

REGISTERED PARTNERSHIPS



Explanatory Handbook on Council Regulation (EU) 2016/1104 of 24 June 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.

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Introduction

After many years of discussions, a new European regulation was adopted on 24 June 2016 on the property consequences of registered partnerships of couples with a foreign element, following the enhanced cooperation mechanism. This means that the regulation will only be applied in the Member States that expressly wanted it and not in all Member States. The Member States concerned at the time of writing are the following: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden. The other EU Member States may decide to join at any time.

The regulation came into force on 28 July 2016 and will become applicable in the Member States participating in the enhanced cooperation from 29 January 2019.

The regulation establishes harmonised connecting factors to determine the law applicable to the property consequences of partnerships and to designate the jurisdiction competent to rule on all civil law aspects of the property consequences of registered partnerships, concerning both the everyday management of the partners' assets and their liquidation.

The regulation simplifies the recognition and enforcement of judgments and the acceptance and enforcement of authentic instruments linked to the property consequences of registered partnerships.

This handbook aims to present to you the main features of this new regulation and familiarise you with how to deal with the property consequences of a registered partnership with a foreign element.

You will find the text of the regulation at the following address: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.183.01.0030.01.ENG&toc=OJ:L:2016:183:TOC

Material, territorial and temporal scope

- The regulation applies to the property consequences of registered partnerships with cross-border implications (with a foreign element). **Which partners are affected in particular** (non-exhaustive list resulting from Recital 14)?

Partners with the same nationality:

- with habitual residences in different States at the time of creation of their registered partnership or of the drafting of the agreement that determines or amends amending the property consequences of the partnership, or
- with assets of one of the partners in a State other than that of his/her nationality or residence, or
- who have created their registered partnership in a State other than that of their nationality or residence.

Partners with different nationalities, regardless of their habitual residence, the location of their assets or the place of creation of the registered partnership.

- The regulation can only be applied in the Member States participating in the enhanced cooperation (Art. 70). At the time of writing, they are: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden. For these Member States, the regulation is binding and they shall recognise and accept the property consequences of registered partnerships determined in accordance with the regulation's conflict rules.

3 CNUE - Registered partnerships

The other EU Member States must be considered as third States for the application of the regulation.

- **Relations with existing international conventions** at the time of the regulation's adoption.

Art. 62 differentiates between the following scenarios.

- In the event of conflict-of-laws or jurisdictions between one or more Member States participating in the regulation and one or more third States, which are all members of a Convention, the Conventions continue to apply.
- In the event of conflict-of-laws or jurisdictions between Member States participating in the regulation, that are also members of the Convention, the regulation shall prevail.

- **Material scope** (Art. 1): the regulation applies to the property consequences of registered partnerships. The following are excluded from the scope.

- Revenue, customs or administrative matters.
- The legal capacity of partners (except as provided in Art. 24).
- The existence, validity or recognition of a registered partnership (subject to the law designated by the private international law of the forum).
- Maintenance obligations (refer to Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32009R0004> and the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=133>).

4 CNUE - Registered partnerships

- Succession in general and in particular between partners (see Regulation (EU) No 650/2012 of the European Parliament and the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012R0650>).
- Jurisdiction and applicable law in the case of dissolution or annulment of the registered partnership.
- Social security.
- The entitlement to transfer or adjustment between partners, in the case of dissolution or annulment of the registered partnership, of rights to retirement or disability pension accrues during the registered partnership and which have not generated pension income during the registered partnership.
- The nature of rights in rem, recording in a register of rights in immovable or moveable property, including the effects of recording or failing to record such rights.

