth of approximately 8.8% over four years is consistent with an expanding caseload and reflects the scale of the sector's operational footprint.

Legal staff (candidate notaries) stayed broadly flat at roughly 1,900-1,980 while administrative and other staff rose by about 10.8%. This compositional shift suggests that efficiency gains from digitalisation and standardisation were absorbed by rising caseloads rather than reducing support-staff demand, with the notary-to-employee ratio easing slightly from 12.5 to 12%. Figure 64 presents the staffing breakdown across all three reference years.

Figure 64: Employment in the notarial sector in the Netherlands

Notaries, legal and other staff between 2018 and 2022



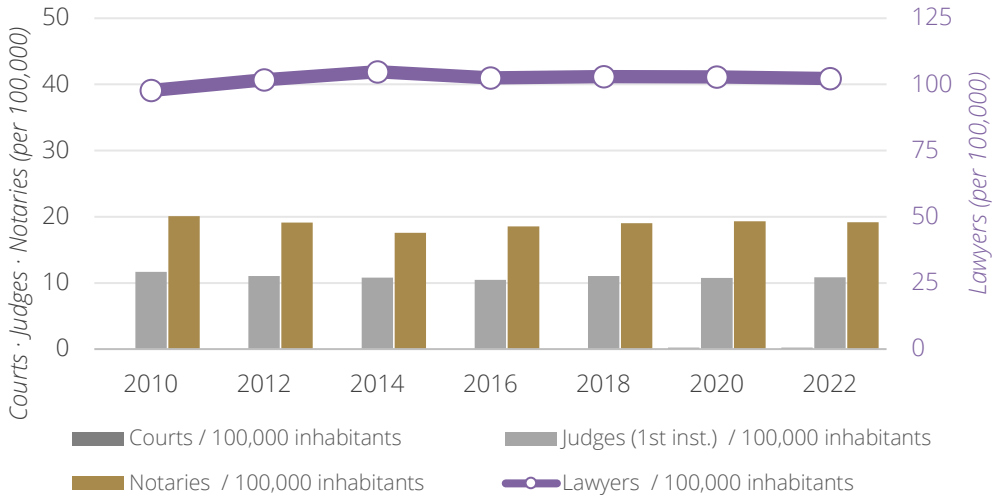
Source: JuWiLi

Note: The number of notaries combines notaries and salaried notaries (*toegevoegd-notaris*).

Figure 65 situates the notarial workforce within the wider justice sector using CEPEJ data on legal experts per 100,000 inhabitants. The Netherlands shows the high legal-expert density typical of a well-resourced western European system: around 19 notaries per 100,000 inhabitants in 2022 (down slightly from about 20 in 2010), a stable judicial density of roughly 11 judges per 100,000 and more than 100 lawyers per 100,000. This dense notarial coverage is consistent with the geographic accessibility documented below.

Figure 65: Legal experts in the justice system in the Netherlands

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

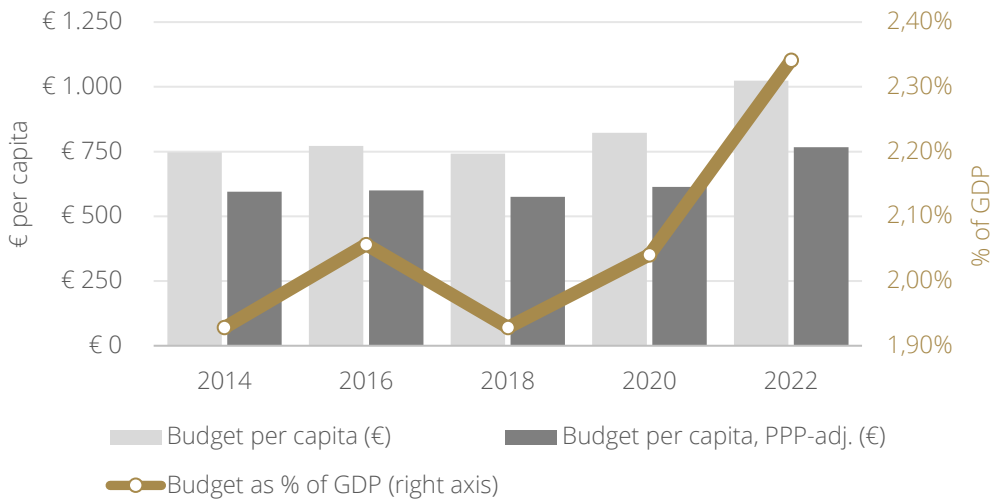
Note: Calculation based on the number of inhabitants.

Figure 66 presents the budget for the Dutch justice-system in its entirety based on three indicators from 2014 until 2022: the GDP share (upper axis, per cent) and the nominal and PPP-adjusted *per capita* figures (lower axis, euro).

All three measures follow a broadly U-shaped path, dipping to a low in 2018 before rising sharply to a high in 2022. The GDP share moves from roughly 1.9% in 2014 to a 2022 peak of 2.34%, a gain of some 41 basis points on the 2018 trough that exceeds any earlier single period movement. The nominal *per capita* budget tracks the same profile, with larger absolute swings consistent with the Netherlands' high-income position, rising from a 2018 low of about 742 euro to roughly 1,023 euro in 2022 – a two-year increment of some 200 euro *per capita* that dominates the figure.

Figure 66: Whole justice system budget in the Netherlands

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

The PPP-adjusted indicator (about 575 euro in 2018, rising to 767 euro in 2022) confirms the same upward direction at a lower level. Its persistent and widening gap below the nominal figure reflects the Netherlands' structurally higher price level; that the gap widens in 2022 indicates nominal expenditure outpaced the price-level adjustment, signalling a genuine increase in the real resources devoted to the justice system that year.

4.16.2.2. Institutional architecture: Courts, notaries and other authorities

The allocation of competence over non-contentious proceedings in the Netherlands follows a model of comprehensive notarial exclusivity. As set out in Table 25, courts exercise no first instance competence over any of the four legal areas for which data are available. The recorded shares of proceedings handled by courts and by other public authorities are uniformly zero for succession, marriage contracts, land registry and business registry

across all three reference years (2018, 2020, 2022). The notary accordingly bears a 100% market share in each category and this allocation has remained entirely stable throughout the observation period. Figure 65 and Figure 66 situate this institutional profile within the broader context of legal experts and justice system budgetary resources in the Netherlands.

Table 25: Legal structure for processing non-contentious cases in the Netherlands

Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Marriages	0%	0%	0%	0%	0%	0%	100%	100%	100%
Land registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Business registry	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

The detailed process indicators confirm further structural characteristics. In succession, the notary holds direct, exclusive case-handling competence and is the principal decision-maker rather than a court commissioner. An identical configuration applies to land registry, where the notary holds a statutory monopoly over mortgage, transport and limited-proprietary-right deeds. Business registry proceedings are handled in a related capacity – the notary instruments share transfers, incorporations and foundations subsequently reported to the Chamber of Commerce, with no court decision and non-standardised fees. In marriage contracts and registered partnerships, the notary again holds exclusive authority with no court involvement, but fees here are standardised, unlike in succession, land registry or business registry.

Divorce is structurally distinct. Under Dutch law, a divorce may be prepared by a notary, lawyer or mediator, but a lawyer must always file the petition and only the court can grant it. Non-contentious divorce is therefore neither exclusive notarial nor court-only competence but a hybrid in which the court holds case-handling competence and the final decision while the notary contributes to preparation. Territorial jurisdiction rules apply to none of the five areas – a notary may accept cases nationwide, removing one source of access asymmetry. No electronic court-notary communication exists in any area and, apart from the divorce file, no case files are systemically accessible electronically.

4.16.3. Caseload analysis: Volume, composition and trends

4.16.3.1. Non-contentious caseload by legal area

Notarial caseload across the four active legal areas is dominated by the land registry, which moved from 716,769 proceedings in 2018 to a 2020 peak of 841,674 before easing to 762,639 in 2022. The 17.4% rise to 2020 tracks the pronounced expansion of residential property transactions driven by sustained Dutch house price increases, while the 9.3% reversal thereafter corresponds to the market cooling that followed the January 2021 withdrawal of the purchase tax exemption and tighter mortgage credit.

Succession follows a different path, growing uninterruptedly by 24.2% (64,526 to 80,135 cases) in line with population ageing and without visible COVID-19 disruption in 2020. Given that consulting a notary on death is not compulsory, these figures capture only elective notarial succession matters. Business registry proceedings rose steadily by 9.9% (102,448 to 112,605) while marriage contracts and registered partnerships dipped to 10,450 in 2020 before recovering to 14,398 in 2022.

Divorce remains outside the notarial caseload: no resolved divorces are recorded as notarial outcomes, the notary's role being preparatory while the court credits the resolution. This diverges from cohort systems that have introduced notarised divorce as an alternative to judicial dissolution. As the law currently stands (*lex lata*), notarial divorce in the strict sense is not implemented. Introducing it (*lex ferenda*) would require enabling legislation beyond the existing framework. Aggregate notarial caseload across the four active categories was 895,218 in 2018, 1,032,822 in 2020 and 969,777 in 2022, the 2020 peak driven predominantly by the land registry surge.

4.16.3.2. System level performance indicators

The composite efficiency indicators – the Clearance Rate (CR), Work Overload (WO) index, Stake Change (SC) indicator and Disposition Time (DT) – are not computable for the notarial sector due to missing data. CR and DT are available for the broader legal sector. The Clearance Rate for non-litigious cases in the Netherlands is around 1, indicating no backlog of pending cases. Overall Disposition Time for non-litigious cases in the Netherlands decreased from 75 days in 2010 to 65 days in 2022.

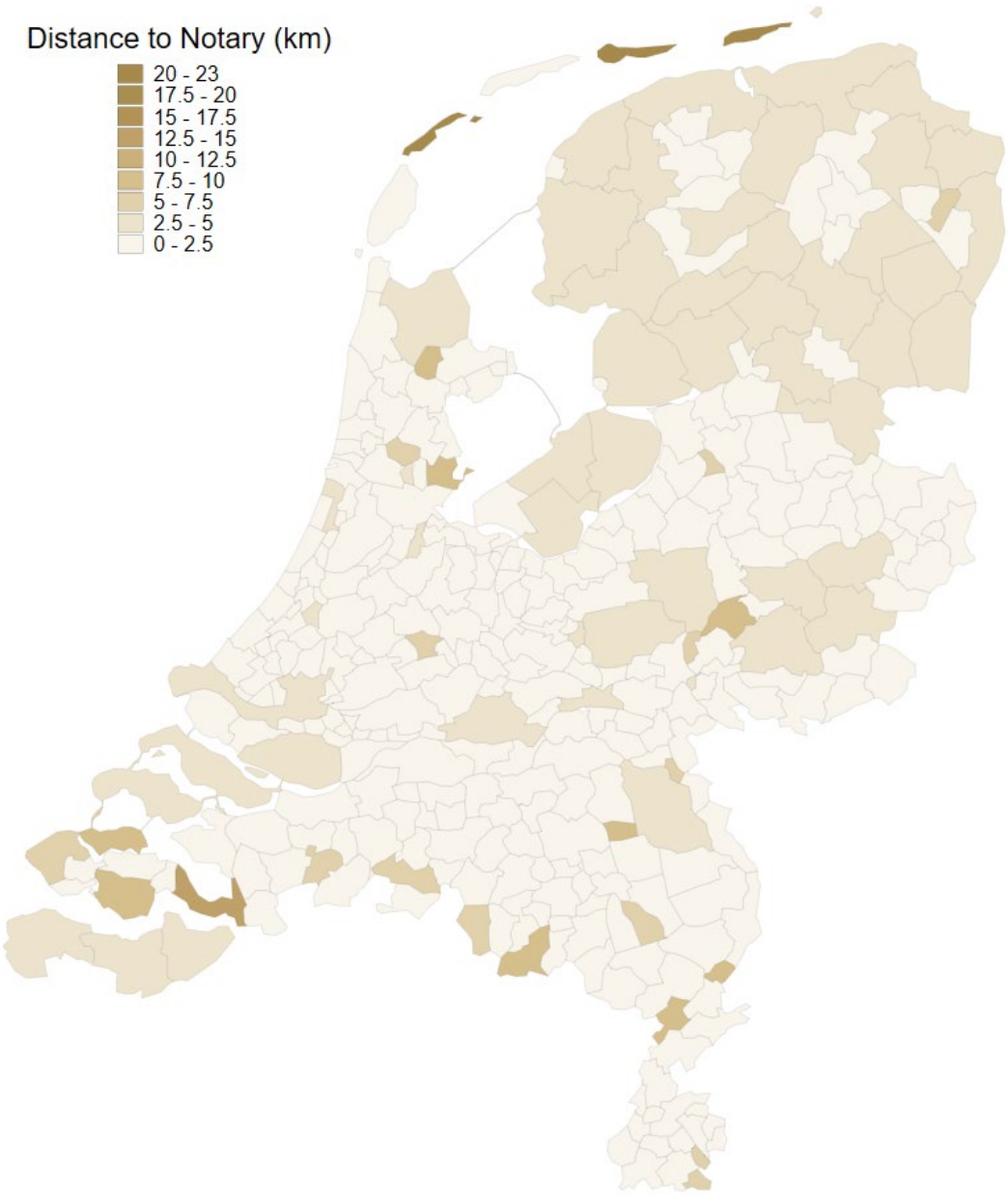
4.16.4. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis draws on straight-line distance computations from the population centroid of each Eurostat LAU 2024 unit to the nearest notarial office and to the nearest court with non-contentious jurisdiction, respectively. As a densely urbanised, territorially compact country with a population of approximately 17.9 million concentrated in the Randstad metropolitan region, the Netherlands presents one of the most favourable access profiles in the entire study cohort.

Table 26 quantifies population coverage by both institution types at defined distance thresholds and it reveals a striking differential between the geographic accessibility of notaries and courts. For the median Dutch citizen, the nearest notarial office lies 1.9 km away as opposed to 9.1 km for the nearest court – a ratio of roughly 4.8 to 1 in favour of notarial proximity – and this advantage widens steadily across the higher percentiles. The upper tail is particularly informative. Even the most geographically isolated one per cent of

the population lies within 7.5 km of a notary, whereas 35.8 km separates the most peripheral citizens from the nearest court.

Figure 67: Map of citizens' distance to notaries in the Netherlands
Distance from Local Authorities' Units



Source: JuWiLi

These figures carry direct institutional significance. The study's transaction cost framework treats physical proximity as a proxy for citizens' search and travel costs. Vesting first-instance non-contentious competence in a profession which is, on average, 1.9 km away, generates systematically lower access costs than a court-based alternative at 9.1 km, before even taking into account the appointment flexibility and extended hours of a private practice. Territorial non-restriction amplifies the advantage by letting citizens choose any

office. The Dutch architecture therefore scores well on the geographic access-to-justice criterion and any reform increasing court involvement in non-contentious proceedings would, *ceteris paribus*, raise aggregate citizen access costs.

Table 26: Population coverage in the Netherlands

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.5	2.4
50%	1.9	9.1
75%	2.4	15.6
90%	2.8	23.2
95%	3.1	27.3
99%	7.5	35.8

Source: JuWiLi

4.16.5. Cost structure and fee transparency

Dutch notarial fees are market-determined rather than set by statutory tariff. No pre-defined or publicly accessible fee schedule exists for any service. This is structurally distinctive within the cohort, where most civil law notarial systems apply some tariff regulation. Notaries set their own prices and private comparison websites exist, but no average per proceeding cost figures are available for any legal area.

The welfare implications are theoretically ambiguous. On the one hand, with sufficient market density, price competition may move outcomes closer to the competitive equilibrium and below a tariff set above it; the dense distribution of notaries (median 1.9 km) makes geographic competition a plausible disciplining mechanism. On the other hand, although notaries must supply price information on request, the absence of a centralised fee aggregation platform forces citizens to canvass offices individually, generating non-trivial search costs, especially for unsophisticated clients, given the credence-good nature of the service. The lack of standardised fee reporting also makes price dispersion and any urban-rural fee gap, impossible to assess.

Across all legal areas costs fall on private individuals rather than the State. The business registry is a partial exception: the Chamber of Commerce received an annual government contribution of 140.6 million euro in 2023, a hybrid public-private model that socialises part of the registration infrastructure cost. The private-pays model elsewhere is consistent with the user-pays principle and implies no direct fiscal cost to the State from the current allocation of notarial competence.

4.16.6. Quality assurance, training and supervisory oversight

4.16.6.1. Initial and ongoing professional training

Training obligations differ markedly between notaries and legal staff. Notaries face compulsory initial training of a four-year university law degree followed by a six-year traineeship (stage). This amounts to a minimum of ten years of training, among the lengthiest in the cohort, which operates as a substantial human-capital investment and quality signal consistent with the asymmetric-information structure of legal services' markets. Compulsory in-service training keeps their legal knowledge current, while further general, specialised and digital literacy training is available only on an optional basis, a point to which the digitalisation section returns.

The regime for legal staff is more limited. Initial training is available on both a compulsory and optional basis, but no in-service training – general, specialised or digital – is formally required or even optionally structured for this group under the current framework. This gap in ongoing professional development may bear on the sustainability of quality standards as caseloads and transaction complexity grow, particularly given the sector's expanding digitalisation programme. The economic rationale for investing in legal-staff human capital parallels that for notaries. Where output quality is a credence good, citizens cannot verify and the formal training infrastructure is the primary input-stage governance mechanism for quality assurance.

4.16.6.2. Systemic control mechanisms

The Netherlands operates a complete set of systemic quality control mechanisms: a supervisory body, a regular auditing procedure for notaries and a formal malpractice process together provide the output-side monitoring that complements the input-side assurance of the training regime. Oversight runs through the *Bureau Financieel Toezicht (BFT)*, an independent authority for the financial supervision of notaries and accountants, and the disciplinary chambers (*Kamers voor het Notariaat*) at the Courts of Appeal, which handle complaints and discipline. Process auditing – verifying that each procedure is correctly followed – is distinct from the BFT's financial audit. The malpractice process has the principal-agent properties typical of self-regulating professions under public oversight: the monitor acts for the public interest rather than the individual client, aligning enforcement incentives provided that it remains adequately independent and resourced.

4.16.7. Digitalisation: Capacity, strategy and bottlenecks

The Netherlands has a relatively advanced digitalisation profile. The KNB operates a formal strategy with dedicated resources, workflow-impact assessment, digital training for notaries and IT expertise criteria in hiring – all five indicators positive, a configuration few cohort jurisdictions share. A dedicated department of roughly 25 permanent and 45 contracted staff and a 20 million euro annual budget, supported a professionally managed technical infrastructure, reflect both the operational scale and the strategic ambition of the transformation programme.

The three highest priority targets are eIDAS 2.0 compliance, the digital deed and the AMLR (Anti-Money Laundering Register) gatekeeping role. eIDAS 2.0 requires adapting identity-verification and authentication to the European Digital Identity Wallet architecture. The

digital deed would convert the traditional instrument from a paper document requiring physical execution before a notary into a digitally authenticated one, systemically significant because it could relax the geographic and temporal constraints on service delivery. The AMLR gatekeeping role concerns the notary's control function in transactions subject to anti-money-laundering obligations. Digitalising it would improve compliance efficiency and cut the manual verification burden.

