



GOVERNING INHERITANCE STATUTES
AFTER THE ENTRY INTO FORCE
OF EU SUCCESSION REGULATION



This Project is funded
by the European Union's
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Report on the Final Conference of 19th September 2019

INTERNATIONAL SUCCESSIONS, FREEDOM OF MOVEMENT FOR EUROPEAN CITIZENS AND PROBLEMS OF APPLICATION

University of Florence, Via delle Pandette 35, Room D6 018

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On 19th September 2019, the University of Florence together with the Italian Foundation of Notaries and the support of the Florence Notarial Council, the Florence Lawyers School and the Florence Civil Chamber undertook the Final Conference aimed at presenting and discussing the results of the GoInEU Project, co-funded under the EC Justice Programme. The event was held in English and in Italian with simultaneous interpretation. Moreover, three training credits were allocated to participating lawyers on non-compulsory subjects for attendance to the morning session, while other three, of which one on a compulsory subject, were allocated for the afternoon session. For participating notaries, 12 training credits were allocated.

1. Morning session

The Final Conference started with the welcoming address of Patrizia Giunti, Director of the Department of Juridical Sciences University of Firenze. Soon after, Massimo Palazzo, Former President of the Italian Foundation of Notaries, Cosimo Papini, President of the Lawyers Training Foundation and Francesca Cappellini, President of the Civil Chamber of Firenze also greeted the audience with some precious insight on the subjects addressed in the Project. In the end, Maria Karavasili, EC Programme Manager under EU policies, European Commission, introduced the role of the DG Justice Programme and stimulated interventions of the participants to the Final Conference on specific issues and suggestions to be flagged to the Commission.

This opening session was moderated by Giovanni Furgiuele, former Full Professor of the University of Florence.

The evolution of succession law in light of the EU Regulation 650/2012 was addressed by Fabio Padovini, Full Professor of Civil Law of the University of Trieste, while Alessandro Ciatti Càimi, Full Professor of Civil Law of the University of Torino and Member of the Commission on Civil Studies at the National Council of Notaries presented the European Certificate of Succession.

Prof. Padovini started from the observation that Regulation 650/2012 represents a significant novelty in European law - previously uninterested in the law of succession -, as

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very different regimes co-exist in individual Member States systems, although new social phenomena are quite widespread.

Despite the plurality of goals, the Regulation 650/2012 moves from numerous strong ideas: the uniqueness of successions; the abandonment, as a criterion for identifying the applicable law, of nationality in favor of habitual residence; the recognition of ample space for autonomy; the creation of a privileged tool for the proof of the quality of heir.

There are many real and possible effects on the Italian system: a greater circulation of models and tools; a recessive position of the limit represented by public order; the stimulus to true legislative reforms in light of a growing autonomy; the creation of a national inheritance certificate, with the adaptation of the rules on the transcription of purchases due to death and the apparent heir.

Prof. Ciatti instead started with a brief comparative historical analysis and considered some important issues related to the European Succession Certificate: French regulation of the notarial deed and Italian notarial practice; apparent creditor and apparent heir; the European succession certificate and the first application procedure; the need to adapt Italian law and reverse discrimination; the proposal to revise the Italian civil code in the light of the EU succession regulation.

Soon after, a session on the presentation of the scientific results of the Project was introduced and moderated by Sara Landini, Associate Professor of Private Law of the University of Florence, Coordinator in the GoInEU Project. Sara Landini thanked all the speakers and conference participants. In particular, she thanked Ms. Karavasili for her presence at the event. She underlined the importance of the calls for proposals under the DG Justice Programme which allow for better knowledge of the European directives and regulations aimed at uniform application. She expressed satisfaction with the Participant Portal and underlined the importance of long-term results that are mostly difficult to monitor. After a brief description of the objectives of the Project, Sara Landini undelined:

The innovative methodology of the Project:

- Scientific approach by cases: case law and practice
- Stimulating discussions during seminars and through scientific and survey questionnaires disseminations
- Interactive e-learning activities

The dissemination (seminars, final conference, final Volume, Project website) and multiplication of the dissemination effects through:

- Scientific / training materials (slides, reports, videos) in Open Access downloadable form the web site www.goineu.eu
- Networking between professionals
- Networking with other EU co-funded actions
- Organization of conferences, workshops, seminars by GoInEU partners in addition to the ones planned in the proposal (at no costs for the Project)



Some important issues related to the application of the Reg. 650 faced by legal professionals and considered in the seminars, in the final conference and in the final Volume:

- Definition of Habitual Residence?
- «Joint Will», agreement or will?
- Effectiveness of European Certificate of Succession
- Possibility to introduce ex art. 25 Reg. 650 «agreements as to succession» also in countries, like Italy, where these Pacts are prohibited?
- *Forum non conveniens*, definition?
- Importance in patrimonial assets of crypto value, financial products, Bank accounts

Then, the research units of the Project partner universities addressed their main results and raised several issues.