- **Application in terms of time** (Art. 69, 70 of the regulation): the regulation came into force on 28 July 2016 and will be applicable from 29 January 2019 to the following situations.
 - Chapters II, IV and V on jurisdiction, recognition and enforcement of decisions and the acceptance and enforceability of authentic instruments will apply to all actions brought, all judgments given and all instruments drawn up on or after 29 January 2019, regardless of the date of creation of the registered partnership.
 - Chapter III on applicable law concerns the following (Art. 69.3).
 - All registered partnerships created on or after 29 January 2019.
 - All partnerships created before 29 January 2019 and registered on or after this date.
 - Partnerships created and registered before the regulation becomes applicable when the partners have made a choice of law applicable to the property consequences of their partnership from 29 January 2019.

The applicable law in the absence of choice by the spouses

In the absence of a choice-of-law, Art. 26 establishes the law of the State where the registered partnership was created as the connecting factors to determine the law applicable to the property consequences of a registered partnership.

By way of exception, the judicial authority having jurisdiction may decide that the law of a State other than the State of the creation of the registered partnership applies, if the following conditions are met:

- One of the partners makes such an application.
- The partners had their last common habitual residence in that other State for a significantly longer period of time than in the State of their first common habitual residence.
- Both partners had relied on the law of that other State in arranging or planning their property relations.
- The partners have not concluded an agreement before the establishment of their last common habitual residence in that other State.

In accordance with Art. 20, the law designated by this regulation shall be applied whether or not it is the law of a Member State (universal application of the regulation).

Examples:

- 1. Swedish national Mr Larsson and his German partner have lived in Brussels since the creation of their registered partnership under German law in December 2019. German law is applicable to the property consequences of their partnership (law of the State under whose law the partnership was created).*
- 2. Mr López and Mrs Vicente, who are both Spanish, have lived in Belgium since 2016, where they conclude a registered partnership in January 2021 created in accordance with Belgian law, that they did not choose. Two years later, they return to Spain. Belgian law will be applicable (law of the State under whose law the partnership was created).*
- 3. Mr Dimitrov and Mrs Berbatov, who have Bulgarian nationality, create their registered partnership in Paris in accordance with French law, that they did not choose, in February 2020. Mrs Berbatov continues to live in France whereas her partner lives and works in Greece. French law will be applicable (law of the State under whose law the partnership was created).*
- 4. Mr Dubois and Mrs Garcia, who both have French nationality, lived in California where they concluded a registered partnership in June 2023 in accordance with Californian law, that they did not choose. They move to France in 2027 where, a few months later, they decide to buy a property. The French notary will need to take into account Californian law, which is applicable to the property consequences of their registered partnership (law according to which the partnership was created), when drafting the purchase document.*
- 5. Mr Koopman and Mr Leeuw, who are Dutch, conclude their registered partnership in Germany pursuant to German law, where they have their common habitual residence. Two years later, they move to Amsterdam where they live for 15 years, considering that their partnership property regime is that of full community of property provided by Dutch law. When Mr Leeuw dies, his surviving partner discovers that the German regime of joint ownership of acquired property applies. He asks the competent court for Dutch law to be the law applicable to the property consequences of their partnership in accordance with Art. 26.2 of the regulation.*

Choice of law

The regulation establishes the possibility to choose expressly or implicitly as the law applicable to the property consequences of their registered partnership the law of the State of which at least one of the partners has nationality or is habitually resident at the time of the choice or the law of the State under whose law the registered partnership was created (Art. 22). The choice is conditioned by the fact that the chosen law must attach property consequences to the institution of registered partnership. Unless agreed otherwise by the parties, the choice of law is not retroactive. Furthermore, if the parties agree on the retroactivity of the choice of law, such a choice may not affect the rights of third parties.

In order to be valid, the choice-of-law agreement must respect the following conditions:

- Formal requirements (Art 23): in any case, the agreements must be expressed in writing (including in electronic form¹), dated and signed by both partners. Additional formal requirements are necessary in the following cases.
 - If the Member State of common residence of the partners at the time of the choice of law imposes additional formal requirements for partnership property agreements, these rules apply.
 - If the partners are resident in different Member States, it is sufficient to satisfy the formal requirements for partnership property agreements of either State.
 - In the case of habitual residence in different States, only one of which is a Member State, the formal requirements of this State for partnership property agreements must be satisfied.
- Material requirements (Art. 24): consent and validity of the content of the choice-of-law agreement are governed by the law chosen by the partners as being applicable to the partnership property regime.