The three main barriers are adoption within the notarial office, legislation and knowledge. Adoption is an organisational and behavioural barrier reflecting a heterogeneous practitioner population – from large urban practices to small rural offices – and resistance to workflow change. The legislative barrier reflects the fact that key initiatives, including the digital deed, require primary or secondary legislation before implementation, introducing delay outside the sector's control. The knowledge barrier is a human-capital constraint. Where digital literacy is insufficient, even well-designed systems fail to deliver their efficiency gains. This is consistent with the observation that digital literacy training for notaries is optional rather than compulsory, a feature that may need revisiting if adoption barriers are to be overcome at scale.

4.16.8. Synthesis: Efficiency assessment and country-specific findings

Within the JuWiLi II cohort, the Netherlands is an archetype of comprehensive notarial exclusivity. Across all four legal areas with caseload data, the notary holds a stable 100% market share, courts play no first instance role and the notary acts as terminal authority rather than as a delegated judicial commissioner. This is consistent with the welfare-economic proposition that delegating non-contentious functions to specialised notarial institutions is Pareto-superior to court-based processing, provided that legal certainty quality is maintained. The latter is a condition that the evidence supports (mandatory ten-year training, compulsory in-service training, a supervisory body, process auditing and a malpractice procedure).

On geographic accessibility, the Netherlands is a strong performer – a median 1.9 km to a notary as opposed to 9.1 km to a court, a 4.8:1 ratio consistent with the comparative advantage rationale for notarial competence allocation. A workforce growing to 12,178 employees alongside an 8.3% caseload expansion over 2018-2022 indicates a system operating close to maximum efficiency, without the backlog accumulation or falling clearance rates that mark overburdened justice systems.

Two further structural features of the Dutch model are analytically distinctive. First, the market-determined fee structure without published tariffs represents a departure from the consumer protection model prevalent elsewhere in the study cohort. While price competition may be welfare-enhancing under conditions of sufficient competitive density, the absence of fee transparency imposes information costs on citizens that regulation could reduce.

Second, the divorce arrangement, in which the notary contributes a preparatory role but courts retain exclusive decision-making authority, represents a residual point of judicial involvement. In other jurisdictions, this is increasingly treated as a wholly non-contentious

administrative procedure. In addition, the legislative preconditions for full notarial competence over non-contentious divorce still need to be addressed.

4.16.9. Policy recommendations

The following recommendations are derived directly from the empirical findings of this country report and are formulated as specific, actionable propositions accompanied by a statement of their welfare-economic justification.

Recommendation 1: Establish a centralised fee reporting platform for notarial services. Notaries are already subject to price transparency obligations under professional rules and consumer law and private price comparison websites exist. However, these rely on voluntary and unsystematic data submission, leaving coverage incomplete. The absence of aggregated, publicly accessible fee data means that citizens must approach offices individually to compare prices, generating search costs that the existing framework does not eliminate. In coordination with the Netherlands Authority for Consumers and Markets (ACM), the KNB should therefore establish a centralised platform on which notaries publish indicative fee ranges for standard proceedings. The welfare-economic justification is that centralised fee reporting reduces consumer search costs and strengthens the price competition that the dense territorial distribution of the Dutch notarial sector makes structurally plausible, without constituting price-setting conduct. Such a platform would also generate the standardised data necessary for evidence-based market monitoring.

Recommendation 2: Develop a standardised reporting framework for processing time and caseflow data. A structured annual data collection scheme – covering pending case stocks, incoming volumes, resolved cases and case durations by legal area – would enable the computation of the composite efficiency indicators (CR, WO, SC, DT) currently unavailable for the Netherlands and would strengthen the empirical basis for evidence-based policy evaluation. Such a framework would also allow the Netherlands to participate fully in cross-national comparative assessments of non-contentious justice performance.

Recommendation 3: Prioritise enabling legislation for the digital deed and for expanded notarial competence in non-contentious divorce. The legislative barrier identified by the KNB as a primary obstacle to digitalisation is a genuine impediment to welfare gains that the sector is operationally ready to achieve. Removing it requires a governmental commitment to place the necessary legislative amendments on the parliamentary agenda. Similarly, the introduction of a genuine non-contentious divorce procedure in which the notary acts as the terminal authority – analogous to reforms already implemented in several neighbouring civil law systems – would reduce the residual transaction costs associated with the current court-dependent arrangement and is consistent with the general efficiency argument for allocating non-contentious matters to non-judicial institutions. Both measures require primary legislative reform and are accordingly addressed to the national legislator.

Recommendation 4: Make digital literacy training compulsory for notaries and extend structured in-service training to legal staff. The current framework treats digital literacy training for notaries as optional. Given that adoption within the notarial office is identified

as the leading internal barrier to digitalisation, the voluntary nature of this training is a structural inconsistency. Rendering digital literacy training compulsory for practising notaries and introducing a minimum in-service training obligation for legal staff that encompasses digital competencies would address the knowledge barrier and reduce the heterogeneity of adoption rates across the practitioner population. The investment in human capital is justified on efficiency grounds by the scale of the sector's digitalisation programme and the systemic costs of uneven adoption.

4.17. Poland country report

4.17.1. Abstract

Poland's non-contentious justice system is characterised by a broad and high volume delegation of competence to notaries in the succession area and by significant participation of notaries in land registry transactions. Together these two areas generated approximately 1.84 million notarially resolved proceedings in 2018 and approximately 2.1 million in 2022, making Poland one of the highest volume notarial jurisdictions in the JuWiLi II study. Processing is highly efficient: average durations of 15 days for making a notarial certificate of succession and 25 days for land registry are among the shortest in the study, with 99.7% and 99.75% of cases respectively resolved within three months. The Clearance Rate for both areas is consistently close to 1, with a Disposition Time of approximately 18 days.

The notarial network provides systematically superior territorial coverage relative to the court system. At the median, 50% of Poland's population resides within 2.9 km of a notary, compared with 3.7 km for a court. Divorce remains exclusively within court jurisdiction. A standardised fee schedule exists for all notarial areas. The Polish National Council of Notaries has established a dedicated special-purpose IT company to manage digitalisation.

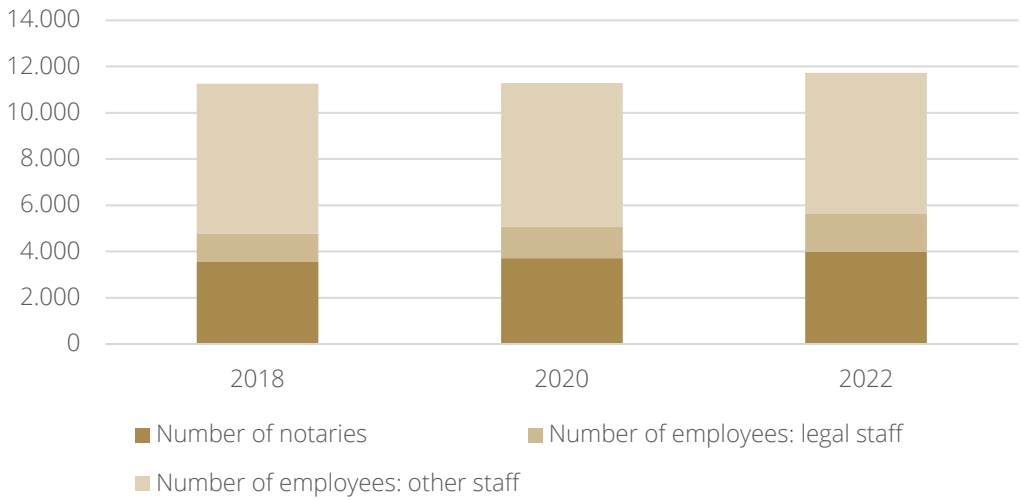
4.17.2. Country profile and institutional context

4.17.2.1. The notarial sector: Structure and scale

The Polish notarial sector expanded substantially across the reference period. The number of practising notaries increased from 3,553 in 2018 to 3,995 in 2022 (approximately 12.4% growth), with total employment rising from approximately 11,264 to 11,730. The composition of the workforce shifted towards legal staff, from 1,232 to 1,653 legal employees (+34.2%). This is consistent with the growing complexity of notarial work in land registry and succession matters.

Figure 68: Employment in the notarial sector in Poland

Notaries, legal and other staff between 2018 and 2022

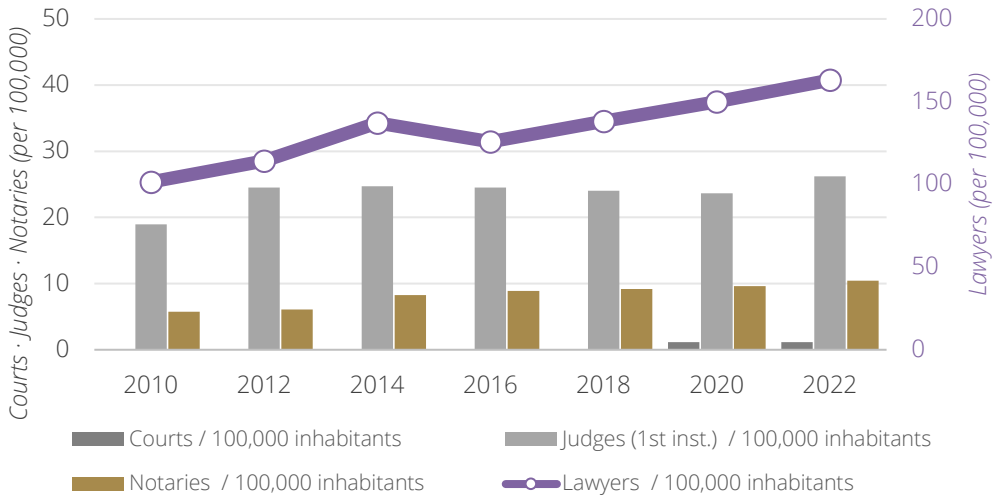


Source: JuWiLi

Figure 69 shows legal professional densities per 100,000 inhabitants in Poland from 2010 to 2022. The notarial density presents the most dynamic trajectory, rising from 5.73 in 2010 to 10.46 in 2022, an increase of approximately 82.5%, which substantially outpaced the growth of both the lawyer and judicial densities. By 2022, the notarial density of 10.46 per 100,000 exceeded the court-location density of 1.15 by a factor of approximately nine to one, reflecting the notarial network's substantial territorial advantage for the delivery of non-contentious legal services.

Figure 69: Legal experts in the justice system in Poland

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



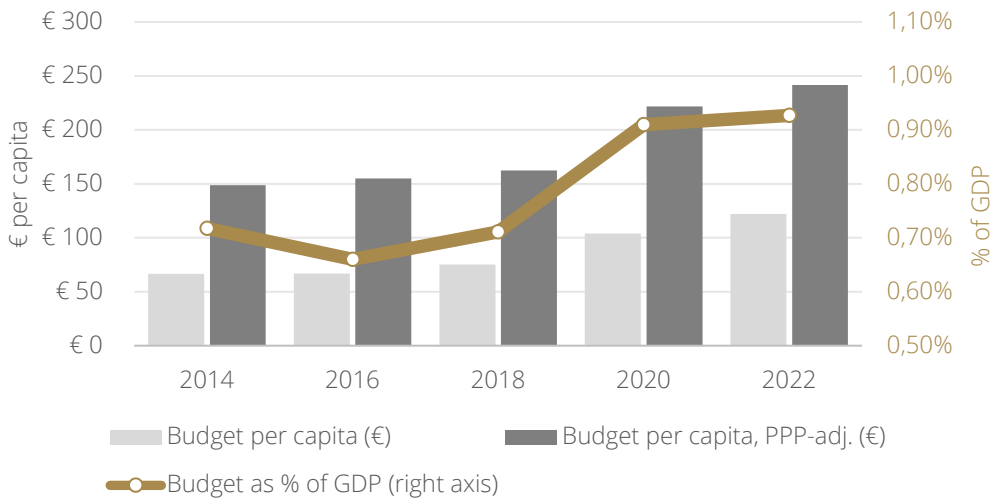
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 70 presents the budget for Poland's entire justice system from 2014 to 2022 across three indicators. The GDP share of expenditure on justice rose from 0.72% in 2014 to 0.93% in 2022, with the most pronounced increase after 2018. The nominal *per capita* budget increased by approximately 83.5% over eight years, from 66.6 euro to 122.2 euro. The PPP-adjusted *per capita* figure rose from 149 euro to 242 euro. The sustained growth in public justice expenditure must be read alongside the high notarial caseload. Processing approximately 2.1 million notarial proceedings annually at no marginal cost to the public court budget provides a significant fiscal dividend.

Figure 70: Whole justice system budget in Poland

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.17.2.2. Institutional architecture: Courts, notaries and other authorities

Poland's institutional architecture for non-contentious proceedings reflects an advanced delegation model in succession and significant participation of notaries in land registry cases, combined with exclusive court jurisdiction over divorce and a distinct arrangement for marriages.

Polish law provides two parallel procedures for ascertaining succession rights: a court procedure resulting in a court declaration of succession and a notarial procedure resulting in a notarial certificate of succession. Both documents have the same legal effect. Notaries hold direct case-handling competence on a client-nomination basis. The final decision lies with the notary and no territorial restriction applies.

An electronic communication system exists in the form of the Succession Register, maintained by the Polish National Council of Notaries. This records both notarial certificates and court declarations of succession but functions as a registry rather than an active case-handling communication tool.

In land registry transactions, applications for entry are submitted electronically by notaries or other authorities (tax offices, bailiffs), or on paper by parties directly to courts, while entries are made exclusively by courts. The notary drafts the deed and transmits the application electronically to the court managing the land registry, which verifies accuracy and proceeds with registration. Certain acts are constitutive only upon registration (e.g. mortgages), while others produce direct legal effect upon performance (e.g. sales).

Non-contentious divorce falls exclusively within court jurisdiction and has not been delegated to notaries. Marriages are handled exclusively by other public authorities – civil registry offices – with neither notaries nor courts involved in the processing role.

Table 27: Legal structure for processing non-contentious cases in Poland
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	48%	42%	40%	0%	0%	0%	52%	58%	60%
Divorce	100%	100%	100%	0%	0%	0%	0%	0%	0%
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	47%	57%	54%	6%	5%	4%	47%	38%	41%
Business registry	100%	100%	100%	0%	0%	0%	0%	0%	0%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

4.17.3. Caseload analysis: Volume, composition and trends

4.17.3.1. Non-contentious caseload by legal area

Poland's notarial caseload is dominated by land registry transactions: 1,724,739 resolved cases in 2018 rising to 1,923,938 in 2022. Succession proceedings constitute the second major area: from 110,572 cases in 2018 to 175,297 in 2022, a cumulative increase of approximately 58.5%. As a result, the notarial share of total succession proceedings grew from approximately 52% in 2018 to 60% in 2022. Business registry data were not available for any reference year.

4.17.3.2. Caseflow management

The caseflow data confirm near complete in-year resolution. For succession proceedings, pending stocks grew from approximately 5,000 cases in 2018 to 8,000 in 2022, with incoming and resolved volumes tracking closely. Net additions to the stock amount to less than 0.5% of the annual caseload. For land registry, the pattern is even tighter, with pending stocks of approximately 85,500 to 95,000 against incoming volumes of approximately 1.725 to 1.925 million. For all legal areas, forwarded-to-second-instance figures are negligible.

4.17.4. Efficiency analysis: Processing time and throughput

4.17.4.1. Average processing duration by legal area

Average processing times are among the shortest in the JuWiLi II study: 15 days for succession and 25 days for land registry in all three reference years. The distribution across duration bands confirms this efficiency: approximately 99.7% of succession cases and 99.75% of land registry cases were resolved within three months in all reference years, with similarly high cross-border shares. Processing time distributions for divorce and marriages are not applicable, as these areas fall outside notarial competence.

4.17.4.2. System level performance indicators

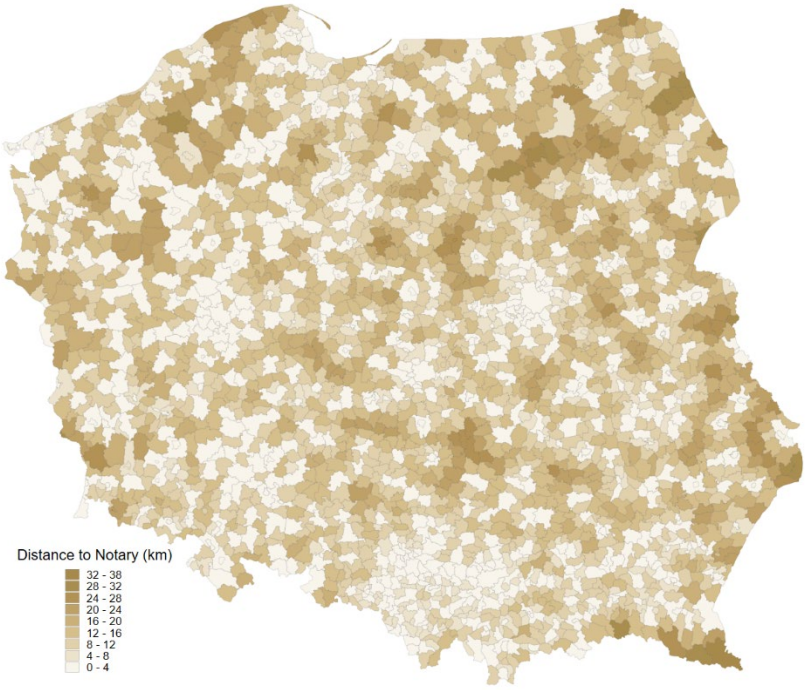
The system level performance indicators confirm a pattern of exceptionally high throughput efficiency across both succession and land registry proceedings. The Clearance Rate (CR) for succession stands at approximately 0.996-0.998 across the three reference years and at approximately 0.9996 for land registry. These are among the highest values in the JuWiLi II study, reflecting the transactional model in which cases are completed at the time of deed execution. The Work Overload (WO) index stands at approximately 0.05 for both areas in all reference years, indicating a pending end-of-year stock equivalent to only 5% of annual resolution output, a structurally negligible backlog that has remained stable despite a 58.5% growth in succession caseload. The Stake Change (SC) indicator for succession remains marginally positive but close to zero, consistent with a system approaching institutional equilibrium. The Disposition Time (DT) is approximately 18 days for both succession and land registry across all reference years, closely consistent with the directly reported average processing times of 15 and 25 days respectively, confirming the internal coherence of the caseflow data.

4.17.5. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis quantifies spatial access to notarial and judicial services across Poland's approximately 312,000 km² territory (population of approximately 38 million), combining major metropolitan concentrations with an extensive network of smaller towns and large rural areas. Accessibility is measured as the straight-line distance from each LAU population centroid to the nearest notary office or first instance court with non-contentious jurisdiction, weighted by resident population. Given that both succession and land registry proceedings are within notarial competence and subject to client nomination without territorial restriction, the geographic accessibility of the notarial network directly determines the search and travel cost faced by any citizen requiring non-contentious legal services in either area. The results are mapped out in Figure 71 and quantified at six percentile thresholds in Table 28.

