



INTEGRATION, MIGRATION,
TRANSNATIONAL RELATIONSHIPS.
GOVERNING INHERITANCE STATUTES
AFTER THE ENTRY INTO FORCE
OF EU SUCCESSION REGULATIONS.

GolnEUplus



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Asset Planning without Borders

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Foreign legal forms of cohabitation

(presentation of your own system from the perspective of your own country)

Marriage

Registered partnership

However, the law entered into force on 01.01.2016 but there are no implementing measures. As a result it is possible to conclude co-habitation agreements but it is not possible in practice to register the partnership.

Foreign registers in the field of property law (from the perspective of your own country)

- Matrimonial property registry
- Land Registry

How your country defines property law systems if there is no property agreement between the spouses / partners

Applicable law by § 58 point 1 and § 57 of the Private International Law Act

- the law of common residence at the time when the marriage is concluded failing that
- the law of the state of common nationality, failing that
- If the spouses reside in different states and have different citizenship, the general legal consequences of the marriage shall be determined on the basis of the law of the state of their last common residence, if one of the spouses still resides there failing that
- the law of the state with which the spouses are otherwise most closely connected applies.

Furthermore, does your country have a bilateral agreement with someone in such a subject?

Estonia has concluded bilateral Legal Aid agreements with Russia, Ukraine, Poland, Latvia and Lithuania.

How does the existence of a property agreement affect the law applicable to property relations in countries that apply the regulations and also in those that do not?

According to those bilateral agreements with Russia and Ukraine, the law of the state where the spouses are residing is applied. That means in practice that each time when the spouses move, the law of the new state is applied.

The bilateral agreement with Lithuania and Latvia applies the same principle, however the provisions on the matrimonial property regime are not applied for immovable property. According to the Legal Aid agreement the ownership of the immovable property is determined on the bases of the law of the state where the immovable property is located. As a result different law for immovables is applied depending of their location.

How does the existence of a property agreement affect the law applicable to property relations in countries that apply the regulations and also in those that do not?

The bilateral Legal Aid agreement concluded with Poland foresees that the applicable law to the matrimonial property regime is the law of common nationality of the spouses. If they do not have common nationality, then the law of the state where the spouses are residing. If they do not have a common nationality nor the common place of residence, then law of the state whose court is dealing with the proceedings.

**In the light of the above,
can the matrimonial property situation be better planned in countries that
are party to the agreement than in those that are not?**

The bilateral Legal Aid agreements do not foresee the possibility for the spouses to choose the applicable law.

According to the Private International Law Act spouses may choose the applicable law. Choice can be made between the law of the state of nationality or place of residence of one of the spouses.

THANK YOU VERY MUCH FOR YOUR KIND ATTENTION



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