

Feedback from the Austrian Chamber of Civil-Law Notaries

**The Austrian Chamber of Civil-Law Notaries welcomes the Commission's initiative to further improve quality and efficiency of the justice system and foster digitalisation in this field. This is of particular importance with regard to developing relief strategies to mitigate the current work load and lack of resources in justice systems, where Austrian notaries are taking an active role to contribute to good and workable solutions. The Austrian notaries stand side-by-side with citizens and businesses, as public office holders being part of the justice system, and have from early on been actively investing in digitalisation to foster efficiency and simplification, while securing legal certainty. In the following, the Austrian Chamber of Civil-Law Notaries would like to feedback on the specific points mentioned in the call for evidence.**

The Austrian notaries welcome the mapping of existing digitalisation practices in national justice systems and, constantly striving to improve their knowledge and services, view the exchange best practices as useful. At EU level, there are already well-established fora for exchange, such as the European Notarial Network (ENN) which should be further developed. In this vein, it is key to continue basing policy action on the decentralised approach through existing national tools and mechanisms and ensure these are considered in interoperability endeavors. In the same manner, an IT/AI Toolbox for Justice can be assessed. While it can accelerate digitalisation efforts and have cost saving effects for Member States, participation should however remain voluntary and national specificities be respected. With regard to the use of AI in justice, conformity with the EU AI Act when using AI tools is a key aspect.

While the creation of a European Legal Data Space to ensure wide and systematic access to EU and national legislation and case-law can result in efficiency benefits, the use of these data for the training and development of justice-adapted AI tools must be viewed with care. While the principles of transparency and good exchange are strongly supported and practiced by Austrian notaries, the sharing of data for the deployment of AI tools can be a sensitive issue and confidentiality as well as human knowledge and expertise must be guarded. Moreover, while AI can support efficiency endeavors, it is also important to keep in mind that tasks currently undertaken by entry-level workers to gain knowledge and understanding of their field of action, might at a later stage be endangered because of a complete take-over of such tasks by AI tools.

Furthermore, the effects on training and confidentiality should not be underestimated. In this regard, any deployment of AI tools should reflect these considerations and accompanied with respective awareness for conscious use. This is already supported by the Austrian Chamber of Civil-Law Notaries, offering training sessions on AI for notaries and their employees. These sessions aim to provide legal and practical insights into the use of AI in legal practice, with the focus on the responsible implementation in notarial work.

The development of digitalising court proceedings, and in particular non-contentious proceedings (such as succession procedures), is to be welcomed. In this vein, Austrian notaries should be linked

to the electronic systems of the judiciary as court commissioners ("Gerichtskommissär"). In Austrian succession proceedings, a notary acting on behalf of the court is responsible for administering the estate. There are plans to digitalise the way notaries and the court work together in this regard in the next years. The fundamental aim is for the Austrian notariat to be able to provide all services, such as issuing authentic instruments or certifications, digitally and the Austrian Chamber of Civil-Law Notaries is currently working on developing ideas for further digitalising the process of issuing the European Certificate of Succession.

Notaries are frequently involved in eGovernment solutions and provide an important contribution to fostering efficiency. To assume their functions close to citizens and businesses, Austrian notaries also aim at becoming issuing authority for eIDs as part of the EU Digital Identity Wallet. New technologies bring significant benefits and can help to improve existing workflows, supporting authorities, citizens and businesses with interfaces and digital tools. Austrian notaries are evaluating the use of document readers designed to verify the authenticity of identity documents. These tools can accurately read and validate passports or ID cards and can communicate with other systems through APIs to streamline workflows, such as onboarding clients or verifying identities in legal procedures.

Considering the above-mentioned digitalisation intentions regarding court proceedings, the Austrian notaries emphasise the need for respective funding to foster these endeavors on the side of notaries as well as courts. As described, the Austrian Chamber of Civil-Law notaries have already started digitalisation projects and welcome opening-up even more possibilities for respective financial support. Moreover, the rapid development of new digital tools and AI, is impacting educational aspects of the notarial profession. Especially in repetitive processes within notarial work, AI can provide valuable support and additionally can help address the current shortage of personnel within the notarial offices. As outlined above, the Austrian Chamber of Civil-Law Notaries started offering dedicated training sessions on AI. Given the relevance of digital transformation across the legal sector, Austrian notaries welcome support through EU funding initiatives to further expand and enhance these training programs, ensuring notaries across Austria and the EU are well-equipped for the future.

As a general point on one of the main objectives to foster efficiency and ease the high work load in the justice system, the Austrian notaries would like to point out, that digitalisation can only be one part of the solution. The Austrian notaries, while already handling non-contentious succession proceedings, stand ready to support the justice system further, such as taking responsibility for divorces by mutual consent. The notary's involvement can ease pressure on the courts, and contribute to complement efficiency efforts envisaged with the development and use of digital tools.

To conclude on digitalisation and the use of AI for efficiency reasons, the Austrian notaries would like to highlight their generally positive stance and pioneering task in this area, while recalling the above-mentioned caveats and emphasising the need for legal certainty, reliability and trust. The Austrian notaries strive to support a responsible digital transformation while securing high standards and the values of legal certainty, stability and trust. In this context, the Austrian notariat wishes to contribute with its knowledge, expertise and services to foster efficiency and high quality of justice in Europe.