

Message 001

Communication from the Commission - TRIS/(2026) 1714

Directive (EU) 2015/1535

Notification: 2026/0322/DE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261714.EN

1. MSG 001 IND 2026 0322 DE EN 30-06-2026 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Energie, Referat EB3, 10115 Berlin

3B. Bundesministerium der Justiz und für Verbraucherschutz, Referat III A 5, 10117 Berlin

4. 2026/0322/DE - SERV60 - Internet services

5. Act on the Expansion of Online Notarial Procedures in Company and Registry Law (formerly Act on the Expansion of Online Notarial Procedures in Company and Registry Law, on the Digitisation of Certificates of Good Conduct and on Extension)

6. Notarial procedures for online notarisations and online certifications

7.

8. The draft text largely corresponds to the withdrawn notification 2026/0017/DE. The new notification is

required because the new draft proposes a further expansion of online notarial procedures. The act expands the provisions of the Act implementing the Digitalisation Directive of 5 July 2021 (BGBl. I p. 3338), which came into force on 1 August 2022, and transposes the provisions of Directive (EU) 2019/1151 of the European Parliament and of the Council, of 20 June 2019, amending Directive (EU) 2017/1132 as regards the use of digital tools and processes in company law (OJ L 186, 11.7.2019, p. 80), as well as the provisions of the Act supplementing the provisions implementing the Digitalisation Directive and amending other provisions of 15 July 2022 (BGBl. I p. 1146), which came into force for the most part on 1 August 2023. The draft law to expand online notarial procedures in company and registry law proposes to extend the scope of online notarial certification to include the formation of public limited companies and limited partnerships with shares, resolutions by the founders to appoint the first supervisory board and the auditor for the first full and partial financial year, powers of attorney for registration with the commercial, company and partnership registers, powers of attorney for voting in shareholders' meetings of limited liability companies, powers of attorney for submitting declarations of acquisition of shares in a limited liability company, the sale of shares in a limited liability company with mutual legal counsel, and online certifications of applications for registration in the foundation register.

9. It seems appropriate to provide equal treatment for public limited liability companies and limited liability companies, the latter of which are already covered by online notarial procedures. This is due to the fact that the situation regarding the formation of public limited liability companies is generally as straightforward as that for limited liability companies in terms of structure and the number of founders. The inclusion of various powers of attorney appears necessary, as it facilitates the implementation of corporate law measures, in particular registry entries, by means of online notarial procedures. As part of this expansion, it is also necessary to include applications for the future register of foundations in the online certification procedure. Transfers of company shares place particular demands on the notary due to the conflicting interests of the parties involved. These demands cannot currently be adequately addressed in online procedures. Against this background, the inclusion of transfers of company shares in the scope of online notarial procedures only appears sensible if both the seller and the buyer have received legal counsel. Legal counsel on both sides does not replace notarial involvement. Legal and notarial advice are not functionally comparable. Legal counsel can supplement notarial activity, in particular the ascertainment of the parties' intentions, their reliable identification, and online notarial procedures cannot replace neutral and independent legal advice from a notary public in their official capacity. However, the involvement of both parties in the process by legal counsel contributes to structuring the notarisation hearing, making the provision of online notarial procedures justifiable in these cases.

The expansion of online notarial procedures is being carried out in strict compliance with the high standards introduced by the Act Implementing the Digitalisation Directive, of 5 July 2021. Notarisation is carried out by means of video communication exclusively via the video communication system of the German Federal Chamber of Notaries, which operates this system in fulfilment of its duties as a public-law corporation by way of indirect state administration.

Online notarial procedures generally reduce travel time and costs, thereby simplifying appointment scheduling. This significantly facilitates legal transactions, including cross-border ones, and strengthens the internal market.

9a. There is a practical need, particularly in cross-border situations, to handle corporate law matters online. The expansion of online notarial procedures addresses this need.

9b. The expansion of online notarial procedures does not restrict the internal market but rather strengthens it by facilitating cross-border legal transactions.

9c. The expansion of online notarial procedures is carried out in compliance with the formal requirements associated with the respective formalities. In this way, negative consequences are avoided.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu