GoInEU Scientific Questionnaire's Assessment Report

The present Report shows the results of the scientific questionnaires disseminated in all EU countries involved in the GoInEU Project (i.e. Italy, Hungary, Spain, France, Portugal). For each question, a synthesis of the answers and specific reports received are indicated, underlining where the most interesting differences among the concerned countries are revealed. Not all questions have been answered in each and every partner country, and therefore the Report also shows which questions have resulted as most attractive for the recipient professionals.

GENERAL INFORMATION

In accordance with the Grant Agreement and the workplan defined and agreed among the partners at the start of the project, a scientific questionnaire has been drafted and disseminated among legal professionals in all the countries involved in the *GoInEU* project.

The first draft of the questionnaires in English was prepared by Dr Marco Rizzuti of UNIFI and was divided in 4 sections (*Migrant Families and Successions Law; Different Family Models and Successions Law; Private Autonomy and Successions Law; New Technologies and Successions Law*). It was sent to all partners for their comments and suggestions: a new 5th section (*Country-specific issues on the application of EU Successions Regulation*) was added according to the indications of the Hungarian Partner, while some other specifications have been proposed by the French partner.
The final version of the questionnaires was translated in all the project partners' languages: each national University partner translated it into its own language (respectively Hungarian, Spanish, French, Portuguese), while FIN translated it into Italian.

All the different language versions of the questionnaire were published on the project website, that has been created and is constantly managed by FIN, in order to ensure widest visibility. With the same aim, FIN forwarded the document to the Council of the Notariats of the European Union (CNUE).
A specific webmail account was created by the Coordinator to manage some communications related to the questionnaires: goineu2017@gmail.com.
Moreover, in order to better disseminate the scientific questionnaire, the partners availed themselves of the mailing lists of some specific national contact points, whose

collaboration has been mentioned in the Project's website. In this way, the involved professionals received the questionnaire from an organisation that is already authorized to manage their e-mail addresses and other relevant data, as to avoid any potential privacy issue and, at the same time, that they already know very well, thus facilitating the delivery of prompt answers.

The recipients of the scientific questionnaire were not asked to answer all the questions, but to choose those more interesting and more related with their specific expertise. They were not asked to provide statistical data nor to give a mere yes/no answer, but to explain why they argue that a particular solution is prevailing in the respective legal order (referring not only to statute law, but also to judicial case-law, as well as to notaries' and lawyers' practice and legal mentality), and to provide practical cases (not only published judicial decisions, but also pending cases or extrajudicial cases brought to their attention in order to receive an advice, or even imagined cases that they think will have to be soon examined by the practitioners because of on-going developments). The recipients could follow the path suggested by the questions, but also provide other relevant information. Moreover, they could choose to remain anonymous or to have their names mentioned in the project website, but, in any case, the privacy of the involved parties has been protected.

RESULTS PER PARTNER/ORGANISATION

From all the involved countries, relevant answers have been provided and specific reports have been prepared, blending a mix of different methodologies. Among the overall 42 questions (a quite high number) no one has remained totally without answers. More specifically:

- **FIN** circulated the questionnaire to all Italian notaries (total number around 5.000, of which 22 were selected as experts in the field and specifically targeted through constant communication and updates via email). Seven reports have been forwarded to UNIFI. In 3 of the reports, the recipients answered individually to some of the proposed questions (Chiara Ferretto, Elisabetta Bergamini, Giovanni Aricò), while 2 notaries have cooperated in order to compare their practice and send uniform answers (Antonio Ioli and Giovanni Liotta), and another notary (Francesco Frattini) has chosen not to follow the path of the questionnaire but to provide his own elaboration on the concerned issues; a notary (Maria Teresa Battista) has also organized her own research, as well as a survey among foreigners residing in Italy and Italians residing abroad, in order to

gather relevant data, and has prepared a very interesting and high-quality related report, of true added value to the project.

- **AMI** circulated the questionnaire to its associated family lawyers (total number of contacts: around 200), through its national and regional branches. A total amount of 45 single answers has been forwarded to UNIFI. In most cases, they are quite short or merely yes/no answers, but in some cases more in-depth analysis has been provided (such as the interesting report of a Sicilian lawyer, Giuseppe Giardina, on migration-related issues). Moreover, the questionnaire has been forwarded to other Italian Family Lawyer's Associations (e.g. AIAF, Osservatorio, etc.), in order to obtain more visibility. AMI's Regional President, Dr Gianni Baldini, has remarked that, in order to improve the effectiveness of the questionnaire, it could have been shorter and more targeted, not necessarily sending all the questions to all potential recipients, but probably only the most relevant questions for each single target group. These useful comments will be taken into due consideration when partners will have to draft new questionnaires in further actions.
- **UNIFI** sent the questionnaire to 2 main Italian private law academic associations (total number of potential contacts around 300), in order to obtain visibility. Moreover, through direct personal contacts, the questionnaire was sent to young scholars interested in the concerned matters, in Italy and also in third countries. Through these additional channels, 5 answers were collected: 4 from Italian young scholars (Dr Daniela Marcello, Dr Ettore William Di Mauro, Dr Ramon Romano, Alfio Guido Grasso) and another one from an Albanian PhD candidate of the University of Köln in Germany (Ermando Shuku).
- **UVEG** circulated the questionnaire to Spanish lawyers, notaries and academics, through the mailing list of the *Instituto de Derecho Iberoamericano* (IDIBE) and the one of the Notarial Chamber (total number of potential contacts: 456). Thanks to the collected answers, data and comments, UVEG with the cooperation of the notaries of Alicante, the Spanish province with the higher rate of foreign investments in real estate, and thus of potential cross-border successions issues, prepared, and forwarded to UNIFI, a comprehensive report (80 pages) in Spanish language. It provides a very wide range of information as well as an in-depth analysis of all the concerned issues.
- **CDF** circulated the questionnaire in Portugal, through its own mailing list of lawyers, judges, notaries and other public officers (total numbers of potential contacts: 325). After that, 2 comprehensive reports have been sent to UNIFI: a scientific report by Dr Afonso Patrão of the University of Coimbra and a practical report from the Portuguese Institute for Public Registries and Notaries (drafted by Dr Blandina Maria da Silva Soares). Moreover, the answers of 2 single

recipients (Carlo Camara and Luis Espirito Santo) were forwarded too, in order to highlight some other specificities of the involved country.

- **ELTE** circulated the questionnaire to Hungarian notaries, through the National Chamber of Notaries (total number of potential contacts around 300), as well as to the judges and academics. Thus, 3 different reports, representing different relevant points of view, have been forwarded by ELTE to UNIFI. The first one was prepared by Dr Tibor Szőcs and Dr Tamás Balogh, respectively Head of the Notary Institute and legal adviser of the Notary Institute, that is the academic and scientific research institute (brain trust) of the National Chamber of Civil Law Notaries and provides academic support to them: in fact, all problems, questions, difficulties regarding the EU Succession Regulation are necessarily channelled to them, and therefore the Institute is perfectly suited to serve as an information-hub. The second report was prepared by 4 judges (Dr Gabriella Békési Breczkáné, Dr Beáta Lukácsi, Dr Tibor Tamás Molnár, Dr Lilla Rainer), all members of the European Law Advisors' Network (ELAN), established by the National Office for the Judiciary in 2013, with the aim of creating a specialised unit within the court system, in charge of keeping a constant watch on, processing and acquiring a good knowledge of the ever changing EU legislation as well as of the CJEU and ECHR case-law, to answer, either in writing or orally, to all the questions raised by colleagues in European law related matters, and to report on the issues raised by colleagues, helping the National Office for the Judiciary in determining the agenda of the trainings for judges, thus serving as a knowledge-hub of the issues, questions and difficulties asked and considered by all Hungarian judges. The third report, representing an Academic point of view, was prepared by Dr Mónika Csöndes, teacher at Corvinus University of Budapest and chief-advisor of the Hungarian Supreme Court, who has been a member of the working committee on private international law, leading the work on family conflict of laws.
- **CNRS** circulated the Questionnaire to French notaries and notaries advisers, through the mailing list of CRIDON Lyon (total number of potential contacts around 80). Thanks to the collected answers, data and comments, CRIDON Lyon prepared a comprehensive French Report, specifically focused on the relevant notarial practice, that was forwarded to UNIFI. Moreover, further information, from an academic point of view, was added by Professor Caterina Silvestri, a comparatist of UNIFI, with a specific expertise on French law and premarital agreements.

All the collected answers and related reports have been analysed by UNIFI as Coordinator and having the responsibility of the related work-package. The present comprehensive Assessment Report, referring to the answers to each single question, has been drafted by Dr Marco Rizzuti of UNIFI with the support of FIN.

SPECIFIC ANSWERS PER TYPOLOGY

I) Migrant Families and Successions Law

1. **In the home countries of many migrants, polygamous marriages (e.g. in Islamic and African countries) or polyamorous cohabitation contracts (e.g. in some Latin American countries) are allowed. In your legal order, have these family relationships any relevance from the Successions Law point of view? E.g. can all the spouses of a polygamous (i.e. polygynous or polyandrous) deceased be considered as heirs of the assets he/she leaves in your country's territory? Have the children born from a polygamous marriage the same inheritance rights of the children born from a monogamous one? Is it possible to recognise a legal relationship, with Successions Law effects, between a child and the other spouse/s or cohabitee/s of his/her parent? Have polygamous families any relevance from other legal points of view (e.g. family reunification, survivor's pensions, alimony and/or maintenance)? What can be inferred with regard to Successions matter from these other effects?**

In all the concerned Countries the internal matrimonial laws require monogamy and according to the prevalent standpoint it is a public policy issue, but the concrete consequences of this position are debated.
According to the French and Portuguese Reports, as well as to the Italian and Hungarian Notaries and to some Italian Family Lawyers, if the deceased and his surviving spouses are foreign nationals and the domestic connection consists of the deceased's leaving some estate located on the national territory, then it is not justifiable to invoke the public policy clause and deny the internal application of a foreign succession law rule, which would entitle several surviving spouses to inherit simultaneously (see French Court of Cassation, 24th September 2002, n. 00-15.789, but also Italian Court of Cassation, 2nd March 1999, n. 1739). On the other hand, according to the Hungarian Judges, such a solution is never acceptable, because polygamy is always in manifest contrast with public policy. According to the Spanish Report polygamous marriages cannot produce successions law effects, but the same Report shows that a quite similar effect has been recognized by a recent judicial decision (Supreme Tribunal, 24th January 2018, n. 84), granting a survivor's pension to the widow of a polygamous deceased Moroccan soldier, who had served in the Spanish Army for West Sahara.
Moreover, in all the concerned Countries (and also in other Countries, such as Albania), the children born from polygamous marriages have the same rights of those born from monogamous marriages, from a succession law point of view too, and thus they inherit equally. The Hungarian Academics hypothesize that the child of a polygamous marriage could be individually adopted by the parent's other spouse, while the Spanish Report hypothesize that the latter can bequeath by testament his/her assets to this child.

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2. **In the home countries of many migrants, the marriages are not formally registered as in Europe (e.g. Gypsy traditional marriage, *urfi* marriage in Arab countries, traditional African weddings, phone or skype marriage in Pakistan). In your legal order, have these marriages any relevance from a Successions Law point of view? Have they any effect from other legal points of view (e.g. family reunification, survivor's pensions, alimony)? What can be inferred with regard to Successions matter from these other effects?**

In all the concerned Countries internal marriages have to be formally registered.
According to the Hungarian and Portuguese Reports it could be possible to hypothesize the recognition of successions law effects to traditional marriages contracted abroad, in Countries where formal registration is not needed. On the other hand, according to the Spanish Report some degree of formalization is always needed. In Italian case-law, Pakistani phone marriages have been recognized as for family reunification (Court of Cassation, 25th July 2016, n. 15343).

3. **In the home countries of many migrants, the marriages aren't freely contracted but depend on parents', or other authorities', consent. Can these situations be regarded as a ground of marriage's nullity, or other kinds of invalidity, in your legal order? With which consequences from a Successions Law point of view?**

Freedom to marry is a public policy issue in all the concerned Countries. Recently this position has been affirmed by the Spanish General Direction for Public Registries and Notaries, 23rd June 2017. Thus, according to Hungarian Notaries, if people marry without the permission of an authority prescribed by the relevant foreign law, then due to the lack of such permission the marriage may not be declared as invalid and, consequently, the lack of such permission may not result in the fact that in case of the death of one of the spouses the surviving one is deprived of succession. Moreover, according to Hungarian Judges and Academics, a forced marriage is deemed as non-existent, and so without relevance from a successions law point of view.

4. **In the home countries of many migrants, the minimum age for marriage is much lower than in Europe. In your legal order, have underage marriages any relevance from a Successions Law point of view? Have the underage marriages any effect from other legal points of view (e.g. family reunification, survivor's pensions, alimony)? What can be inferred with regard to Successions matter from these other effects?**

Minimum age requirements for marriage are a public policy issue in the concerned Countries. However, in Hungary, Spain and Italy there are exceptional provisions that admit some cases of minor's marriage, and in France a minor's marriage contracted abroad, in accordance with the foreign law of the spouse, can be recognized, while in Portugal it is impossible.

5. **Often sham marriages are contracted with the sole purpose of a fraud against European Immigration Laws, and the spouses never challenge the validity of these marriages in order to avoid penalties for breach of Immigration Law. In your legal order, when a sham spouse is dead, can third parties challenge the validity of the marriage in order to deny inheritance rights to the surviving sham spouse?**

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This issue reveals differences among the concerned Countries.
In Hungary actions against sham marriage can be brought by any interested person, also after the death of a sham spouse in order to deny inheritance rights to the other one. Neither the Spanish legal system provides time limits, but case-law is quite wary when third parties challenge a marriage after the death of a spouse, because in this case to ascertain the actual will of the marrying parties is deemed to be very difficult. In Portugal a third party can challenge a sham marriage within three years from its celebration or within six months from the subsequent moment when he had knowledge of its sham nature.
On the other hand, according to Italian Civil Code sham marriages can be challenged only by the spouses within a year from the celebration, while generally speaking third parties have no rights, because, as underlined by a Family Lawyer's Report the proposal to give such a power also to the public prosecutor was rejected by the legislators. However, according to some recent statutes, police authorities have the power to deny family reunification in any time if it is asked on the ground of a sham marriage.

6. **The home countries' legal orders of many migrants (e.g. Islamic countries) have a negative attitude towards homosexuality and so, if a migrant enters in Europe into a same-sex marriage, or a same-sex registered civil partnership or a same-sex cohabitation, it's highly probable that the homeland legal order will deny any effect to it also from a Successions Law point of view. Can the application of these foreign rules to the assets that the deceased has left in your country's territory be considered as contrasting with public policy?**

This issue reveals differences among the concerned Countries.
In Spain and Portugal same-sex marriage is allowed and the right to marry is considered a fundamental one: therefore, the foreign laws that don't admit same-sex marriages nor their inheritance effects are disregarded as contrasting with public policy. Italian Notaries and Academics substantially agree with their Iberian colleagues, even if in Italy only same-sex civil partnership and not marriage is allowed.
In Hungary same-sex civil registered partnership (but not same-sex marriage that is banned by the Constitution) is allowed but doesn't enjoy constitutional protection. Therefore, generally speaking it can be contracted only if the domestic law of both parties allows the formation of such partnership, even if there are exceptions for certain circumstances, and it is ambiguous whether the application of a foreign law that does not recognise inheritance rights to the surviving same-sex partner could be disregarded. The Hungarian Notaries hypothesize that a foreign succession law that not only fails to recognise the intestate succession of same-sex surviving partner, but even bar him/her partner from inheriting under a will, would be in contrast with public policy.

7. **The home countries' legal orders of many migrants (e.g. Islamic countries) have a negative attitude towards some interreligious marriages and so, if a migrant enters in Europe into a marriage, or a registered partnership or a cohabitation, with a person of different religion, it's possible that the homeland legal order will deny any effect to it also from a Successions Law point of view. Can the application of these foreign rules to**

the assets that the deceased has left in your country's territory be considered as contrasting with public policy?

In all the concerned Countries these foreign rules are deemed as contrasting with public policy.
In such cases, Hungarian Judges have disregarded the restriction imposed by the relevant foreign law based on religious discrimination, instead establishing the legal right of inheritance of the (non-Muslim) surviving spouse to the extent available under the respective foreign law granted for a Muslim surviving spouse.

8. **The home countries' legal orders of many migrants (e.g. Islamic countries) allow the husband to avail of unilateral and extrajudicial divorces, such as *talaq*. With regard to the assets that a deceased husband has left in your country's territory, can a wife divorced only by *talaq* sue for her inheritance share as a spouse, alleging the contrast of this kind of divorce with public policy? Is it possible to compare these situations with the consensual extrajudicial divorces allowed in some EU legal orders?**

In all the concerned Countries, the equality of spouses is a public policy issue, and this is the main difference between consensual extrajudicial divorces and marital *talaq*. However, it does not imply a total denial of any possible effect for the foreign repudiations.
According to Spanish Academics public policy doesn't prevent the recognition of the wife's status as repudiated when she asks for such a recognition, in order to be considered free to marry again.
In Portugal, the Tribunal of Lisbon, 18th October 2007, stated that Moroccan law contrast with public policy because it denies to the wife the right to divorce, but not because it recognizes such a right to the husband. According to Hungarian Notaries ascertaining whether *talaq* infringes public policy depends on a thorough examination of all the circumstances of a specific case, thus especially whether such divorce was also the intention of the other spouse (i.e. the wife).
Moreover, under Hungarian Law the spousal right of inheritance does not depend on the formal existence of marriage, but on the actual matrimonial relationship between the parties at the time of the death of one of them. Therefore, even if *talaq* is not recognised in itself, the, at least *de facto*, separated spouse has no inheritance rights. On the other hand, according to Italian Notaries the repudiated wife has inheritance rights on the deceased husband's assets left in Italy, but they also report on a minority case-law that has deemed *talaq* as not contrasting with public policy (Court of Cagliari, 16th May 2008).

9. **In the home countries of many migrants (e.g. Islamic countries), the inheritance share of a male son is twice his sister's one, while the inheritance share of the spouse is very limited. Can the application of these foreign rules to the assets that the deceased has left in your country's territory be considered as contrasting with public policy? Anyway, is it possible to achieve the same practical result bequeathing the whole disposable share to the male son? Is it possible to achieve the same practical result with other legal devices (e.g. trusts)?**

Gender discrimination in inheritance shares is considered as contrasting with public policy in the concerned Countries. A French Judge has underlined that this principle is much more fundamental than the rules on reserved shares (Court of Paris, 11th May 2016).

