

FINANCIAL ASSETS AND PATRIMONIAL ISSUES IN
INTERNATIONAL FAMILIES

*ACTIVOS FINANCIEROS Y CUESTIONES PATRIMONIALES EN
FAMILIAS INTERNACIONALES*

Actualidad Jurídica Iberoamericana N° 15, agosto 2021, ISSN: 2386-4567, pp. 180-195



Sara LANDINI

ARTÍCULO RECIBIDO: 4 de abril de 2021

ARTÍCULO APROBADO: 1 de julio de 2021

ABSTRACT: The paper deals with patrimonial issues in International families and with the European Regulations 1103 and 1104/ 2016 together with regulation 650/2012. The paper particularly focuses on financial assets: Bank Account; Share of Investments Funds; Life Insurance; Virtual assets like criptoalutes; real estate wealth. This perspective implies the need to find the rule governing the succession or the families' patrimonial issues, also taking into account the different rules in the different states concerned of the contracts that govern the circulation of such goods.

KEY WORDS: International family law; financial assets; property.

RESUMEN: *El trabajo trata de cuestiones patrimoniales en familias internacionales y de los Reglamentos (UE) nº 1103/2016 y 1104/2016, junto con el Reglamento (UE) nº 650/2012. El trabajo se centra especialmente en los activos financieros: cuenta bancaria; participaciones en fondos de inversión; seguro de vida; activos virtuales como criptomonedas; riqueza inmobiliaria. Esta perspectiva implica la necesidad de encontrar la norma que rija la sucesión o los asuntos patrimoniales de las familias, teniendo en cuenta también las distintas normas existentes en los diversos Estados relativas a los contratos que rigen la circulación de dichos bienes.*

PALABRAS CLAVE: *Derecho de familia internacional; activos financieros; propiedad.*

TABLE OF CONTENTS: I. IMPROVING TRANSNATIONAL FAMILIES.- II. EU PROJECTS ON TRANSNATIONAL FAMILIES.- III. PATRIMONIAL ISSUES REGARDING FINANCIAL ASSETS.

I. IMPROVING TRANSNATIONAL FAMILIES.

Transnational family relationships and legal separation or divorce with cross-border implications have a very relevant quantitative dimension, that can be shown through precise collected data. In fact, according to the “Annual Report on Intra-EU Labour Mobility 2020”, intra-EU mobility continued to grow in 2019, but at a slower pace than in previous years. In 2019, 17.9 million Europeans lived in another EU country, out of which 13 million of working age, while, according to the latest updated data of Eurostat (extracted in March 2019), 2.4 million immigrants from non-EU countries entered in 2017 the EU. Moreover, according to the most recent data available for all EU Member States some 1.9 million marriages and an estimated 0.8 million divorces took place in the EU. These figures may be expressed as 4.4 marriages for every 1 000 persons and 2 divorces for every 1 000 persons). Therefore, it is very important that European legal operators are adequately trained in order to deal with family law in a transnational and cross-border perspective. But, in view of the current pandemic situation, it will also be important that family lawyers, notaries involved in family litigation, judges and academics are adequately trained in the use of digital technology in family law cases which often involves vulnerable parties and will therefore need particular attention within the digitalisation of justice.

Nowadays, in times of ever-increasing migratory flows¹, problems arising in case of transnational family relationships, and the related issues regarding inheritance law, are a rather fertile ground in which it is possible to experience the importance of finding new ways in order to foster the coexistence between different cultures and legal statuses, also through the use of cultural mediation tools. The aim of European regulatory interventions is to overcome some of the social conflicts that may stir the development of forms of religious and political radicalization ending up with terrorist behaviours.

¹ According to the last available statistics, in 2015 migrants to EU Member States were 4.7 million, while at least 2.8 million migrants have left an EU Member State; see: http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/it.

