



THE GENERAL COUNCIL OF SPANISH NOTARIES, IN ASSOCIATION WITH PORTUGUESE, FRENCH AND GERMAN NOTARIES, INVITES YOU TO PARTICIPATE IN THE SEMINAR

EUROPE FOR NOTARIES AND NOTARIES FOR EUROPE

IMPLEMENTATION OF THE EUROPEAN REGULATION ON SUCCESSION MORTIS CAUSA

SALAMANCA, 7 OCTOBER 2016

Director:

Ana Fernández-Tresguerres García

Notary of Madrid. Legal adviser of the Spanish Ministry of Justice

Coordination:

José María Gómez-Riesco Tabernero de Paz and Juan Gómez-Riesco Tabernero de Paz



PROGRAMME

INTRODUCTION

Regulation (EU) No 650/2012 of the European Parliament and of 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 applies to the succession of persons deceased after 17 August 2015, without prejudice to its transient effects as regards the choice of applicable law and mortis causa provisions under the terms established in the same regulation.

In the months that have passed since its implementation, along with the Implementing Regulation (EU) No 1329/2014, new issues have arisen, the study of which this seminar is dedicated to. An essential milestone is the future implementation through the enhanced cooperation of Regulations on the settlement of matrimonial property regimes and registered partnerships' property, as well as the appropriate analysis of the scope of the Regulation. The publication of the Aberdeen Report on the effectiveness of the notarial instrument in Europe is also under analysis, as is evidence in foreign Succession Law. At the level of jurisdiction, the status of Spanish notaries as a Court needs to be made compatible with the rules of Chapter II and, in general, requires solutions in various aspects of non-contentious successions, insufficiently provided for by the Regulation. The final part of the seminar is dedicated to practical problems and efficiency in the public registers of European Certificates of Succession.

In short, new problems arising from the implementation, beyond theory, of a particularly important regulation for European citizens, which European notaries must play an essential role in solving.

09.00-14.30 h FIRST PART

PRESENTATION

Representative of the Ministry of Justice

Representative of the CNUE

José Manuel García Collantes, President of the Spanish Notary Council

João Maia Rodrigues, President of the *Ordem dos Notários de Portugal*

María Jesús Moro Almaráz, Civil Law Professor-Salamanca University, Member of Parliament (GPP)

MODULE 1: APPLICABLE LAW SOME ISSUES REGARDING ITS SCOPE

Moderator: Isidoro Antonio Calvo Vidal, Notary of La Coruña

1. **Special successions:** Martín Garrido Melero, Notary of Tarragona
2. **Exclusions from the scope of the Regulation:** François Tremosa, Notary of Toulouse
3. **Succession and settlement of matrimonial property upon death and registered partnerships:** Markus Buschbaum

MODULE 2: JURISDICTION: BRIDGES IN NON-CONTENTIOUS SUCCESSIONS.

Moderator: Juan Gómez-Riesco Tabernero de Paz, Notary of Salvatierra (Álava)

1. **Covenants on jurisdiction and professio iuris:** Cyril Nourissat, Professor-University Jean Moulin Lyon III
2. **Forums on the liability for the succession (Benefit of inventory. Waiver. The contesting of the succession):** Ignacio Martínez-Gil Vich, Notary of Madrid

DEBATE

COFFEE BREAK

MODULE 3: ACCEPTANCE AND EXECUTION OF PUBLIC DOCUMENTS. EFFECTIVENESS IN THE STATE OF RECEIPT.

Moderator: Ana Fernández-Tresguerres García, Notary of Madrid, Legal adviser of the Spanish Ministry of Justice

1. **Types of public documents and their effectiveness under the Regulation. The Aberdeen Report:** Paul Beaumont, Professor at the University of Aberdeen (Chair in EU & Private International Law) and

Karen Vandekerckhove, Head of the Civil Justice Unit of the DG Justice and Consumers, Civil Justice Policy of the European Commission

2. **Pleading and evidence in Foreign Law:** Francisco Garcíamartín Alférez, Professor of Private International Law at the *Universidad Autónoma de Madrid*.

MODULE 4: EUROPEAN CERTIFICATE OF SUCCESSION. ITS ISSUANCE AND VALIDITY.

Moderator: José María Gómez-Riesco Tabernero de Paz, Notary of Moraleja (Cáceres)

1. **Competence to issue:** Afonso Figueiredo Patrão, Professor (*Docente*) at the Law Faculty of the University of Coimbra

2. **Validity of the certificate.** In particular, land registers: Alfonso Rentería Arocena, Land Registrar of Bilbao, Notary

DEBATE

LUNCH

16.30-19.00 h SECOND PART

MODULE 5: GOOD PRACTICES. CASE STUDIES (will be distributed in advance).

Coordination: Ana Fernández-Tresguerres García

Montserrat Pereña García:

François Tremosa

Markus Buschbaum

Afonso Figueiredo Patrão

CLOSING

PRACTICAL INFORMATION

LOCATION: Colegio Mayor del Arzobispo Fonseca o de los Irlandeses (Sala de las Pinturas)
Universidad de Salamanca C/ Fonseca, 4 37002 Salamanca

PARTICIPANTS: Notaries

ADMISSION: Free until full capacity is reached

MAXIMUM NUMBER OF REGISTERED ATTENDEES: 110

LANGUAGES: Simultaneous interpretation in Spanish, Portuguese, French and English.

ARRANGEMENT WITH HOTEL ARZOBISPO FONSECA

High season / Limited capacity. / Book as far in advance as possible.

Forename: _____

Surname(s): _____

Address: _____

Important: If the notary office and the notary's domicile are in different locations, in the interests of co-financing requirements, please indicate the address which is farthest from the seminar venue.

Post Code / Locality: _____ Country _____

E-mail _____

Contact telephone number _____

Please send this form to:

internacional@notariado.org

More information: International Section of the General Council of Notaries

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PARTNERS:

