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Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters

CODE.FS Project

First Workshop

17 July 2023

University of Pisa, Sala dei Cherubini, Rectorate Palace Lungarno

Pacinotti, 43

Scientific Committee:

Elena Bargelli, Anatol Dutta, François Trémosa

The concept and the role of courts in family and succession matters presents a practical problem in the EU and its Member States. Most EU private international law instruments presuppose that justice is still mainly administered by judges. However, it is a current trend in the Member States to shift competences in family and succession matters from judicial authorities to other actors such as notaries, civil status officers, child protection agencies, judicial officers, advocates or even the private parties themselves. Are the common provisions on jurisdiction, applicable law and recognition and enforcement of foreign decisions fit to deal with this 'de-judicialisation'? Recent case law of the Court of Justice of the European Union (CJEU) suggests that there is need for reform.

The project's first aim is to conduct a comprehensive analysis of 15 EU jurisdictions and identify out-of-court proceedings and competent authorities and professionals at national level. A final comparative report will give the overview of the extent and the modalities of the de-judicialisation process at national level and detect critical issues and best practices.

Against this background, the project's final aim is to draft interpretative guidelines to be circulated among stakeholders, implement substantive and procedural standards, ensure a uniform application of EU instruments.

Monday, 17 July 2023

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09:00 Scope and aims of the project and presentation of the questionnaire

Elena BARGELLI (University of Pisa)

Anatol DUTTA (Ludwig-Maximilians-Universität München)

François TRÉMOSA (Notary in Toulouse)

9:30–11:00 I. Presentations of the Austrian, German and Italian reports

Chair: *Elena BARGELLI*

Italy: *Nicola CHIRICALLO; Elisa STRACQUALURSI*

Austria: *Paul PATREIDER*

Germany: *Aron JOHANSON*

11:00 Coffee break

11.30–13:00 II. Outline of the other country reports (Part 1)

Kathryn O'SULLIVAN (Ireland), Eleni ZERVOGIANNI (Greece), Katažyna BOGDZEVIČ (Lithuania), Katarzyna KAMIŃSKA and Konrad JAGOCHA (Poland), Laura ESTEVE ALGUACIL (Spain), Nataša ERJAVEC (Slovenia), Laima VAIGĒ (Sweden)

13:00–14:00 Lunch

14:00–15:30 II. Outline of the other country reports (Part 2)

Ioan Luca VLAD (Romania), Rute Teixeira PEDRO (Portugal), Tiina MIKK (Estonia), Frank Høgholm PEDERSEN and Lars THØGERSEN (Denmark), Wendy M. SCHRAMA and Merel JONKER (Netherlands)

15:30–16:00 Concluding remarks

Organizing Committee: Elena Bargelli (elena.bargelli@unipi.it), Nicola Chiricallo (nicola.chiricallo@jus.unipi.it), Elisa Stracqualursi (elisa.stracqualursi@jus.unipi.it)

Link: <https://codefs.jus.unipi.it/live/230717-workshop>