• Sara Landini

Full Professor of Business Law, Università degli Studi di Firenze. E-mail: sara.landini@unifi.it

Therefore, the subject of PFEFS' action is strictly related to many of the problems faced by migrant families today in Europe as well as to the issue of real integration that is actually at the basis for efficiently contributing to the European Agenda on Security in terms providing effective judicial responses to terrorism. PFEFS built important networking with other project cofinanced by EU commission like GoinEu and GoinEu Plus (www.goineu.eu), coordinated by UNIFI.

II. EU PROJECTS ON TRANSNATIONAL FAMILIES.

Integration is one of the most important challenges in Europe. Recently the European Commission has adopted an Action Plan on the integration of third-country nationals (7 June 2016). The Action Plan provides a comprehensive framework to support Member States' efforts in developing and strengthening their integration policies. It also describes concrete measures the Commission will adopt to this regard.

The Plan includes actions across all the policy areas that are crucial for integration:

- Pre-departure and pre-arrival measures, including actions to prepare migrants and the local communities for the integration process;
- Education, including actions to promote language training, participation of migrant children to Early Childhood Education and Care, teacher training and civic education;
- Employment and vocational training, including actions to promote early integration into the labour market and migrants' entrepreneurship;
- Access to basic services such as housing and healthcare;
- Active participation and social inclusion, including actions to support exchanges with the receiving society, migrants' participation to cultural life and fighting discrimination.

In the light of the current migratory challenges, and as announced in the Communication of 6 April 2016, the moment has now come to revisit and strengthen the common approach across policy areas and involve all relevant actors – including the EU, Member States, regional and local authorities as well as social partners and civil society organizations. This is also supported by the European Parliament in its Resolution of 12 April 2016, which calls inter alia for full participation and early integration of all third country nationals, including refugees.

GoinEu and GoinEu Plus aim at contributing to the reduction of social conflicts promoting an analysis of the impact of Migration to EU Family & Successions Law having particular regard to the application of the European Regulations 1103 and 1104 enacted in 2016 coordinated with the Regulation 650/2012. In these terms the cooperation with PFEFS was really important.

As well known the ways in which a person distributes his/her assets, either after death or during his/her life, could have social implication and the social values regarding family support, as well as government taxation policies and succession laws, have real implications for the way in which assets are transferred².

Social values are strictly related to the culture, which have mainly a national dimension, and also to the national law.

Thus in case of international family the identification of the national law needs to take in to account the needing of social cohesion.

The Regulation 1103 and 1104 together with the Regulation 650 try to find a solution to facilitate the principle of freedom of movement of European Citizens³.

The EU Reg. 1103 - 1104/2016 aim particularly at implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes.

To provide married couples with legal certainty as to their property and offer them a degree of predictability, all the rules applicable to matrimonial property regimes should be covered in a single instrument. In order to allow the spouses to enjoy in another Member State the rights, which have been created or transferred to them because of the matrimonial property regime, this Regulation should provide for the adaptation.

On this point, it is important to consider the role of private autonomy in regulating the situations of power and duty related to *ius in rem* even in legal

2 See BULCROFT, K.: "A Cross-National Study of the Laws of Succession and Inheritance: Implications for Family Dynamics", *J.L. & Fam. Stud.*, 2000, 2, p. 1 ff.

3 See FRANZINA, P. and VIARENGO, I. (eds): *The EU Regulations on the Property Regimes of International Couples*, Cheltenham, 2020, p. 3 ff.; MARRESE, C.: *Successioni transfrontaliere tra diritto interno e diritto internazionale*, Milano, 2019, p. 10 ff.

With particular regard to regulation 650 see DAMASCELLI, A.: *Diritto internazionale privato delle successioni a causa di morte (dalla l. n.218/1995 al reg. UE n. 650/2012)*, Milano, 2013, p. 157; DAVI, A. and ZANOBETTI, A.: *Il nuovo diritto internazionale privato europeo delle successioni*, Torino, 2014, p. 308; BALDUS, C.: "Erede e legatario secondo il regolamento europeo in materia di successioni", *Vita notarile*, 2015 pp. 561-570; BALLARINI, T.: "Il nuovo regolamento europeo sulle successioni", *Riv. dir. int.*, 2013, p. 1116; BATTILORO, R.: "Le successioni transfrontaliere ai sensi del reg. UE n. 650/2012 tra residenza abituale e certificato successorio europeo", *Dir. fam. pers.*, 2015, p. 658; BONOMI, A. and WAUTELET, P.: *Il regolamento europeo delle successioni commentario al reg. UE 650/2012 applicabile dal 17 agosto 2015*, Milano, 2015; CALÒ, E.: "La pianificazione successoriale dei cittadini spagnoli e dei residenti in Spagna alla luce della disciplina europea delle successioni", *Riv. not.*, 2018, p. 691.

