



INSTITUT DE RECHERCHES ET D'ETUDES NOTARIALES EUROPEEN

## RESERVATION OF INHERITANCE AND FOREIGN LAW University of Trieste - 27 September 2024

The Conference deals with a topic of particular legal interest both for the notarial profession as well as for lawyers and banks.

The issue of the reserve quota is in fact very topical and the ongoing debate in various academic and political circles on the liberalization of the inheritance system also closely affects our legal system in two respects:

- on the one hand, to facilitate the circulation of assets deriving from inheritances or donations, as the real estate made the subject of succession (and donation) can be the reason for inheritance claims by the donor's forced heirs, i.e. those who have a right to receive a significant share of the donor's estate that is later deceased (in Italy, the surviving spouse, his or her descendants): which evidently creates a difficulty in terms of the circulation of real estate (and therefore of the mortgage of such assets);
- on the other hand, the reduction of inheritance disputes and the planning of assets through dispositive tools that can allow the best arrangement of one's assets in view of the generational transition.

It is therefore a theme that has a double value and that fits well into the broader theme of hereditary succession.

The conference is organized in two parts: a first part, in which speakers of international importance, who have dealt with the subject at length, will speak.

First of all, among the Italian speakers, Prof. **Giuseppe AMADIO**, full professor at the University of Padua, Notary **Paolo PASQUALIS**, former President of CNUE and Prof. **Luca BALLERINI**, of the University of Trieste, author of numerous publications on the subject and one of the leading experts in our country on the subject of hereditary reserve, declined in the different perspectives of study.

We will then be honoured by the presence of the London Scrivener **Nigel READY**, who will illustrate the situation of the United Kingdom, which does not have a mechanism equivalent to the reservation of inheritance, but has a system of protection through the "Family Provisions", and the Judge of the European Court of Justice, **Georges RAVARANI**, who presided over the ECHR Court which ruled in February 2024 in the well-known judgment on public policy in the matter of reservation of inheritance.

In the second part of the day, a round table was organized between notaries from all over Europe: the speakers chosen to participate in the round table come from systems that each have their own peculiarities, including, in addition to Romania, Luxembourg, Greece and Bulgaria:

- Italy, with perhaps the most rigid system;
- France, whose system was made more flexible following a reform in 2006;
- Switzerland, which has made its system more flexible following a very recent reform;
- Spain, with its multiplicity of hereditary systems, specific to each autonomous community;
- finally, Slovenia and Croatia, countries with which, due to their proximity to Trieste, we have to deal with numerous and difficult inheritance issues given the application in Italy of a European Regulation that imposes the application of the inheritance law of the last residence (with the consequent application of foreign law to the succession in the event that an Italian transfers his residence abroad).

Prof. **Michael GRIMALDI**, Professor Emeritus at the University of Paris II, one of the leading French exponents of succession studies.

Under the institutional profile, institutional bodies of the IRENE Foundation and the Italian Notariat will be present, including the President of the European Affairs Commission of the UINL, former President of the National Council of Notaries, **Valentina RUBERTELLI** and the President of the Notarial Council of Trieste, **Piero RUAN**. It is also planned to invite the institutional bodies of Trieste.

Finally, **the publication of the proceedings of the conference is envisaged, in agreement with the speakers**, given - among other things - the particular interest of the ECHR judgment.