

No need to go to the notary anymore, in order to sign a deed of sale or other notarial deeds thanks to digital power of attorney.

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Citizens will no longer have to physically go to a notary's office to sign a deed of sale, a donation... or most notarial deeds. Indeed, citizens will soon, probably in early May, be able to give a digital power of attorney to a trusted person or an employee of the notary so that the notary can sign the deed in their place. With this step forward, the federal government is responding to the concerns of many citizens.

Since the entry into force of the measures to limit the spread of the Coronavirus, citizens are only allowed to visit a notary's office for urgent matters. However, this condition is complicated to implement in practice, so notaries will be able to carry out all deeds from the end of the Easter holidays.

As notaries must observe health precautions, they will carry out as many deeds as possible remotely.

The Deputy Prime Minister and Federal Minister of Justice, Koen Geens (CD&V), also proposes a solution so that a notarial deed can be executed without the citizen having to physically travel to a notary's office. In this way, the health of the parties to the deed, the notaries and their staff is not endangered, and the deed can still be executed. This solution is valid for many notarial deeds: deeds of sale, donations, marriage contracts, setting up a company, etc.

How does this solution work?

All that is required is for the citizen to give a digital power of attorney, either to an employee of the notary's office or to a trusted person who physically visits the notary's office, via a video conference initiated by the notary. This is an authentic power of attorney and therefore prevents any further discussion.

The signing of this digital power of attorney costs the citizens nothing: no fees for the notary, no administrative costs and no taxes either. The notary informs the citizen in

advance about the video conference. The only things the citizen needs are an internet connection, an electronic identity card with the correct PIN code or the *itsme* application.

With these tools, the citizen can then give a digital power of attorney to an employee of the notary or to a trusted person who will then sign the deed in his place. This works regardless of where the person giving the power of attorney is located: at home, in a retirement home, in Belgium or abroad.

During the videoconference, the notary explains how the digital power of attorney works and the draft of the notarial deed that will be signed by the proxy. For example, if a citizen gives a power of attorney for the signing of a deed of sale, the notary will provide him by videoconference with all the necessary explanations on the draft of this deed of sale. Once all parties have signed the deed of sale thanks to this digital power of attorney, the notary can, after registration, send a copy of the deed to the different parties.

Koen Geens, Deputy Prime Minister and Minister of Justice: "Citizens who want to buy a house, sign a marriage contract or make a donation find it difficult to go to a notary's office. That is why we have made digital power of attorney possible. In this way, citizens can even have notarized deeds signed from a nursing home that has been placed under confinement. From the very beginning of the Coronavirus crisis, the ICT department of the notary's office gave this project the highest priority, for which we thank them! »

"The notaries are happy about it."

The notaries are happy about this new opportunity. "The role of the notary is to guarantee for citizens and entrepreneurs the legal security of the agreements they sign. To this end, there are a series of guidelines to be respected, including the physical appearance before a notary. Today, new technologies make it possible to guarantee this security without the citizen having to travel. However, we still had to wait for a change in the law. This has now been done! The notaries are delighted because a whole series of issues will now be able to be unblocked: citizens and entrepreneurs will be able to move forward in complete safety! ", explains Sébastien Dupuis, spokesman for *notaire.be*.

He continues. "With the digital remote power of attorney, some cases will be able to find a quick solution, but beware: the preparation of a deed is a team effort: the notary is in permanent contact with his teammates who are the administrations, banks, etc.... They must provide him with a series of information that will ensure the legal security of the contract. If one or the other is missing, the deed cannot be signed because security will not be achieved. With the confinement, the obtaining of this information is sometimes more complicated. Of course, if a file is in order and all the lights are green, there is no contraindication to sign the deed!"

The Belgian notarial federation is making every technical effort to facilitate the process and allow notaries to work by videoconference as soon as the law has been passed by Parliament, which can take up to two weeks.