Figure 71: Map of citizens' distance to notaries in Poland

Distance from Local Authorities' Units



Source: JuWiLi

The notarial access advantage is modest in the urban core (0.3 km at the 25th percentile) but widens substantially at higher percentiles: 4.1 km at the 75th (9.1 km vs 13.2 km) and 7.6 km at the 90th (13.9 km vs 19 km). For Poland's approximately 9.5 million inhabitants above the 75th percentile, notarial delegation generates a measurable reduction in access costs.

Across the full distribution, Poland's notarial network provides systematically superior territorial accessibility relative to the court system, with the absolute advantage most

pronounced for the rural and peri-urban population in the middle and upper portions of the distance distribution.

Table 28: Population coverage in Poland

Share of citizens with a maximum distance to the next notary or court

Share of population	Notaries	Courts
25%	1.9	2.2
50%	2.9	3.7
75%	9.1	13.2
90%	13.9	19
95%	17.1	23.5
99%	22.9	30.6

Source: JuWiLi

4.17.6. Cost structure and fee transparency

Poland operates a standardised, publicly accessible notarial fee schedule for all areas within notarial competence. For succession proceedings, the average fee for a standard proceeding is approximately 200 euro. For land registry transactions, the average fee depends on the value of the real estate concerned, with an average value of approximately 415 euro for a typical transaction. Actual costs will vary depending on complexity and value. Costs in all notarial areas are borne by private individuals rather than the state. The tariff-based structure provides a predictable and transparent upper ceiling for citizen cost planning.

4.17.7. Quality assurance, training and supervisory oversight

4.17.7.1. Initial and ongoing professional training

Polish notaries are required to complete a compulsory 3.5-year initial training period prior to appointment, one of the more substantial pre-appointment training requirements in the JuWiLi II study. In-service training for notaries is also compulsory.[17] For legal staff employed

[17] **In accordance with Article 17 of the Polish Notaries Law Act, the notary is obliged to act in accordance with the oath taken and constantly improve his/her professional qualifications. Therefore,**

in notarial offices, initial training is optional rather than compulsory, with optional in-service, specialised and digital literacy training available in the same voluntary framework.

4.17.7.2. Systemic control mechanisms

Poland's notarial sector operates under a complete supervisory framework: a supervisory body exists, a regular process auditing procedure is in place and a formal malpractice procedure has been established. This tri-partite structure provides the institutional foundation for accountability and constitutes a necessary condition for the quality assurance that justifies the broad delegation of succession competence and significant participation in land registry.

4.17.8. Digitalisation: Capacity, strategy and bottlenecks

A specific feature of Poland's digitalisation profile is that the Polish National Council of Notaries has established a dedicated special-purpose company to manage IT and digitalisation, including the Central Repository of Electronic Notarial Deeds (CREWAN). There is a digitalisation strategy, with dedicated resources and training programmes. The three priority targets are: integration of notarial and State IT systems; digitalisation of internal office processes; and electronic document circulation with public administration. The three main barriers are: financial limitations at the National Council level; fragmentation of public administration IT systems developed by different providers without uniform standards; and cultural and technical barriers associated with transitioning from paper-based workflows.

4.17.9. Synthesis: Efficiency assessment and country-specific findings

Poland's non-contentious justice architecture exemplifies a high volume, high efficiency delegation model. The combined notarial caseload of approximately 2.1 million proceedings in 2022 is processed with average durations of 15 and 25 days, clearance rates consistently above 99.5% and a pending stock equivalent to only 5% of annual output. The 58.5% growth in succession caseloads between 2018 and 2022 has been absorbed without deterioration, demonstrating productive capacity that scales up with demand. Two structural features warrant attention. First, divorce remains entirely within court jurisdiction

the Polish professional organisation of notaries organises courses and training sessions as part of ongoing training for notaries. Despite the fact that the participation in those forms of training is optional, all notaries have a duty to improve and upgrade their knowledge and skills. One possible way to achieve this is by participating in such courses.

despite the availability of a well-developed notarial sector; the welfare-economic case for evaluating delegation is present although its practical significance depends on the degree to which Polish divorce proceedings are genuinely non-contentious. Second, the Stake Change indicator cannot be disaggregated by legal area from the available data. The digitalisation architecture, which is centred on a dedicated IT company rather than being an in-house function, is institutionally distinctive and reflects the scale of digital investment required to manage CREWAN and the broader notarial register infrastructure.

4.17.10. Policy recommendations

Two policy recommendations follow from the empirical findings of this report. First, the Polish legislature should formally evaluate the feasibility of delegating non-contentious divorce proceedings to a non-judicial authority. For this purpose, it should draw on the comparative evidence from JuWiLi II jurisdictions where such delegation has been implemented. In Poland, some discussions are underway that aim to introduce extrajudicial consensual divorce and there was a draft law providing for such divorce before the civil registrar. However, none of those proposals has, up until now, resulted in the introduction of binding legislation.[18]

This recommendation is therefore advanced as an alternative configuration, in which the notary, rather than the civil registrar, receives the non-contentious divorce competence. Poland's notarial sector has demonstrated the throughput capacity, supervisory completeness and digital infrastructure required to absorb additional non-contentious competence without a deterioration in quality. However, this assessment should be weighed up against the view held by a minority of Polish scholars and practitioners that divorce, enforcement and registration of immovable property must remain within the exclusive competence of the courts. This recommendation falls within *lex ferenda* and requires primary legislation.

Second, the Polish National Council of Notaries and the relevant ministries should establish a formal joint task force to develop uniform API standards for the integration of notarial IT

[18] In Poland, the government's bill amending the Polish Family and Guardianship Code and certain other acts (Sejm Document No. 2121), which provides for consensual divorce before the civil registrar, was adopted by the Sejm, the lower house of the Polish parliament, on 13 March 2026. Since the Senate, the upper house of the Polish parliament, did not propose any amendments, the bill was forwarded to the President for signature. The President vetoed the bill on 30 April 2026 and submitted a motion to the Sejm requesting that it be reconsidered (Sejm Document No. 2547). The bill is currently under consideration in the Sejm, where it is the subject of a political dispute. Opponents of the bill allege that it undermines the stability of the family by simplifying divorce procedures.

systems with public administration platforms. The fragmentation of State IT infrastructure cannot be resolved through notarial-sector investment alone and requires coordinated State action. The task force model provides the institutional vehicle for this coordination within *lex lata*.

4.18. Portugal country report

4.18.1. Abstract

Portugal presents a structurally restricted yet institutionally coherent model of notarial involvement in non-contentious justice. Portuguese notaries are active in two main areas of non-contentious justice, succession proceedings and the inventory process, sharing competence with civil registry offices and the courts. Notaries do not act as 'court commissioners' in the sense of Art. 3 No. 2 of the EU Succession Regulation. They conduct and process the proceedings, but their final distribution of the estate must be approved by a judge, who verifies the legality of the acts and confers on them the force of a court decision. The model is therefore one of intensive court–notary cooperation rather than autonomous notarial decision-making or pure judicial delegation.

Non-contentious divorce proceedings remain the exclusive province of the civil courts and civil registry offices. This report analyses the efficiency, cost structure, quality assurance and digitalisation capacity of the Portuguese notarial sector across the reference years 2018, 2020 and 2022. It draws on JuWiLi II questionnaire data supplied by the *Ordem dos Notários* (Order of Notaries).

The main efficiency finding is structurally ambiguous. While Clearance Rate metrics improved dramatically across the reference period, from sub-unity in 2018 to ratios exceeding 11 and 32 in 2022 for succession and inventory proceedings respectively, this improvement reflects a collapse in incoming caseload rather than a productivity gain. Average processing times deteriorated from 932 days (succession, 2018) to 1,581 days (2022) and from 868 days (inventory, 2018) to 1,763 days (2022), with over 99% of inventory cases in 2022 exceeding one year in duration. The accumulated backlog, particularly in the inventory process, constitutes the defining structural anomaly of the Portuguese system.

Fee transparency is strong, with a published tariff structure publicly available to citizens. The digitalisation framework is formally in place but severely under-resourced. Policy recommendations prioritise backlog resolution, regulatory enablement of remote notarial acts and a significant upward revision of the digitalisation budget.

4.18.2. Country profile and institutional context

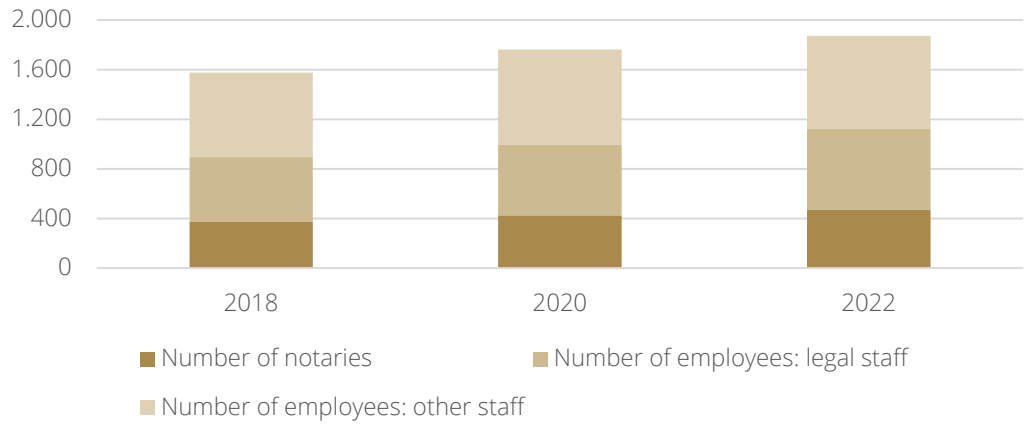
4.18.2.1. The notarial sector: Structure and scale

The Portuguese notarial sector expanded substantially across the three reference years. The number of practising notaries rose from 376 in 2018 to 424 in 2020 and 468 in 2022,

representing a cumulative growth rate of 24.5% over four years. Legal staff employed within notarial offices followed a similar trajectory, increasing from 520 in 2018 to 654 in 2022. Other (non-legal) staff rose from 679 to 750 in the reference period.

Measured against resident population (approximately 10.3 million inhabitants across the reference period), the density of notarial provision rose from approximately 3.65 notaries per 100,000 inhabitants in 2018 to 4.54 per 100,000 in 2022. This trajectory is consistent with a deliberate policy of sector expansion, although the rate of capacity growth must be evaluated against the concurrent evolution of caseload, which, as later analysis demonstrates, moved in the opposite direction.

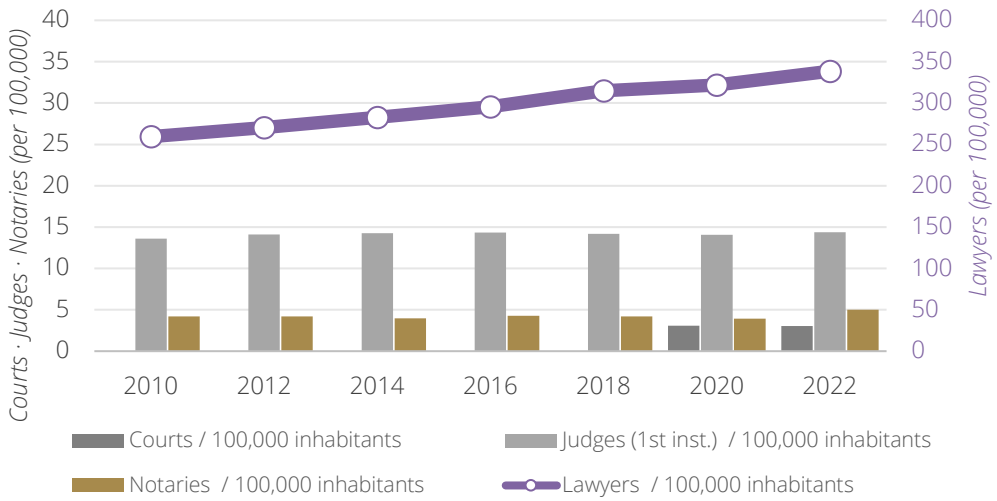
Figure 72: Employment in the notarial sector in Portugal
Notaries, legal and other staff between 2018 and 2022



Source: JuWiLi

Figure 73 presents the density of notaries, lawyers, judges and courts per 100,000 inhabitants (2010-2022). Lawyer density dominates, rising from 259.4 to 338.5, approximately 60-70 times the notarial density throughout. Judicial density was broadly flat (13.6-14.4). Notarial density oscillated between 3.93 and 4.3 from 2010 to 2020 before rising sharply to 5.01 in 2022, for the first time marginally exceeding the court-location density of 3.04. This suggests that the notarial network has become slightly more spatially distributed than the court estate.

Figure 73: Legal experts in the justice system in Portugal
Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



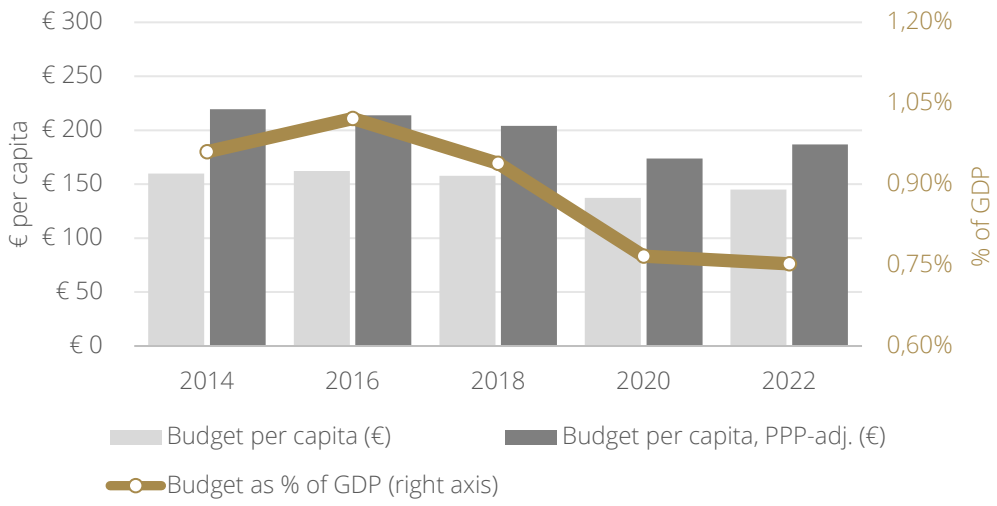
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 74 shows the budget for Portugal's justice system (2014-2022) across three indicators. The GDP share peaked at 1.02% in 2016 and then declined to 0.75% in 2022 (−27% from the peak). Nominal *per capita* spending also fell from the 2016 peak of 162.2 euro to 137.4 euro in 2020 before a partial recovery to 144.9 euro in 2022. The PPP-adjusted figure declined from 219.4 euro in 2014 to a trough of 173.7 euro in 2020 and recovered to 186.9 euro in 2022. This sustained contraction reinforces the institutional logic of routing non-contentious proceedings through the privately funded notarial channel.

Figure 74: Whole justice system budget in Portugal

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.18.2.2. Institutional architecture: Courts, notaries and other authorities

The Portuguese institutional architecture for non-contentious proceedings is characterised by a clear tripartite division of subject-matter competence, with sharply defined boundaries between judicial and notarial functions. Non-contentious divorce proceedings, the numerically dominant category in the data, fall exclusively within the competence of the civil courts, with 8,281 cases resolved in 2018, 6,655 in 2020 and 7,452 in 2022.

Succession competence in Portugal is shared between notaries, civil registry offices and the courts, with the forum depending on the initiator's choice or the parties' agreement. Civil registry offices are competent where there is no dispute among the presumptive heirs. Where a dispute exists, the matter proceeds either through an ordinary court action or through an inventory process before a notary requiring final judicial validation. The '0%' entry for the category of 'other authorities' should therefore be read as 'not quantified' (n/d) rather than as an absence of competence given that civil registry offices do exercise succession functions not captured in the notarial questionnaire data. Given that case handling numbers are not available for courts, coverage shares cannot be computed.

Notaries have no competence in consensual divorce in Portugal. Such divorces are handled by the courts and, for uncontested cases, by the civil registrar, which decrees and registers the divorce where the spouses agree on parental responsibilities, spousal maintenance, use of the family home and related matters. The '100% courts' figure reflects the available court-based data and does not capture the civil registrar route. It should be qualified accordingly rather than presented as exclusive court competence.

Table 29: Legal structure for processing non-contentious cases in Portugal
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	n/d	n/d	n/d	0%	0%	0%	True	True	True
Divorce	100%	100%	100%	0%	0%	0%	0%	0%	0%
Inventory process following divorce by mutual consent	n/d	n/d	n/d	0%	0%	0%	True	True	True

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed. Given that there is no data available (n/d) for the number of resolved proceedings in courts for some cases, shares cannot be calculated for notaries. True = Notaries are in charge of some cases.

In the two legal areas where notarial involvement exists, succession and inventory process, the notary conducts the proceedings by receiving statements from the parties, scheduling preparatory meetings and conferences and presiding over sealed bid proceedings. The notary is not bound by instructions of the court during these acts. However, the notary is not a proper 'court commissioner': once the distribution of the estate is finalised by the notary, the decision must be approved by a judge, who verifies the legality of all acts and validates them (or refuses), thereby giving them the force of a court decision. Accordingly, the final, legally operative decision lies with the court, while the procedural conduct of the case rests with the notary.

Territorial jurisdiction is not constrained by district boundaries: notaries may accept cases from citizens irrespective of residential district, a feature that reduces access costs and supports competitive provision. Fees are standardised and publicly accessible in both areas. Case files are accessible electronically and electronic communication between courts and notaries is operative, reflecting a degree of procedural integration that reduces coordination costs in the delegation chain.

A significant limitation of the Portuguese data is the narrow scope of notarial competence. Marriages, divorce, land registry and business registry proceedings, areas in which notaries exercise functions in numerous other JuWiLi II jurisdictions, lie entirely outside notarial competence in Portugal. Accordingly, the *Ordem dos Notários* could not provide data for these categories. The succession data reported herein refers specifically to non-litigious succession divisions. The *Ordem dos Notários* notes that, where heirs cannot reach agreement, concurrent judicial competence exists and both courts and notaries may process contested divisions.

4.18.3. Caseload analysis: Volume, composition and trends

4.18.3.1. Non-contentious caseload by legal area

The notarial caseload in Portugal is concentrated in two legal areas: succession proceedings and the inventory process following divorce by mutual consent. The volume data reveal divergent trends in each. Succession proceedings handled by notaries totalled nine in 2018, rising sharply to 31 in 2020 before declining to 22 in 2022. These figures are low by European comparative standards and reflect the residual nature of the notarial succession mandate in Portugal.

The inventory process constitutes the primary operational domain of the Portuguese notarial sector in non-contentious matters. This proceeding, which governs the division of assets following divorce by mutual consent, recorded 990 resolved cases in 2018, rising markedly to 2,167 in 2020 (an increase of 118.9%), before declining to 1,373 in 2022. The

2020 peak coincides with a substantial drawdown of the accumulated backlog. Non-contentious divorce proceedings proper are handled exclusively by courts (8,281 in 2018; 6,655 in 2020; 7,452 in 2022), reflecting a moderately declining trend interrupted by a modest recovery in 2022.

