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I would like to thank the whole network for the work we have done together with a spirit of collaboration, scientific seriousness and friendship.

GoinEu Plus ([www.goineu.eu](http://www.goineu.eu)) proposes to enlarge with an innovative perspective the scope of the first GoinEu project on successions law –started on 1st October, 2017 for the duration of two years - also to related problems regarding the recognition and the enforcement of decisions in matters of matrimonial property regimes and registered partnerships property regimes, thus focusing on the legal management of different inheritance statutes in case of transnational families with a new special focus on the increasing problems of integration of different cultures in Europe.

Nowadays, in times of ever-increasing migratory flows , problems arising in case of transnational family relationships, and the related issues regarding inheritance law, are a rather fertile ground in which it is possible to experience the importance of finding new ways in order to foster the coexistence between different cultures and legal statuses, also through the use of cultural mediation tools. The aim is to overcome some of the social conflicts that may stir the development of forms of religious and political radicalization ending up with terrorist behaviours.

Therefore, the subject of the present action is strictly related to many of the problems faced by migrant families today in Europe as well as to the issue of real integration that is actually at the basis for efficiently contributing to the European Agenda on Security in terms providing effective judicial responses to terrorism.

Integration is one of the most important challenges in Europe. Recently the European Commission has adopted an Action Plan on the integration of third-country nationals (7 June 2016). The Action Plan provides a comprehensive framework to support Member States' efforts in developing and strengthening their integration policies. It also describes concrete measures the Commission will adopt to this regard.

The Plan includes actions across all the policy areas that are crucial for integration:

- Pre-departure and pre-arrival measures, including actions to prepare migrants and the local communities for the integration process
- Education, including actions to promote language training, participation of migrant children to Early Childhood Education and Care, teacher training and civic education



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- Employment and vocational training, including actions to promote early integration into the labour market and migrants entrepreneurship
- Access to basic services such as housing and healthcare
- Active participation and social inclusion, including actions to support exchanges with the receiving society, migrants' participation to cultural life and fighting discrimination

In the light of the current migratory challenges, and as announced in the Communication of 6 April 2016, the moment has now come to revisit and strengthen the common approach across policy areas and involve all relevant actors – including the EU, Member States, regional and local authorities as well as social partners and civil society organizations. This is also supported by the European Parliament in its Resolution of 12 April 2016, which calls inter alia for full participation and early integration of all third country nationals, including refugees.

GoinEU Plus aims at contributing to the reduction of social conflicts promoting an analysis of the impact of Migration to EU Family & Successions Law having particular regard to the application of the European Regulations 1103 and 1104 enacted in 2016 coordinated with the Regulation 650/2012.

As well known the ways in which a person distributes his/her assets, either after death or during his/her life, could have social implication and the social values regarding family support, as well as government taxation policies and succession laws, have real implications for the way in which assets are transferred.

Social values are strictly related to the culture, which have mainly a national dimension, and also to the national law.

Thus in case of international family the identification of the national law needs to take in to account the need of social cohesion.

The Regulation 1103 and 1104 together with the regulation 650 try to find a solutions to facilitate the principle of freedom of movement of European Citizens.

The Eu Reg. No 1103/2016 of 24 June 2016 aims at implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes.

To provide married couples with legal certainty as to their property and offer them a degree of predictability, all the rules applicable to matrimonial property regimes should be covered in a single instrument. In order to allow the spouses to enjoy in another Member State the rights which have been created or transferred to them as a result of the matrimonial property regime, this Regulation should provide for the adaptation.

On this point it is important to consider the role of private autonomy in regulating the situations of power and duty related to ius in rem even in legal systems, such as Italy, ordered on the basis of the principle of typicality of iura in rem. The parties could therefore regulate, in the agreement of choice of the applicable law, within the spaces

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left to their private autonomy, the adaptation of an unknown right in rem to the closest equivalent right under the law of that other Member State.

It is also necessary to consider the change in the concept of wealth currently most shifted towards financial instruments that can represent real systems for allocating family wealth.

Regulation 1103 concerns only matrimonial property regimes and it should not apply to other preliminary questions such as the existence, validity or recognition of a marriage, which continue to be covered by the national law of the Member States, including their rules of private international law.

Private autonomy plays a relevant role in the choice of the law governing the matrimonial property regime .

According to article 22 the spouses or future spouses may agree to designate, or to change, the law applicable to their matrimonial property regime, provided that that law is one of the following:

- (a) the law of the State where the spouses or future spouses, or one of them, is habitually resident at the time the agreement is concluded; or
- (b) the law of a State of nationality of either spouse or future spouse at the time the agreement is concluded.

