

To what extent is the concept of legal certainty specific to the Romano-Germanic tradition?

How can it help to promote our economic interests?

What is the *Conseil supérieur du notariat* (CSN) doing in this respect, in particular with institutions such as the World Bank?

Romano-Germanic or civil law is a written, codified form of law.

It is therefore a predictable law, which governs the substance of contracts.

The norm is known in advance; regulation precedes the agreement.

As the French Civil Code notes, agreements have the force of law for those who enter into them, provided they have been legally formed. (Art. 1134 of the French Civil Code)

Romano-Germanic law is therefore intrinsically secure because – unlike common law – it does not invite constant censure by the courts.

Common law is, in fact, based on case law; it takes time to develop and is less predictable.

Disputes are more frequent in common-law countries.

A 2010 Harvard study showed that disputes brought before the courts were twice as common per inhabitant in the United States as in France.

The comparative costs of Justice in France and the United States were 0.6% and 2.5% of GDP respectively.

A lack of legal certainty prompts the parties to take out costly insurance, primarily to protect themselves from the risks of fraud.

This is particularly evident in the area of property ownership.

In this area, French law confers on notaries – as public officials, appointed by the state, which monitors them – the power to issue instruments in its name, i.e. in the name of the state: these authentic instruments carry public authority.

The notary draws up the instrument, verifies it, checks its content and places it in safekeeping.

The certainty this provides helps promote our economic interests.

Countries that have turned to the CSN for years have made a wise decision: ensuring legal certainty makes foreign investment easier.

I cannot list them all, but we have been working with China for 12 years and this year, it has again asked to increase our level of cooperation. (As a result, the CSN received a visit from the Chinese Justice Minister, Mrs Wu, last November).

We have cooperation agreements with Vietnam, Egypt, Qatar, Madagascar, Mongolia and others.

The Serbian Minister of Justice attended the Notaries' Annual Conference in Marseille.

See the Attali report, and its proposal to take inspiration from the CSN's actions in China.

The CSN is naturally committed to promoting the civil-law system in its particular areas of expertise, namely land law, urban planning, rural law, the environment, etc.

In this respect we have been in contact with international organisations for many years.

Our expertise has been recognised and we have joined several working groups.

French notaries have been appointed to the World Bank as experts in land.

We have even secured a commitment from the World Bank to introduce a legal certainty indicator into the *Doing Business* report.

The publication of the 2015 report will tell us if the World Bank keeps its promises...

We are also working with United Nations agencies (UNDP, UN-Habitat and the FAO) to improve land security in developing countries and we have contributed to the development of voluntary directives for responsible governance of land regimes.

We have also worked on various projects in conjunction with the European Union and the OECD.

I would also like to mention the significant level of involvement of French notaries in the development of OHADA law.

This morning, the French President announced the imminent creation of a Franco-African Foundation for Growth.

We are keen for the law to be an integral part of it.

I would like to end by emphasising the importance of the Civil Law Initiative (Mr Dubos) and calling on the public authorities to make even more use of this remarkable means of securing influence.

Thank you and rest assured that you can rely on the notaries of France.