More specifically, the Universities of Valencia and Coimbra presented the interplay between the Regulation 650/2012 and migration from Islamic countries, introduced by José Ramón de Verda y Beamonte, Full Professor of Civil Law at the University of Valencia, Sandra Passinhas, Professor of Civil law at the University of Coimbra and André Pereira, Professor of Civil Law of the University of Coimbra.

The CNRS reported on its research results addressing international migration, knowledge of foreign law and regulating succession, thanks to the presentation of Yann Favier, Full Professor of Private Law at the University of Savoie Mont Blanc.

Ádám Fuglinszky and Orsolya Szeibert, both Full Professors of Civil Law, at the Eötvös Loránd University of Budapest, introduced the subject of GOINEU going to the East with the Hungarian perspective on the EU Regulation on international succession.

Roberto Barone, Civil Law Notary in Nichelino and former Board member of the Fondazione Italiana del Notariato closed the morning session presenting the challenges for the legal profession also reporting on research undertaken under the Project.

The lunch offered to all participants was a good opportunity to discuss about the contents of the morning session and to stimulate networking between all professionals involved.

2. Afternoon session

The afternoon session opened with a deepening of the results of GoinEu research units following the report of Lawyer Antonella Catte, on behalf of AMI association. She presented the challenges of family lawyers, reporting on research contributions undertaken under the Project. Then the Round Table took place, as planned. It was moderated by Anna Carla Nazzaro, Full Professor of Private Law at the University of Florence. Key-note speakers have been: María José Reyes López, Full Professor of Civil Law at the University of Valencia; Tokey Balázs, Researcher of Private Law at Eötvös Loránd University in Budapest; Carlo Poli, Board Member of the Council of the Lawyers of Florence; Elisabetta Bergamini, Civil Law Notary in Cividale del Friuli and Associate



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Professor of International Law at the University of Udine; Marina Tucci Judge of the Court of Appeal of Rome.

The Coordinator, Prof. Nazzaro, stimulated the discussion over some issues emerged during the seminars: agreements as to successions considering the different national legislation on such matter, application of the principle of *forum non conveniens*, criteria to determine habitual residence, public order in International Successions matters.

Marco Rizzuti, Researcher of Private Law at the University of Florence and Carla Pernice, Researcher of Business Law at the University of Campania “Luigi Vanvitelli” closed the session discussing on the responsibility of lawyers and notaries in case of international successions. They underlined the importance of ethics of professionals in International Successions matters.

In the end, Alessandra Bianca, Senior Project Manager of the Fondazione Italiana del Notariato for GoInEU, presented the results of the internal evaluation exercise covering the three training seminars in Valencia, Brussels and Budapest; the Project web site at www.goineu.eu with all main deliverables and training materials downloadable for free; and the e-learning products developed under the Project, being the e-learning course hosted on EMMA – EC co-funded Project – MOOC platform, undertaken in the languages of the partners and completed by downloadable slides in English, a Glossary and a test; a serious interactive e-learning game and a scenario with three interactive sit-coms, also hosted on the MOOC platform for larger dissemination.

3. Conclusions

The Conference ended with the final remarks of Sara Landini who thanked the Project Manager for her work as well as all the GoinEu staff, underlining that the Project contributed to the career development of young Researchers, like Marco Rizzuti, Carla Pernice, Bàlzs Tòkey and Pedro Chaparro. These final remarks were followed by a substantive debate. Some notaries underlined the difficulty of obtaining and checking the correctness of all information necessary to issue the Certificate. Others debated on the requests from several institutions (i.e. Banks) to get documents, other than the EU Certificate, with almost the same contents of the EU Certificate. Finally, some lawyers underlined the need to access information on national laws specially in family and succession law matters.

The evening cocktail offered to all participants was another opportunity to discuss more on main issues emerged during the Final Conference.

More specifically, it emerged the need to consider the interaction between the Regulation 650/2012 and the Regulations 1103 and 1104 / 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law as well as the recognition and

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enforcement of decisions in matters of matrimonial property regimes and of registered partnerships. It emerged also the need to foster new skills (i.e. mediation, knowledge related to ICT on new form of financial assets like crypto values) of legal professionals and students of law schools.

It is hoped that important results in such areas can continue to be reached by the GoInEu Plus Project, also funded by the European Union's Justice Programme 2014-2020 and by "Patrimonial Issues in International Successions Law" (PI_IS) Project funded by Jean Monnet Programme, both coordinated by Sara Landini - Department of Legal Sciences at the University of Florence.

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