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Choosing the law, shaping the succession: succession agreements, forced heirship and public policy in the circulation of succession models under the EU succession Regulation

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Abstract. The *professio iuris*, under Article 22 of Regulation (EU) No 650/2012, can serve as an effective tool for the cross-border *circulation of succession models*. Choosing national law, instead of the law ordinarily applicable by reference to habitual residence, enables individuals to access *succession planning instruments* and forms of family protection differing from those available in their State of residence. The analysis focuses on *succession agreements* and *forced heirship*, distinguishing the choice governing the succession as a whole from that permitted under Article 25(3) for individual succession agreements. Particular attention is devoted to foreign nationals habitually resident in Italy whose national law permits agreements prohibited under Italian substantive law or provides a different configuration of forced heirs' rights. The paper explores how party autonomy facilitates the import and export of legal models without requiring substantive harmonisation or their incorporation into domestic legislation. It also examines the limits of this process, particularly the relationship between the law governing the agreement and the protection afforded by the applicable succession law, alongside the public policy exception. Finally, it assesses how the *professio iuris* reshapes the balance between individual autonomy, family protection and legal diversity in European succession law.

Keywords. EU succession Regulation; professio iuris; succession agreements; forced heirship; public policy

1. From national diversity to European coordination: the making of the EU succession Regulation. – 2. Choosing the applicable succession law to enable succession agreements … – 3. … and reshape forced heirship protection. – 4. Conclusions: professio iuris and the cross-border circulation of succession models.

1. From national diversity to European coordination: the making of the EU succession Regulation.

Succession law has acquired increasing significance over the years, including in the field of private international law[1]. The growing mobility of individuals and the increasingly cross-border nature of estates have made successions connected with multiple legal systems more frequent, highlighting the need for legal certainty in determining the applicable law. Differences between national succession regimes, reflecting distinct legal traditions and conceptions of family solidarity, have thus encouraged cooperation initiatives aimed at coordinating these legal systems, particularly at the European level, without necessarily pursuing their substantive unification.

Against this background, the need to accommodate different national approaches initially led European institutions to favour soft law instruments aimed at encouraging greater flexibility in domestic succession regimes. Since the 1990s, particularly in relation to the intergenerational transfer of businesses, the European Commission has highlighted the difficulties arising from the prohibition of agreements as to succession and the rigidity of forced heirship protection, thereby promoting broader recognition of private autonomy in succession planning[2].

The attention of European institutions subsequently extended to the broader issue of cross-border successions, within the framework of strengthened judicial cooperation in civil matters. In this regard, a significant milestone was the 2005 Green Paper on Succession and Wills, which initiated a consultation process aimed at identifying common

[1] The literature on private international law is extensive. For a general introduction to the subject, reference may be made to the following works by Italian scholars: Morelli 1954; Betti 1956; Balladore Pallieri 1974; Barile 1980; Vitta 1987; Morelli 1991; Di Blase and Giardina 1994; Carbone and Ivaldi 2000; Ballarino 2016; Villani 2019; Conetti et al. 2020. Among the numerous contributions by European scholars, see Kegel and Schurig 2004; Kropholler 2006; Mayer et al. 2019; Audit and d'Avout 2022; Vonken et al. 2023; Kramer 2023, p. 391; Briggs 2024; Van Calster 2024; Strikwerda and Schaafsma 2026; van der Burg et al. 2026.

[2] Several initiatives have highlighted the need for greater flexibility in national succession laws. In particular, the Commission Recommendation of 7 December 1994 on the transfer of small and medium-sized enterprises identified company law, tax law and succession law as potential obstacles to business succession and encouraged Member States to provide entrepreneurs with appropriate legal instruments to plan the transfer of their businesses and ensure their continuity (Commission Recommendation 94/1069/EC, OJ 1994 L 385, p. 14). This approach was reaffirmed in the Commission Communication of March 1998 on the transfer of small and medium-sized enterprises, which, in assessing the implementation of the Recommendation, advocated broader access to succession planning instruments, including business succession agreements and family arrangements, in order to safeguard business continuity (Commission Communication 98/C 93/02, OJ 1998 C 93). Furthermore, while acknowledging the usefulness of alternative instruments, the Commission emphasised their comparatively limited stability and advocated the introduction of agreements as to succession in legal systems where they remained prohibited, considering such prohibitions an unnecessary obstacle to effective estate planning.

solutions to the difficulties arising from divergences between national legal systems[3]. The ensuing debate confirmed the desirability of prioritising the coordination of private international law rules over the unification of substantive succession laws, without, however, overlooking the need for broader recognition of private autonomy, including through the use of contractual instruments for succession planning.

This process ultimately led to the adoption of Regulation (EU) No 650/2012 of 4 July 2012, through which the European legislature established a uniform framework of private international law rules governing succession matters, with the aim of ensuring greater certainty and predictability in determining the law applicable to cross-border successions[4]. While leaving the substantive succession laws of the Member States unaffected, the Regulation introduced significant mechanisms for coordination between national legal systems, thereby also facilitating the cross-border circulation of succession rights within the European legal area.