systems, such as Italy, ordered on the principle of typicality of *iura in rem*. The parties could therefore regulate, in the agreement of choice of the applicable law, within the spaces left to their private autonomy, the adaptation of an unknown right in rem to the closest equivalent right under the law of that other Member State.

It is also necessary to consider the change in the concept of wealth currently most shifted towards financial instruments that can represent real systems for allocating family wealth.

Regulation 1103 concerns only matrimonial property regimes and it should not apply to other preliminary questions such as the existence, validity or recognition of a marriage, which continue to be covered by the national law of the Member States, including their rules of private international law.

Private autonomy plays a relevant role in the choice of the law governing the matrimonial property regime⁴.

According to article 22 the spouses or future spouses may agree to designate, or to change, the law applicable to their matrimonial property regime, if the law is one of the following:

(a) The law of the State where the spouses or future spouses, or one of them, is habitually resident at the time the agreement is concluded; or

(b) The law of a State of nationality of either spouse or future spouse at the time the agreement is concluded.

The Regulation 1104/2016 provides something similar implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships

According to art. 22 of the Regulation 1104 the partners or future partners may agree to designate or to change the law applicable to the property consequences of their registered partnership, if that law attaches property consequences to the institution of the registered partnership and if the law is one of the following:

(a) the law of the State where the partners or future partners, or one of them, is habitually resident at the time the agreement is concluded;

4 FERACI, O.: "L'autonomia della volontà nel diritto internazionale privato dell'Unione Europea", *Riv. dir. internaz.*, 2013, p. 424.

(b) the law of a State of nationality of either partner or future partner at the time the agreement is concluded, or

(c) the law of the State under whose law the registered partnership was created.

Only in case of absence of a choice-of-law agreement pursuant to Article 22, the law applicable to the matrimonial property regime shall be determined according to secondary criteria like: spouses' first common habitual residence after the conclusion of the marriage, and in case of partnership the law of the State under whose law the registered partnership was created.

Both with regard to marriage and to partnership it is provided that the application of a provision of the law of any State specified by this Regulation may be refused only if such application is manifestly incompatible with the public policy (*ordre public*) of the forum.

Both these regulations are connected to the Regulation 650 as some succession rights raise from the property regime of the marriage or of the partnership.

These regulations make up a unified framework which requires a combined reading and which penetrates the national systems that find a renewal. These three Regulations are addressed to a specific goal of UE and they need to be read in unison even if they seem to cover different areas. The Union has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Union is to adopt measures relating to judicial cooperation in civil matters having cross-border implications, particularly when necessary for the proper functioning of the internal market.

The Regulation 650 shall apply to succession to the estates of deceased persons. It shall not apply to revenue, customs or administrative matters.

Some matters shall be excluded from the scope of this Regulation and particularly: questions relating to matrimonial property regimes and property regimes of relationships deemed by the law applicable to such relationships to have comparable effects to marriage. Regulation 1103 shall apply to matrimonial property regimes. 'Matrimonial property regime' means a set of rules concerning the property relationships between the spouses and in their relations with third parties, as a result of marriage or its dissolution. It shall not apply, among the other matters, to the succession to the estate of a deceased spouse.

The Regulation 1104 shall apply to matters of the property consequences of registered partnerships.

'Registered partnership' means the regime governing the shared life of two people which is provided for in law, the registration of which is mandatory under that law and which fulfils the legal formalities required by that law for its creation. It shall not apply, among the others matters, to the succession to the estate of a deceased partner.

