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FEATURES OF REGISTRATION OF DEEDS REGARDING REAL PROPERTY ACCORDING TO THE LEGISLATION OF UKRAINE AND EU COUNTRIES

ОСОБЛИВОСТІ РЕЄСТРАЦІЇ ПРАВОЧИНІВ ЩОДО НЕРУХОМОГО МАЙНА ЗА ЗАКОНОДАВСТВОМ УКРАЇНИ ТА КРАЇН ЄС

Summary. *The work has studied the basic provisions of national legislation and the legislation of the European Union of the certification of rights to real estate.*

The relevance of the study of this issue is in the fact that in the legal doctrine of Ukraine in recent years there has been a steady trend of approximation of Ukrainian legislation to international standards, and to the standards of the European Union. Legislation in the field of legal regulation of notarial activity is no exception in this regard. It is the adaptation of Ukrainian legislation to EU legislation that can strengthen the position of the Ukrainian notary, and especially in the area of mandatory registration of real estate. The purpose of the article is to determine the features of notarial certification of real

estate deeds under the legislation of Ukraine and the legislation of some foreign countries – members of the European Union and to determine the directions of reforming the Ukrainian notary system in accordance with the standards of the European Union by combining public and private law principles of notarial activity. In accordance with the set goal and in view of the subject of the research, a complex of scientific methods of cognition was used: induction and deduction, the method of systematic analysis, the formal-dogmatic method, the logical method, the method of generalization, the method of abstraction and concretization, the comparativist (comparative legal) method.

It is established that in world practice there are two types of registration of rights to real estate - deed and title, and it is proved that registration of real rights in Ukraine belongs to the title system, which includes most countries of the European Union. It is substantiated that notarization of transactions involving real estate belongs exclusively to civil law structures (it is an institute of civil law), both in terms of its content and legal nature, while in the European Union countries there is an administrative procedure for registration of rights to real estate.

The results of the study can be used in practical activities - directly during the conclusion, amendment and termination of transactions (contracts) which are subject to real estate, as well as in the consideration of cases arising from such legal relations; in the theoretical field - in further scientific research, in the educational process, etc.

Key words: *notary, notary's certifying inscription, real estate, state registration, legislation, law of probability.*

Анотація. *В роботі досліджено засадничі положення вітчизняного законодавства та законодавства Європейського Союзу щодо посвідчення прав на нерухоме майно. Актуальність дослідження даного питання полягає в тому, що в правовій доктрині України протягом останніх років*

спостерігається стабільна тенденція наближення українського законодавства до міжнародних стандартів, і стандартів Євросоюзу, зокрема. Не винятком у цьому відношенні є законодавство у сфері правового регулювання нотаріальної діяльності. Саме адаптація законодавства України до законодавства ЄС може посилити позиції українського нотаріату, і особливо у частині обов'язкової реєстрації нерухомого майна. Метою статті є визначення особливостей нотаріального посвідчення правочинів щодо нерухомого майна за законодавством України та законодавством деяких зарубіжних країн – членів Європейського Союзу та визначення напрямків реформування системи українського нотаріату відповідно до стандартів Євросоюзу шляхом поєднання публічно-правових та приватноправових засад нотаріальної діяльності. Відповідно до поставленої мети та з огляду на предмет дослідження було використано комплекс наукових методів пізнання: індукції та дедукції, метод системного аналізу, формально-догматичний метод, логічний метод, метод узагальнення, метод абстрагування та конкретизації, компаративістський (порівняльно-правовий) метод. Встановлено, що у світовій практиці виділять два види реєстрації прав на нерухоме майно – актовий та титульний та доведено, що реєстрація речових прав в Україні належить до титульної системи, куди входять більшість країн Європейського Союзу. Обґрунтовано, що нотаріальне посвідчення правочинів, об'єктом яких є нерухоме майно належить виключно до цивільно-правових конструкцій (є інститутом цивільного права), як за своїм змістом, так і за юридичною природою, тоді як у країнах Європейського Союзу діє адміністративна процедура реєстрації прав з нерухомим майном. Результати дослідження можуть бути використані у практичній діяльності – безпосередньо під час укладення, зміни та розірвання правочинів (договорів), предметом яких є нерухоме майно, а також під час розгляду справ, що виникають з таких

правовідносин; теоретичній сфері – подальших наукових дослідженнях, освітньому процесі тощо.

Ключові слова: *нотаріус, посвідчувальний напис нотаріуса, нерухомість, державна реєстрація, законодавство, юридична вірогідність.*

Introduction. The socio-economic reforms are implemented to improve all aspects of Ukrainian society and to enable Ukraine to enter the European space as a full-fledged partner have naturally led to an increase in the role of autonomous civil society institutions to which the state delegates the exercise of part of its powers to protect the rights and legitimate interests of citizens and legal entities, and to prevent offenses, including in the field of civil turnover.

The Constitution guarantees every citizen the right to receive legal aid (Article 59), the implementation of which is ensured by various legal institutions, an important place among which, not without reason, is assigned to the notary. Ukrainian legislation was established that one of the primary tasks to be solved by notary bodies is certification of rights and facts of legal significance. The main purpose of such a certificate is to give them legal credibility, and therefore to confirm that the actions taken prove the legality of the rights, that the content of the rights or legal facts that are confirmed (denied) meet the requirements of the law. Without exaggeration, it can be stated that effective legal regulation of notarial activity is one of the components of ensuring stability and development of society as a whole.

The historical aspect of the role of the notary in the formation of socio-economic relations of Italian society is reflected in the work of G.P.G. Scharf [27]. In particular, the importance of the notary's participation in the key elements of economic (financial) relations in the field of real estate alienation is emphasized, and especially in the case of the need to determine the method of ensuring the fulfillment of the obligation, which in fact was the notarized

document itself, since it determined not only the property to be alienated, but also the instruments that ensure the fulfillment of the obligation and the compensation mechanism in case of non-fulfillment of the party's obligations.

Some provisions on notarization of transactions are disclosed in the scientific work of A.V. Barankevych [1]. In the context of the study of special ways to protect the rights of minors to inheritance, the author pays special attention to the inheritance of real estate or the possibility of obtaining monetary compensation instead of a mandatory share in the inheritance (in the form of real estate), which also requires the participation of a notary when giving legal effect to a transaction.

Reviewing the concept of notarization of transactions, Yu. Opanaschuk [20], distinguishes several approaches to the notarial process in general, noting that the certification of a transaction is a public law procedure and at the same time acts as a fixation of a separate form of transaction. A.V. Lazebna [14], studying notarization as an element of the transaction form, makes a fair conclusion: despite the fact that notarization of a transaction requires certain financial costs and additional time, it plays an important role in regulating civil law relations, ensuring their clarity, increasing the reliability of the transaction, and significantly reducing the risk of the transaction.

The scientific research of N.M. Denysiak [4], who substantiates the need to reform the notary in the context of European integration, has also gained some importance for highlighting the outlined issues. In particular, the author rightly emphasizes that the purpose of such reform is to some extent to follow the European law enforcement activities, where there is a single legal status of a notary and there is no division into public and private notaries.

The study of V.M. Marchenko [17] was also relevant, in which the scientist emphasizes that modern Europe is actively moving towards active digitalization of the provision of administrative and other services to participants in public legal relations, including notarial ones. In the twenty-first century, not

only electronic means of communication, but also electronic keys, signatures, etc. have become very widely used in civil circulation. The practice of exchanging information required for notarial acts, and in particular the certification of real estate transactions, through the use of electronic information exchange systems is becoming even more widespread. In France, a special network has been created and is functioning, which includes literally all notary offices existing in the country. The advantages of such a system are the ability to exchange the necessary documents and materials in the most appropriate (both in terms of procedure and time) manner and to have access to open internal and public databases.

Analyzing the jurisdiction of local governments and notaries in Montenegro, V. Korać [12] rightly points out the need to eliminate competition between these bodies and justifies the expediency of attributing the certification of legally significant acts to the exclusive competence of notaries. The article emphasizes that notarizations contribute to greater legal certainty and are also more accessible to citizens. One can agree with the author's conclusions that this will lead to the construction of legal certainty, protection of public interests and relief of the work of courts and administrative bodies, which was the main legal and political reason for the introduction of notaries.

Certain clauses of transactions requiring notarization, including those involving real estate, are outlined in electronic form by V. Khomenko [10]. The authors are noted that the positive determinants in the issue under study are changes in socio-economic relations, digitalization of public life, and the updating of information technologies. At the same time, naming negative factors such as quarantine restrictions, aggravation of the crime situation in Ukraine and the world, and the occurrence of unforeseen emergencies, they argue that they simultaneously encourage legal entities to apply for notarization of transactions in order to protect their property and ensure the fulfillment of obligations with counterparties.

The scientific research of A.V. Lila-Barska [16], in which the article is pointed out the special dualistic status of the notary, the content of which is revealed through the connection with the state - the notary acts on behalf of the state, but does not directly perform the functions of the state, is important for understanding the role of the notary in the field of civil relations, and in particular, for clarifying the peculiarities of notarization of real estate transactions. O.O. Karmaza [8; 9] emphasizes that the presence of a foreign element and the combination of two or more legal orders indicates the international nature of notarial activity and must be taken into account by the Ukrainian legal system.

Thus, despite a certain number of scientific developments, a number of issues in the field of notarial activity remain unresolved, and this is why this study is relevant. The purpose of this article is to analyze the peculiarities of notarization of real estate transactions under the laws of Ukraine and some EU Member States, and to identify the ways to reform this system provided that public law and private law principles of notarial activity are combined.

One of the objects of civil-law relations is real estate. According to the civil legislation of Ukraine, land plots and other objects located on them are considered immovable property. A defining feature of an immovable thing is the impossibility of moving the latter without depreciating it or changing its purpose. In addition, the law declares the possibility of extending the regime of immovable property to air and sea vessels, space objects, i.e. things, the rights to which are subject to state registration. So, given the norms of civil legislation, real estate can be divided into several categories. The first category should include only the land plot, which according to Art. 79 of the Land Code of Ukraine is a part of the earth's surface with established boundaries, a specific location, and defined rights in relation to it.

The peculiarity of a plot of land as real property is that it is the main and independent object, regardless of its purpose and placement of anything on it.

The second category of real estate consists of objects that are located directly on the land plot, but any movement of them can lead to the loss of their original purpose, up to the complete cessation of existence as a material object. It is also customary to divide these objects into two groups. The basis of this division is the method of their creation: depending/or regardless of the results of human activity - objects of natural real estate (objects of the nature reserve fund: national natural parks, nature reserves, sanctuaries, etc., including artificially created ones - botanical gardens , landscape parks, zoological parks) and land plots classified as water and forestry lands by the Land Code of Ukraine; objects created as a result of human activity - residential buildings and residential complexes, buildings, structures of enterprises, institutions and organizations, objects of unfinished construction. The third category of immovable property includes movable objects, which are covered by the relevant legal regime [6].

In the civil doctrine, the basis for qualifying property as immovable is the following criteria: natural origin; the impossibility of moving such property without their depreciation or change of purpose; registration of rights to such property; individual determination, as pointed out by V.Ya. Romaniv [25]. Other specialists, V.A. Kostenko & O.V. Zabrodina [13], propose to classify objects as immovable by having such features as: stationarity (permanent connection with the land) - objects cannot exist separately from the land plot, and their movement in space is allowed only by destroying or changing the intended purpose and causing damage that makes it unfit for further use; materiality (the object has a valuable and natural-material expression); durability (long terms of use).

In general, characterizing the belonging of things/property to the "real estate" category, one should highlight such a feature as the obligation of notarial certification of transactions, the subject of which is real estate itself. It is worth emphasizing that currently, even in the conditions of martial law, in Ukraine, the largest number of transactions concluded by subjects of civil transactions relate

to immovable property and property to which the legal regime of real estate is extended by law. Civil legal acts (contracts), the subject of which is immovable property and the obligation of their notarization can be determined by law or by agreement of the parties (Article 209 of the Civil Code of Ukraine).

These include: purchase agreement; mining contract; deed of Gift; lifetime maintenance contract; pledge agreement (mortgage agreement); marriage contract; an agreement on the transfer of immovable property to the child; inheritance contract; property management agreement and others. The conclusion of such transactions without their notarization leads to their nullity, that is, invalidity by virtue of the law (Part 1 of Article 219 and Part 1 of Article 220 of the Civil Code of Ukraine), which does not require challenging their validity in court (Part 2 of Article 215 of the Civil Code of Ukraine).

In the context of the above, the position of V.V. Komarov & V.V. Barankova [11], who emphasize the presence of a number of mandatory conditions that testify to the legality of the concluded contract. Such conditions contain general principles governing civil legal relations, as well as general conditions for the validity of transactions established by law, namely: will and expression of will, the required amount of civil capacity, time and place of its conclusion, content, essential and (or) additional conditions, the form of the transaction and the reality of the occurrence of legal consequences for the parties to the contract. Thus, the notarization of the contract is a way of confirming legality and legal certainty.

As far as European countries are concerned, a system of notarization of real estate transactions similar to the Ukrainian system operates in France and Poland. Certification by a notary is considered a preventive measure to protect the rights of individuals and to give legal force to transactions. Although there are certain differences. Thus, in Poland there is a registration procedure for registration of rights to immovable property, and proceedings in cases of registration of immovable property are carried out by local courts. That is, the

peculiarity of certification of this type of deed is that the notary notarizes not the deed itself, but the signatures of the parties and is obliged to send an extract from the notary register book to the court at the location of the immovable property within seven days from the date of execution of the deed for the court registrar to make an entry in land book [2]. In France, the main information link is not immovable property, but the transferee of such property. For the registration of property rights to immovable property, "registry books" are kept, which are open and have the name "Mortgage books". By the way, in France in each district there is a special office where all formalities and actions aimed at registering real estate are carried out and centralized.

A similar registration form for registration of rights to immovable property also applies in another EU country - the Czech Republic, where the cadastre is, so to speak, the main "bank" of data about any real estate, which records the type of real estate, its location, geometric and other parameters, information about the owner (co-owners), etc.

Thus, real estate registration is carried out by local cadastre bodies, which are part of the general administration of geodesy and cartography. At the same time, ownership and other property rights to real estate are registered only in the form of making an entry, imposing a restriction or encumbrance on the property right [18].

Publicity and openness of registration of rights to real estate is inherent in a country like Spain. In particular, here, as in the previously mentioned countries, there is a registration system - the register is kept in special books, the form of which is determined by the Ministry of Justice, the maintenance of which is entrusted to special civil servants - registrars. All unregistered real estate rights are void. In this state, the general rule is followed; what is entered in the register is true and legal [23]. Italy and Switzerland also belong to those countries where the registration system of real estate ownership prevails. An entry in the real estate register is proof of the validity of the deed, the bona fide

rights of the owner, as well as a circumstance that determines the legal status of this property [29]. In Bulgaria, the registration of real estate is carried out by a notary, who, according to the law, is obliged to carry out the registration regardless of the presence of an application from an interested person. Recording is carried out in register books and is open [18].

Germany also belongs to the category of countries in which the registration system of certification of real estate transactions operates. In particular, registration in the land register is possible based on the application of one of the parties to the transaction (in this case, the other party is represented by a notary) or a joint application. The application is accompanied by a notarized permission for registration from the person whose rights are affected by the registration, as well as an additional application from the alienator and the transferee about the transfer of ownership. In addition to the listed documents, when transferring a land plot, it is required to provide an original certificate from the financial service, which confirms the payment of the tax for the purchase of the land plot and a certificate from the territorial community about the non-use of the right of preferential acquisition [18]. As for the specifics of performing notarial actions related to real estate, they are as follows: after signing the sales contract, the notary sends a letter to the state registrar about the reservation of the relevant real estate object, in order to avoid further resale of the real estate object; after the state registrar has confirmed the information about the absence of comments on the object of the contract, the buyer makes the payment; the buyer can pay the funds either to the seller's account or to the notary's trust account; if there is an existing mortgage, the notary sends two invoices to the buyer - for payment of the bank's mortgage balance and for payment of the remaining amount under the contract to the seller's account; the buyer can alienate the object already after the conclusion of the contract; one of the special conditions of the real estate purchase and sale agreement is information about what movable property is being sold with the house (kitchen,

furniture, household appliances; the territorial community also has the right to purchase real estate; the draft of the purchase and sale agreement is sent to the parties in 2 weeks, in general the entire registration process takes about a month) [18].

Therefore, in some countries of the European Union [24] there is a registration system that is aimed at achieving uniform (common) standards in the field of certification of real estate deeds. It is worth noting that the electronic form of notarial activity has been introduced in many foreign countries. The experience of the Republic of Lithuania, where the electronic system "eNotaras" has been implemented and is functioning at the expense of the Lithuanian Notary Chamber, the purpose of which was to further develop the notary profession and expand its competence, increase trust in the notary institution, should be called useful. In addition to the direct performance of notarial acts, the electronic notary system allows interaction with other electronic databases of the country - the population register (demographic register), the register of disabled persons, the tax register, real estate registers, the mortgage register, the register of arrests, the register of pledges, the register of contracts, the registers of legal entities. , shareholders and participants, the register of beneficiaries of legal entities, the register of powers of attorney, the register of wills, inheritance cases, the register of marriage contracts and the division of property, etc., which of course significantly simplifies the procedure itself and allows to significantly reduce the financial costs of both citizens and relevant state institutions.

Thanks to the electronic notary system, notaries are able to: form client files and have information on all notarial actions performed for a person within the notary office; conduct internal exchange of documents; form accounts; to order notarial actions performed in offices or remotely (remotely); receive information about the progress of notarial acts, receive and send messages to notaries, order the transfer of inheritance cases from one notary office to another and perform a number of other actions necessary to ensure the rights and

interests of all those who apply for notarial services, which undoubtedly has a positive effect on the quality and effectiveness of such services.

In other European countries, the introduction of the electronic format of notarial activities has also been successfully implemented. Yes, France has a MINITEL system that provides access to computers with databases and includes a secure database, data exchange between databases, and a secure connection. The electronic archive of authentic notarial acts exists in the form of encrypted file documents. The term of storage of such documents is 75 years. As of 2019, 85% of all notarial acts exist and are stored in digital format in France. In Germany, notaries use electronic signature cards (qualified electronic signature) issued by the Federal Chamber of Notaries, and not only for notaries, but also for lawyers and other entities. In Italy, notaries work with Notartel, an IT company for notaries, which was established in 1997 by the National Council of Notaries of Italy with the aim of computerizing the processes of drawing up notarial documents, document circulation, as well as access to information needed by notaries when committing notarial actions, using it [3, p. 90]. In most European countries, E-notary is considered as a single information and telecommunication system designed for collection, accumulation, processing, storage, protection and use of information related to notarial activity and provision of all types of information interaction (exchange).

When considering the specifics of certification of deeds, the subject of which is real estate, it is worth noting that in most European countries, certification of such deeds is classified as administrative procedures (services). However, it is worth noting that even in the presence of some elements of administrative relations, they do not lose their private legal regulation, because any action in relation to immovable property, by its essence (legal nature) is a deed, a manifestation of the implementation of a subjective civil right or an obligation The connection between the subject and the transaction is exclusively an institution of civil law.

As of 2024, two types of registration of real property rights to immovable property are distinguished in world practice: deed and title [28]. The legal system of registration of property rights to immovable property is mainly implemented in the United States of America and neighboring Canada. For example, in these countries the state does not act as the subject of verification of the legality of the acquisition of the corresponding right, but only records the fact of the concluded deed and acts purely as the registrar of the deed as the owner. The title system is characteristic of most countries of the European Union - France, Germany, Poland, Italy, etc. Ukraine also belongs to the countries that have a title system of registration of property rights to immovable property. The advantages of the title system include such elements as concluding a deed in the form and in the order established by law; verification by the state of the legality of the transaction; imposing responsibility on the state for any violation of the owner's rights.

An important factor in the improvement of notarial activity, including in the field of notarization of deeds, the subject of which is real estate, is the introduction of the so-called E-notary. From the point of view of A.V. Lila-Barska [15, p. 230], it is necessary to actively use the capabilities of electronic technologies in notarial activities. So, to carry out their professional activities, notaries have access to the Unified Register of Notaries, the Unified Register of Special Forms of Notarial Documents, the State Register of Encumbrances of Movable Property, the Inheritance Register, the Unified Register of Powers of Attorney, the State Register of Real Property Rights, the State Register of Civil Status Acts, the Unified state register of legal entities, individual entrepreneurs and public organizations. The application of electronic technologies is emphasized by Z. Zhuravlyova [30], who notes that the existing methods of organizing notarial activity do not always meet the requirements set forth by law for the regulation of certain civil legal relations and contradict the actual will of persons who, by performing a certain notarial act actions try to give the deed (or

the relations arising from it) probable force, and which, in the end, may lead to the recognition of such a deed as invalid. Thus, the use of the latest technologies, and in particular, the transition to an electronic form, the so-called digitalization, when a notary performs his professional duties, makes it impossible to use unverified, irrelevant or unreliable information, reduces the dubiousness of the documents that are drawn up, demonstrates compliance with the law, ensuring a more complete protection of rights and legitimate interests of persons applying for notarial acts.

The advantages of E-notary, outlined in the study on the example of a number of countries, are also confirmed by I.M. Iliopol [7, p. 87]. The researcher names the following advantages of the introduction of electronic notary, such as: approximation of Ukrainian notary to European standards; ensuring interaction with state information systems and networks; automation of notarial processes, in particular record keeping, reporting, search and use of necessary information, etc.; improving the security and quality of notarial acts; transfer of the Register of notarial acts to electronic form, which will simplify the work of notaries, ensure accounting and registration of performed notarial acts, as well as protection and storage of notarial information; submission of electronic documents for notarial actions; certification by a notary of the authenticity of an electronic copy of a paper document or a paper copy of an electronic document or extracts from them; ensuring the availability of notarial acts. These features of E-notary, as shown above, are successfully used by a number of countries and, it can be noted, respond to the current challenges of notarial practice in cases of real estate registration in Ukraine. Thus, together with the assignment of the certification of real estate transactions to the competence of notarial authorities (real estate transactions), this will reduce the number of transactions related to the purchase of unregistered real estate and the number of multiple alienations of such property, as indicated by M. Povlakić [22, p. 300] on the example of Bosnia and Herzegovina and Serbia.

