

THE EUROPEANIZATION OF PRIVATE INTERNATIONAL LAW OF SUCCESSIONS

Project Summary

The project aims to provide an in-depth analysis of the advantages and challenges inherent in the Europeanization of private international law in the field of successions.

The subject has recently formed the subject of EU Regulation No. 650 of 4 July 2012 concerning jurisdiction, applicable law and the recognition and enforcement of decisions and the acceptance and enforcement of authentic instruments in matters of succession, as well as the establishment of a European Certificate of Succession.

The said Regulation, though formally in force since the usual delay of twenty days from its publication in the Official Journal of the European Union, will apply, according to the general rule posed by its Article 83, par. 1, to the succession of persons deceased from the 17th August 2015 onwards.

Accordingly, the project proposes to provide the prospective users of the new private international law regime introduced by the Regulation, and among those namely notaries, judges, holders of public records and lawyers in private practice, with a timely guide in respect of the most significant and problematic aspects of the rules as embodied in the Regulation, taken of their own and in coordination with other applicable legal rules, as contained either in other Regulations or different instruments adopted by the EU institutions or in international conventions of which any of the Member States are parties.

The project is based on a partnership involving five organizations, consisting of the Law Departments of five major Universities located in Italy, Germany and Spain, featuring academic staff highly specialized in the field of Private international law, each of them proposing to study an aspect of the rules embodied in the Regulation. The relevant aspects can be broadly identified as those concerning jurisdiction and the enforcement of judgments in succession matters, to be dealt with by the research unit located at the University of Macerata, those concerning the applicable law, to be dealt with by the research unit located at the University "Carlos III" of Madrid as well as by the Coordinator at the University of Rome "La Sapienza", and those concerning the circulation of official documents as among the Member States as well as the creation of a European Certificate of Succession, to be dealt with by the research units located at the University of Bologna and at the University of Koeln respectively.

The University of Rome "La Sapienza", acting as Coordinator organization, will provide through its academic staff guiding the project the overall guidance of the research activity and organize periodical meetings with the staff of the Partner organizations participating in the project in order to organize the collection of data and provide for an exchange of views among the participants in order to ensure proper coordination and provide reciprocal input in the elaboration of the collected data. Due account will be taken, in the collection of data, of the results achieved in previous studies and projects, such as the study provided by the German Notary Institute in 2004 and, more recently, by the "Europe for Notaries" project, financed under Call for proposals JUST/2011-2012/JCIV/AG.

The studies carried out by the various organizations participating in the project will lead to the publication of a comprehensive commentary of the Regulation, intended to provide a thorough analysis of the rules contained in it, conceived both for a scientific and a professional environment and

published in English with a leading publisher in the field. An international conference will be convened to present the Commentary and discuss publicly the issues addressed during the work leading to its publication, in order to ensure adequate dissemination of the results achieved. Ideally, the publication of the Commentary and the Conference should take place shortly before the Regulation will become applicable, by end July 2015 at the latest.