4.18.3.2. Caseflow management

The annual caseflow data for notarial proceedings in Portugal reveal a system operating under persistent and structurally significant backlog pressure. In the succession area, the stock of pending cases at the start of 2018 stood at 98, with only nine cases resolved against 16 incoming. This amounts to a Clearance Rate of 0.56, indicating that the backlog was actively growing. By 2020, the incoming rate had fallen sharply to seven while resolutions increased to 31, yielding a Clearance Rate of 4.43 and, by 2022, the ratio reached 11 against a near zero incoming rate of two cases.

The inventory process presents a less promising picture: at the beginning of 2018, 8,188 cases were pending against an annual resolved volume of only 990. As incoming caseload collapsed (2,383 in 2018 to 43 in 2022) while resolutions rose, the pending stock fell from 9,582 (end-2018) to 5,573 (end-2022). Forwarding to second instance declined but remained material (1,005 inventory cases in 2020; 544 in 2022).

4.18.4. Efficiency analysis: Processing time and throughput

4.18.4.1. Average processing duration by legal area

In succession proceedings, 100% of cases in 2018 and 2022 exceeded one year in processing time. Only 3.2% of cases in 2020 fell within the six-to-twelve month band, with the remaining 96.8% exceeding one year. The inventory process exhibits a comparable structural concentration: 85.7% of cases in 2018 exceeded one year, rising to 94.6% in 2020 and 99.3% in 2022. Cross-border processing data were not available for either legal area in any reference year, precluding a comparative analysis of domestic versus international caseload efficiency.

The apparently paradoxical co-existence of improving clearance rates and deteriorating average processing times admits of a coherent explanation. The backlog inherited from prior periods consists disproportionately of long-outstanding, complex cases - precisely those that are difficult to resolve rapidly. As incoming caseloads contracted sharply (from 2,383 inventory cases in 2018 to 43 in 2022), the resolved caseload increasingly drew on the accumulated backlog, raising the observed average duration. This interpretation is consistent with the Stake Change indicators, which are negative in 2020 and 2022, confirming active backlog reduction and with the progressive decline in pending stock.

The processing time data constitute the most diagnostically significant finding of this report. Average processing duration for succession cases increased from 932 days in 2018 to 1,156 days in 2020 and 1,581 days in 2022, a cumulative deterioration of 69.6% over four years. For the inventory process following divorce, the increase is equally pronounced: from 868 days in 2018 to 1,220 days in 2020 and 1,763 days in 2022, a cumulative increase of 103.1%. Both trajectories represent a sustained and worsening departure from the efficiency threshold of 365 days (one year) that would be consistent with timely legal resolution for citizens.

4.18.4.2. System level performance indicators

The assessment of procedural efficiency within the Portuguese notarial sector requires recourse to the four composite indicators: the Clearance Rate (CR), the Work Overload (WO) index, the Stake Change (SC) indicator and the Disposition Time (DT). Taken together, these constitute an integrated diagnostic framework for evaluating whether the institutional architecture is operating at, above or below the threshold of sustainable efficiency.

The Clearance Rate (CR), defined as the ratio of resolved to incoming cases, was smaller than one for both areas in 2018 (0.56 for succession; 0.42 for the inventory process), indicating that the system was accumulating cases faster than it was resolving them. By 2020, both ratios had risen dramatically – to 4.43 and 10.2 respectively – and by 2022 to 11 and 31.9. This improvement is technically impressive but should be read with caution: it reflects primarily the near cessation of incoming cases rather than a genuine capacity expansion. A system that achieves a CR of 31.9 by virtue of receiving only 43 new inventory cases in a year cannot be characterised as having attained structural efficiency.

WO declined sharply (succession: from 11.7 to 3.1; inventory: from 9.7 to 4.1) confirming material throughput improvement. SC turned negative for both areas in 2020 and 2022, confirming shrinking pending stocks. Despite this progress, DT remains exceptionally high: succession DT fell from 4,258 days (2018) to approximately 1,145 days (2022); inventory DT from 3,533 to 1,482 days. These values far exceed any access-to-justice threshold, indicating that structural intervention is required to clear the backlog within a practical timeframe.

4.18.5. Cost structure and fee transparency

Portuguese law establishes a pre-defined fee schedule for notarial services and this schedule is publicly accessible to citizens. This satisfies the transparency requirements that constitute a prerequisite for informed consumer decision-making and a condition of procedural fairness under consumer law principles applicable in the EU context.

For succession proceedings, the average cost reported by the *Ordem dos Notários* is 500 euro. This figure represents an average for non-litigious succession divisions and should be interpreted with caution given that the *Ordem dos Notários* notes that non-litigious divisions are subject to free pricing, permitting notaries to set fees on a case-by-case basis within applicable regulatory constraints.

For the inventory process following divorce by mutual consent, the fee structure is bifurcated. Non-litigious divisions attract free pricing determined by the notary. Litigious divisions conducted by notaries, where contested asset-sharing requires quasi-judicial resolution, are subject to a government-regulated tariff. The tariff is a minimum of 102 euro and a maximum of 2,448 euro, scaled according to the value of the assets to be divided. This structure introduces an element of proportionality that aligns costs with the complexity and economic stakes of the proceeding.

All costs in all legal areas within notarial competence are borne by private individuals rather than the State, reflecting a user-pays model that transfers the fiscal burden of non-contentious justice from the public purse to the direct beneficiaries of the legal service.

4.18.6. Quality assurance, training and supervisory oversight

4.18.6.1. Initial and ongoing professional training

The Portuguese framework for notarial professional training is structured around mandatory pre-appointment training of one year's duration. This is a requirement that functions as a human capital investment threshold designed to ensure baseline competence prior to the exercise of delegated judicial authority. Beyond initial training, Portuguese notaries are subject to compulsory in-service training of a general nature and compulsory in-service training for specialised cases, with optional additional training in the latter. This multilayered training architecture reflects an appropriate recognition that the complexity of notarial tasks, particularly in succession and estate-division proceedings, requires both general and domain-specific human capital investment.

A notable quality-framework gap is the absence of any digital literacy training for notaries (neither compulsory nor optional) despite the sector's stated commitment to digitalisation. This creates a structural inconsistency: effective deployment of remote notarial acts and digital identity systems requires practitioner-level competence that cannot be reliably ensured without mandatory training.

4.18.6.2. Systemic control mechanisms

The Portuguese notarial sector operates under a complete systemic control architecture: a supervisory body is in place, regular process auditing of notaries is conducted and a

malpractice procedure exists. The combination of these three mechanisms creates a principal-agent monitoring structure in which, as the professional regulatory body, the *Ordem dos Notários* exercises oversight authority over individual notaries, with defined consequences for detected deviations from professional standards. The existence of a formal malpractice procedure is particularly significant from an incentive-design perspective. It creates a credible threat of sanction which, in a well-functioning regulatory equilibrium, deters negligent or opportunistic conduct without requiring frequent enforcement.

4.18.7. Digitalisation: Capacity, strategy and bottlenecks

The Portuguese *Ordem dos Notários* reports a formalised digitalisation strategy, dedicated institutional resources, including a dedicated department, personnel, internally and externally developed tools and an annual budget. Furthermore, both training programmes and technology-aware recruitment practices are in place. These inputs place Portugal in the affirmative tier among JuWiLi II jurisdictions with respect to the formal preconditions for digital transformation.

The annual digitalisation budget is reported at 300,000 euro *per annum*. No process impact assessment has been conducted. The three identified barriers are: (1) absence of adequate enabling legislation; (2) budgetary constraints; and (3) cultural conservatism within the legal profession, which impedes organisational transformation.

4.18.8. Synthesis: Efficiency assessment and country-specific findings

Portugal's non-contentious justice architecture presents a model of institutional specialisation rather than broad functional delegation. The notarial sector is confined, by legal design, to a narrowly defined jurisdictional perimeter comprising succession and the inventory process. Both are structured through a model of court–notary cooperation with mandatory judicial validation rather than autonomous notarial competence. This judicial-approval requirement preserves procedural safeguards but also introduces coordination costs and dual-track processing.

The defining structural anomaly is the accumulated inventory backlog: 5,573 pending cases at the end of 2022, with average processing durations of 1,763 days, represent a significant welfare loss for citizens awaiting the formalisation of asset division following divorce. The improving CR trajectory is encouraging. However, the near cessation of new inventory cases (2,383 in 2018 to 43 in 2022) raises an important structural question, whether this reflects changes in divorce law, procedural substitution or incomplete data reporting. Portugal falls within the category of partial integration jurisdictions where efficiency gains depend on

deliberate legislative extension of the notarial mandate. The fee transparency framework and systemic control architecture are among the most distinctly positive features of the Portuguese model, suggesting that the institutional preconditions for extended delegation are in place.

4.18.9. Policy recommendations

The following recommendations are derived strictly from the empirical findings presented in this report and are formulated as specific, actionable propositions accompanied by their welfare-economic justification.

The Ministry of Justice should, in collaboration with the *Ordem dos Notários,* establish a targeted backlog clearance programme for pending inventory proceedings, with defined annual resolution targets and a legislative mandate for prioritised processing of cases pending for more than 36 months. Welfare-economic justification: a pending stock of 5,573 cases with a Disposition Time of 1,482 days imposes persistent deadweight costs on citizens whose property rights remain in legal suspension. Progressive resolution is a necessary precondition for restoring systemic efficiency in this area. The *Assembleia da República* (Portuguese Parliament) should enact enabling legislation for remote notarial acts, including appropriate standards for electronic authentication and identity verification. This reform is identified as the highest priority digitalisation target by the *Ordem dos Notários*. Welfare-economic justification: remote notarial acts reduce the travel costs borne by citizens, particularly those in geographically peripheral areas, thereby improving access to legal services and reducing the transaction cost burden on the demand side of the non-contentious justice market.

The legislature should evaluate, on the basis of comparative evidence from JuWiLi II peer jurisdictions, the welfare-economic case for extending notarial competence to non-contentious divorce proceedings. Such an extension would relieve courts of 7,000-8,000 annual cases, the documented volume in the reference period, which are, by definition, non-adversarial and therefore amenable to notarial processing. The existing model of notarial case-handling with judicial validation, which is already operating in succession and inventory proceedings, provides a tested institutional template for such delegation.

The *Ordem dos Notários* could consider commissioning an independent investment assessment for the three priority systems and investigate EU structural funds and Digital Europe Programme co-financing.

The *Ordem dos Notários* should make digital literacy training compulsory for practising notaries, addressing the human capital gap identified in the current training architecture and ensuring effective deployment of digital priority systems. The *Ordem dos Notários*

should also conduct and publish a process impact assessment of digitalisation, evaluating existing system efficiency gains and modelling expected gains from priority investments, to provide the evidence base for resource allocation and accountability monitoring.

4.19. Romania country report

4.19.1. Abstract

The Romanian institutional model of non-contentious justice is based on a clear functional bifurcation. Notaries hold exclusive competence over non-contentious succession proceedings, accounting for the entirety of resolved non-contentious successions across the three reference years (2018, 2020 and 2022) and exercise shared competence with the courts in non-litigious divorce, where notarial market share has stabilised at approximately 47% since the formal entrustment of divorce competence to notaries in 2010.

The notarial sector expanded during the reference period from 2,422 to 2,575 notaries (a 6.3% increase), supported by a workforce of 9,743 in 2022. Case flow analysis of succession proceedings yields a Clearance Rate consistently above 98% and a Disposition Time fluctuating between 42 and 62 days. Publicly accessible fee schedules, which have been approved by the Ministry of Justice, a fully developed supervisory architecture and a formalised digitalisation strategy with dedicated departmental resources are major features of the institutional environment. The main structural friction identified concerns the incomplete interoperability of notarial information systems with public administration registries, which constrains further unitcost reduction through digitalisation.

4.19.2. Country profile and institutional context

Romania's institutional framework for non-contentious matters is shaped by the Civil Procedure Code and the Law on Notaries Public and Notarial Activity (Law No. 36/1995, as subsequently amended), which jointly delineate an allocation of competences in which notaries function as the main first instance authority for non-contentious succession and as a co-equal jurisdictional channel for non-litigious divorce. The sections that follow offer quantitative analysis of staffing, caseload, throughput, accessibility, costs, supervision and digital capacity.

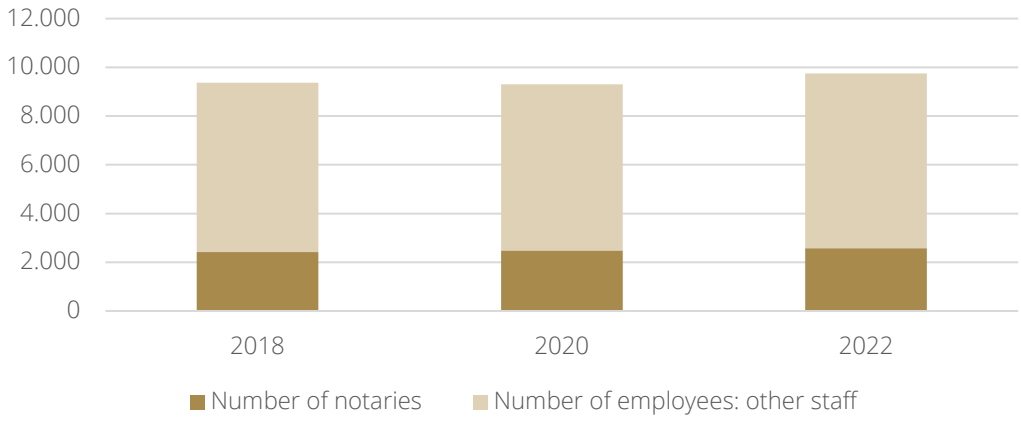
4.19.2.1. The notarial sector: Structure and scale

The structural and quantitative profile of the Romanian notarial sector provides the empirical baseline against which the system's productive capacity, accessibility and efficiency must be assessed. Two parameters are pivotal: the absolute level of notarial staffing and the territorial density of notarial provision relative to population. Both are reported below for the reference years and benchmarked, where comparative data permit, against CEPEJ-standardised indicators for the broader justice system.

Figure 75 shows Romanian notarial sector employment. Notary numbers grew 6.3% from 2,422 in 2018 to 2,575 in 2022. The numbers of other staff recovered to 7,168 in 2022 after a pandemic-related dip, yielding approximately 3.78 personnel per notary in 2022.

Figure 75: Employment in the notarial sector in Romania

Notaries, legal and other staff between 2018 and 2022

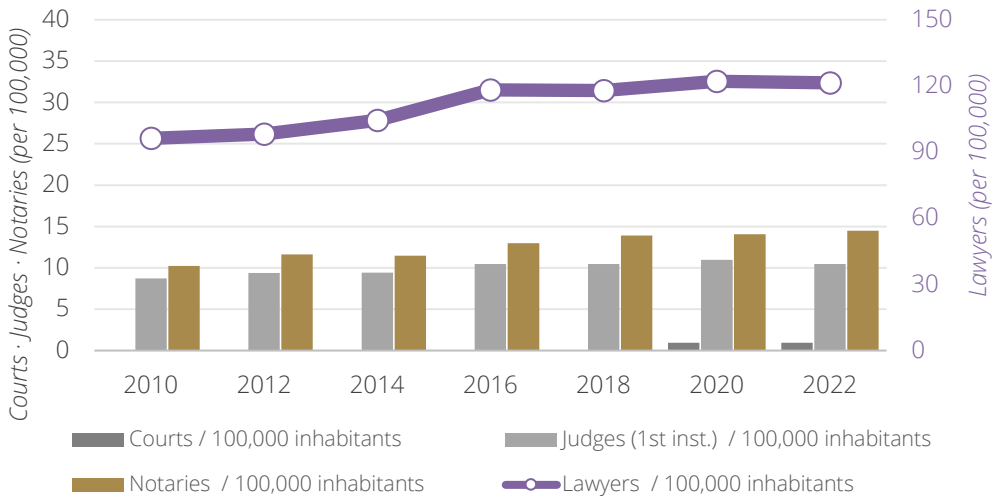


Source: JuWiLi

Figure 76 benchmarks Romanian legal professional densities per 100,000 inhabitants (2010-2022). Notarial density was at approximately 14.5 in 2022, placing Romania in the upper-middle quartile of EU Member States; judge density was 10.5. Both rose over the period, with the notarial–judicial gap widening, consistent with a growing notarial contribution to reducing citizen access costs.

Figure 76: Legal experts in the justice system in Romania

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants

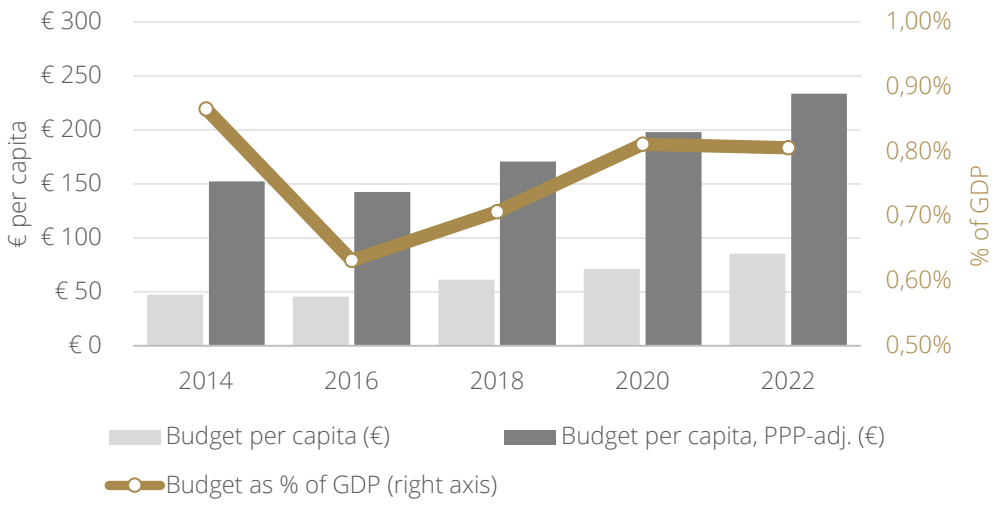
Figure 77 contextualises Romania's investment in its justice system through three CEPEJ-derived indicators: the nominal budget per capita, the budget as a share of gross domestic product and the budget *per capita* adjusted for purchasing power parity.

The GDP share of justice expenditure traces a non-monotonic path over the observation period. It stood at its highest recorded level in 2014, declined substantially through 2016 and 2018, recovered partially in 2020 – a year in which GDP compression during the COVID-19 pandemic mechanically inflated ratio-based measures – and rose again to approach the 2014 level by 2022. The overall impression is one of a U-shaped trajectory, with the mid-period years representing a relative contraction of justice expenditure as a share of national income, followed by a recovery in the most recent reference year.

The nominal *per capita* budget follows a steadily ascending trend throughout the period, more than doubling from its 2014 baseline to its 2022 value. This continuous growth in absolute nominal terms contrasts with the fluctuation observed in the GDP share, indicating that nominal justice expenditure has grown consistently but has not always kept pace with the broader growth of the economy. The PPP-adjusted *per capita* figure grows even more steeply over the period, with the gap between the nominal and PPP-adjusted series widening progressively.

