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EU LAW TRAINING IN ENGLISH LANGUAGE:
BLENDED AND INTEGRATED CONTENT AND LANGUAGE TRAINING
FOR EUROPEAN NOTARIES AND JUDGES



This Project is funded
by the European Union's
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The circulation of models: the European Certificate of Succession and the case of Northern Italy

Elena Ioriatti

Full professor in comparative private law at Trento University Faculty of Law

This Project is implemented by Coordinator



Fondazione
Italiana
del Notariato

Partners



Magyar Országos
Közjegyzői Kamara



Notary Chamber of Bulgaria



International
Association of
Judges

promoting an independent judiciary worldwide

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The aim of the **EULawInEN** project is the improvement of the effective and coherent interpretation and application of EU law by the national jurists in Europe.



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Training will focus on: (a) legal knowledge of the specific and recent EU legal instruments, (b) linguistic skills and (c) legal terminology.

in other words..... on (a) the legal content of the EU regulations, (b) on English, and (c) the EU legal language.



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A new legal language!



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Many new solutions: models!



Institutes
Concepts
Case law decisions
Entire legal systems...



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Composition of the legal systems: original models



It is very rare for a legal system to be composed only by original (local) models.



Composition of the legal systems: circulated models



Nowadays almost all legal systems are the outcomes of huge phenomena of the **circulation of models**



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Circulation of models



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Circulation of models: prestige



France

United States

Germany



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Circulation of models: imposition



Colonisation

Invasions

Legislative reforms



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Circulation of models: the EU



A new cause of models
circulation:

The European Union



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A new model circulating into a legal system



Compatibility and adaptation

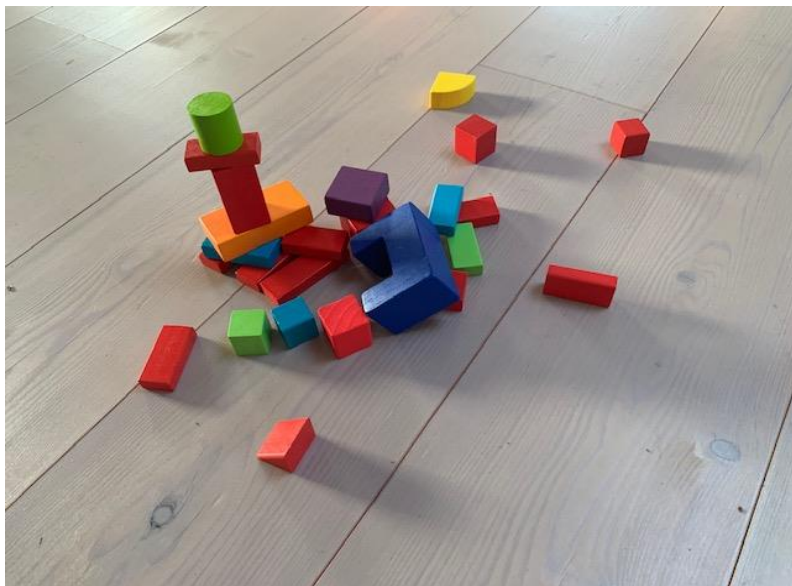


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A new model circulating into a legal system



A new model
might be rejected!

Alan Watson, *Legal Transplants*,
University of Georgia Press
1993



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An EU model in the Italian legal system

The European Certificate of Succession (ECS)

Art. 62 ff. of the Succession Regulation 650/12



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The ECS: art. 69

Article 69, 5. Effects of the Certificate. The Certificate shall constitute a valid document for the recording of succession property in the relevant register of a Member State....

Article 69, 5. Effets du certificat. Le certificat constitue un document valable pour l'inscription d'un bien successoral dans le registre pertinent d'un État membre....

Artículo 69, 5. Efectos del certificado El certificado será un título válido para la inscripción de la adquisición hereditaria en el registro competente de un Estado miembro....

Artikel 69, 5. Onverminderd artikel 1, lid 2, onder k) en l), is de erfrechtverklaring een geldig document voor de inschrijving van goederen uit de nalatenschap in het desbetreffende register in een lidstaat.



European Certificate of Succession: art. 69

Italian

Articolo 69

Effetti del certificato

Il certificato costituisce **titolo idoneo (valid title)** per l'iscrizione di beni ereditari nel pertinente registro di uno Stato membro



European Certificate of Succession: art. 69

69. Hungary

A bizonyítvány joghatásai

...

A bizonyítvány olyan okirat, amely **érvényes jogcímet** képez – az 1. cikk (2) bekezdése k) és l) pontjának sérelme nélkül – a hagyaték tárgyát képező vagyontárgynak valamely tagállam megfelelő nyilvántartásába való bejegyzéséhez



European Certificate of Succession: art. 69

69. Bulgaria

РЕГЛАМЕНТ (ЕС) № 650/2012 НА ЕВРОПЕЙСКИЯ ПАРЛАМЕНТ И
НА СЪВЕТА

Член 69

Правни последици от удостоверението

...

5. Удостоверението представлява действителен документ за вписването на наследственото имущество в съответния регистър на дадена държава членка, без да се засяга член 1, параграф 2, букви к) и л).



Case 283/81, Judgement of the Court of 6 October 1982. - Srl CILFIT and Lanificio di Gavardo SpA v Ministry of Health.



.....THE DIFFERENT LANGUAGE VERSIONS ARE **ALL EQUALLY AUTHENTIC**.

.....AN INTERPRETATION OF A PROVISION OF COMMUNITY LAW THUS INVOLVES A **COMPARISON OF THE DIFFERENT LANGUAGE VERSIONS** .



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Language discrepancies

The Certificate shall constitute a **valid document** for the recording of succession property in the relevant register of a Member State, without prejudice to points (k) and (l) of Article 1(2).

... Italy.....is the ECS a..... **valid document**or a..... **valid title?**



ECS as a new model: the case of Italy

The Italian system of land registry:

The tabular system (former Austrian provinces)

The registry system (the rest of Italy)



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ECS as a new model: the case of Italy

The “Italian succession certificate”
and the “European succession certificate”

What’s the relation between these two models?



ECS as a new model: the case of Northern Italy



Is the ESC
a model compatible
with the Northern
Italy land registry
system?



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ECS as a new model: rejection?

The model of the European certificate of Succession might have been rejected in Italy because it was incompatible with the Italian legislation on the tabular system:

- art. 21 of decree 499/1929 regulating the tabular system, providing that “A person cannot be qualified as heir if he/she is not in possession of a succession certificate enacted according to this decree (that’s to say: the tabular certificate of succession)”
- statute 161/2014 providing that “even after the enactment of the European Certificate of Succession, in territories where the Italian tabular system is in force, the provisions on the (tabular) succession certificate remain valid»



ECS as a new model: compatibility

The ECS was adapted and rendered compatible with the Italian tabular systems
by

two decrees enacted by the

tabular judge of Trieste and the tabular judge of Rovereto (Trento)

(decrees GN nn. 4537/2019 and 2209/2019)



ECS as a new model: compatibility

The judges relied on:

A) the principle of "consistent interpretation" according to which national judges must interpret national law as much as possible in a way which ensures the fulfilment of obligations deriving from EU law.



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ECS as a new model: the case of Italy

The judges relied on:

B) EU Court of Justice, decision 21.06.2018, C-20/17 «Oberle», ruling that «the EU Succession Regulation creates a single regime and therefore the situation in which there are two certificates certifying information about the same object should be avoided».



ECS as a new model: the case of Italy

The European certificate of succession has the same function of the Italian certificate of succession and it is compatible with the tabular system of Northern Italy

