

Legal treatment of electronic notarial services

Parliament has passed Law no. 589/2004 governing the legal treatment of electronic notarial services (“**Law**”) provided by notaries public and Romania’s diplomatic missions and consular offices.

Electronic notarial services are rendered on the basis of an authorization issued by the regulatory and supervisory authority in the field of electronic signature (“the **Authority**”).

The Law prescribes the types of notarial services capable of being rendered in electronic form:

- Legalisation of electronic copies
- Certification of date
- Receipt and maintenance in the electronic archive of electronic notarial documents
- Legalisation of translations in electronic form
- Issuance of duplicates
- Other services laid down by law.

Among the requirements prescribed for notarial documents, on pain of absolute nullity, is the notary’s advanced electronic signature affixed on the deed.

The notary public duly authorized to prepare notarial deeds in electronic form has general jurisdiction.

Notarial documents prepared in electronic form are subject to the same legal treatment as the notarial documents made in pursuance of Law no. 36/1995 governing notaries public and notarial services.

A record of notaries public authorized to provide notarial services in electronic form is maintained via a Registry established on the effective date of the Law. The Register of Notaries is public and is maintained and updated by the Authority.

Misdemeanours prescribed by law are ascertained and sanctioned by Authority staff responsible for exercising inspection duties.

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Notaries public authorized in pursuance of the Law commence the provision of electronic notarial services within 90 days of entry into force of the Law.

The provisions of the Law are supplemented with the Law no. 36/1995 governing notaries public and notarial services, and the Law no. 455/2001 regarding the electronic signature.

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