



FINAL CONFERENCE
EU Cross-Border Succession Law



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



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

EU Regulation n. 650/12

Practice Paper

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Notary in Empoli

THE PROJECT IS IMPLEMENTED BY COORDINATOR



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Case 1: “Mark” (law applicable)

- Mark is a British citizen, who has been in Florence for 3 years. He is not married and has no children.

He works as manager for an English company, travelling between the London office and the Italian branch. He usually spends the first 4 days of the week in England and, on Thursday evening, he comes back to Italy.

- Mark owns immovables in the UK and in Italy, and he has a bank account in the UK where his wage is credited.

Case 1: “Mark” (law applicable)

In which country does Mark have his habitual residence under Regulation 650/2012?

- Mark’s job does not appear decisive because he works both in Italy and in the UK
- His estate is located between the UK and Italy

Case 2: “Carlo” (choice of law)

- Carlo is an Italian citizen who has been residing in England for a number of years, where he is domiciled (in the English meaning of the term) and works as orchestra leader.
- He owns movables and immovables in England, and immovables in Italy.
- Carlo wishes to plan his succession choosing the English & Wales law of succession.

Case 3: “Pedro” (choice of law – multi-legislative States)

- Pedro is a Spanish national, he is retired and lives with his wife in Italy. He owns a bank account and an apartment in Italy, a bank account and an apartment in Madrid, and another apartment in Barcelona. Pedro's sons both live in Madrid.
- Pedro wishes to plan his future succession by drafting a will and choosing the Spanish law as governing his succession.
- How can the notary advise Pedro taking into account that Spain is a multi-legislative State?

Case 4: “Mario” (issue of “internal” ECS)

- Mario is an Italian national and, unfortunately, his father died a couple of months ago.
- Mario asks an Italian notary to issue an European Certificate of Succession ("ECS") because his father worked in Spain and he believes that the deceased may have a bank account in Madrid.
- Mario does not have any evidence of the existence of the bank account.
- Can the Italian notary issue the ECS?