



# FINAL CONFERENCE

EU Cross-Border Succession Law



The project is co-funded by  
the Civil Justice Programme  
of the European Union



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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

## Renvoi Luigi Fumagalli

THE PROJECT IS IMPLEMENTED BY COORDINATOR



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**A classical problem of PIL**

**... with normative solutions**

**The basic discussion: TO BE or NOT TO BE ?**

**The various forms:**

- **trasmission (*rinvio oltre, renvoi au deuxième degré*)**
- **remission (*rinvio indietro, renvoi au premier degré*)**
- **global renvoi (foreign court theory)**

# THE EU INSTRUMENTS OF PIL

## Renvoi

**NO**

Rome I

Rome II

Rome III

Maintenance Obligations ...

**YES**

Succession Regulation

# Succession Regulation: Art. 34

## The Rule

*1. The application of the law of any third State specified by this Regulation shall mean the application of the rules of law in force in that State, including its rules of private international law in so far as those rules make a renvoi:*

*(a) to the law of a Member State; or*

*(b) to the law of another third State which would apply its own law.*

# Succession Regulation: Art. 34 Its Application

1. Law of any third State, and therefore ...
2. Situations in which the court having jurisdiction does not apply its own law
  - Art. 10
  - Art. 11 ...

# Succession Regulation: Art. 34

## The Exceptions

*2. No renvoi shall apply with respect to the laws referred to in Article 21(2), Article 22, Article 27, point (b) of Article 28 and Article 30.*

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principle of proximity

choice of law

formal validity of dispositions of property upon death made in writing

formal validity of acceptance or waiver as governed by the law of habitual residence

law of the State of situation imposing restrictions applicable irrespective of the law on succession

# **Succession Regulation: Art. 34**

## **A final evaluation**

Meaning and purpose of the rule

Rule to be read in conjunction with provisions on jurisdiction and recognition of judgments in a comprehensive instrument offering a coordinated approach to all PIL issues



**Thank you**

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