The fact is that it is difficult to distinguish family property matters from inheritance matters, just think of agreements relating to the family balance sheet that may have effects *mortis causa* or agreements in view of the succession that also affect the ownership of assets in family relationships. These regulations must be read with the final objective of allowing the free movement of European citizens by avoiding constraints that can derive from the problems of applicable law with respect to two fundamental moments of the dimension of being a Person: family relationships and succession affairs⁵.

From the realization of the training objectives of the project, application difficulties emerged. Results achieved with GoinEu e GoinEuPlus projects, aimed at contributing to develop and disseminate an innovative cross-professional EU law training programme, specifically focused on Migration and Cultural Mediation, underlined some criticalities: lack of acquaintance of the EU Regulation among professionals, necessity to communicate and disseminate their content to citizens, difficulties in the concrete cases to determine what is the scope of application of different EU regulations in Inheritance, patrimonial families' regime (650, 1103, 1104), the possible cross application of Regulations 2012/650 and 2016/679 in case of digital goods (see web profiles on social network), the use of EU certificates (EU Succession Certificate) to exercise rights in front of Bank, Insurers, investments funds. With regard to certificates we have to remember the recent entry in to force of EU Regulation 2016/1191 promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 which sets out a system for further simplification of administrative formalities for the circulation of certain public documents and their certified copies where those public documents and the certified copies thereof are issued by a Member State authority for presentation in another Member State.

The results achieved thus open up new trends that we are committed to seizing while keeping the research team active.

⁵ See BIAVATI, P.: "La realizzazione dello spazio giudiziario europeo di giustizia, libertà e sicurezza: stato attuale e tendenza evolutive alla luce del programma di Stoccolma", in *Riv. trim. dir. proc. civ.*, 2013, p. 185; BUCHER, A.: "La famille en droit international privé", *RCADI*, 2000, p. 39 ff.

III. PATRIMONIAL ISSUES REGARDING FINANCIAL ASSETS.

Properties in families' assets are more and more represented by financial assets: Bank Account; Share of Investments Funds; Life Insurance; Virtual assets like criptoalutes; real estate wealth. This implies the need to find the rule governing the succession or the families' patrimonial issues, also taking into account the different rules in the different states concerned of the contracts that govern the circulation of such goods.

With regard to a succession of criptoalutes it is important to find the rule governing the access to the wallet.

The most relevant digital assets with patrimonial content are cryptocurrencies or criptoalutes⁶ (such as Bitcoin, Ethereum, Monero, Ripple, Stellar, Litecoin): virtual currencies without a value guaranteed by a third party and accessible through a cryptographic key, intended for investment, to the possession or use exactly like the legal tender currency, with the difference, however, that transactions can only be carried out through technological tools, ie through the blockchain⁷

The succession of digital wealth, is that of their detention that can be achieved:

a) through mutual funds, certificates, futures or other common financial instruments that have the value of the cryptocurrency as underlying.

In this case there is no cryptocurrency owned by the deceased as what matters is only the price of the financial instrument which reflects the value of the reference cryptocurrency;

b) through an account opened at a bank or other online intermediaries (so-called exchange). To carry out operations on the blockchain, the "exchange" always uses its own private key, which can only be traced back to its own wallet, and keeps track of the actual stock of each of its users within its own wallet.

6 Italian Courts try to give a definition of criptoalutes recalling the theory of goods and circulation of moveable assets: la criptoaluta può essere definita come una "digitalizzazione di valore", che viene utilizzata come mezzo di scambio per l'acquisto di beni e servizi, caratterizzandosi per non essere emessa da una banca centrale o altra pubblica autorità e per non essere necessariamente collegata ad una valuta avente corso legale, e, in quanto tale, può essere oggetto di operazioni speculative in ragione dell'estrema variabilità dei livelli di fluttuazione che la caratterizza.

