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## Press Release

# Notaries of Europe on same wavelength as Commission for proposal on matrimonial property regimes and partnerships

Brussels, 16 March 2011

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The Notaries of Europe have noted the publication of the European Commission's proposals for regulations on matrimonial property regimes and the property consequences of partnerships. They support this ambitious proposal, which will provide greater legal certainty for European citizens, whether they are married or in registered partnerships. Accordingly, they welcome the fact that the Commission's proposals integrate the principle of 'controlled autonomy', which stipulates that the applicable law for matrimonial property regimes or partnerships will be the couple's common place of habitual residence. At the same time, couples will have the possibility of opting for the law of the country of nationality of one of the spouses or partners.

Every day the Notaries of Europe make the same observation in their practices: more and more citizens live, study, marry, divorce and die in a Member State that is not their own; this is not without legal complications. This lack of clarity exposes international couples and third parties to uncertainties about their property relationships. The European Commission suggests that about 16 million international couples are affected, representing at least 650 000 every year. It also estimates that the value of property at stake every year amounts to approximately 400 million euros. According to Mr **Rudolf Kaindl**, President of the Council of the Notariats of the European Union, *"the couple is best placed to decide which law should be applied to their matrimonial property regime or partnership. Until now, in the event of separation, they often faced significant difficulties trying to implement their rights. The Commission's proposals respect the diversity of national rules whilst bringing practical solutions for European citizens"*.

For the Notaries of Europe, these proposals for regulations are a further step towards the construction of a legal Europe, which must allow citizens to move freely within the Union and assert their rights. As advisors of families, they intend to contribute their expertise in the coming months. With the help of funding from the European institutions, the Notaries of Europe are currently drafting explanatory factsheets on the Member States' matrimonial property regimes. These factsheets will be translated into the EU's 23 languages and published on a website following the example of the 'Successions in Europe' project ([www.successions-europe.eu](http://www.successions-europe.eu)). Finally, to fuel discussions, they are organising a conference on the proposals for regulations jointly with the European Commission that will take place in Brussels on 17 October 2011.

For more information:

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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 21 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.*

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