

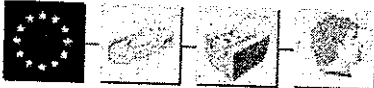


> View case

### Current Case

Case ref n°	21321/06/UK
Date opened	27/02/2006
Date last amended	05/05/2006
Days remaining	

12



Home

1 2 3 4 5 6

### Solution proposed - awaiting acceptance by Home SC

- Home SOLVIT Centre United Kingdom
- Contact person Ascelia KISSOON
- Lead SOLVIT Centre France
- Contact person Jean-Philippe CRONTIRAS

Client information Client information authorised, ID: 23503

**Name of business** Kober -Smith & Associates

**Address** 6 Carlos Place, London

**Postcode** W1K 3AP

**Country** UK

**Fax** 020 7499 2605

**Client language** English

**Business sector** Other Services

**Company size** 1 - 9 employees

**Contact person** Mark Kober-Smith

**Telephone** 020 7 499 2605

**E-mail**

**address** [notary@notarypublicinlondon.com](mailto:notary@notarypublicinlondon.com)

**Name** Le garde des Sceaux

**Address** Ministere de la Justice

**Postcode** 75042 Paris

**Country** France

**Contact Person /**

**Telephone /**

**Fax /**

**E-mail address /**

Has the authority being complained about written to the applicant about the case? No

### Problem type

- Market Access for Services
- The Authorities in another Member State refused to allow services to be provided in that Member State
- For reasons of:

Other

- **Home SC language** Our client is a qualified UK Notary Public (NP) and would like to provide these services in France. However, he is prevented from doing so because the French Authorities believe that these activities fall under the exercise of Official Authority. ( see Article 45 Treaty EC). Our view is that the French Authorities are interpreting this Article outside the spirit and intent of the Treaty and as such are preventing our client, a non-French national, from providing services under Art 49 of the EC Treaty. We also believe that there are valid case laws which if the French Authorities were to apply, would show that the French Authorities are discriminating against our client. We would refer you to the judgements in *Reyners V Belgian State*; the *Giuliana Mauro Imo* case and the decision of the Cour de Cassation. (case attached)

Please see the attached which give fuller details of our case.

- **Lead SC language /**
- **English /**
- **Other working language /**
- **Estimated cost of this problem to the client over the next 12 months /**
- **If you want to reject the problem, please give reasons /**

- **Lead SC language** Les autorités françaises considèrent qu'aucune violation du droit communautaire n'a été commise et que la situation réservée aux notaires en France est conforme aux dispositions du Traité CE. En effet, cette activité implique l'exercice de l'autorité publique et relève donc de l'article 45 TCE.

- **Home SC language /**
- **English** French authorities consider that there is no violation of the EU law in this case and that the notary's situation in France complies with the provisions of the EC treaty. Indeed, this activity is connected with the exercise of official authority and, therefore, falls under article 45 of the EC Treaty.

- **Other working language /**
- **If you want to reject the proposed solution, please give reasons /**