In such cases, the Spanish General Direction for Public Registries and Notaries, 19th September 2016, refused to recognize an Iranian division of inheritance that was discriminatory against the deceased's daughter, while Hungarian Judges have disregarded the foreign rules providing gender-based distinctions, therefore determining equal shares of inheritance for all descendants irrespective of their gender. However, they have to admit that the deceased has the right to discriminate between his/her children through testamentary dispositions, as underlined also by the Italian Notaries, while with regard to trusts the situation is more complex.

10. **In some countries, the testator has the power to wholly disinherit a child. Can the application of these foreign rules to the assets that the deceased has left in your country's territory be considered as contrasting with public policy? Is the application of internal rules on reserved shares (with reference not only to children but also, e.g., spouses or parents) protected by the public policy clause? Is the application of internal rules on unworthiness to succeed protected by the public policy clause?**

This issue reveals differences among the concerned Countries.
According to the Spanish Report reserved shares and unworthiness to succeed are not public policy issues, as demonstrated also by Regional Laws that have always derogated the National ones in this regard (e.g. Basque Civil Law), and so only foreign rules that turns out to be discriminatory on the ground of gender, religion or ethnicity (e.g. reserved share denied to daughters and granted to sons; or unworthiness to succeed because of apostasy) could be considered as contrasting with public policy. An analogous position is affirmed by the Italian Notaries. French Judges have recently agreed that the rules on reserved shares are not a public policy issues (Court of Cassation, 27th September 2017, n. 16-17.198 and n. 16-13.151).
In other Countries the issue is still debated. According to the Hungarian Notaries the rules on reserved portions are not of a public policy nature, while Hungarian Judges and Academics don't agree. Likewise, in one of the Portuguese answers reserved share are defined as a public policy issue, while another one does not agree, and the Academic Report the issue is defined as dubious.

11. **In the home countries of many migrants (e.g. Islamic countries), extramarital children cannot be recognised and have no inheritance rights at all. Can the application of these foreign rules to the assets that the deceased parent has left in your country's territory be considered as contrasting with public policy?**

According to all the Spanish, Italian, Hungarian and Portuguese Reports such a foreign rule is surely contrasting with public policy because of its strong discriminatory effects. The French Report does not take a specific position on this issue.

12. **In the home countries of many migrants (e.g. Islamic countries), *kafalah* relationships are very important. In your legal order, can the *kafalah* be regarded as a kind of filiation from the Successions Law point of view? Has *kafalah* any effect from other legal points of view (e.g. family reunification, alimony)? What can be inferred with regard to Successions matter from these effects?**

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In Spain it has been regulated in detail: *kafalah* cannot be qualified as adoption nor produce the successions law effects of filiation, but some case-law has recognised orphan's pensions on the ground of a *kafalah* relationship. In France a circular of 22nd October 2014 has denied filiation's effects to *kafalah*. According to Hungarian Academics *kafalah* cannot be qualified as adoption. In Italy the Judges as recognized *kafalah* as a family relation for the purposes of family reunification, but not for those of filiation, and thus inheritance, law (Court of Cassation, 16th September 2013, n. 21108). The prevailing opinion in Portuguese legal scholarship is quite similar.
On the other hand, according to an Italian Family Lawyer's Report in some particular cases it could be possible to ask for a special adoption on the ground of a pre-existing *kafalah* relationship.

II) Different Family Models and Successions Law

1. **In your legal order, are the Successions Law effects of Marriage the same as those of Registered Civil Partnerships? If yes, will the application of foreign rules providing different Successions Law effects be considered as contrasting with public policy? If no, will the application of foreign rules providing equal Successions Law effects be considered as contrasting with public policy?**

This issue reveals differences among the concerned Countries.
In France the surviving civil partner has less inheritance rights than the surviving spouse, but foreign laws that recognize to the surviving partner the same inheritance rights of the surviving spouse (e.g. the Dutch one) is not in contrast with public policy.
In Hungary and Italy, the surviving same-sex partner has the same inheritance rights of a surviving spouse: according to the Hungarian Notaries and to an Italian Academic this is not a public policy issue, and so, if the applicable foreign law provides to the surviving same-sex partner a right of inheritance of a lesser degree than in case of a spouse, then such a provision will prevail, while the Hungarian Judges and Academics, as well as some Italian Family Lawyers, consider such a foreign law contrasting with public policy.
In Spain and Portugal civil registered partnership does not exist. However, according to the prevailing opinion in Portuguese legal scholarship, both recognition or denial of inheritance rights provided by foreign laws with regard to civil registered partnerships would not be in contrast with public policy.

2. **Same-sex marriage is not allowed in all EU countries. If a married same-sex couple moves to a country where they (or one of the spouses) have to legally convert their relationship into a civil registered partnership (automatically or at the request of one or both parties), which can be the concrete Successions Law consequences of such a conversion?**

In Hungary same-sex marriage is not allowed, but, unless the lack (deplored by the Academics) of specific rules in this regard, a recent decision of the Metropolitan Court of Budapest stated that if a same-sex couple entered into a marriage abroad, pursuant to a foreign law, their relationship is recognised as a same-sex civil partnership; however, in case of the death of one of the partners, the surviving one inherits in the same manner as a surviving spouse, unless the applicable foreign

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law provides differently. In Italy such a conversion is provided by statutory laws with specific regard to the hypothesis of a foreign marriage involving an Italian citizen (Court of Cassation, 14th May 2018, n. 11696), while, according to a Family Lawyer, the foreign marriage between two foreigners could be registered as a marriage *tout court*.
In France, Spain and Portugal same-sex marriage is allowed, and so in these Countries there isn't such an issue of conversion. According to the Portuguese Academic Report, the conversion of a Portuguese same-sex marriage determined by a foreign law would not produce effects in Portugal.

3. **Different-sex civil registered partnership is not allowed in all EU countries. If a registered different-sex couple moves to a country where they (or one of the partners) have to legally convert their relationship into a marriage (automatically or at the request of one or both parties), which can be the concrete Successions Law consequences of such a conversion?**

In Hungary different-sex couples are not allowed to form a registered civil partnership, but only a notarial partnership without successions law effects. However, a foreign law providing for a different-sex civil partnership is not deemed to be in contrast with public policy and, in such a case, the applicable succession law will determine the rights of the surviving partner. On the other hand, the Hungarian Notaries underline that there aren't legal means to "requalify" or "convert" a different-sex registered civil partnership to a marriage status. Seemingly in Italy the situation is quite similar.
In Spain and Portugal civil partnership does not exist, while in France it is open to both same-sex and different-sex couples, and so in these Countries there isn't such an issue of conversion.