La criptoaluta deve qualificarsi come "bene", e come tale può essere oggetto di acquisto, scambio e deposito, ed è caratterizzata dall'essere bene fungibile, trattandosi di rappresentazioni digitali espresse in unità patrimoniali di un medesimo valore: Trib. Firenze 19 dicembre 2018, in *Contratti*, 2019, p. 661. We have to recall the contrary opinion of scholars: SEMERARO, M.: *Pagamento e forme di circolazione della moneta*, Napoli, 2008 and of some courts like Trib. Brescia, 18 luglio 2018, *Pluris online*.

7 LEHMANN, M.: "Who Owns Bitcoin? Private Law Facing the Blockchain", www.papers.ssrn.com; WRIGHT, A. and DE FILIPPI, P.: "Decentralized Blockchain Technology and the Rise of Lex Cryptographia", www.papers.ssrn.com/abstract=2580664.

c) directly by the user. In this case, the private key is held directly by the user who can keep it through:

- the so-called "Paper wallet", that is a simple paper sheet (or a computer document) on which the complex private key is printed in alphanumeric characters or encoded through a QRcode;

- the so-called software wallet, or applications, accessible via password, which contain the private key;

- the hardware wallets (such as Ledger Wallet, Trezor), i.e. devices aesthetically similar to USB flash memories and connectable to a computer in the same way, containing both the private key and an interface for the signature system can be activated by means of a complex PIN ⁸.

If the cryptocurrency is used only as an index of a financial instrument, the acquisition of its possession, the object of the succession consists solely of the financial instrument.

If, on the other hand, the cryptocurrency is held directly by the deceased, it is necessary to distinguish:

- if the cryptocurrencies are held through a software wallet, in order to get hold of them, the problems to be overcome will be linked to access, on the one hand, to the device in which the private key custody software has been installed and, on the other hand, to the software itself which, in fact, is protected by a password;

- if, on the other hand, the cryptocurrencies are held through a hardware wallet, in addition to the difficulties in finding the hardware itself, it will be necessary to recover the password to access the private key or token functions.

If, on the other hand, the cryptocurrency is held by an exchange, the rules for accessing the deceased's account will apply, namely a) EU Regulation 679/2016 on the processing of personal data, b) Legislative Decree no. 196/2003, as modified by d. lgs. 101/2018, possibly in combination with each other.

8 See PERNICE, C.: "Cryptocurrencies and International Succession Law", in LANDINI S. (ed.): *EU Regulations 650/2012, 1103 and 1104/2016: cross-border families, international successions, mediation issues and new financial assets - Goineu plus project final volume*, Napoli, 2020. She notes (p. 285) that "to overcome this problem (the problem of mortis causa circulation of virtual goods, there some services that aim to manage the inheritance of bitcoin with a "keep-alive" system that sends emails to the account owner and transfers the funds to another wallet (previously indicated) in case of no response within a given period. Some are studying smart contracts that in case of the owner's death automatically transfer the keys to the bitcoin address to the designated heir. However, this mechanism risks colliding with the prohibition of agreements as to succession under Art. 458 c.c.".

The succession of assets in bank account or in a bank deposit account (i.e. shares of investment funds, financial assets) request documents regarding the successions, the position of heirs etc. What about in case of international successions? Is it possible to produce the European Certificate of Succession?

The European Council meeting in Brussels on 4 and 5 November 2004 adopted a new program called 'The Hague Program: strengthening freedom, security and justice in the European Union'. That program underlines the need to adopt an instrument in matters of succession dealing, in particular, with the questions of conflict of laws, jurisdiction, mutual recognition and enforcement of decisions in the area of succession and a European Certificate of Succession.

In order to achieve those objectives, the Regulation 650/2012 should bring together provisions on jurisdiction, on applicable law, on recognition or, as the case may be, acceptance, enforceability and enforcement of decisions, authentic instruments and court settlements and on the creation of a European Certificate of Succession.

This certificate enables heirs, legatees, executors of wills and administrators of the estate to prove their status and exercise their rights in other EU countries⁹.

Moreover Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promotes the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

This certificate should be accepted by Bank but also by Insurers, line in case of a life insurance in favor of heirs.

