



### PRESS RELEASE

## **PRE-NUPTIAL CONTRACTS AND COHABITATION AGREEMENTS: THE NOTARIAT'S PROPOSALS FOR MODERNISING THE COUNTRY**

*Turin, 14 October 2011* - The National Council of Notaries today presented **four legislative proposals in the areas of contracts, family law and inheritance**. These are technical projects for the introduction into the Italian legal system of **cohabitation agreements, prenuptial agreements, the reform of renunciation of inheritance** and of **the rights of forced heirs**.

"The notariat is ready to contribute to the alignment of the structure and legal system of the State with real-life conditions that are in continuous rapid evolution", explained **Giancarlo Laurini**, President of the National Council of Notaries, "by drawing up proposals to support political choices that are in line with the rest of Europe. This represents legal support for a balanced response to the increased ethical pluralism that characterises our times, a response that may serve as a possible point of contact amongst diverse requirements and that can be shared irrespective of political, ethical and religious beliefs".

Specifically, the proposals foresee the introduction into our legal system of **prenuptial agreements** to be invoked in the case of separation or divorce so as to avoid the difficulties of negotiation when the marriage is already in trouble; and of **cohabitation agreements ("PACs")**, whose intent is certainly not that of institutionalising a personal relationship (which is why the terms "civil union", "de facto" or "joint and several" have not been used), but rather simply to regulate rights and obligations regarding assets. Hence the proposed insertion into the *Fourth Book* of the Civil Code dealing with *obligations* and *contracts* and not in the *First Book* which is dedicated to persons and families.

PACs would provide a contractual framework for individuals who formally manifest the desire to "live together" in a manner which does not necessarily correspond with that of a "union", which has no regard to the type of affective relationship existing between the contracting parties and which takes into consideration bills presented in Parliament in recent legislatures and the special rules that already in various ways recognise a stable non-family cohabitation relationship.

The other two proposed laws have to do with the matter of inheritance and involve **the reform of renunciation of inheritance** and **the rights of forced heirs**, with the aim of attenuating the effects of reduction where third parties are concerned and the prohibition on inheritance agreements, in order to align the correct protection of the rights of forced heirs with the changed reality of today's society, reflecting a concept of family relationships that is no longer that which informed the Code of 1942. This updating could produce beneficial effects in the real estate and bank lending markets which are today hindered by excessive constraints relating to the previous ownership of inherited property.

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