4. **In your legal order, are there Successions Law effects deriving from mere *de facto* cohabitation? If yes, will the application a foreign rule denying Successions Law effects to *de facto* cohabitations be considered as contrasting with public policy? If no, will the application a foreign rule providing Successions Law effects to *de facto* cohabitations be considered as contrasting with public policy?**

This issue reveals strong differences among the concerned Countries.
According to some Portuguese answers, *de facto* cohabitations produce limited successions law effects (e.g. in the matter of tenancies and pensions), but a foreign law that provides more or less of these effects is not deemed to be contrasting with public policy. In Italy *de facto* cohabitations produce some limited successions law effects too, and, according to some Family Lawyers, a foreign law that denies these effects would be contrasting with public policy.
In Spain recognizing successions law effects to a merely *de facto* cohabitation has been judged unconstitutional, because such effects would be imposed to the parties without any expression of their will (Constitutional Court, 23rd April 2013, n. 93): therefore, according to the Spanish Report, also a foreign law with analogous provisions would be deemed as contrasting with public policy.
In Hungary *de facto* cohabitation does not give rise to intestate succession rights, but, according to the Hungarian Notaries and Academics a foreign law granting succession rights to the surviving cohabitant would not infringe public policy, while the Hungarian Judges do not agree with this solution.

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5. **Not all EU countries allow same-sex spouses or registered partners to adopt children and/or to procreate children through Assisted Reproductive Technology. If your legal order doesn't allow these kinds of filiation, will the recognition of inheritance rights to children adopted or procreated abroad by same-sex couples be considered as contrasting with public policy? If your legal order allows these kinds of filiation, will the denial of inheritance rights to children adopted or procreated abroad by same-sex couples be considered as contrasting with public policy?**

This issue reveals some differences among the concerned Countries.
In Spain and Portugal same-sex couples are allowed to adopt and to procreate through a.r.t. (but surrogacy is not allowed), while the denial of inheritance rights of children adopted or procreated abroad is deemed to be strongly contrasting with public policy, as implying a discrimination grounded on sex.
In Hungary and Italy same-sex couples are not allowed to adopt nor to procreate through a.r.t., but according to Hungarian Judges and Italian Notaries the recognition of inheritance rights of children adopted or procreated abroad is not contrasting with public policy, while according to Hungarian Academics and an Italian Family Lawyer it could be in contrast with public policy.

6. **Not all EU countries allow *de facto* cohabitants (different sex or same sex) to adopt children and/or to procreate children through Assisted Reproductive Technology. If your legal order doesn't allow these kinds of filiation, will the recognition of inheritance rights to children adopted or procreated abroad by *de facto* cohabiting couples be considered as contrasting with public policy? If your legal order allows these kinds of filiation, will the denial of inheritance rights to children adopted or procreated abroad by *de facto* cohabiting couples be considered as contrasting with public policy?**

This issue reveals some differences among the concerned Countries.
In Spain and Portugal *de facto* cohabitants are allowed to adopt and to procreate through a.r.t. (but surrogacy is not allowed), while the denial of inheritance rights of children adopted or procreated abroad is contrasting with public policy.
In Hungary and Italy *de facto* cohabitants are not allowed to adopt, while only different-sex cohabitants are allowed to procreate through a.r.t., but according to Hungarian Judges and Italian Notaries the recognition of inheritance rights of children adopted or procreated abroad is not contrasting with public policy.

7. **In your legal order, is there any concrete difference between the inheritance rights of marital and extramarital children? If no, will the application of foreign rules providing different inheritance rights for marital and extramarital children be considered as contrasting with public policy?**

In all the concerned Countries equality between marital and extramarital children is considered a fundamental principle. Therefore, foreign successions laws providing differently will be deemed as contrasting with public policy.

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III) Private Autonomy and Successions Law

1. **In your legal order, is it possible to stipulate a valid Premarital Agreement regulating also some aspects of the future succession of the spouses or registered partners? If yes, under which rules and limitations? Can it be inserted into a Matrimonial Property Agreement? If no, will a foreign contract (e.g. a U.S. Prenuptial Agreement, an Israeli *Ketubah* or an Islamic *Mahr* Contract) with these characteristics be considered as contrasting with public policy?**

This issue reveals differences among the concerned Countries.
In Hungary it is possible for spouses and civil partners to arrange their property interests via a Premarital Agreement and also to dispose of their assets in the event of their death under a Matrimonial Property Agreement.
In Spain generally speaking the National Code doesn't allow Premarital Agreements with successions law effects, but some Regional Laws do, and, accordingly, foreign agreements with such a content are not deemed to be in contrast with public policy. Similarly, in Portugal general provisions do not allow these agreements, but in some exceptional cases, such as Antenuptial Agreements, they are admitted, and, accordingly, foreign agreements with such a content could not deemed to be in contrast with public policy.
In Italy Premarital Agreements with effects on successions are prohibited and a recent Bill meant to introduce them has not been approved by the Parliament. With regard to the foreign ones, according to a Notary, they are in contrast with public policy, while, according to a Family Lawyer and to an Academic, this is not an international public policy issue.
In France *Ketubah* and *Mahr* Agreements have turned to be difficult to qualify: therefore, a case by case analysis is needed and it is not possible to always automatically label them as contrasting with public policy.

2. **In your legal order, is it possible to stipulate a valid Cohabitation Agreement regulating also some aspects of the future succession of the *de facto* cohabitees? If yes, under which rules and limitations? Can it be inserted into a Property Agreement between cohabitants? If no, will a foreign contract with these characteristics be considered as contrasting with public policy?**

This issue reveals some differences among the concerned Countries.
In Hungary it is possible for *de facto* cohabitants to arrange their property interests via a Property Agreement that may also contain testamentary provisions. In Spain similar rules are set out by some Regional Law (e.g. the Catalan one), and so a foreign agreement with such a content would not be deemed as contrasting with public policy.
In Portugal these agreements are not allowed, but the foreign ones are not always considered as in contrast with public policy.
In Italy these agreements are not allowed, and, according to Family Lawyers, the foreign ones could be deemed as contrasting with public policy.
The French Report stands for a case by case analysis and states that it is not possible to always automatically label them as contrasting with public policy.