Life insurance is a contract in which a policyholder pays regular premiums in exchange for a lump-sum death benefit paid to the policyholder's beneficiaries.

9 According to Regulation 650/2012, Article 62 on Creation of a European Certificate of Succession «1. This Regulation creates a European Certificate of Succession (hereinafter referred to as 'the Certificate') which shall be issued for use in another Member State and shall produce the effects listed in Article 69.

2. The use of the Certificate shall not be mandatory.

3. The Certificate shall not take the place of internal documents used for similar purposes in the Member States. However, once issued for use in another Member State, the Certificate shall also produce the effects listed in Article 69 in the Member State whose authorities issued it in accordance with this Chapter».

According to Article 63 «1. The Certificate is for use by heirs, legatees having direct rights in the succession and executors of wills or administrators of the estate who, in another Member State, need to invoke their status or to exercise respectively their rights as heirs or legatees and/or their powers as executors of wills or administrators of the estate. 2. The Certificate may be used, in particular, to demonstrate one or more of the following: the status and/or the rights of each heir or, as the case may be, each legatee mentioned in the Certificate and their respective shares of the estate; the attribution of a specific asset or specific assets forming part of the estate to the heir(s) or, as the case may be, the legatee(s) mentioned in the Certificate; the powers of the person mentioned in the Certificate to execute the will or administer the estate».

The Certificate is issued in the Member State whose courts have jurisdiction. The issuing authority shall be: (a) a court as defined in Article 3(2); or (b) another authority which, under national law, has competence to deal with matters of succession.

The lump-sum benefit is paid when the policyholder either passes away or a specific amount of time has passed. Life insurance policies can provide financial security by replacing lost income and covering expenses.

There are different types of life insurance that can play important role in the mortis causa circulation of wealth.

Whole life insurance is the simplest form of cash value insurance that comprises a protection and investment component. Under whole life the policyholder's entire life is covered, and all death benefits are paid, and premiums recovered by the family upon the death of the policyholder, whenever that may be. Whole life insurance differs from universal life insurance with respect to premium payments. Under whole life insurance premiums are not flexible, and fixed payments are required to be made, whereas universal life insurance allows flexible premium payments. Another type is temporary life insurance is coverage that has an expiration date and is not guaranteed to last over an insured's entire life.

There are also life insurance contracts with an important financial component. The unit linked insurance plan, for instance, is offered as a further refinement of the universal life insurance such that the investment component is unitized i.e. units of fund are purchased from the premium attributable to investment. These policies also offer the policyholder the protection and investment option through one product. The premium can comprise of protection and investment components and the units of a suitable investment fund are purchased at the Net Asset Value (price per unit) with the premium amount attributable to the investment component. The return earned on the units of the fund is accumulated as the cash value of the policy. In unit-linked policies, the policyholder has the liberty to choose the fund to be purchased from the premium amount attributable to investment.

As said at point 71 in the premises of Regulation 650: «The Certificate should produce the same effects in all Member States. It should not be an enforceable title in its own right but should have an evidentiary effect and should be presumed to demonstrate accurately elements which have been established under the law applicable to the succession or under any other law applicable to specific elements, such as the substantive validity of dispositions of property upon death. The evidentiary effect of the Certificate should not extend to elements which are not governed by this Regulation, such as questions of affiliation or the question whether or not a particular asset belonged to the deceased. Any person who makes payments or passes on succession property to a person indicated in the Certificate as being entitled to accept such payment or property as an heir or legatee should be afforded appropriate protection if he acted in good faith relying on the accuracy of the information certified in the Certificate. The same protection

should be afforded to any person who, relying on the accuracy of the information certified in the Certificate, buys or receives succession property from a person indicated in the Certificate as being entitled to dispose of such property. The protection should be ensured if certified copies which are still valid are presented. Whether or not such an acquisition of property by a third person is effective should not be determined by this Regulation».

In our opinion it doesn't matter the exclusions as in art. 1 of Regulations 650 regarding: property rights, interests and assets created or transferred otherwise than by succession, for instance by way of gifts, joint ownership with a right of survivorship, pension plans, insurance contracts and arrangements of a similar nature, without prejudice to point. In the case proposed the problem concerns only the use of the certificate.