Figure 77: Whole justice system budget in Romania

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities

From a public finance standpoint, this expenditure profile is consistent with a deliberate institutional logic. By routing a substantial share of non-contentious matters through the privately financed notarial sector, the Romanian state externalises processing costs to private fee-payers and conserves budgetary resources for adjudicative functions *stricto sensu*. The sustained growth in nominal *per capita* expenditure alongside a fluctuating GDP share suggests that justice funding has expanded in absolute terms while remaining fiscally subordinate to the broader trajectory of economic growth. This is an equilibrium that the notarial outsourcing arrangement helps sustain by containing the volume of proceedings that would otherwise require public court resources.

4.19.2.2. Institutional architecture: Courts, notaries and other authorities

Table 30: Legal structure for processing non-contentious cases in Romania
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	49%	47%	49%	6%	5%	4%	45%	48%	47%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

Table 30 records the institutional distribution of resolved non-contentious cases across courts, notaries and other authorities for the two legal areas in which Romania reports caseload data: succession and non-litigious divorce. The configuration is starkly asymmetric. Succession proceedings exhibit complete notarial concentration, with 100% of resolved cases handled by notaries across all three reference years. This reflects the Romanian model under which the opening of succession is, by default, a notarial matter. The courts intervene only when the proceeding becomes contentious, at which point it ceases to be a non-contentious case and falls outside this analysis.

By contrast, non-litigious divorce displays a tripartite allocation. In 2022, the courts processed 49% of resolved cases, notaries 47% and other authorities, primarily civil registry officials, 4%. The shares were broadly stable across the three reference years, oscillating within a band of approximately two percentage points. From the perspective of institutional design, the divorce regime constitutes a concurrent competence model. The parties choose between forums on the basis of cost, speed and procedural attributes, and the observed equilibrium reflects revealed preferences over these dimensions. Nonetheless, the maintenance of three parallel channels for a standardised non-contentious procedure duplicates firstinstance capacity and generates avoidable search and coordination costs, a

point which is taken up in the recommendations. Marriages, land registry and business registry fall outside notarial competence under Romanian law.

Three features of the procedural architecture merit attention. First, territorial jurisdiction applies in both succession and divorce. Second, the final decision lies with the notary (not the court) and parties nominate the notary, placing Romania outside the court-commissioner model. Third, all succession and divorce files remain paper-based, with no electronic file access or court-notary communication channel, which is the main interoperability gap.

4.19.3. Caseload analysis: Volume, composition and trends

4.19.3.1. Non-contentious caseload by legal area

Succession volumes followed a non-monotonic trajectory: 240,463 in 2018, declining to 212,059 in 2020 (due to the pandemic-related disruption) and rebounding to 299,089 in 2022 (+24.4% over the period, reflecting pent-up demand).

Non-litigious divorce showed greater stability. Notaries resolved approximately 19,000 cases per year and courts approximately 17,000-21,000, reflecting a stable post-2010 institutional equilibrium with no further substitution trend. The persistence of parallel competence raises a welfareoptimality question addressed in the recommendations.

4.19.3.2. Caseflow management

The annual succession caseflow shows a broadly stationary structure with a secular accumulation of pending stock. The year-start backlog grew from 25,135 in 2018 to 43,389 in 2022, tracking a rising incoming volume that reached 299,565 in 2022. Forwarding to second instance courts remained under 1%, confirming high first instance decision quality.

4.19.4. Efficiency analysis: Processing time and throughput

4.19.4.1. Average processing duration by legal area

The Romanian Chamber of Notaries' questionnaire response indicates that the bulk of succession cases falls within the six-to-twelve-month band, while non-litigious divorce displays a markedly shorter modal duration.

Estimated mean processing times: non-contentious divorce averaged a stable 35 days across all three reference years. For succession, no precise mean was reported; the

indicative duration falls in the six-to-twelve-month category. Cross-border differential analysis is not possible with available data.

4.19.4.2. System level performance indicators

Four composite indicators – the Clearance Rate (CR), the Work Overload (WO) index, the Stake Change (SC) indicator and the Disposition Time (DT) were used to assess procedural efficiency. The four system level performance indicators were computed on succession caseflow data.

The CR-values for the notarial sector in the analysed years were 98.9% (2018), 98.1% (2020 pandemic), 99.8% (2022) – marginally below 100%, indicating that throughput has essentially kept pace with incoming cases, with modest residual accumulation. For the broader legal sector, the CR for total non-litigious cases declined from 1.06 in 2010 to 0.91 in 2022, displaying a general backlog build-up.

The WO for the notarial sector fluctuated between 11.5% (2018), 16.5% (2020 peak, COVID-19 disruption) and 14.7% (2022), indicating slow but persistent pending stock growth, partially normalising following the pandemic. For the broader legal sector, this indicator shows a build-up throughout. The notarial succession WO remains substantially lower than total non-litigious WO.

The SC showed a different trajectory. Starting from 10.6% (2018), it rose to 15.7% (2020 pandemic), before declining to 1.1% in 2022. The 2022 stabilisation is the main positive signal in the indicator suite, confirming a return to demand equilibrium.

The following DT-values were generated for the reference years: 42.2 days (2018), 61.5 days (2020, +50% spike due to the pandemic), 53.5 days (2022, partial recovery).

Taken together, the indicator suite portrays a system operating close to the sustainable efficiency threshold, with pandemic effects partially but not fully absorbed by 2022.

4.19.5. Cost structure and fee transparency

A pre-defined, publicly accessible fee schedule is in place for all relevant legal areas. Succession fees are *ad valorem* (percentage of estate assets); non-litigious divorce carries a minimum fee of 250-300 euro; land registry fees are also property-value proportional. All costs are borne by private individuals. From a welfare-economic perspective, this user-pays configuration aligns the marginal private cost of service consumption with the marginal social cost of provision and minimises the fiscal externality on the general taxpayer. The *ad valorem* structure for asset-related proceedings constitutes an implicit cross-subsidy from

high value to low value transactions, which may be defended on access-to-justice grounds insofar as it preserves the affordability of small estate succession.

4.19.6. Quality assurance, training and supervisory oversight

The quality of notarial output in non-contentious proceedings is the joint product of professional training and ongoing institutional supervision. The two are analytically distinct: training builds the human capital stock from which output quality is drawn, while supervision provides the principal-agent monitoring mechanism that disciplines its application in practice. The following two subsections report the Romanian configuration on each dimension.

4.19.6.1. Initial and ongoing professional training

Pre-appointment training for notaries is compulsory (two years). Compulsory in-service training applies to both notaries and legal staff. Specialised and digital literacy training are offered on an optional basis. This configuration reflects a substantial baseline commitment to professional training.

4.19.6.2. Systemic control mechanisms

All three systemic control indicators are affirmative: a supervisory body (the National Union of Notaries Public), a regular audit procedure of notarial offices and a formal malpractice procedure. This triadic configuration satisfies the principal-agent monitoring preconditions for effective oversight of delegated judicial functions.

4.19.7. Digitalisation: Capacity, strategy and bottlenecks

The Romanian National Union of Notaries Public has formalised a digitalisation strategy supported by dedicated departmental resources, a process impact assessment of digitalisation and structured training and education programmes for notarial staff. IT and technology expertise are explicitly taken into account in staff recruitment decisions. The two priority processes identified for digitalisation are: first, application programming interface (API) interconnection with the Romanian Trade Register, the General Directorate for the Registration of Persons and the National Notarial Registers; and second, equivalent interconnection with the National Agency for Cadastre and Land Registration.

The main structural barrier reported was the incomplete digitalisation of central and local public administration counterparts, which limits the achievable benefit of any individual notarial digitalisation investment. From a transaction cost standpoint, this configuration is

illustrative. The marginal benefit of unilateral notarial digitalisation is bounded above by the digital readiness of upstream and downstream public-sector partners, generating a coordination externality that no single actor can internalise unilaterally. The identified priorities are accordingly best understood as conditional investments whose full return depends on parallel public-administration modernisation and on the establishment of binding interoperability protocols between notarial information systems and State registries.

4.19.8. Synthesis: Efficiency assessment and country-specific findings

The Romanian institutional architecture for non-contentious justice exhibits a distinctive bifurcated pattern that warrants careful welfare-economic interpretation. With regard to succession, the system has achieved what is, in comparative perspective, a near pure outsourcing equilibrium. Notaries process 100% of resolved non-contentious successions, the court intervenes only when the proceeding becomes contentious and the residual judicial-review burden, measured by forwarding to secondinstance courts, is below 1% of resolved cases. The empirical signature is consistent with the central theoretical proposition of the JuWiLi II framework. Notaries hold a comparative advantage in the processing of high volume, non-contentious matters and exclusive competence amplifies this advantage by avoiding the duplicative search and selection costs implicit in competence regimes.

By contrast, with regard to non-litigious divorce, the system retains a tripartite competence structure in which courts, notaries and civil registry authorities each hold a distinct slice of the market of approximately 49% for the court, 47% for notaries and 4% for other authorities. They have been broadly stable since 2018, suggesting that the institutional equilibrium reached in the years following the 2010 reform is a settled outcome of the parties' revealed preferences rather than a transitional state. The 35-day average processing duration achieved by notaries in this legal area constitutes a substantial efficiency premium relative to court-based comparators in similar civil law jurisdictions.

The country's notarial sector is well capitalised in terms of human resources (2,575 notaries supported by 7,168 administrative staff in 2022) and institutionally well supervised through a complete triadic monitoring architecture. The main structural friction is not internal but interfacial: the limited digital interoperability between notarial information systems and public administration counterparts caps the achievable productivity gains from further digitalisation. Within the cross-national typology developed by the JuWiLi II project, Romania is best classified as a high concentration notarial succession regime combined with a balanced shared competence divorce regime. This is a hybrid configuration that may serve

as a useful reference point for jurisdictions considering selective expansion of notarial competence into matters historically reserved for the courts.

4.19.9. Policy recommendations

The empirical findings developed in the preceding sections sustain four recommendations addressed to the Romanian national level.

First, the establishment of an integrated electronic case-handling system between courts and notaries, currently absent for both succession and divorce, should be prioritised, given that the analysis documents that no such system is in place and that a structural backlog has been identified. This recommendation falls within *lex ferenda* insofar as it requires legislative authorisation for cross-institutional electronic record exchange.

Second, compulsory in-service digital literacy training for both notaries and notarial legal staff is warranted. This recommendation can be implemented within the existing regulatory framework (*lex lata*) through an amendment of the relevant regulations of the National Union of Notaries Public.

Third, given the demonstrated coordination externality between notarial and publicadministration digitalisation, it is recommended that the National Union of Notaries Public complete the inter-institutional protocols currently being implemented with the Trade Register, the cadastre agency and the General Directorate for the Registration of Persons, thereby internalising a portion of the externality through pre-committed interoperability roadmaps.

Fourth, the systematic publication of disaggregated caseflow data for divorce, land registry and other notarial competences, currently unavailable for several legal areas, would substantially improve the empirical basis for future efficiency analysis and falls within ordinary administrative practice.

4.20. Slovakia country report

4.20.1. Abstract

Slovakia's non-contentious justice system is built around an advanced and long-established court-commissioner model in which succession proceedings are delegated exclusively to sworn notaries acting on behalf of the courts. Succession is the sole legal area within notarial non-contentious competence during the reference period, with all proceedings resolved entirely by notaries. The notarial corps numbered 327 in 2018 and 320 in 2022, supported by approximately 824 and 795 total employees respectively, yielding a notary-to-population ratio of approximately 6 per 100,000 inhabitants in 2018 and 5.9 in 2022.

Average succession processing times varied from 255 days in 2018 to 316 days in 2020, the latter reflecting the operational disruption caused by COVID-19, before recovering to 264 days in 2022. In all three years, the six-to-twelve-month duration band accounts for the large majority of cases: 78% in 2018, 86% in 2020 and 79% in 2022. The in-year resolution rate, measured as resolved cases relative to incoming cases, stood at approximately 97.4% in 2018, 93% in 2020 and 95% in 2022, with a structurally large stock of pending proceedings carried over across years, reflecting the multi-year nature of complex estate proceedings. A standardised, publicly accessible fee schedule applies; costs are borne by private individuals, with a State subsidy for destitute estates. Slovakia's digitalisation profile is among the most developed in the JuWiLi II study: the Central Information System (CIS) introduced in 2021 integrates all notarial activities and is interconnected with multiple public and private registries, financed on a self-sustaining fee-per-use basis.

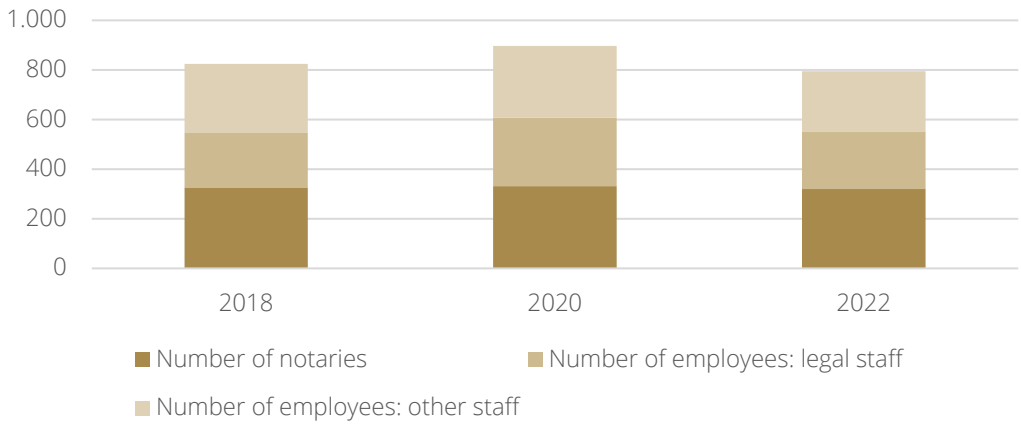
4.20.2. Country profile and institutional context

4.20.2.1. The notarial sector: Structure and scale

The Slovak notarial corps numbered 327 in 2018, peaked at 332 in 2020 and declined to 320 in 2022 (approximately six per 100,000 inhabitants). Total sector employment followed the same arc (from 824 in 2018 to 795 in 2022), with the 2020 peak consistent with pre-CIS staffing and the 2022 decline reflecting efficiency gains from digitalisation, reducing administrative labour requirements per case. Notaries devoted an estimated 50% of their working time to non-contentious justice activities.

Figure 78: Employment in the notarial sector in Slovakia

Notaries, legal and other staff between 2018 and 2022

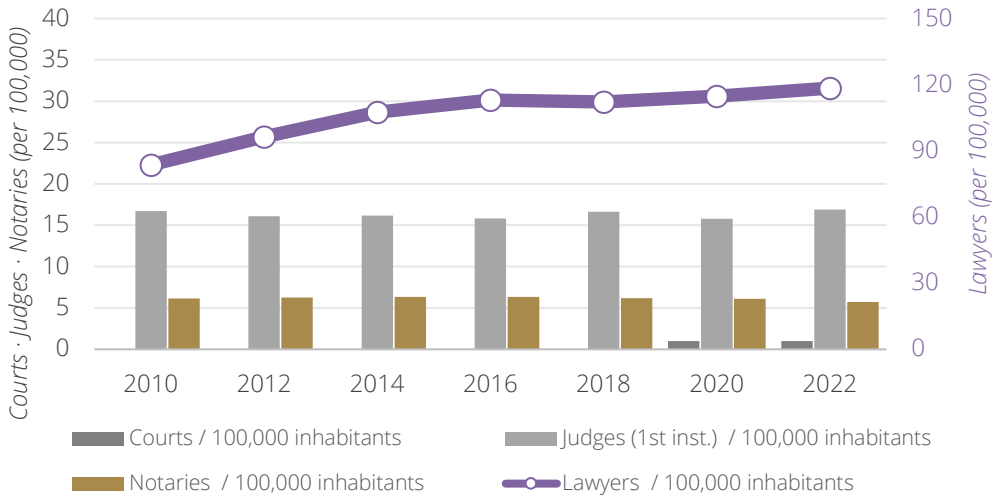


Source: JuWiLi

Figure 79 benchmarks Slovakia's notarial density against lawyers, judges and courts per 100,000 inhabitants (2010-2022). Notarial density declined slightly from 6.35 in 2016 to 5.89 in 2022; lawyer density grew from 83.6 to 118.4; judicial and court densities remained broadly stable. At 5.89 per 100,000, notaries are approximately six times more numerous than court locations.

Figure 79: Legal experts in the justice system in Slovakia

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

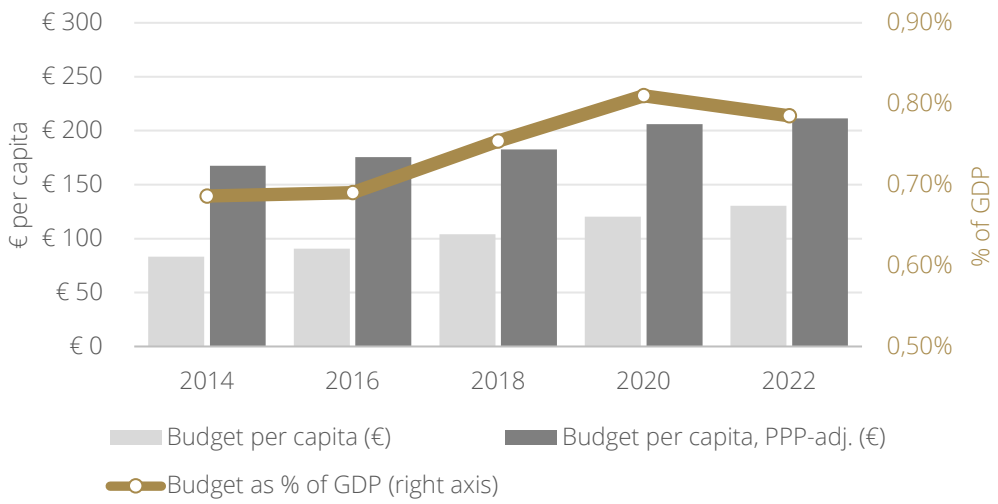
Figure 80 presents three indicators in relation to the budget for Slovakia's justice system (2014-2022). The GDP share rose from 0.69% in 2014 to a COVID-inflated peak of 0.81% in

2020 before settling at 0.79% in 2022; nominal *percapita* spending rose from 83 euro to 130 euro (+57%); PPP-adjusted *per capita* from 167 euro to 211 euro, reflecting Slovakia's below-EU-average price level.

From a welfare-economic standpoint, the court-commissioner model generates a direct fiscal dividend. The entire succession caseload, approximately 70,000 to 74,000 proceedings per year, is processed by privately funded notarial offices operating under the self-financed CIS platform, with no marginal cost to the public court budget. The broadly stable GDP share of justice expenditure is consistent with this sustained offloading of a high-volume caseload from the public sector to the notarial network, moderating the growth in public justice expenditure that would otherwise be required to absorb the succession caseload within the court system.

Figure 80: Whole justice system budget in Slovakia

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.20.2.2. Institutional architecture: Courts, notaries and other authorities

Slovakia's institutional architecture for non-contentious proceedings is based on a single-area delegation. Succession proceedings are the sole category entrusted to notaries and they are handled exclusively through the court-commissioner model. Under this arrangement, notaries receive succession cases by court nomination rather than client choice, exercise substantive jurisdictional authority on behalf of the court and issue the final decision themselves. The court retains only formal supervisory status.