3. **Are any other kinds of Agreements as to Future Successions directly or indirectly allowed in your legal order? If no, will a foreign contract with these characteristics be considered as contrasting with public policy?**

This issue reveals some differences among the concerned Countries.
In Hungary many contractual relationships with effects on successions (i.e.: Agreement as to Succession; Testamentary gift; Agreement on expected inheritance; Waiver of the right to succession) are allowed, while, according to Hungarian Notaries, under art. 25 of the EU Succession Regulation also other foreign types of contracts, different from the ones listed above, may be deemed as valid, without any public policy problem. In Spain the most part of Regional Law admits different kinds of agreements as to future successions. In Portugal only Antenuptial Agreements as to future successions are allowed, but other foreign types of contracts are not always considered as in contrast with public policy.
In Italy agreements as to future successions are not allowed, and, according to Family Lawyers, the foreign ones could be deemed as contrasting with public policy.
The French Report stands for a case by case analysis and states that it is not possible to always automatically label them as contrasting with public policy.

4. **In your legal order, can a Will provide for Testamentary Trusts and/or *Fideicommissa*? If yes, under which rules and limitations? If no, will a foreign testament containing these provisions be considered as contrasting with public policy?**

In Hungary since 2014 the legislator has introduced the Fiduciary Asset Management, which may also be created by a will, and not only by way of a contract, while according to the Judges foreign *Fideicommissa* are not contrasting with public policy.
Spanish Law provides for *Fideicommissa*, Testamentary Foundations and other quite similar institutions: therefore, even if Spain has never ratified the Hague Convention on Trusts of 1st July 1985, foreign Testamentary Trusts are not deemed to be necessarily in contrast with public policy.
In Portugal, too, *Fideicommissa* are allowed, while foreign Testamentary Trusts can be recognised.
Italy has ratified the above-mentioned 1985 Hague Convention and therefore recognizes also Testamentary Trusts, while Civil Code allows an exceptional case of *Fideicommissum* for the benefice of interdicted persons.
Neither in France foreign Testamentary Trusts are deemed to be not contrasting with public policy, but they can create practical problems from the points of view of tax and property law.

5. **EU countries have different rules on property (e.g. limited or unlimited number of rights *in rem*) and on public registration of property transfers (e.g. Transcription system or *Grundbuch* system). If a foreign law is applicable to the transfer by succession of an immovable situated in the territory of your country, will it be possible to derogate to the internal rules on limited number of rights *in rem* and/or on public registration of property transfers?**

This issue reveals strong differences among the concerned Countries.

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In Spain the number of rights *in rem* is unlimited (principle of *numerus apertus*), and so, according to the General Direction for Public Registries and Notaries, 18th February 2016, any foreign right endowed with the structure of a right *in rem* (i.e. an absolute and immediate right) can be registered, even if it not regulated by the domestic law. France too, after the leading case decision *Maison de la Poésie* (Court of Cassation, 31st October 2012 n. 11-16304), has endorsed the principle of *numerus apertus*.
On the other hand, in Hungary, Italy and Portugal the limited number of rights *in rem* (principle of *numerus clausus*) prevents from registering any other *in rem* right created or passed under succession, even if the law applicable to succession is a foreign law, recognising this right. In such cases, according to the Hungarian Notaries, art. 31 of the EU Succession Regulation will be applicable, and a right recognised by the domestic law, which is - as to its content and function - closest to the right *in rem* under the foreign law, will have to be registered.

6. Which are the relationships between Life Insurance Policies, or other analogous contracts, and Successions Law in your legal order?

In all the concerned Countries, under a Life Insurance Policy, or other comparable mechanisms (e.g. some savings deposits, bank accounts, or proceeds of a private pension scheme), the beneficiary holds his right on contractual grounds, outside of successions law. However, in Spain these rights are taken into consideration for the purposes of successions taxes.

7. In your legal order, is there any specific legal and/or contractual mechanism (e.g. Family Agreement, *Geschlossen Hof*, Testamentary Rent to Buy for a Company) meant to regulate the transfer by succession of Enterprises derogating to the general Inheritance Law rules? If no, will foreign legal and/or contractual mechanisms with these functions be considered as contrasting with public policy?

In Hungary there are many special statutory rules governing the succession of enterprises: the continuance of the business activity of a sole trader; the continuance of the single-member company; inheriting business shares in a limited liability company; legal succession after the death of partners in a general partnership. In Spain both National and Regional Laws provides exceptions to the general inheritance law rules in order to facilitate enterprises' successions. With the same aim, in France art. 1078 of the Civil Code provides for a specific case of allowed agreement as to future successions. Something similar has been introduced also in Italy in 2006 with the Family Agreement, according to Law n. 55 of 2006, while in the Province of Bolzano the Austrian *Geschlossen Hof* is still in force, and is regulated by Law n. 71 of 2001.
On the other hand, in Portugal there aren't similar mechanisms, specifically designed for business successions, but the foreign ones could not always be deemed as contrasting with public policy.

IV) New Technologies and Successions Law

1. In your legal order, can the testator bequeath his/her gametes (already cryopreserved or to be removed from the corpse) to his/her spouse or registered partner or cohabitee, and/or to someone else, with the provision that they will have to be used, at home or

abroad, for a *post-mortem* fertilization? Can he/she bequeath them for different purposes (e.g. scientific research, heterologous donation)? If no, do gametes follow the ordinary rules of intestate succession? If they aren't considered as part of the heritage, what can happen to them in case of succession?

This issue reveals strong differences among the concerned Countries.
In Spain gametes are not considered objects of inheritance, because of their non-patrimonial nature, but the husband or cohabitant may consent in testament that is sperm will be used by his surviving wife or cohabitant for a *post mortem* fertilization, while gametes may be also bequeathed for heterologous donation or for research purposes.
According to Hungarian Judges, gametes cannot be objects of inheritance, nor the object of any will, while *post mortem* fertilization is not allowed: therefore, the stored gametes, that cannot be used for reproductive purposes because of the death of the concerned person, will have to be destroyed or used for research purposes, independently from his/her will.
Neither in Italy *post mortem* fertilization is allowed, even if according to an Academic such an absolute prohibition may be unconstitutional, while according to a Family Lawyer, although the issue is very controversial, the testator should have the right to modify or integrate in the will his/her previously expressed consent to medical and/or social freezing.

