



EU-ADAPT

Presentation of the App

EU project 101007501 - EU-ADAPT - GAP-
10100750

What is EU-ADAPT?

- Scientific project, supported by the European Union, in order to facilitate cross-border successions.
- 5 Universities:
 - Coimbra (Portugal)
 - Valencia (Spain)
 - Genoa (Italy)
 - Heidelberg (Germany)
 - Turku (Finland)
- ELRA supports the project as an Associated Party, both contributing to the Project completion and benefiting from its results.

Purpose of the Project

- The final purpose of the Project was to craft an *informatic tool* for national authorities dealing with cross-border successions which are called upon to the *adaptation of rights in rem* (article 31 of European Succession Regulation).
- The App is intended to ease the problem generated when a person invokes a right *in rem* to which he is entitled under the law applicable to the succession and the law of the Member State in which the right is invoked does not know the right *in rem* in question.
- The App:
 - Provides a standard description of each right *in rem* in the 25 Member States bound by the European Succession Regulation;
 - Identifies the aims and the interests pursued by the specific right *in rem* and the effects attached to it (cf. Article 31 ESR);
 - Suggests a translation between the right *in rem* granted by the *lex successionis* and the rights *in rem* known in the country where the property is located;
 - Provides sufficient juridical support for the authority dealing with the succession.

Example

Portuguese Law grants, to a certain beneficiary, a *Direito Real de Habitação* over property located in Belgium

Portuguese Law applies to the succession (article 21 ESR)

Belgian citizen, with habitual residence in Portugal



Belgian Law applies to the Property Rights (*lex rei sitae*)

Belgian Law does not know “*Direito Real de Habitação*”



How should the authority dealing with the succession (Notary / Land Registrar / Lawyer / Judge) proceed?

Article 31 RES

“When a person invokes a right in rem to which he is entitled under the law applicable to the succession and the law of the Member State in which the right is invoked does not know the right in rem in question, that right shall, if necessary and to the extent possible, be adapted to the closest equivalent right in rem under the law of that State, taking into account the aims and the interests pursued by the specific right in rem and the effects attached to it”.

EU-ADAPT will help!



- Using the EU-ADAPT informatic tool, the authority dealing with the succession will:
 - Select Portuguese Law as applicable to the succession;
 - Select *Direito Real de Habitação* as the right *in rem* granted by Portuguese Law;
 - Select Belgian Law as applicable to Property Rights



Results of EU-ADAPT

- Simple description, in English, of *Direito Real de Habitação*: “right to use a residential house - *re aliena*”
- Identification of its main features (transmissibility; duration; powers granted to the holder)
- Identification of its *aims, purposes and effects*.
- Proposal of a translation (the closest equivalent right) under Belgian Law.

Dissemination of the App

How can interested parties benefit from its results?

- The idea is for the EU-Adapt App to be inserted in *existing networks* of civil justice cooperation.
- As a *third party supporter*, ELRA is a Network which could benefit from this tool
- We can study the ability of:
 - Inserting the App in ELRN;
 - Inserting a link in ELRA home-page into the University servers;
 - Creating interaction with IMOLA or ELRN possibilities.



And now... The Test Version of the App: