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Towards the entry into force of the succession regulation:
building future uniformity upon past divergencies

Eleven questions to discuss at the seminar and exchange of best practices in Munich – 23rd June 2015

- 1) What happens when two married people die, them having the same residence but different nationality, in case only one of them choses the application of his/her national law which is different from the country of residence/domicile?
- 2) Ownership of a company shares, having the company its HQs in a country A, can be considered as a good indicator in order to determine habitual residence in the same country A?
- 3) With regards to the authority set to issue a Certificate of Succession whose format and content are disciplined by the same country where it operates, does the authority have to apply the above discipline or it has to draft the Certificate applying the rules foreseen from the country of the law applicable to the succession instead?
- 4) What are the remedies that can be used in case there is a risk that the choice of the applicable law may determine an abuse, meaning when it may affect the rights of some people?
- 5) Is the form of the declaration of the choice of law fixed? Are typical formulas requested to be used? How much margin is there left to the interpreter?
- 6) In order to determine the place of the habitual residence, how much weight is given to considerations related to the person's psychological approach and family or emotional ties? Can these elements become more important than objective circumstances?
- 7) What are the circumstances under which the choice of the applicable law made before 17 August 2015 does maintain its validity and effectiveness even afterwards? Does such choice have to be renewed/confirmed? How can this be done?
- 8) Is it possible to select a law as applicable even if it is different from the national law? What happens if, after the choice is made, the national law of the person changes?
- 9) What are the criteria that allow to establish the fact that a person has a stronger link with a certain country other than his/her country of residence?
- 10) What happens in the case of succession of a citizen of a third country when he/she resides in an EU member State and his/her third country foresees the application of the national law?
- 11) What happens if a citizen of an EU country has his/her habitual residence in a third country but his/her assets are located in his/her country of citizenship?

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UNIVERSITÀ DEGLI STUDI DI MILANO
DIPARTIMENTO DI DIRITTO PUBBLICO
ITALIANO E SOVRANAZIONALE



UNIVERSITÀ DEGLI STUDI DI MILANO
DIPARTIMENTO DI STUDI INTERNAZIONALI,
GIURIDICI E STORICO-POLITICI



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