2. **In your legal order, can the testator provide that his/her cryopreserved embryos, or pre-embryos, will have to be implanted in uterus, at home or abroad, after his/her death? Can he/she bequeath them for different purposes (e.g. scientific research, donation)? If no, do embryos or pre-embryos follow the ordinary rules of intestate succession? If they aren't considered as part of the heritage, what can happen to them in case of succession?**

In all the concerned Countries, embryos or pre-embryos cannot be objects of inheritance, nor can be the object of a will, while *post mortem* implantation in the woman's uterus may be allowed, even in Italy and Hungary where *post mortem* fertilization is prohibited, provided that the fertilization had already taken place when the man was alive (see Tribunal of Bologna, 16th January 2015).

3. **Can a person born from Posthumous Assisted Reproduction (i.e. *post-mortem* fertilization or *post-mortem* embryo implantation), practised at home or abroad, lawfully or illicitly, be considered as heir of the deceased in your legal order? Just because of the genetic link or only if the deceased has consented to the procreation? If the posthumous procreation takes place long time after the death of the parent, what happens to the acquisitions of the other successors who have inherited the deceased's assets before such a procreation?**

According to the specific statutory rules provided by Spanish Law, such a person can be considered heir only if the deceased had consented to the posthumous procreation.
On the other hand, according to the general legal principles taken into consideration by the Hungarian Judges and by the Italian Family Lawyers as well as the Academics, he/she can be considered heir in any case.

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In all the concerned Countries third parties' *bona fide* purchases have to be protected, while an Italian Family Lawyer calls for a legislative intervention establishing a clear time-limit for the successions law effects of posthumous procreation.

4. **Can a cryopreserved embryo be considered as an heir, by law or by testament, in your legal order? Is there any difference, from the Successions Law point of view, between its position and that of an embryo that has been already implanted in uterus?**

According to the Spanish and Hungarian Reports a frozen embryo cannot be considered as an heir. The Hungarian Judges underline that the Civil Code's provisions mentioning conception for the purposes of legal capacity are evidently related to intrauterine conception and cannot easily be referred to *in vitro* fertilization.
On the other hand, according to an Italian Family Lawyer and to an Academic, a cryopreserved embryo has the same conditional inheritance rights of an already implanted embryo.

5. **Assisted Reproductive Technologies split parenthood among intentional parents, social parents, gestational parents, genetic parents, mitochondrial parents, and so on. Have these phenomena any relevance in your legal order also from a Succession Law point of view? E.g. is it possible to inherit from more than two parents and/or to divide the parents' inheritance share between more than two heirs?**

In all the concerned Countries the mentioned distinctions have no legal relevance, from a successions law point of view.

6. **Information and Communication Technologies make possible to draft testaments in new forms: video-wills, e-wills, online wills, and so on. Are these testaments considered valid in your legal order? If yes, under which rules and limitations? If no, will a foreign testament with these characteristics be considered as contrasting with public policy?**

In Italy and Portugal these testaments are not allowed, but the foreign ones could not be always considered as contrasting with public policy.
In Hungary oral wills are exceptionally valid if made under life-endangering conditions in the lack of an ability to write, and, according to the Judges, these wills may also be video/digital recorded or online streamed, in order to be more easily proved in legal proceedings, while the possible contrast with public policy of further technological wills is an uncertain issue.

7. **According to article 5(2) of EU Successions Regulation "any communication by electronic means which provides a durable record of the agreement shall be deemed equivalent to writing". Is there any legal practice concerning this article in your legal order?**

In the concerned Countries there aren't specific legal practices at this regard.

8. **How does your legal order regulate the transfer by succession of digital assets (e.g. e-mail accounts, social network profiles, files "on the cloud")? If a foreign law is**

applicable to these successions (e.g. because the data are stored in a foreign server or by a foreign provider), which public policy issues can be arisen?

In Spain a specific regulation of these successions had been enacted with the Catalan Law 27th June 2017 n. 10, but it has been challenged as unconstitutional and therefore its application will remain suspended till the constitutional judgement is delivered.
In Italy these issues have been dealt with mainly from a data protection law point of view by both case-law and legal scholars; according to a Notary the testamentary disposal of passwords is permissible, while an Academic reported about the judgment delivered by the German Supreme Court on 12th July 2018 as a new European leading-case in the matter of social media profiles' successions.
According to Hungarian Judges and Notaries, digital data cannot be objects of inheritance, while the rights and duties deriving from an agreement concluded by the deceased person with the electronic storage provider, and his/her rights of access to his/her data, may be inherited.

9. **In your legal order, can the testator leave to his/her heirs the rights to decide whether to patent his/her invention, and/or whether to publish his/her own work of art? If no, will a foreign testament containing these provisions be considered as contrasting with public policy?**

In Spain, Italy and Hungary, the testator has the right to prohibit publication or patenting.
In Portugal the testator has not this power, but a different foreign rule will not be considered as contrasting with public policy.

V) Country-specific issues on the application of EU Successions Regulation

1. **How often does a cross border succession issue arise in a probate in your Member State? If possible, try to give your answer in percentage.**

In France there aren't general statistics at this regard, but the relevance of this phenomenon can be drawn by other data: the Cridon Lyon has answered to 555 written requests of advice about cross-border successions in 2017, not including telephonic advices given every day.
Neither in Spain general statistics at this regard are provided, while in the various areas of the Country foreign investments in real estate shows very differentiated rates (from which we can infer the rates of possible cross border successions), with the highest one in the Province of Alicante, corresponding to the 20-22% of the national total.
In Italy a Family Lawyer estimates the rate of cross border successions around 5%.
In Hungary the estimate for the whole Country is that 2-4 % of the succession cases dealt with by Notaries, and 1% of the cases arrived to Judges, have a cross border element, which is usually the citizenship of the deceased or assets situated abroad, but there are significantly more cross border cases in the Capital, in the larger cities and in the Western Regions, because is more typical that people have bank accounts or real estate in Austria.
In Portugal cross border successions are very frequent, because of the strong emigration and immigration phenomena that characterize Portuguese society.

2. **Do the European Certificates of Succession (ECS) issued by other Member States contain all the data which are needed to register the ownership upon succession in the land (real estate) register?**

Hungarian Notaries deplore that in most cases point 9 of Annex IV of the ECS is not filled in at all, or not filled in properly. It is rather common that the issuing foreign authorities indicate only the respective share of the estate the heir has received under the law applicable to the succession in point 8 of Annex IV while point 9 is left empty. In case point 9 is filled in, the exact address, land parcel or cadastral number of the inherited real estate is usually missing, although these details are required under the Hungarian Law in order to identify the real estate in question. In these cases, the missing data required to identify the real estate shall be indicated by the applicant in his/her application for registration submitted to the land registry.
In Spain the ECS has not to be directly registered, neither it substitutes other acts that have to be registered, such as acceptance or division of inheritance.
Neither in France a foreign ECS can be directly registered, because a further certification issued by a French notary is needed.
In Italy is debated whether the ECS could be directly registered or not.
In Portugal, according to the Institute for Public Registries and Notaries, the ECS generally speaking can be registered, but there are some difficulties with regard to the division of inheritance that will have to be further deepened.