¹ Art. 23.1: *The agreement referred to in Article 22 shall be expressed in writing, dated and signed by both partners. Any communication by electronic means which provides a durable record of the agreement shall be deemed equivalent to writing.*

The partnership agreement itself is subject to the same formal requirements as the agreement on the choice of applicable law, the only difference being that it must also satisfy any additional formal requirements laid down by the law applicable to the partnership property regime (Art. 25).

 This choice can only be validly made from 29 January 2019 (Art. 69.3).

Examples:

1. *Mr Zagorakis and Mrs Konstantinidis, both Greek, have lived in Berlin since the creation of their registered partnership in Athens. They decide to designate Greek law as the law applicable to the property consequences of their partnership. Since Germany (their country of residence) imposes the authentic instrument for partnership property agreements, they will have to consult a notary (German or other) to sign a choice-of-law agreement in the form of an authentic instrument.*
2. *Mr Dewael and Mrs Leplat, Belgian nationals, are living in London at the time of creation of their registered partnership (June 2020) when they sign a Belgian choice-of-law agreement applicable to the property consequences of their partnership in the form of a private agreement. This choice will be valid as regards the form in all the Member States applying the regulation².*

² However, the formal validity of the choice does not guarantee that it can circulate and be accepted in all cases. Only authentic instruments have credibility owing to their particular evidentiary effects (see Articles 58, 59 and 60).

Characteristics of the applicable law (both in the case of a choice of applicable law and in the absence of a choice)

Principle of universal application: in accordance with Art. 20, the law designated by this regulation applies even if this law is not the law of a Member State.

Example: Mr Dubois, a French national, and Ms Andersen, Danish, conclude a registered partnership according to the law of the Canadian province where they have been living since May 2020. → The Canadian province law will apply to the property consequences of their partnership.

Principle of the unity of the applicable law: one law will be applied to all the partners' assets, regardless of where the assets are located (Art. 21) or the nature of these assets.

Example: Mr Schmidt, a German national, and Ms Rossi, Italian, fix their common habitual residence in Spain. They conclude a choice-of-law agreement applicable in favour of Spanish law (law of their habitual residence) and they have assets in their respective countries and in Spain. → Spanish law will apply to all the partners' moveable and immoveable assets.

Principle of immutability of the applicable law: the property consequences of the partnership are fixed by the law applicable as it is determined at the time of creation of the partnership. There is no subsequent modification, unless there is a specific agreement to this end (no mobile conflict) and the exception provided under Art. 26.2 of the regulation.

Example: Mr Schmidt, a German national, and Ms Rossi, Italian, fix their common habitual residence in Spain where they create their registered partnership, in accordance with Spanish law that they do not choose. Ten months later, they move to Hamburg, where they live for the rest of their lives. → Spanish law continues to be applicable unless they conclude a specific choice-of-law agreement.

11 CNUE - Registered partnerships

Scope of the applicable law: as defined by Art. 27, the law applicable to the property consequences of the registered partnership governs among others (non-exhaustive list):

- the classification of the partners' property into categories and the transfer of property from one category to the other;
- the responsibility of the partners for liabilities and debts of the other partner;
- the powers, rights and obligations of the partners with regard to property;
- the partition, distribution or liquidation of the property following dissolution of the registered partnership;
- the property consequences of the registered partnership between partners and with respect to third parties;
- the validity regarding the substance of the partnership property agreement.

The applicable law: exceptions and nuances

PUBLIC POLICY (ORDRE PUBLIC)

Article 31: *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*³.

