

**New matrimonial property law:**

# Need of adaptation and shaping possibilities

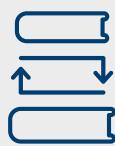
Far-reaching changes concerning matrimonial property rights  
for marriages and same-sex registered partnerships in Europe

On 29 January 2019, two pivotal European Council Regulations dealing with property regimes for international married couples and registered same-sex partnerships came into force and effect.

The new Regulations apply uniformly in many European countries. Previously, each separate Member State had laid down for itself which law applied to the marriage or the civil partnership. In numerous States, the nationality of the spouses and partners automatically settled the applicable law. From now on, couples can decide for themselves and actively choose between

1. the law of the State in which one or both of the spouses or partners live at the time of the choice of law;
2. the law of the State of nationality of one or both of the spouses or partners at the time of the choice of law and
3. the law of the State under whose law the partnership was registered (exclusively for same-sex partnerships).

In the absence of a choice of law, the law of that State in which the couple first lived together as spouses or where the partnership has been registered will apply. The consequences can be unexpected and undesirable and may have a significant impact on estate and wealth planning. This holds true, in particular, for multinational couples and couples that move to another country.



## Changes

There are new parameters determining the applicable law for the financial relations between spouses and civil partners. Couples can now actively shape their relations according to their needs.



## Personal scope

The changes apply to all couples living in EU Member States that have adopted the Regulations. Multinational couples and couples moving across borders are directly affected.



## Consequences

Couples should consider the impacts of the Regulations on their situation and asset planning and should seize the opportunity afforded by the Regulations to provide legal certainty on matrimonial property issues. Taking into account the matrimonial property regime is important for any estate and wealth planning. In cross-border situations, uniform handling is essential.



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