Something similar is provided by the Regulation 1104/2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships

According to art. 22 of the Regulation 1104 the partners or future partners may agree to designate or to change the law applicable to the property consequences of their registered partnership, provided that that law attaches property consequences to the institution of the registered partnership and that that law is one of the following:

- (a) the law of the State where the partners or future partners, or one of them, is habitually resident at the time the agreement is concluded
- (b) the law of a State of nationality of either partner or future partner at the time the agreement is concluded, or
- (c) the law of the State under whose law the registered partnership was created.

Only in case of absence of a choice-of-law agreement pursuant to Article 22, the law applicable to the matrimonial property regime shall be determined according to secondary criteria like: spouses' first common habitual residence after the conclusion of the marriage, and in case of partnership the law of the State under whose law the registered partnership was created.

Both with regard to marriage and to partnership it is provided that the application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (*ordre public*) of the forum. Both these regulations are connected to the Regulation 650 as some succession rights raise from the property regime of the marriage or of the partnership.



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These regulations make up a unified framework which requires a combined reading and which penetrates the national systems that find a renewal. These three Regulations are addressed to a specific goal of UE and they need to be read in unison even if they seem to cover different areas. The Union has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Union is to adopt measures relating to judicial cooperation in civil matters having cross-border implications, particularly when necessary for the proper functioning of the internal market.

The Regulation 650 shall apply to succession to the estates of deceased persons. It shall not apply to revenue, customs or administrative matters.

Some matters shall be excluded from the scope of this Regulation and particularly: questions relating to matrimonial property regimes and property regimes of relationships deemed by the law applicable to such relationships to have comparable effects to marriage. Regulation 1103 shall apply to matrimonial property regimes. 'Matrimonial property regime' means a set of rules concerning the property relationships between the spouses and in their relations with third parties, as a result of marriage or its dissolution. It shall not apply, among the other matters, to the succession to the estate of a deceased spouse.

The Regulation 1104 shall apply to matters of the property consequences of registered partnerships.

'Registered partnership' means the regime governing the shared life of two people which is provided for in law, the registration of which is mandatory under that law and which fulfils the legal formalities required by that law for its creation. It shall not apply, among the others matters, to the succession to the estate of a deceased partner.

The fact is that it is difficult to distinguish family property matters from inheritance matters, just think of agreements relating to the family balance sheet that may have effects mortis causa or agreements in view of the succession that also affect the ownership of assets in family relationships. These regulations must be read with the final objective of allowing the free movement of European citizens by avoiding constraints that can derive from the problems of applicable law with respect to two fundamental moments of the dimension of being a Person: family relationships and succession affairs. From the realization of the training objectives of the project, application difficulties emerged. Results achieved with GoinEu e GoinEuPlus projects, aimed at contributing to develop and disseminate an innovative cross-professional EU law training programme, specifically focused on Migration and Cultural Mediation, underlined some criticalities: lack of acquaintance of the Eu Regulation among professionals, necessity to communicate and disseminate their content to citizens, difficulties in the concrete cases to determine what is the scope of application of different Eu regulations in Inheritance, patrimonial families' regime (650, 1103, 1104), the possible cross application of Regulations 2012/650 and 2016/679 in case of digital goods (see web profiles on social network), the use of Eu certificates (Eu Succession Certificate) to exercise rights in front

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of Bank, Insurers, investments funds. With regard to certificates we have to remember the recent entry in to force of Eu Regulation 2016/1191 promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 which sets out a system for further simplification of administrative formalities for the circulation of certain public documents and their certified copies where those public documents and the certified copies thereof are issued by a Member State authority for presentation in another Member State.

The results achieved thus open up new trends that we are committed to seizing while keeping the research team active.

The project is at the end but new challenges are waiting for academic and practioners attention: Strategic relevance needs be given to the study of specific issues related to the Family & Successions Regulations, with a peculiar focus on public documents. As a consequence, it is important to pay attention to a coherent application of EU Regulations 2012/650, 2016/1103, 2016/1104 and 2016/1191, through analytical and capacity building activities targeting legal practitioners, in order to ensure that the said regulations are interpreted and applied in a uniform manner in all Member States. Thus it is important to consider also the Regulation 2019/1111 in order to train professionals in advance in view of its foreseen entry into force. These processes will be facilitated by the European network of academics and legal practitioners created in the past projects reinforced and further improved, in order to enhance mutual trust and active collaboration among real experts in the field. Actions will be set to facilitate: uniform interpretation of EU law, and coherent application of the Regulations, legal certainty for the benefit of EU citizens. The legal certainty for EU citizens exercising their right of movement will be increased and the action will contribute to the creation of “a Europe of law and justice”, as stated in the Stockholm Programme.

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