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# German Civil Law Notaries Combining Data Quality with Efficiency

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Dr. Johannes Hushahn, LL.M. (Cantab),  
Notary Candidate, Deputy Director  
German Federal Chamber of Notaries

# Overview

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**The German Civil Law Notary**

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**Commercial Registers in Germany**

**03**

**The Role of the Notary in the Registration Process**

**04**

**Conclusions**



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## 01 | The German Civil Law Notary

# The German Civil Law Notary

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- German Notaries are highly qualified legal professionals
- They are independent holders of a public office
- They are appointed by the state and are subject to government supervision
- All of the approximately 8,000 notaries are organized in 21 regional chambers
- There are different types of notaries (single-profession notary v. advocate/notary) sharing the same professional code





# 02

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## Commercial Registers in Germany

# Commercial Registers in Germany

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- Public register kept by local courts in the 16 states.
- Entry is obligatory for nearly all forms of companies under German law.
- The commercial register provides access to
  - relevant information concerning commercial enterprises (name, authorised representatives, share capital etc.)
  - documents submitted to the commercial register (applications for registration, shareholder lists, articles of association, agreements regarding the reorganisation of companies etc.).
- **Legal force of registered information: Public trust, i.e. anyone can rely on the registered information, whether it is actually accurate or not (= *positive public trust*), and can also rely on the absence of facts that are not registered (= *negative public trust*)**

## Electronic Applications to the Commercial Register

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- Applications for registration in the commercial register must be notarised (Sec. 12 Commercial Code).
- Since January 1<sup>st</sup> 2007, applications and documents to the commercial register have to be submitted electronically.
- Both digitised notarial deeds and machine-readable data (XML) are submitted.

# 03

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## The Role of the Notary in the Registration Process



## Efficient Collaboration (1): The Notary...

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**collects**

- required information and documents, mostly also preparing them for the parties  
**= Data Availability**

**evaluates**

- their content (completeness, legal accuracy, legal validity) and gives impartial and independent legal advice where required  
**= Data Quality**

**prepares**

- by digitising the documents
- by certifying the accuracy of the electronic version and
- by filtering and structuring information relevant for the entry(XML data)  
**= Data Efficiency and Innovation**

## Efficient Collaboration (2): The Commercial Register...

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**can rely**

- on information already verified and documents prepared by highly qualified and trusted legal professionals,

**re-checks**

- information and documents for completeness, accuracy, legal validity, (*“second set of eyes”*),

**incorporates**

- electronic documents and structured data (XML) into the register in a process of few clicks, usually without having to make any changes to the data.  
**= Timeliness**

## Data Quality

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- Access to Commercial Registers only through Notary
- Notary identifies the applicants (esp. directors)
- Notary guarantees the complete, accurate and valid content of the registered data (filter function)



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## 04 | Conclusions

# Conclusions

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- Data Quality

**The German system of commercial law and its socio-economic benefits are based on transparency and public trust in the content of the commercial registers. The principle of public trust is only viable if the information in the register can be relied on as legally and factually accurate, complete and current. The German Civil Law Notary guarantees the required Data Quality.**

- Efficiency and Timeliness

- Entry into the commercial register is no longer a major bureaucratic process, but a cost- and time-efficient and modern service rendered by notaries and courts.

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Thank you  
for your attention!

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Dr. Johannes Hushahn, LL.M. (Cantab)

**Bundesnotarkammer**

Mohrenstraße 34  
10117 Berlin  
Germany

Phone: +49 30 383866-0

Fax: +49 30 383866-66

[bnotk@bnotk.de](mailto:bnotk@bnotk.de)

[www.bnotk.de](http://www.bnotk.de)