Example: *The applicable regime only recognises one of the partners as possible owner of assets or as being the only one of the partners with the faculty to administer or dispose of the assets, or attributes a greater portion to one than to the other in the event of liquidation of the assets. The competent jurisdiction shall not take into account discrimination based on gender and shall therefore substitute the law of the forum for the law applicable determined based on the criteria of the regulation*⁴.

MANDATORY LAW

Article 30:

- Nothing in this Regulation shall restrict the application of the overriding mandatory provisions of the law of the forum.*
- Overriding mandatory provisions are provisions the respect for which is regarded as crucial by a Member State for safeguarding its public interests, such as its political, social or economic organisation, to such an extent that they are applicable to any situation falling within their scope, irrespective of the law otherwise applicable to the property consequences of a registered partnership pursuant to this Regulation*⁵.

³ Recital 53: *Considerations of public interest should also allow courts and other competent authorities dealing with matters of the property consequences of registered partnerships in the Member States to disregard, in exceptional circumstances, certain provisions of a foreign law where, in a given case, applying such provisions would be manifestly incompatible with the public policy (ordre public) of the Member State concerned. However, the courts or other competent authorities should not be able to apply the public policy exception in order to set aside the law of another State or to refuse to recognise – or, as the case may be, accept –, or enforce a decision, an authentic instrument or a court settlement from another Member State when doing so would be contrary to the Charter of Fundamental Rights of the European Union ('Charter'), and in particular Article 21 thereof on the principle of non-discrimination.*

⁴ There is currently no notion of European public policy ("ordre public") and each country shall apply its own. The baseline is the rejection of any discrimination based on sex, religion, race or ideological persuasion or more generally anything in conflict with the Charter of Fundamental Rights of the European Union.

Example: A partnership property regime that does not share the family's debts and expenditure between the two partners or that does not protect the family home could be ruled out in certain Member States for being contrary to the (essential or basic) primary partnership regime of the State concerned.

STATES WITH MULTIPLE-LAWS

The regulation does not apply to internal conflict-of-laws rules of States with several legislations on the property consequences of registered partnerships depending on the different territories belonging to the same State (Art. 33).

In the absence of internal conflict-of-laws rules, the regulation sets out connecting factors .

In accordance with Art. 35, the regulation does not determine the applicable law for conflicts that are purely internal to a Member State.

Examples:

- 1. Mr Sánchez and Mrs Jiménez are Spanish; he is Catalan, she is from Madrid. They concluded their registered partnership in Bilbao in April 2019 without having chosen the applicable law, but kept separate habitual residences (his in Bilbao, hers in Paris). In accordance with the regulation, Spanish law will be applicable to the property consequences of their registered partnership (law of the State under whose law the partnership was created). Spain has a multi-legislative system in matters of registered partnerships, but Spanish law does not provide for internal conflicts-of-law rules. Thus, to determine the law applicable to the couple, it will be necessary to apply the rules set out in Article 33.2. Pursuant to the regulation, Basque law will be applicable.*
- 2. Mr Sánchez and Mrs Jiménez are Spanish; he is Catalan, she is from Madrid. They created their registered partnership in Madrid in April 2019 without having chosen the applicable law, but kept separate habitual residences (his in Barcelona, hers in Madrid). The regulation will not apply to determine the law applicable to the property consequences of their registered partnership, since this is a conflict that is purely internal to the Spanish State.*

⁶ Recital 52: (...) Accordingly, the concept of 'overriding mandatory provisions' should cover rules of an imperative nature such as rules for the protection of the family home. However, this exception to the application of the law applicable to the property consequences of registered partnerships requires a strict interpretation in order to remain compatible with the general objective of this Regulation.

✍ At the time of writing, the only Member State participating in the regulation concerned by a multi-law system is Spain. Furthermore, some of its laws do not require registration of a constitutive nature for partnerships (e.g. Catalonia, which does not provide for the possibility of registering partnerships). Consequently, it is necessary above all to determine whether partnerships that are not registered according to the different laws applicable in Spain fall within the scope of the regulation.

The rules set out by Art. 33.2 will also be applicable when the applicable law is that of a third country with multiple legislation, as long as this country does not have its own internal conflicts-of-law rules.

ONLY SUBSTANTIVE LAW IS APPLICABLE (RENOI IS RULED OUT).

Article 32: *The application of the law of any State specified by this Regulation means the application of the rules of law in force in that State other than its rules of private international law.*

The substantive law applicable to the property consequences of the registered partnership is thus the law determined by the connecting factors of the regulation (aside from exceptions of public policy/overriding mandatory provisions), without any possibility of *renvoi*.

EFFECTS IN RESPECT OF THIRD PARTIES

The property consequences of a registered partnership may not be invoked against a third party *unless the third party knew or, in the exercise of due diligence, should have known of that law*?

The regulation sets out a certain number of cases in which the third party is supposed to know the law applicable to the property consequences of the registered partnership, without the possibility to prove the contrary (Art. 28.2). In all other cases, the law that must be considered by third parties as being the applicable law and that which protects them is defined by the regulation (Art. 28.3).

Example:

1. *In the context of a partnership property agreement, Mr Majer and Mr Schulze, Austrians living in Brussels, established a separation of property regime in accordance with Austrian law. Mr Schulze took out a loan with a Belgian bank without specifying the property consequences of his registered partnership. In the event of non-repayment, the bank will have the right to claim the amount from both partners, in accordance with Belgian law, which provides that each of the registered partners is jointly responsible for any debt contracted for the needs of communal life by the other registered partner.*
2. *If in the previous case Mr Maier and/or Mr Schulze had registered their partnership agreement on the central Belgian register of marriage contracts (by recording it with a Belgian notary), then the bank could only claim the amount from Mr Schulze.*

⁷ Article 28


1. *Notwithstanding point (f) of Article 27, the law applicable to the property consequences of a registered partnership between the partners may not be invoked by a partner against a third party in a dispute between the third party and either or both of the partners unless the third party knew or, in the exercise of due diligence, should have known of that law.*
2. *The third party is deemed to possess the knowledge of the law applicable to the property consequences of the registered partnership, if:*
 - a) *that law is the law of:*
 - I) *the State whose law is applicable to the transaction between a partner and the third party;*
 - II) *the State where the contracting partner and the third party have their habitual residence; or*
 - III) *in cases involving immovable property, the State in which the property is situated;*
 - or*
 - b) *either partner had complied with the applicable requirements for disclosure or registration of the property consequences of the registered partnership specified by the law of:*
 - I) *the State whose law is applicable to the transaction between a partner and the third party;*
 - II) *the State where the contracting partner and the third party have their habitual residence; or*
 - III) *in cases involving immovable property, the State in which the property is situated.*
3. *Where the law applicable to the property consequences of a registered partnership cannot be invoked by a partner against a third party by virtue of paragraph 1, the property consequences of the registered partnership in respect of the third party shall be governed:*
 - a) *by the law of the State whose law is applicable to the transaction between a partner and the third party; or*
 - b) *in cases involving immovable property or registered assets or rights, by the law of the State in which the property is situated or in which the assets or rights are registered.*

Jurisdiction (Articles 4 to 19)

The principle: Art. 2 specifies that the regulation *shall not affect the competence of the authorities of the Member States to deal with matters of the property consequences of registered partnerships.*

The rules of jurisdiction set out by the regulation will only be applicable to the judicial authorities and other authorities and legal professionals exercising judicial functions or acting by delegation of power by a judicial authority or under its control (Art. 3.2). The Member States must notify the Commission of these authorities or legal professionals by 29 April 2018, among which it is possible that notaries appear in some States. In these cases, they act as a judicial authority. The situation of notaries with respect to this chapter will therefore depend on the notification of their Member States.