As V.M. Pasternak rightly emphasizes [21, p. 217], the importance of notarization of a transaction necessitates the mandatory observance of two indisputable requirements. The first requirement relates to the rule that notarial acts are performed within the limits clearly defined by law. The second rule relates to managed entities - notaries, who, on the one hand, are independent representatives of the state with special powers to perform notarial acts, and on the other hand, are called upon to perform functions related to the legal regulation of certain types of social relations. At the same time, it should be noted that the main axiom remains that taking into account the private interests of a person and the public interests of the state are equally important in the professional activities of a notary. In this regard, we should agree with the opinion [29, p. 63] that it is advisable to create a single formal registration system, the main task of which is to ensure the reliability and transparency of civil turnover of real estate, which will take into account both the interests of the state and citizens.

In the context of this research, it is worth noting the work of J.M. Ruždjak [26, p. 1334], who considers the institutions of notary insurance of claims to real estate as voluntary insurance by agreement of the parties. In particular, this refers to the insurance by public notaries of claims to real estate by establishing the right of pledge, mortgage, with special reference to the rules governing this institution. It is worth emphasizing that in this practice, insurance documents must meet all the conditions in form and content for the mortgage to be entered into the land ownership register and for insurance coverage to be obtained. Insurance provided by notaries public through the transfer of ownership of real estate, trust insurance, is an institution of voluntary insurance, which, regardless of legal regulation, exists in practice almost exclusively as insurance by notaries public.

Conclusions. Thus, the comparative legal analysis of the national legislation and the European Union regulating the procedure for notarization of

transactions involving real estate allows us to formulate a number of conclusions. Notarial activity is based on a combination of public law principles: notarial activity is regulated by the state; a notary acts on behalf of the state, performing his or her functions on the basis of state-sanctioned powers, in accordance with the law and cannot unreasonably refuse to perform notarial acts and private law principles: a notary is not a civil servant or local government official, although he or she provides public services, and carries out his or her activities independently, choosing his or her own area of competence.

An analysis of sectoral legislation and doctrine leads to the conclusion that in Ukraine and in most EU countries, a registration system for the registration of rights in transactions involving real estate has been introduced and is in place. Notarization of a transaction and its state registration cannot be qualified as the basis for the emergence of ownership of real estate. Such actions are a way of certifying an existing ownership right, confirming the legitimacy of the fact of ownership and good faith possession of the property by the owner specified in the transaction.

Despite some similarities, the legal procedures in this area have some differences. In Poland, the proceedings in cases of real estate registration are carried out in two stages: at the first stage, the notary performs the relevant action, the essence of which is to certify the authenticity of the signatures of the parties and sends an extract to the court at the location of the real estate; at the second stage, on the basis of the notary's extract from the notary's register book, the court registrar enters the entry in the land register. In Ukraine, notarial acts in relation to real estate are usually performed at the place of its location. In the Czech Republic, the functions of the state real estate registrar are performed by local authorities that are part of the Department of Geodesy and Cartography. The same procedure for real estate registration is inherent in Spain, Italy, France, and Switzerland. In contrast to these countries, in Germany, the involvement of a notary is more significant, as registration of real estate

transactions requires a notarized authorization for registration, which is not provided for in Ukraine.

The current system of notarial activities in Ukraine requires improvement. The need for such improvement is caused by many factors and is recognized both at the theoretical and practical levels. On the one hand, such changes are due to the choice of European development of Ukraine and its obligations to bring national legislation in line with the requirements of the European Union. On the other hand, such changes are caused by the inconsistency of legislation with the challenges of today, and therefore by the shortcomings of legal regulation of the notary sphere.

Elimination of the inconsistency of national legislation in the field of legal regulation of notarial activities with the requirements set by the EU, including the Agreement with the EU; modernization of notarial activities through the introduction of a nationwide electronic system, as is done in many EU countries, are the immediate prospects of the Ukrainian notary, which actualizes further research in these areas.

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