The data collected confirms that territorial jurisdiction rules apply, meaning that the competent notary must be located in the same district as the case origin, an institutional design feature that distributes workload proportionally across the notarial network and limits forum shopping. No other legal areas (i.e. divorce, marriages, land registry or business registry) fall within notarial competence during the reference period. However, the questionnaire notes that direct entries to the Commercial Register were added to notarial competence from 1 January 2025, a reform not yet reflected in the study's reference data. Non-contentious divorce has not been delegated to notaries in Slovakia. From a transaction cost perspective, the exclusive notarial handling of succession represents a mature outsourcing arrangement in which the State has fully transferred the processing burden of this high-volume legal area to privately funded practitioners, while retaining formal judicial oversight through the commissioner model.

Table 31: Legal structure for processing non-contentious cases in Slovakia
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

The profile is consistent with the court-commissioner model. Territorial jurisdiction applies (same district required), the fee is standardised under a published tariff, the court nominates the notary (not the client), the notary exercises substantive competence and issues the final decision without residual court authority over the outcome, the electronic communication system between courts and notaries is operational, but the case file is not yet accessible electronically to parties. The absence of electronic file access is a notable gap in the otherwise digitally advanced Slovak system and represents a priority for future development given the CIS infrastructure already in place.

4.20.3. Caseload analysis: Volume, composition and trends

4.20.3.1. Non-contentious caseload by legal area

Succession proceedings constitute the entirety of the Slovak notarial non-contentious caseload. The volume declined from 70,150 resolved cases in 2018 to 67,450 in 2020, a reduction of approximately 3.8%. This is attributable to a considerable extent to the operational restrictions imposed during the COVID-19 pandemic, which temporarily closed notarial offices and constrained proceedings for part of the year, before recovering strongly

to 74,375 in 2022, the highest level across the three reference years and representing growth of approximately 6% relative to the 2018 baseline. All proceedings are handled exclusively by notaries; courts and other authorities recorded zero cases in this legal area. No other legal areas generated notarial caseloads during the reference period. Divorce is explicitly categorised as not applicable; marriages, land registry and business registry show no notarial activity. The concentration of the entire non-contentious caseload in a single legal area, succession, is a defining structural feature of the Slovak system, reflecting the limited scope of the delegation mandate relative to more broadly delegated jurisdictions.

4.20.3.2. Caseflow management

The caseflow data reveal a system characterised by a structurally large pending stock of cases carried forward between years and a high in-year resolution rate. The net addition to the pending stock was 1,815 cases (2.6% of incoming) in 2018, rising to 4,740 cases (7%) in 2020 due to COVID-19-related disruption and 3,719 cases (5%) in 2022. Fewer than 1% of cases were forwarded to second instance in each year, confirming high first instance decision quality. The growing pending stock of cases (2018: approximately 35,507; 2022: approximately 43,591) reflects the multi-year nature of complex succession proceedings rather than systemic throughput failure.

4.20.4. Efficiency analysis: Processing time and throughput

4.20.4.1. Average processing duration by legal area

Processing times averaged 255 days in 2018, rose to 316 days in 2020 due to COVID-19-related disruption and recovered to 264 days in 2022. The six-to-twelve-month band dominates: 78% of cases in 2018 and 2022, rising to 86% in 2020. The over-one-year share doubled during the pandemic (2.5 to 6.9%) and had only partially recovered to 5% by 2022. Processing time includes the administrative transfer period from court to notary. Cross-border cases (2,104 in 2018; approximately 3,719 in 2022) follow a similar distribution. No appeal data are available.

4.20.4.2. System level performance indicators

Four composite indicators – the Clearance Rate (CR), the Work Overload (WO) index, the Stake Change (SC) indicator and the Disposition Time (DT) were used to assess procedural efficiency. The performance indicators confirm a system that clears the overwhelming majority of its annual caseload while managing a structurally growing pending stock of cases. The CR fell from 97.4% (2018) to 95% (2022). The WO started at 2.6% in 2018, rose to 7% in 2020 and bounced back to 5% in the final year. The SC was negative in all three years and the DT amounted to approximately 190 days in 2018, 242 in 2020 and 225 days

in 2022, consistent with the directly reported processing times and confirming internal caseflow coherence.

4.20.5. Cost structure and fee transparency

Slovakia operates a standardised, publicly accessible notarial fee schedule for succession proceedings. The fee schedule constitutes a pre-defined tariff whose transparency satisfies the consumer information prerequisites for informed decision-making under the OECD Recommendation on People-Centred Justice Systems. Specific average cost data for typical succession proceedings were not submitted with the questionnaire response, which records this field as 'data not available'. Nonetheless, the welfare-economic implications of the cost structure are characterised as follows: costs are borne by private individuals, with the exception of proceedings in which the deceased held no property or died without heirs, in which case costs are borne by the State.

4.20.6. Quality assurance, training and supervisory oversight

4.20.6.1. Initial and ongoing professional training

Notaries in Slovakia are subject to a rigorous initial training requirement of five years of compulsory pre-appointment training, one of the longest mandatory training periods in the JuWiLi II study. This substantial investment in entry-level human capital reflects the complexity and legal significance of succession proceedings, in which notaries exercise final decision authority as court commissioners. In-service training for notaries is compulsory in general form but does not extend to specialised cases and digital literacy training is available only on an optional basis.

The compulsory general in-service requirement ensures a baseline standard of current legal knowledge across the corps. However, the absence of compulsory specialised or digital training may constitute a medium-term gap as the CIS platform expands and as the newly introduced Commercial Register competence (from January 2025) adds a new substantive dimension to notarial practice. For legal staff employed in notarial offices, all training (initial, general in-service, specialised and digital literacy alike) is optional, mirroring the pattern observed in several other JuWiLi II jurisdictions. Given the volume and complexity of succession caseloads processed with support staff assistance, the fully voluntary training framework for non-notary employees represents an area where the institution of a minimum compulsory standard would be justified in welfare-economic terms.

4.20.6.2. Systemic control mechanisms

The response to all three systemic control indicators is affirmative: Slovakia has a supervisory body, a regular auditing procedure and a formal malpractice procedure. This framework is particularly significant because, with fewer than 1% of cases forwarded to second instance, the quality assurance infrastructure must substitute effectively for the external quality signal that appeal rates would otherwise provide. The CIS system provides an additional data-based oversight layer, enabling Slovakia's Chamber of Notaries to monitor workflow and throughput in near real time.

4.20.7. Digitalisation: Capacity, strategy and bottlenecks

Within the JuWiLi II study, major features of Slovakia's digitalisation profile are both the comprehensiveness of its strategy and the maturity of its implementation. The centrepiece is the Central Information System (CIS), introduced in 2021, which integrates all notarial activities and connects with public registries (property, vehicle, execution, commercial) and banks, financed on a self-sustaining per-action fee model. Three priority targets are: (1) full digital administration of succession cases; (2) digitalisation of invoice and payment administration; and (3) digital management of third-party correspondence in inheritance proceedings. The main barriers are human challenges (change management, skill gaps), resource limitations and cybersecurity, a mature assessment reflecting an already substantially digitalised organisation managing residual integration challenges.

4.20.8. Synthesis: Efficiency assessment and country-specific findings

Slovakia's non-contentious justice architecture is institutionally coherent, sectorally concentrated and operationally effective within the scope of its delegation mandate. The court-commissioner model in succession proceedings represents a mature and well-functioning outsourcing arrangement. Approximately 70,000 to 74,000 proceedings per year are processed by a notarial corps of approximately 320 practitioners under a standardised fee regime, self-financed digital infrastructure and a complete supervisory framework, without drawing on public court capacity for case resolution. The in-year Clearance Rate of approximately 95 to 97% in non-pandemic years confirms that the system sustains throughput close to its incoming volume.

However, the growing pending stock of cases, rising from approximately 35,507 at the end of 2018 to approximately 43,591 at the end of 2022, signals a gradual accumulation of multi-year cases that warrants monitoring. The 2020 pandemic year demonstrated the system's vulnerability to external disruption. Average processing times extended from 255 to 316 days, the over-one-year case share more than doubled and the in-year Clearance Rate fell to 93%, all indicators which had recovered substantially by 2022.

The most structurally significant feature of Slovakia's profile is the narrow scope of notarial delegation. Succession is the sole competence area in the reference period, with divorce, marriages, land registry and business registry remaining outside the delegation framework. The addition of Commercial Register entries from January 2025 represents an incremental expansion, but the system remains more concentrated than most comparable civil law jurisdictions. The digitalisation profile offsets this narrowness: the CIS platform positions Slovakia as a model for technologically integrated notarial practice, with the self-financing model providing structural sustainability that does not depend on government budget cycles.

4.20.9. Policy recommendations

Three policy recommendations follow from the empirical findings of this report.

First, the Slovak legislature should assess the feasibility of extending notarial delegation to land registry and non-contentious divorce proceedings. Slovakia explicitly records these as not applicable under the current legal framework despite this delegation having been implemented in a growing number of JuWiLi II jurisdictions with documented efficiency gains. The existing CIS infrastructure, supervisory framework and trained notarial corps would provide a ready institutional foundation for this extension, which falls within *lex ferenda*. The welfare-economic justification is standard: delegation to the notarial channel would relieve administration (court and land registry) capacity, reduce citizen access costs and impose no marginal fiscal cost on the State.

Second, the comprehensive electronic case management system, specifically the lack of full electronic file administration and mutual access for parties to proceedings (which should be properly managed and interconnected on the part of the courts given that the CIS infrastructure is already in place) must be resolved by the judiciary itself. This requirement for end-to-end electronic file management across both institutions falls within *lex lata*, requiring only a technical and regulatory amendment to the court rules governing file access rather than primary legislation and directly serves the transparency and accessibility objectives that the chamber identifies as priorities for digitalisation.

Third, Slovakia's Chamber of Notaries should introduce a minimum compulsory training standard for staff employed in notarial offices, particularly in relation to new legal developments both at the national and EU level and in relation to digital system competencies. The notarial staff make a material contribution to case-processing capacity. A voluntary training regime therefore creates a structural risk of quality divergence across offices that the supervisory framework's process auditing mechanism may not fully detect.

4.21. Slovenia country report

4.21.1. Abstract

Slovenia operates a functionally differentiated model of non-contentious justice in which notaries hold many primary or exclusive competences across various non-contentious legal areas. Courts retain jurisdiction over succession proceedings and exercise residual supervisory authority over land and business registry filings. The analysis reveals a notarial sector of stable scale – approximately 91-92 notaries serving a population of 2.1 million – operating with exceptionally high throughput efficiency. Clearance rates across all notarial case categories consistently reach 100%, disposition times remain below three days and work overload indices are negligible.

The 2019 legislative reform extending non-contentious divorce jurisdiction to notaries has demonstrably expanded access to an alternative legal pathway, with notaries processing approximately 42-44% of non-contentious divorces by 2022. Across land registry, business registry, will registration and marital property agreement registration, notaries demonstrate a decisive comparative advantage in processing speed and volume relative to courts. Fee schedules are standardised, publicly accessible and generally modest. Institutional quality mechanisms, including compulsory in-service training, a supervisory body, regular auditing and a malpractice procedure, are fully operative.

The report concludes that Slovenia's notarial architecture constitutes a welfare-superior institutional arrangement for non-contentious proceedings and identifies targeted policy recommendations concerning digitalisation capacity and the prospective extension of notarial competence over succession matters.

4.21.2. Country profile and institutional context

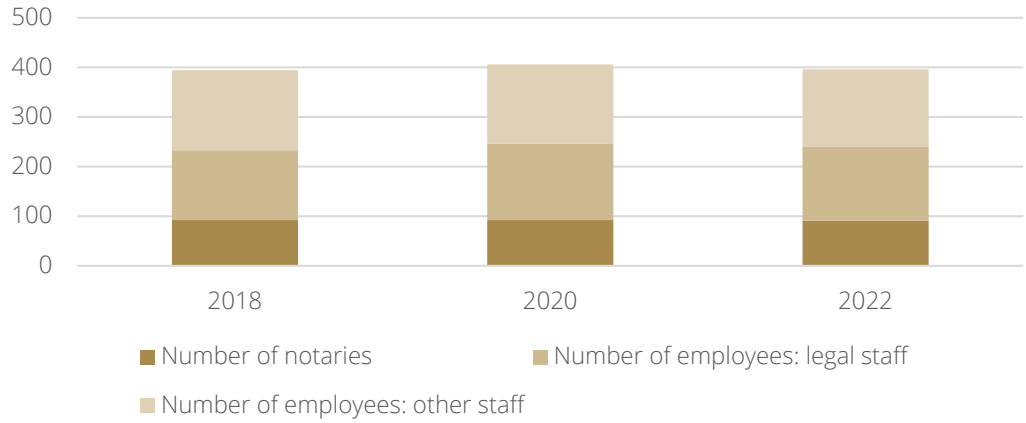
4.21.2.1. The notarial sector: Structure and scale

The Slovenian notarial sector comprises a corps of civil law notaries whose appointment, competences and supervision are governed by the Notary Act (*Zakon o notariatu, ZN*). Notaries in Slovenia hold the status of independent public office holders, exercising delegated sovereign authority within a legally defined sphere of non-contentious civil law. Slovenia's Chamber of Notaries (*Notarska zbornica Slovenije*) functions as the professional self-regulatory body and operates several sector-specific registries, including the Central Registry of Wills and the Registry of Marital Property Agreements, which constitute an important component of the notarial public service mandate.

Over the reference period, the size of the notarial corps remained essentially stable: 92 notaries in both 2018 and 2020, declining marginally to 91 in 2022. Total sector employment, encompassing both legal and administrative staff, peaked at 406 in 2020 before contracting to 396 in 2022. This pattern is consistent with a mature, institutionally established profession experiencing gradual rationalisation of back-office staffing rather than structural contraction.

Figure 81: Employment in the notarial sector in Slovenia

Notaries, legal and other staff between 2018 and 2022

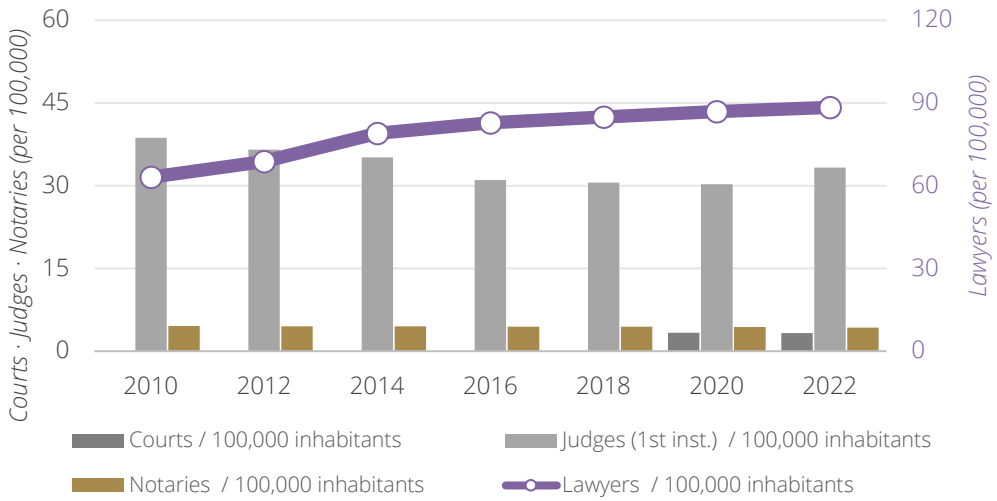


Source: JuWiLi

At approximately 4.3-4.4 notaries per 100,000 inhabitants across the reference period, Slovenia's notary density is broadly consistent with the European Latin notariat model. This density benchmark acquires additional significance when assessed against the geographic distribution of notarial offices relative to courts, an issue taken up in a later section below.

Figure 82: Legal experts in the justice system in Slovenia

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



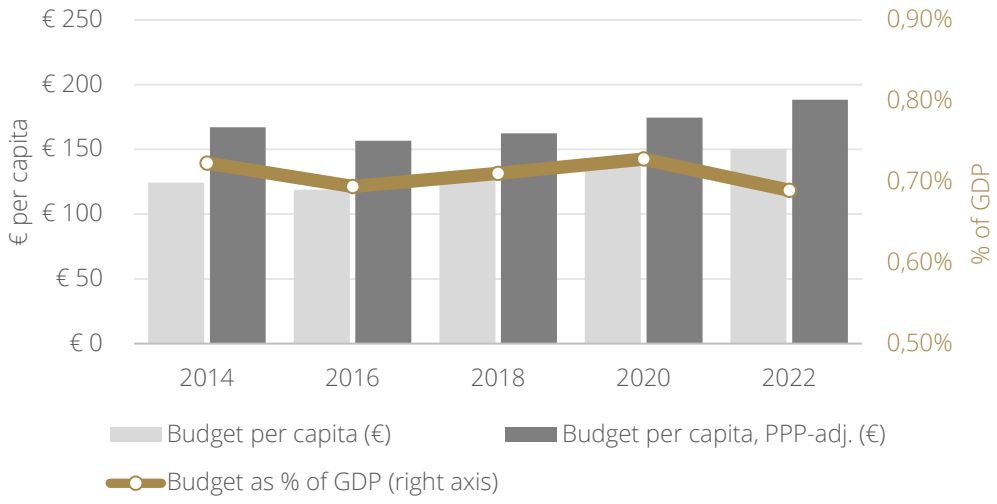
Source: CEPEJ | Economica

Note: Calculation based on the number of inhabitants.

Figure 83 presents three parallel indicators of the budget for Slovenia's justice system from 2014 to 2022. The GDP share remained notably stable at 0.69-0.73% throughout, while nominal and PPP-adjusted per capita spending rose by approximately 21%, reflecting growth in national income rather than active fiscal reallocation. The sustained delegation of non-contentious proceedings to notaries helps absorb rising demand without drawing proportionally on the public budget.

Figure 83: Whole justice system budget in Slovenia

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, numbe r of inhabitants and purchasing power parities.

4.21.2.2. Institutional architecture: Courts, notaries and other authorities

The institutional distribution of competence over non-contentious proceedings in Slovenia reflects a deliberate legislative design in which different legal areas are assigned to the authority best equipped to process them efficiently. Table 32 presents the institutional distribution by legal area, expressed as shares of total resolved proceedings for each reference year.