Consequently, the rules of jurisdiction set out in the regulation are not applicable to the other authorities and legal professional that have competences in this area attributed by the respective Member State and which continue to be subject to their national law.

 Recital 31: (...) *When notaries exercise judicial functions they should be bound by the rules of jurisdiction set out in this Regulation, and the decisions they give should circulate in accordance with the provisions of this Regulation on recognition, enforceability and enforcement of decisions. When notaries do not exercise judicial functions they should not be bound by those rules of jurisdiction, and the authentic instruments they issue should circulate in accordance with the provisions of this Regulation on authentic instruments (see following page).*

The general rules of jurisdiction set out by the regulation are as follows.

- The competent court for the succession has jurisdiction in matters of the property consequences of the registered partnership in the event of the death of one of the partners (Art. 4).

- Jurisdiction in matters of the property consequences of a registered partnership in cases of dissolution or annulment of a registered partnership will fall to the court with jurisdiction to rule on the partners' dispute only in the event of the partners' agreement (Art. 5.1).
- In other cases, jurisdiction to rule on the property consequences of a registered partnership shall lie with the courts of the Member State (Art. 6):
 - of the partners' common habitual residence at the time the court is seised; or failing that
 - of the partners' last habitual resident, insofar as one of them still resides there; or failing that
 - of the habitual residence of the respondent; or failing that
 - of the partners' common nationality, or failing that
 - under whose law the registered partnership was created.

Derogations from the general rules of jurisdiction:

- Jurisdiction based on the appearance of the defendant before the court of the Member State whose law is applicable (Art. 8).
- Alternative jurisdiction: where a court having jurisdiction pursuant to the abovementioned rules does not provide for the institution of registered partnership, it may decline jurisdiction. In this case, the partners may agree to confer jurisdiction to any other Member State. In the absence of an agreement, the Member State of the common habitual residence of the partners at the time the court is seised (or failing that, the other connecting factors provided under Articles 6 or 8 shall be applied – see above).
- Where no court has jurisdiction, the court of the territory in which one of the partners has immovable property shall have jurisdiction to rule in respect of the immovable property in question (Art. 10).
- Finally, the case of forum necessitatis is provided (Art. 11): where no court has jurisdiction, the courts of a Member State may, on an exceptional basis, rule on the property consequences of a registered partnership if proceedings cannot reasonably be brought or conducted or would be impossible in a third state with which the case is closely connected.

Possibility of choice of court:

The partners may agree that the courts of the Member State whose law is applicable or the courts under whose law the registered partnership was created in accordance with Articles 22 and 26 shall have jurisdiction to rule on matters of the property consequences of their registered partnership except for cases of death of one of the partners or partnership dispute. Such an agreement shall be expressed in writing and dated and signed by the parties (Art. 7). This provision was included to ensure that in as many cases as possible the court and the applicable law were in the same place in order to facilitate the law's application.

Examples:

A bi-national homosexual couple (a Belgian and a Frenchman) created its registered partnership in Paris pursuant to French law. Living in Vienna, they preferred to submit any matter relating to the property consequences of their registered partnership to the French courts (law of the State under whose law the registered partnership was created).

The same couple will also have the possibility to submit any matter relating to the property consequences of their registered partnership either to Belgian law and the Belgian courts owing to the nationality of one of the partners or to Austrian law and the Austrian courts because of their habitual residence (parallel between the applicable law and the jurisdiction).

Authentic instruments

Acceptance:

Article 58.1: *An authentic instrument established in a Member State shall have the same evidentiary effects in another Member State as it has in the Member State of origin, or the most comparable effects, provided that this is not manifestly contrary to public policy (ordre public) in the Member State concerned.*

A person wishing to use an authentic instrument in another Member State may ask the authority establishing the authentic instrument in the Member State of origin to fill in the form established in accordance with the advisory procedure referred to in Article 67(2) describing the evidentiary effects which the authentic instrument produces in the Member State of origin.

Enforceability:

Article 59.1: *An authentic instrument which is enforceable in the Member State of origin shall be declared enforceable in another Member State on the application of any interested party in accordance with the procedure provided for in Articles 44 to 57 (i.e. in accordance with the procedure provided for judgments).*

The absence of any formality:

Article 61: *No legalisation or other similar formality shall be required in respect of documents issued in a Member State in the context of this Regulation.*

Scope in terms of time:

This Regulation shall apply only to authentic instruments formally drawn up or registered on or after 29 January 2019 (Art. 69).

Examples:

1. *Mr Dibrita and Mrs Ionescu, of Romanian nationality, have been living for many years in Germany, where they create their registered partnership in April 2021. A few days before the creation of their partnership, they established a partnership property agreement before a German notariat. They want to buy a second home in Croatia. The partnership property*

agreement established before a notary in Germany may be submitted to the Croatian notary in charge of the real estate purchase, without any legalisation or similar formality. However, a translation could be necessary (depending on the language knowledge of the addressee, who will also decide, if applicable, whether the translation needs to be a sworn translation).

2. *A Dutch couple, Mr Heyman and Mrs Vekemans, live in Italy where Mrs Vekemans dies. In the context of the liquidation of the assets between partners, the Italian notary in charge of the succession will have to accept, with no legalisation or other similar formality, the partnership property agreement established before the notary in the Netherlands in March 2022. However, a translation could be necessary.*
3. *If in the previous case the partnership property convention had been established before 29 January 2019, i.e. before Regulation 2016/1104 became applicable, then the Italian notary in charge of the succession would only accept the agreement established before the notary in the Netherlands if it fulfilled the formalities in force in accordance with Italian private international law.*
4. *Mr Valor and Mrs Pérez live in Madrid (Spain). They decide to dissolve their registered partnership after ten years of living together. Since it is an amicable dissolution, they consult a notary in Madrid in June 2020 (as competent authority to dissolve the partnership in accordance with Spanish law), who draws up an enforceable authentic instrument for liquidation of the partners' assets, in which it is agreed that Mr Valor will pay Mrs Pérez EUR 200 000 within six months, in order to compensate the amount she had spent on renovating the family home, the sale price of which will be shared equally. The deadline having passed and Mrs Pérez not having received the agreed amount, she wishes to have the authentic instrument enforced in Portugal, where her ex-partner has a bank account. She can ask the competent authority in Portugal to declare the enforceability of the authentic instrument issued in Spain, following the same procedure as for judgments (based on an attestation of the enforceability of the authentic instrument, issued by the Madrid notary who drew up the authentic instrument).*

Information to be provided by the Member States

The Member States concerned by the regulation are obliged to make the following information available to the public.

- A short summary of their national legislation and procedures relating to the property consequences of registered partnerships, including information on the type of authority which has competence in matters of the property consequences of registered partnerships and on the effects in respect of third parties.
- The other authorities and legal authorities which must be considered as “courts” in the respective Member State (Art. 3.2).
- The courts or authorities with competence to deal with applications for a declaration of enforceability and with appeals against decisions on such applications in addition to the procedures to contest the decision given on appeal.

All this information will be available on the e-Justice portal: <https://e-justice.europa.eu>

The attestations and forms to apply for attestations of the enforceability of decisions and authentic instruments will also be available on this website as soon as possible, in addition to the forms describing the evidentiary effects of authentic instruments. These attestations and forms do not yet exist and will be adopted in due course by the Commission, assisted by a committee.

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Council of the Notariats of the European Union

Avenue de Cortenbergh, 120 - B-1000 Bruxelles

Tel: + 32 (0)2 513 95 29 - Fax: +32 (0)2 513 93 82

E-mail: info@cnie.be

Website: www.notariesofeurope.eu