3. **Has a notary of your Member State the necessary tools to get information about the assets situated in other countries (e.g. bank accounts, safe deposit boxes)?**

In Spanish, Italian, and Portuguese Reports the lack of such information is underlined. An Italian Notary thus suggests to elaborate an EU level database archiving this information, in connection with each single Notary and/or Court, also in order to facilitate the circulation of inherited assets, that nowadays is hindered by uncertainties and lacks of reliable notices.
The Portuguese Institute for Public Registries and Notaries has taken part to a working group at EU level, precisely in order to get better knowledge about the different kinds of public registries and of authorities dealing with banking information in each Member State, for the purposes of art. 66, sect. 5, of the Succession Regulation.
Hungarian Judges and Notaries, when dealing with ECS, avail of the EU Regulation on Taking of Evidence, in relation to EU Member States, and of the 1970 Hague Convention on Taking of Evidence, or of specific bilateral agreements with the concerned States (mainly with ex-socialist Countries), in relation to non-EU Countries, in order to submit requests for judicial assistance to obtain the necessary information (e.g. about bank accounts).

4. **Does your legal order provide for any special proceeding about the "Adaptation of rights *in rem*" (article 31 of EU Successions Regulation)? Which authority shall decide in these questions? Do you know any decisions of this authority about adaptation of rights *in rem*? Is there any legal practice concerning the 'conversion' of a right *in rem* which is unknown in your legal order?**

In Spain, according to the Law n. 29 of 2015, the competent authorities are Notaries and Public Registries, but a final decision in controversial cases is taken by the Courts of Justice.
In Hungary the Act LXXI of 2015 provides for a special proceeding to adapt an unknown foreign right *in rem*: when the competent registry perceives the necessity of the adaptation, it applies the Central District Court of Buda with exclusive competence on adaptation, and whose decisions are appealable to the Budapest-Capital Regional Court.
In France, Italy and Portugal, a special proceeding does not exist. In France the most typical cases regard the adaptation of common law trusts, while in Portugal another relevant example is the adaptation of leasehold into superficies.

5. Has a notary of your Member State a tool to know if any other legal proceeding is in progress with regard to the same case in cross border successions?

The most part of the collected Reports deplores that no legal mechanism exists in the interest of obtaining information about possible legal proceedings in progress abroad with regard to a certain succession case.
Thus, the involved Notariats are developing new instruments of cooperation, through networks such as Eufides or ARERT, in order to facilitate access to this information. The Portuguese Institute for Public Registries and Notaries calls for a legislative intervention in this regard.

6. Is there any definition about habitual residence in your legal order? Is there any legal practice about the determination of habitual residence?

This issue reveals strong differences among the concerned Countries.
In Hungary habitual residence is statutorily defined, for the purposes of Private International Law, as the place where a person actually lives having regard to all circumstances of the case on hand; for the purposes of definition thereof the intention of the person affected must also be considered: as this definition is provided by an Act in force since 1st January 2018, there is no legal practice about its interpretation yet. According to an Academic, if taken in comparison with the previous definition, the new one puts more emphasis on factual questions. Moreover, Judges take into consideration also the LXVI Act of 1992, defining habitual residence as the address of the apartment where the citizen lives for more than 3 months without the intention of final leave.
In Portugal a statutorily definition does not exist. A Portuguese answer, referring to article from 82 to 88 of the Civil Code, has defined the habitual residence as the place where a person has fixed the center of his personal and social life. According to the Institute for Public Registries and Notaries, information can be derived from the fiscal domicile or from the utility bills.
In Spain habitual residence is not statutorily defined for the purposes of Private Law, but only for those of Tax Law: therefore, the importance attributed by EU Successions Regulation to this criterion appears problematic.
Neither in France nor in Italy a legal definition of habitual residence is provided by statute law, and so French Notaries are waiting for the definition to be elaborated by the EU Court of Justice with regard to the EU Successions Regulation, while Italian Notaries stand for a case by case approach.

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7. In your legal order is there any legal practice concerning the seizing of the court for the purposes of article 14 of EU Successions Regulation?

In Hungary succession proceedings are opened *ex officio* and consist of two phases: the first one is the inventory of the estate of the deceased, carried out by the local administrative authority; the second one is conducted before a notary, who receives the prepared estate inventory. For the purposes of art. 14, letter *c*, of the EU Succession Regulation the notary shall be deemed to be seized when the estate inventory is officially received and registered by the notary.
In Portugal the inventory process has been removed from the competence of the judges and entrusted to the notaries: therefore, a notary should be deemed as a jurisdictional organ for the purposes of the EU Succession Regulation.
In Spain the lodging with the court of the document instituting the judicial proceedings is the only relevant element for the purposes of art. 14 of the EU Succession Regulation, while its notification is not relevant for these purposes.

CONCLUSIVE REMARKS

The present Report contains and clearly explains all the information needed to elaborate the upcoming research and training activities, including the programme of the e-learning course, that has to be tailored on the specific training needs on the involved professionals.

In fact, from this Assessment Report, it is possible to easily infer which questions have been answered by the recipients from each involved country and which ones only from some of them, as well as which questions reveal differences or uniformity among the countries. Therefore, the upcoming research and training activities, including the e-learning course, will have to tackle issues that have been considered interesting for all involved countries and that reveal differences, thus also calling for some improvement in the uniform application of the EU Regulation on Successions.

More specifically, according to the present analysis, the following 10 issues have turned out to fulfil the said requirements and will form the basis for future activities in the project: 1. Polygamous Marriages; 2. Sham Marriages; 3. Repudiations; 4. Disinheritance and Unworthiness to Succeed; 5. Differences among Marriage, Civil Partnership and Cohabitation; 6. Premarital Agreements; 7. Adaptation of Rights *in Rem*; 8. *Post Mortem* Fertilization; 9. Successions of Digital Assets; 10. Definitions of Habitual Residence.

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