



Press Release

Matrimonial Property Regimes and Property Consequences of Registered Partnerships: More Legal Certainty for 16 Million International Couples in Europe

Notaries of Europe Welcome European Parliament Vote

Brussels, 10 September 2013

Meeting in plenary session today, the European Parliament has adopted the two resolutions regarding the proposals for regulations on matrimonial property regimes and the property consequences of registered partnerships. The Notaries of Europe welcome this vote which, although only advisory, is an important stage before its final adoption by the Member States at the Council. In their opinion, the text is moving towards greater legal certainty for 16 million international couples in Europe.

The proposals for regulations will introduce clear rules on the law applicable when managing the property of these international couples. To determine the applicable law, the couples will be able to choose the Member State whose national legislation will govern their property rights, providing they have close links with the Member State concerned. For Mr Frank Molitor, the President of the Council of the Notariats of the European Union, *“these proposals enhance the couple’s legal certainty and provide better protection for third parties, such as creditors. Furthermore, leaving the couple to choose the applicable law will enable them to plan their legal situation.”* The Notaries of Europe also support the European Parliament’s wish to extend the *professio iuris* to registered partners who – in the interests of non-discrimination – will be able to enjoy the same autonomy and legal certainty as married couples.

More than ever, couples need accurate and relevant information before choosing the legal system that will apply to their marriage or partnership. A lack of information can lead them to choose a law that is not consistent with their interests. Faced with the social responsibility of informing citizens, the Notaries of Europe created the Couples in Europe website (www.couples-europe.eu). This is a website that provides comprehensive factsheets in 21 languages on the EU countries’ laws on matrimonial property regimes and registered partnerships.

According to European Commission figures, there are currently approximately 16 million international couples in Europe. Of the 2.4 million new marriages celebrated in 2007, 13% (310,000) had an international element. Likewise, 41,000 of the 211,000 partnerships registered in the EU in 2007 had an international dimension. Many of these international couples have assets – such as real estate and bank accounts – in several countries. They are confronted with legal uncertainty and additional charges when they have to share their property in the event of divorce, separation or death. The rules vary greatly from one country to another and sometimes generate conflict. The costs resulting from beginning parallel judicial proceedings in different countries and the complexity of the cases and resultant legal costs are estimated to be 1.1 billion euros per year.

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The CNUE in brief:

The Council of the Notariats of the European Union (CNUE) is an official body representing the notarial profession in dealings with European institutions. Speaking for the profession, it expresses the joint decisions of its members to the institutions of the European Union.

The CNUE includes 22 notarial organisations in the European Union. The European notariats are represented in the CNUE by the presidents of the national notariats. The CNUE operates under the authority of a President, the CNUE's spokesperson, who has tenure for one year.

More information at: www.notariesofeurope.eu