With this regard the projects GolnEU and GolnEU Plus aimed at contributing to develop and disseminate an innovative cross-professional EU law training program, specifically focused on Migration and Cultural Mediation, underlined some criticalities and needs for improvement: lack of acquaintance of the EU Regulation among professionals; necessity to communicate and disseminate their content to citizens; difficulties in the concrete cases to determine which is the scope of application of each different EU instrument in situations of cross application family property regulations (e.g. in the case of prenuptial agreements) or of data protection regulations (e.g. in case of digital goods); and above all with regard to the use of certificates, in order to exercise rights in front of banks, insurers and investments funds (all data related to the needs emerged during the mentioned projects' implementation are available in the reports published on the projects' website www.goineu.eu).

For these reasons, it is important to diffuse the knowledges and to promote the debate on the EU Regulations in family and successions matters also among the operators of the financial market.

BIBLIOGRAPHY

BALDUS, C.: "Erede e legatario secondo il regolamento europeo in materia di successioni", *Vita notarile*, 2015 pp. 561-570.

BALLARINI, T.: "Il nuovo regolamento europeo sulle successioni", *Riv. dir. int.*, 2013, p. 1116.

BATTILORO, R.: "Le successioni transfrontaliere ai sensi del reg. UE n. 650/2012 tra residenza abituale e certificato successorio europeo", *Dir. fam. pers.*, 2015, p. 658.

BIAVATI, P.: "La realizzazione dello spazio giudiziario europeo di giustizia, libertà e sicurezza: stato attuale e tendenza evolutive alla luce del programma di Stoccolma", *Riv. trim. dir. proc. civ.*, 2013, p. 185.

BONOMI, A. and WAUTELET, P.: *Il regolamento europeo delle successioni commentario al reg. UE 650/2012 applicabile dal 17 agosto 2015*, Milano, 2015.

BUCHER, A.: "La famille en droit international privé", *RCADI*, 2000, p. 39 ff.

BULCROFT, K.: "A Cross-National Study of the Laws of Succession and Inheritance: Implications for Family Dynamics", *J.L. & Fam. Stud.*, 2000, 2, p. 1 ff.

CALÒ, E.: "La pianificazione successoria dei cittadini spagnoli e dei residenti in Spagna alla luce della disciplina europea delle successioni", *Riv. not.*, 2018, p. 691.

DAMASCELLI, A.: *Diritto internazionale privato delle successioni a causa di morte (dalla l. n.218/1995 al reg. UE n. 650/2012)*, Milano, 2013, p. 157.

DAVÌ, A. and ZANOBETTI, A.: *Il nuovo diritto internazionale privato europeo delle successioni*, Torino, 2014, p. 308;.

FERACI, O.: "L'autonomia della volontà nel diritto internazionale privato dell'Unione Europea", *Riv. dir. internaz.*, 2013, p. 424.

FRANZINA, P. and VIARENGO, I. (eds): *The EU Regulations on the Property Regimes of International Couples*, Cheltenham, 2020, p. 3 ff.

LEHMANN, M.: "Who Owns Bitcoin? Private Law Facing the Blockchain", www.papers.ssrn.com.

MARRESE, C.: *Successioni transfrontaliere tra diritto interno e diritto internazionale*, Milano, 2019, p. 10 ff.

PERNICE, C.: "Cryptocurrencies and International Succession Law", in LANDINI S. (ed.): *EU Regulations 650/2012, 1103 and 1104/2016: cross-border families, international successions, mediation issues and new financial assets - Goineu plus project final volume*, Napoli, 2020.

SEMERARO, M.: *Pagamento e forme di circolazione della moneta*, Napoli, 2008 and of some courts like Trib. Brescia, 18 luglio 2018, *Pluris online*.

WRIGHT, A. and DE FILIPPI, P.: "Decentralized Blockchain Technology and the Rise of Lex Cryptographia", www.papers.ssrn.com/abstract=2580664.