Table 32: Legal structure for processing non-contentious cases in Slovenia
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	100%	100%	100%	0%	0%	0%	0%	0%	0%
Divorce	100%	56%	58%	0%	0%	0%	0%	44%	42%
Marriages	0%	0%	0%	100%	100%	100%	0%	0%	0%
Land registry	6%	4%	4%	18%	22%	18%	76%	74%	78%
Business registry	33%	29%	27%	32%	33%	33%	35%	37%	40%
Wills, Central Registry of Wills	23%	19%	16%	12%	12%	9%	65%	68%	75%
Marital property agreements - registry	0%	0%	0%	0%	0%	0%	0%	100%	100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

Marriages are processed exclusively by administrative units (civil registry offices) acting as other authorities, with no notarial or judicial involvement. Land registry filings are handled predominantly by notaries (74-78% of resolved proceedings). Business registry proceedings present a more complex tripartite architecture: courts receive and adjudicate all filings formally and submit *ex officio* proposals (27-33% share), while the SPOT (Slovenian Business Points) one-stop-shop system processes a further 32-33% via administrative units and notaries account for 35-40%, handling the legally complex cases for which mandatory notarial involvement is prescribed by statute.[19]

Succession proceedings constitute the single legal area in which courts retain exclusive decision-making jurisdiction. All succession cases are resolved by courts of first instance (local courts) and the power to decide is not delegated to notaries. However, courts may delegate certain ancillary tasks to notaries (e.g. drawing up the inventory, appraising the

[19] The number of legally complex applications requiring the involvement of a notary has increased compared to simpler registrations carried out through the SPOT system. Notaries mostly handle more complex matters related to entries in the court register, whereas the SPOT points can only process simpler cases.

assets and securing the estate) and a notary may be appointed to administer the estate. Slovenia does not therefore employ the court-commissioner model prevailing in Austria, Croatia, Hungary and Czechia, where notaries resolve succession proceedings in lieu of the court, a distinction of particular relevance to the policy discussion. Non-contentious divorce, by contrast, was formally entrusted to notaries in 2019, generating a rapid and sustained shift in caseload distribution. By 2020, notaries processed approximately 44% of non-contentious divorces, a share that remained stable at 42% in 2022.[20]

Across all notarial proceedings, the notary exercises autonomous final decision-making authority (except for land and business registry where formal court confirmation is required), fees are standardised and territorial jurisdiction is generally unrestricted. Electronic file access is available for most categories.

4.21.3. Caseload analysis: Volume, composition and trends

4.21.3.1. Non-contentious caseload by legal area

The caseload data reveal several notable structural features of Slovenia's non-contentious justice architecture. Land registry proceedings constitute the largest notarial caseload: 110,247 in 2018, declining to 102,339 in 2020 (due to COVID-19-related disruption) and recovering to 126,679 in 2022 (+15% from the pandemic trough), confirming structurally robust demand. Business registry proceedings followed a similar V-shaped trend (from 16,487 in 2018, back to 14,688 in 2020, before rising to 16,174 in the final year), with the notarial share rising from 35 to 40% as legally complex filings requiring notarial involvement grew relative to simpler SPOT-channel registrations.

Will registrations have increased by 36% over the period (1,358 in 2018 to 1,843 in 2022), reflecting growing utilisation of the chamber's Central Registry of Wills for advance testamentary planning, with implications for the reduction of succession-related litigation. Non-contentious divorce, entrusted to notaries in 2019, generated an immediate caseload: 579 in 2020 and 573 in 2022 (versus zero in 2018), eliminating the transaction costs of judicial divorce procedures for approximately 42-44% of consensual divorces.

4.21.3.2. Caseflow management

The caseflow data reveal a structural feature of considerable analytical importance. For land registry and business registry proceedings, pending and left-over cases exist because the final decision formally lies with the court. This means that notarially submitted filings remain

[20] The effect of reducing the burden on courts is also directly visible, as the number of divorces in courts has decreased.

technically open until judicial confirmation is issued. The pending-to-incoming ratios of approximately 0.8% for land registry and business registry are indicative not of processing backlogs but of normal administrative carry-over within an electronically integrated submission system. For divorce, will registration and marital property proceedings, where the notary holds final decision-making authority, the caseflow data confirm that proceedings are concluded on the day when the notarial deed is signed, with pending and left-over figures of five cases or fewer across all reference years.

4.21.4. Efficiency analysis: Processing time and throughput

4.21.4.1. Average processing duration by legal area

The data collected reflect the reported average processing duration in days, which is one to three days in each legal area. The most striking finding of the processing time analysis is the uniformly rapid resolution of all notarial proceedings. Across every legal area for which notaries hold competence and across all three reference years, the entire caseload falls within the 'fewer than three months' duration band, with the average processing time reported as one to three days.

This extraordinary throughput performance reflects the structural characteristics of notarial proceedings in Slovenia. They are conducted electronically, require no adversarial procedure and produce legally definitive outcomes on the day of the notarial act. The integrated systems further compress processing times by enabling direct electronic submission to land and business registries, eliminating postal or courier delays.

No cross-border cases were reported across the reference period, a finding consistent with the predominantly domestic nature of the legal areas within notarial competence. The absence of appeal cases for divorce, will registration and marital property proceedings is consistent with the finality of the notarial deed as a public instrument and the high professional training standards required for appointment to the notarial office.

4.21.4.2. System level performance indicators

The four composite performance indicators – Clearance Rate (CR), Work Overload (WO) index, Stake Change (SC) and Disposition Time (DT) – are assessed below. The performance results are unambiguous. The CR is equal to 1 across all legal areas and reference years; the WO index of less than 1% indicates negligible capacity stress; the SC values of precisely zero confirm no caseload growth; and the DT of approximately three days reflects pure administrative carry-over, not genuine bottlenecks.

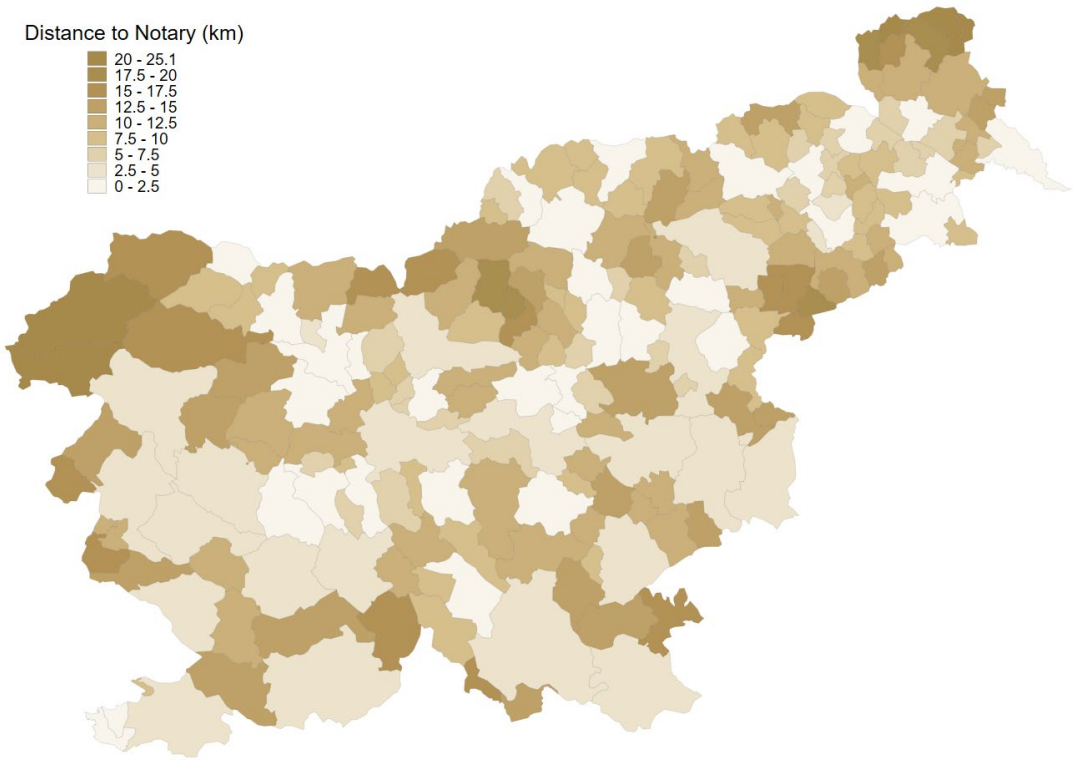
By contrast, the overall court Disposition Time fell from 153.7 days in 2010 to 53.7 days in 2022, a 65% improvement, but remains notably higher than the notarial equivalent. The

overall WO of 0.147 in 2022 (down from 0.422 in 2010) indicates continued substantial court backlogs; the notarial WO of approximately 0.01 is a 95% reduction relative to the court system. Court SC turned positive in 2020 as the pending stock of cases grew. The notarial sector recorded zero SC throughout, confirming structural resilience to demand shocks.

4.21.5. Geographic accessibility: Mapping notaries and courts

The geographic accessibility analysis computes straight-line distances from population centroids of Slovenia's 212 municipalities (LAU 2024) to the nearest notarial office and nearest court of first instance with non-contentious jurisdiction. Slovenia's small surface area (20,271 km²) and dense road network provide a contextually favourable setting for geographic accessibility, with its population concentrated in the Ljubljana basin and the main infrastructure corridors. Figure 84 maps citizen distance to the nearest notarial office, showing high accessibility in the Ljubljana basin and the Celje–Maribor corridor, with longer distances in peripheral western (Goriška) and northeastern (Pomurje) areas. The notarial network (91 offices) provides marginally more granular spatial penetration than courts in areas between established court locations.

Figure 84: Map of citizens' distance to notaries in Slovenia
Distance from Local Authorities' Units



Source: JuWiLi

Table 33 confirms a consistent accessibility premium for notarial services. The population-weighted average distance is 5.16 km (notaries) versus 5.72 km (courts). At the median, both are equal at 2.83 km, but the notarial premium grows progressively in the upper distribution tail, reaching 1.7 km at the 95th percentile, with particular significance for the succession reform agenda.

The notarial accessibility premium is most pronounced in the upper distribution tail. At the 99th percentile, notaries remain 1.5 km closer than courts. These findings are of particular policy significance for the succession reform agenda. If succession were delegated to notaries, citizens in peripheral municipalities would benefit from meaningfully shorter travel distances. At all population percentiles above the median, the notarial coverage curve lies to the left of the court curve. Both networks achieve near universal coverage within approximately 25 km.

Table 33: Population coverage in Slovenia

Share of citizens with a maximum distance to the next notary or court

Share of citizens	Notaries	Courts
50%	2.83	2.83
90%	11.40	12.50
95%	13.80	15.50
99%	17.40	18.90

Source: JuWiLi

4.21.6. Cost structure and fee transparency

Slovenia maintains a pre-defined fee schedule that governs the remuneration of notaries across all legally regulated services. The tariff is established by regulation and publicly accessible, satisfying the conditions of consumer transparency as a prerequisite for informed citizen decision-making regarding the choice of institutional provider. Data collected confirm the existence and public accessibility of the fee schedule.

Several observations of welfare-economic significance emerge from the cost data. The fee for land registry and business registry filings is set at 51 euro per proceeding under the notarial tariff. This is a low absolute level that imposes a negligible private cost on citizens relative to the legal certainty and binding force of the notarial act. Will registration at 41 euro is similarly low.

Marital property agreement registration is provided free of charge, financed through the chamber's collective budget, constituting a form of internal cross-subsidisation within the notarial profession.

Non-contentious divorce carries an average cost of approximately 130-213 euro per proceeding.[21] At this price level, which compares favourably with the legal costs associated with litigated divorce, including attorney fees and court fees, notarial divorce constitutes a welfare-superior alternative for consensual marital dissolution, consistent with the theoretical predictions of the Coase framework applied to dispute resolution institutions.

4.21.7. Quality Assurance, training and supervisory oversight

4.21.7.1. Initial and ongoing professional training

Entry to the notarial profession in Slovenia requires a law degree, the State Law Examination and at least five years of post-examination practical experience (including at least one year with a notary, attorney, court or public authority). Appointment is by ministerial decision following a competence examination assessing professional knowledge, experience and skills.

Following appointment, Slovenian notaries are subject to compulsory in-service training, reflecting the legislature's recognition that the evolution of substantive law, procedural rules and digital infrastructure requires ongoing professional updating. Both specialised and digital literacy training are available on an optional basis, enabling notaries to invest in competence development calibrated to the composition of their individual caseloads. Legal staff employed in notarial offices are subject to compulsory in-service training, with optional initial training, optional specialised training and optional digital literacy training also available. The training framework is summarised above.

The compulsory in-service requirement reduces the moral hazard risk of underinvestment in skills maintenance and signals quality to citizen-clients in a market with information asymmetry regarding notarial expertise.

4.21.7.2. Systemic control mechanisms

All three systemic control indicators, a supervisory body, regular auditing and a malpractice procedure, are present in Slovenia's notarial governance architecture. The supervisory bodies for Slovenian notaries are the Ministry of Justice and Slovenia's Chamber of Notaries.

[21] This cost does not include the drafting of the agreement on the division of joint property. Rather, it covers solely the divorce agreement (equivalent to a court judgment). In both types of divorce, before a notary and before a court, the property division agreement is a separate document.

The supervision of legality of the practice of a notary in relation to the matters entrusted to the notary by a court or another State authority must be carried out by the president of the higher court in whose territory the registered office of the notary is located. Regular auditing of notarial practice provides a periodic verification mechanism that reduces the probability of systematic deviation from professional standards.

The existence of a malpractice procedure, encompassing both disciplinary and civil liability mechanisms, creates a credible deterrent against sub-standard performance, operationalising the principal-agent incentive structure by ensuring that detected deviations carry material consequences for the notary-agent. The completeness of Slovenia's quality assurance framework is consistent with the country's classification as a mature Latin notariat jurisdiction with well-developed institutional safeguards.

4.21.8. Digitalisation: Capacity, strategy and bottlenecks

Slovenia's notarial sector presents a moderate-to-advanced digitalisation profile. all five binary indicators (strategy, dedicated resources, impact assessment, digital literacy training, IT hiring criteria) return affirmative responses.

Two personnel within the Chamber hold primary digitalisation responsibility, financed through the joint chamber budget with active pursuit of EU co-financing. The three highest priority targets are: (1) remote notarial services via certified electronic channels; (2) electronic archiving to replace costly physical archives; and (3) a single integrated portal for accessing all official registers. The two main barriers, lack of qualified IT staff and insufficient financial resources, indicate that the binding constraint is transformation capacity rather than the absence of basic infrastructure, pointing to targeted capacity-building support as the most effective form of EU co-financing.

4.21.9. Synthesis: Efficiency assessment and country-specific findings

Slovenia's notarial architecture operates at high efficiency across all domains of established competence. Six mutually reinforcing findings support this assessment: (1) exceptional throughput – CR at 100%, DT at approximately three days, WO at <1%; (2) the remaining court DT of 53.7 days is still 18× the notarial equivalent; (3) all notarial proceedings are completed within one to three days; (4) the 2019 divorce reform has notaries processing 42-44% of non-contentious divorces; (5) the geographic accessibility premium was confirmed – 5.16 km (notaries) vs 5.72 km (courts); (6) the tariff rates of 41-213 euro are low and transparently communicated. The single structural anomaly is the exclusive reservation of succession proceedings (25,641 court cases in 2022) to courts – the category

where the court-commissioner model has generated the most widely documented efficiency gains elsewhere in the EU.

4.21.10. Policy recommendations

The following recommendations are grounded in the welfare-economic framework of the JuWiLi II project.

The Slovenian legislature should consider amending the Succession Act to enable the delegation of straightforward succession proceedings to notaries acting either as court commissioners (on the Croatian, Austrian or Hungarian model) or as autonomous first instance authorities (on the Czech model). The welfare-economic justification is direct: succession constitutes the single largest non-contentious caseload category processed by courts (25,641 cases in 2022) and the notarial sector's demonstrated capacity to resolve comparable matters within one to three days at negligible per proceeding cost creates a strong presumption that delegation would generate efficiency gains.

The reform should be designed with appropriate safeguards for complex succession disputes, which would remain within exclusive judicial jurisdiction. The legislature has already enacted the legal framework enabling notaries to conduct notarially certified acts via secure remote communication channels, subject to robust identity verification and electronic signature standards consistent with the eIDAS Regulation (EU No. 910/2014). The chamber has identified remote notary services as its highest priority digitalisation target; the binding constraint is of an implementing nature, not legislative or technological. Remote services would reduce the travel costs borne by citizens in peripheral municipalities and by those with limited physical mobility, generating a geographically redistributive access-to-justice benefit alongside the efficiency gains arising from reduced per proceeding transaction costs.

In the field of archiving as well, the physical archiving of notarial deeds needs to be upgraded with secure electronic storage, as the physical archiving of notarial deeds imposes financial, spatial and administrative costs. Existing provisions already allow for certified electronic archiving as an equivalent alternative to physical storage, alongside appropriate provisions for the transitional management of existing physical archives.

The legislator should mandate the development of a centralised authenticated access portal enabling notaries to retrieve data from all official registers – land register, business register, civil status register (Central Population Register) and tax register – through a single integrated interface. The current fragmentation of access generates unnecessary search costs, increases per proceeding duration and introduces opportunities for information asymmetry that the notary's professional verification function is designed to eliminate. The

SPOT system's existing electronic integration with the business register provides a proven architectural template for extension to other registers.

Slovenia's Chamber of Notaries should be supported in pursuing EU structural and investment fund financing for digitalisation capacity-building, with a specific focus on the recruitment or training of IT-qualified personnel and the procurement of systems integration expertise. The binding constraint identified by the chamber, a lack of appropriately qualified staff, is an input market failure that co-financing can address directly, generating complementary benefits for the public justice system through the efficiency improvements that advanced digitalisation will enable.

4.22. Spain country report

4.22.1. Abstract

Spain presents one of the most extensively notarialised non-contentious justice architectures within the European Union. With 2,869 notaries serving a population of approximately 49 million, the Spanish notarial system handles succession, land registration, business registration, marriages and, since 2015, non-contentious divorces. In each case, it exercises original and exclusive competence rather than acting as delegates of judicial authority. The economic analysis presented in this report demonstrates that the Spanish model generates substantial efficiency gains relative to court-based processing, most notably in processing speed. Notarial divorce proceedings are completed in an average of seven days, compared to more than two months for non-contentious judicial divorce and approximately ten months for contentious proceedings.

Across all legal areas, 99% of notarial cases are resolved within three months. The caseload data for the reference years 2018, 2020 and 2022 confirm a sustained and growing volume of notarial activity, with total notarial resolutions across core legal areas approaching 540,000 *per annum* in 2022. Comprehensive digitalisation infrastructure, anchored in the Technological Centre of the Spanish Notariat (CTN), which employs approximately 500 specialists, reinforces this efficiency profile.

The main structural findings concern the absence of caseflow data (pending, incoming and forwarded cases), which precludes the computation of standard clearance and Disposition Time metrics; the predominantly private financing model, which maintains cost discipline; and the selective nature of fee-schedule transparency. Policy recommendations address three priority areas: caseflow data reporting, notarial fee transparency and the completion of civil registry digitalisation to enable direct notarial access.

4.22.2. Country profile and institutional context

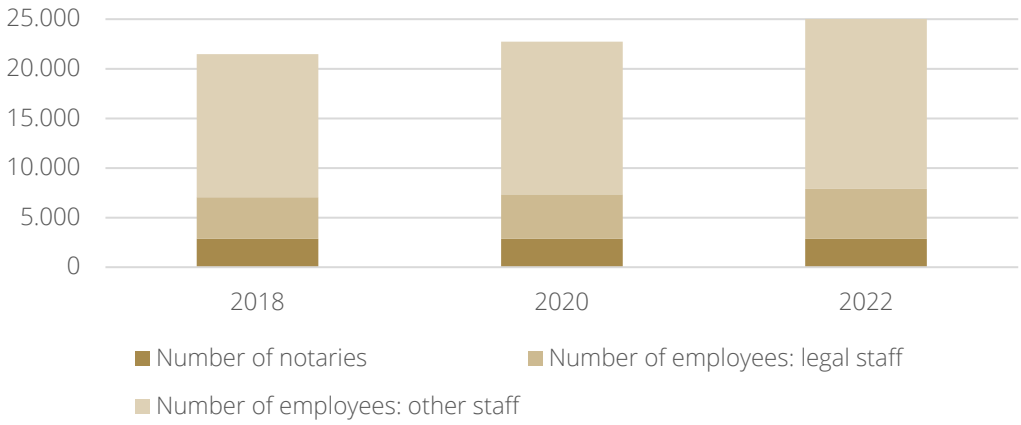
4.22.2.1. The notarial sector: Structure and scale

The Spanish notarial profession constitutes a numerically stable and institutionally well-integrated component of the national legal services architecture. For the three reference years under examination, the total number of authorised notarial positions increased to 2,869 in 2022. In terms of staffing, the sector exhibited sustained growth, with total employment rising from approximately 21,367 persons in 2018 to 25,155 in 2022 (an increase of 17.7%). Applying the chamber's estimate of 22.5% legal-grade employees yields

roughly 4,187 legal staff in 2018 and 5,014 in 2022. Against a constant notarial headcount, this implies an average of 7.7 staff per notary in 2018, rising to 8.8 by 2022.

Figure 85: Employment in the notarial sector in Spain

Notaries, legal and other staff between 2018 and 2022

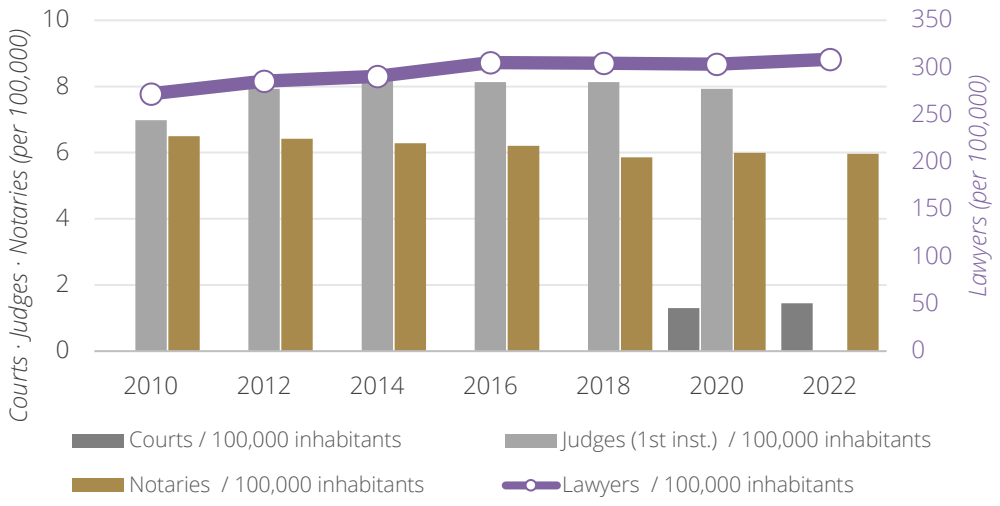


Source: JuWiLi

With 2,869 notaries serving a population of approximately 49 million, the access density amounts to approximately 6 notaries per 100,000 inhabitants, a figure that remained constant throughout the reference period. This ratio is consistent with the position of Spain within the Latin notariat tradition, characterised by high professional standards and territorial distribution requirements.

Figure 86: Legal experts in the justice system in Spain

Notaries, judges (1st instance), lawyers and courts per 100,000 inhabitants, 2010-2022



Source: CEPEJ | Economica

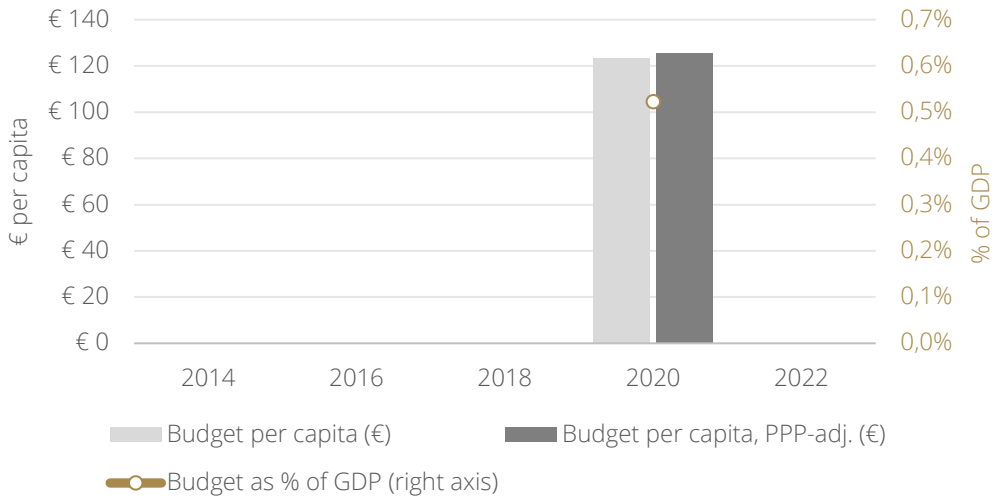
Note: Calculation based on the number of inhabitants.

The aggregate resourcing of the Spanish justice system frames the comparative efficiency of the notarial channel. As Figure 87 shows, the whole system budget stood at approximately 125 euro per capita in 2020, equivalent to roughly 0.5% of gross domestic product. The latter is the more meaningful comparator given that it normalises for differences in economic scale and price levels.

This figure understates the true volume of non-contentious matters resolved because a substantial share (succession, land and business registration, marriage and, since 2015, non-contentious divorce) is processed outside the public budget through a privately financed notarial sector whose costs are borne by users. The efficiency gains documented elsewhere in this report thus accrue partly as a fiscal externality. Reallocating high volume, standardised matters to a user-funded channel relieves the public purse and frees up court resources for contentious proceedings.

Figure 87: Whole justice system budget in Spain

Per capita (in euro and PPP-adjusted) and as share of GDP, 2014-2022



Source: CEPEJ | Economica

Note: Calculation based on national gross domestic product, number of inhabitants and purchasing power parities.

4.22.2.2. Institutional architecture: Courts, notaries and other authorities

Notaries in Spain exercise primary and autonomous jurisdiction over the designated legal areas rather than acting as delegates or commissioners of judicial authority. This distinguishes the Spanish system from the 'court-commissioner' model prevalent in certain other civil law jurisdictions, whereby the notary acts as an extension of the court with the final decision remaining with a judge.

In succession, land registration and business registration, notarial competence is exclusive within the non-contentious sphere. Residual judicial jurisdiction in succession is limited to cases involving minors or persons with disabilities, a carve-out driven by constitutional protection rather than efficiency. In 2022, notaries handled 16% of the non-contentious divorce caseload, up from 11% in 2018, indicating a gradual shift towards the faster notarial track.

Table 34: Legal structure for processing non-contentious cases in Spain
Institutional distribution

	Courts			Other authorities			Notaries		
	2018	2020	2022	2018	2020	2022	2018	2020	2022
Succession	0%	0%	0%	0%	0%	0%	100%	100%	100%
Divorce	89%	86%	84%	0%	0%	0%	11%	14%	16%
Marriages	0%	0%	0%	95%	93%	89%	5%	7%	11%
Land registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Business registry	0%	0%	0%	0%	0%	0%	100%	100%	100%
Inheritance waivers	0%	0%	0%	0%	0%	0%	100%	100%	100%
Last wills	0%	0%	0%	0%	0%	0%	100%	100%	100%
Certificates for the declaration of intestate heirs	0%	0%	0%	0%	0%	0%	100%	100%	100%
Succession contracts	0%	0%	0%	0%	0%	0%	100%	100%	100%

Source: JuWiLi

Note: Share of resolved proceedings. The focus is on the process and not on issuing the certificate / deed.

For marriage proceedings, notarial involvement is bifurcated. The initial capacity-verification stage is conducted before the notary assigned by rota from one party's place of residence, introducing a *de facto* territorial constraint. The subsequent consent-giving stage may be conducted before any freely chosen notary. This is the only area of notarial non-contentious practice in Spain that retains a rota-based assignment mechanism.

Across all legal areas examined, the final decision lies with the notary and not with any supervisory court. Electronic files are accessible in their entirety for all legal areas. Electronic communication between notaries and courts is not employed in the direct case-handling process. However, electronic communication channels with the Civil Registry, the Land Registry and the Business Registry are operational, representing a selective but functional form of interinstitutional digital connectivity.

4.22.3. Caseload analysis: Volume, composition and trends

4.22.3.1. Non-contentious caseload by legal area

The notarial sector handles a substantial and diverse portfolio of non-contentious proceedings. The data cover the five primary legal areas (succession, divorce, marriages, land registration and business registration) and the additional succession-related acts (inheritance waivers, last wills, intestacy certificates and succession contracts) for which the General Council of Notaries maintains records.

The succession area is the single largest category of primary non-contentious notarial activity: 348,347 cases in 2018, falling 8% to 320,302 in 2020 amid the COVID-19 pandemic, then recovering to 383,022 in 2022 (10% above the 2018 level). Taking into account the broader succession ecosystem (inheritance waivers, last wills, intestacy certificates and succession contracts), the total notarial succession workload in 2022 exceeded 1.26 million acts, underscoring the centrality of the notarial institution to wealth transfers within Spain.

Business registration is the second most voluminous primary category, with 101,262 notarial acts in 2018, declining 16% to 85,057 in 2020 and recovering to 105,214 in 2022. The exclusive notarial role in the incorporation, amendment and dissolution of commercial entities positions the profession as critical infrastructure for the corporate sector. These figures encompass the full range of acts required for Business Registry access, not only the voluntary jurisdiction transfers effected in 2015.

Non-contentious divorce cases handled by notaries rose from 7,960 in 2018 to 10,506 in 2022 (up 32%), reflecting growing preference for the notarial track since its introduction in 2015. This occurred against declining total non-contentious divorces (court and notary combined), from 73,980 to 65,033, indicating that the notarial share gain reflects a structural shift in party preferences consistent with a revealed preference for speed and procedural simplicity.

4.22.3.2. Caseflow management

A structural limitation of the Spanish data reporting architecture warrants explicit acknowledgment. Spanish notaries are legally required to report resolved cases to the General Council of Notaries but are not required to register the date of case initiation, the number of cases pending at the beginning or end of each year or the number of cases referred to second instance courts. This reporting design reflects a historical focus on legal certainty of output rather than throughput monitoring, but it renders the computation of the four standard CEPEJ-aligned performance indicators, the Clearance Rate (CR), Work Overload (WO) index, Stake Change (SC) indicator and Disposition Time (DT), impossible for the notarial sector in Spain.

This gap has material consequences for the efficiency assessment. Without data on incoming cases and the pending stock of cases, it cannot be determined whether the high volume of resolutions reflects a steady-state equilibrium or the drawdown of a pre-existing backlog. The welfare-optimal response is statutory reporting of case initiation dates and the pending stock of cases. In the interim, the analysis proceeds on resolved case volumes alone.

4.22.4. Efficiency analysis: Processing time and throughput

4.22.4.1. Average processing duration by legal area

Processing speed constitutes the most salient efficiency advantage of the Spanish notarial model. As notaries are not required to record case initiation dates, precise average processing times are not available from administrative data. The figures reported below are informed estimates provided by the General Council of Notaries, corroborated by procedural logic and the available judicial comparators. Across all five legal areas, the chamber confirms with certainty that 99% of cases, domestic and cross-border alike, are resolved within three months, with the residual 1% falling into the three-to-six-month band.

The most striking datum concerns non-contentious divorce: the notarial procedure is completed in an average of approximately seven days. This compares with about 2.2 months for non-contentious judicial divorce (roughly nine times slower) and about 10.2 months for contentious proceedings (some forty-four times slower). The differential is especially consequential for cross-border cases, where spouses face travel and disruption costs that rise with procedural duration.

The same seven-day figure applies to marriages and business registry proceedings. Succession matters require approximately three weeks (21 days), reflecting the greater documentation burden associated with estate verification. Land registry proceedings are characterised by somewhat longer processing times – approximately 65 days in 2018, 71 days in 2020 and 68 days in 2022 – owing to the requirement of cross-referencing with the Land Registry and verifying the physical and legal status of the properties concerned.

From a welfare-economic perspective, such processing time differences generate two categories of efficiency gain: direct cost savings to the parties (lower opportunity costs, travel and representation expenditure); and systemic externalities, as the reallocation of volume from courts to notaries reduces judicial congestion and frees up court capacity for contentious matters.

4.22.4.2. System level performance indicators

As noted before, the four standard composite indicators – Clearance Rate (CR), Work Overload (WO) index, Stake Change (SC) and Disposition Time (DT) – cannot be computed for the Spanish notarial sector due to the structural absence of pending and incoming caseload data.

Data from CEPEJ shows that the clearance rate of non-litigious cases gradually fell below 1 since 2010, suggesting a build-up of cases, which is also reflected in the growing work overload and a positive figure for Stake Change. One explanation is given by higher Disposition Time. However, the distinct origin cannot be identified.

4.22.5. Cost structure and fee transparency

The cost structure of notarial non-contentious proceedings is characterised by statutory fee determination and private financing. The General Council of Notaries confirms that a legally mandated fee schedule (*arancel*) exists for all services and is publicly accessible to citizens. This satisfies the two necessary, though not sufficient, conditions for consumer transparency: the existence of a published tariff and its public accessibility.

The welfare-economic implications of the private cost model are twofold. On efficiency, user-charging ensures that only those who benefit bear the costs and provides a market-discipline signal incentivising cost containment. On distribution, the absence of State support for lower income parties raises access-to-justice concerns, particularly in high value proceedings such as inheritance, where the fee increases with asset value.

4.22.6. Quality assurance, training and supervisory oversight

4.22.6.1. Initial and ongoing professional training

The quality of notarial output is jointly determined by the professional training of practitioners and the mechanisms that monitor compliance with the standards that training instils. In Spain, the baseline requirement consists of mandatory initial training averaging six years: legal studies leading to a university law degree, followed by competitive examination for entry into the notarial corps (*oposición*), among the most demanding selection processes in the Spanish legal system.

Following appointment, continuing professional development (CPD) is voluntary for both notaries and legal staff, with optional training in general development, specialised case work and digital literacy. This voluntary nature is common to jurisdictions relying on competitive entry selection as the primary quality assurance mechanism. However, from a principal-agent perspective the assumption that rigorous initial training renders mandatory

continuing professional development (CPD) redundant is increasingly contested as technology and regulatory complexity evolve.

For legal staff employed in notarial offices, initial training is optional and provided through the chamber structure. No compulsory training requirements apply at any stage of the legal staff career cycle, a design feature that generates potential human-capital externalities in an environment where staff perform increasingly complex document-processing and client-advisory functions.

4.22.6.2. Systemic control mechanisms

Spain reports affirmative responses to all three systemic control indicators examined in the questionnaire: the existence of a supervisory body; the existence of regular process-level auditing of notaries; and the existence of a formal malpractice procedure. These three elements constitute the minimum institutional triad for effective oversight of a licensed profession exercising quasi-public functions.

4.22.7. Digitalisation: Capacity, strategy and bottlenecks

Spain is among the most digitally advanced notarial systems in the European Union. It reports a fully adopted digitalisation strategy and maintains a dedicated resource in the Technological Centre of the Spanish Notariat (*Centro Tecnológico del Notariado, CTN*), which employs approximately 500 specialists, i.e. more than 17% of the total notarial workforce, underscoring the strategic centrality of digitalisation to the Spanish model.

The CTN's infrastructure encompasses five principal components: a digital platform and applications for notarial use; a publicly accessible platform for citizens; a qualified electronic signature system; a secure network interconnecting all notaries with public registries, tax authorities and other bodies; and a structured database of all legal acts involving Spanish notaries. This architecture yields substantial transaction cost reductions and enables real-time cross-registry verification.

The chamber confirms that a process-level impact assessment of digitalisation has been conducted and that skills training programmes are maintained for notaries. IT expertise is explicitly considered in staff hiring, reflecting recognition that digital competency is a core operational requirement.

The top priority processes for digitalisation have been identified as direct notarial access to the Civil Registry, electronic communication between notaries and courts for pre-litigation conciliation and application of AI techniques to data processing.

The barriers identified follow a pattern of institutional reform resistance: incumbent legal operators with entrenched positional advantages (rent-seeking against interoperability); public sector underinvestment (tension between a privately-funded notarial system and a publicly-funded Civil Registry under budget constraints); and citizen digital literacy, a public-good problem in which diffuse benefits and individually-borne skill costs generate underinvestment if there is no coordinated intervention.

4.22.8. Synthesis: Efficiency assessment and findings

Spain's non-contentious justice architecture is a mature, high-performance instantiation of the original-competence notarial model. Four principal efficiency findings emerge.

First, the dominance of notarial competence across the five core areas – exclusive in four, concurrent and growing in one – generates a systemic efficiency advantage rooted in the comparative advantage of notaries in high volume, standardised matters. With processing times of seven days for divorce, marriage and business registry proceedings and three weeks for succession, throughput is structurally superior to court-based alternatives.

Second, the caseload data reveal a resilient and growing system. Total notarial resolutions in the five core areas reached approximately 517,947 in 2022, up from 473,210 in 2018 (9.5% growth), with the 2020 COVID-19 trough overcome in all areas. Combined with a constant notarial headcount, this implies a per notary productivity increase from roughly 165 to 181 resolved cases (9.7%).

Third, the digitalisation infrastructure is a structural competitive advantage. The CTN represents an unusually high level of dedicated technological investment and electronic signature, secure inter-notary networking and registry connectivity already provide a functional, if incomplete, digital ecosystem. Completing Civil Registry digitalisation, the chamber's primary priority, would yield system-wide gains.

Fourth, two structural anomalies warrant identification. The absence of caseflow data (pending, incoming and forwarded cases) is an information deficit that prevents computation of standard performance metrics and impedes cross-country benchmarking. The absence of publicly disclosed average fee data for most legal areas – despite a publicly accessible tariff schedule – limits citizens' ability to exercise informed choice between procedural channels.

In the cross-national typology of the JuWiLi II comparative synthesis report, Spain falls within the 'strong notarial model' cluster – broad original competence, exclusive jurisdiction in most areas, absence of the court-commissioner model, high digitalisation capacity and robust supervision. Within it, Spain is distinguished by its advanced technology

infrastructure and the concurrent jurisdiction model in divorce, showing growing preference for the notarial track.

4.22.9. Policy recommendations

The following recommendations are derived strictly from the empirical findings of this report. Each is a specific, actionable proposition addressed to the national level – legislative, regulatory or administrative.

- Accelerate the completion of Civil Registry digitalisation to enable direct, real-time notarial access.
- Formalise compulsory continuing professional development (CPD) in digital literacy for notaries and legal staff.
- Extend notarial competence for non-contentious divorce to a wider range of cases, removing the residual court track for cases without minor or disabled children.
- Introduce statutory reporting obligations on notaries to register case initiation dates, pending cases and referrals to second instance courts.
- Mandate public disclosure of average notarial fees by legal area, in addition to the existing published tariff schedule.

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