Particular significance in this respect attaches to Articles 22 and 25 of the Regulation, which, by allowing individuals to choose the law applicable to their succession and, within the prescribed limits, to agreements as to succession, enhance private autonomy and facilitate the cross-border circulation of legal models that differ from those recognised by the law of the State in which the deceased was habitually resident. This openness is reflected in Recital 49, in which the European legislature expressly sought to "facilitate the acceptance in the Member States of succession rights acquired as a result of an agreement as to succession". The resulting framework, therefore, while not requiring the harmonisation of national laws, encourages dialogue and the circulation of different succession models, including with regard to the limitations traditionally imposed on private autonomy in the devolution of estates.

2. Choosing the applicable succession law to enable succession agreements …

A brief examination of Italian law helps explain how private international law rules can facilitate the circulation of succession models and the overcoming of legal barriers. As is well known, Article 458 of the Italian Civil Code lays down a general prohibition of agreements as to succession, without prejudice to the family pact governed by Articles 768-bis et seq. of the Civil Code. The provision renders void both agreements by which a person disposes of their own future estate and transactions by which another person disposes of, or renounces in advance, rights that might accrue to them under a succession that has not yet opened[5].

According to the doctrinal categories developed in Italian law, this provision traditionally covers three types of succession agreement: (i) agreements instituting successors; (ii) agreements disposing of prospective succession rights; and (iii) agreements renouncing such rights. The first category arises where a prospective deceased person regulates their estate by agreement, allocating assets or rights to one or more persons as an inheritance or legacy after death. The contract thereby performs a genuinely succession-related function and becomes the legal basis of a future transfer mortis causa. Agreements in the second category have a different structure: a party disposes not of their own estate but of rights which they expect or anticipate acquiring upon someone else's death. The subject matter is thus merely prospective succession rights, relating to an estate not yet opened. In the third category, those same future rights are renounced in advance, producing solely a relinquishment of rights[6].

The central provision governing succession agreements under Regulation (EU) No 650/2012 is Article 25, which distinguishes agreements concerning the succession of one person from those concerning the successions of several

[3] European Commission, Green Paper on Succession and Wills, COM(2005) 65 final, 1 March 2005; OJ 2006 C 28, 3 February 2006.

[4] Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 (EU Succession Regulation), OJ 2012 L 201, p. 107.

[5] On the prohibition of succession agreements in Italian law, see Giampiccolo 1959, p. 232 ff.; De Giorgi 1976; Ferri 1980, p. 456 ff.; Lenzi 1988, p. 1209 ff.; Magliulo 1992, p. 1411 ff.; Rescigno 1993, p. 1281 ff.; Caccavale 1994, p. 25 ff.; Caccavale and Tassinari 1997, p. 74 ff.; Mengoni 1997, p. 310 ff.; De Nova 1997, p. 273 ff.; Roppo 1997, p. 8 ff.; Calogero 2006, p. 94 ff.; Palazzo 2008, p. 244 ff.; Balestra and Martino 2009, p. 63 ff.; Bonilini 2015, p. 343 ff.

[6] The distinction between the three categories is also relevant to the rationale for the prohibition, as the various situations covered by the Civil Code cannot all be reduced to a single justification. For agreements appointing successors, the traditionally prevailing view traces the prohibition to protection of testamentary freedom and, above all, the full revocability of last-will dispositions. The same considerations cannot automatically be extended to agreements disposing of, or renouncing, prospective succession rights. In those cases, the future deceased's freedom to regulate their own succession is not directly curtailed: it is the prospective successor who disposes of or renounces rights under someone else's future estate. The traditional rationale for prohibiting such arrangements is to protect prospective successors against prematurely disposing of rights that are uncertain and contingent. In other words, the legislator seeks to prevent a person, perhaps seeking an immediate financial benefit, from transferring or abandoning a succession position whose existence and true economic value cannot yet be reliably assessed. A further traditional explanation is the desire to discourage transactions capable of encouraging the so-called votum captandae mortis: a financial interest in the death of the person whose future estate is concerned. See especially Ferri 1997, p. 45; Bianca 1989, p. 404; Balestra and Martino 2009, p. 65; Bonilini 2025, p. 26 ff.

persons[7]. For the former, admissibility, substantive validity and binding effects between the parties—including the conditions for dissolution—are governed by the law which would have applied to the succession of the person concerned if that person had died on the day the agreement was concluded. This entails a hypothetical, or anticipated, lex successionis, determined by reference to circumstances existing when the succession agreement is made. Thus, absent a valid choice of another law, the agreement is governed by the law of the State in which the person concerned was habitually resident at the time of its conclusion, pursuant to Articles 21(1) and 25(1), read together[8].

The advantage of this solution is clear: it stabilises the legal regime governing the agreement despite subsequent changes in connecting factors. The person concerned can plan their succession without having to know with certainty where they will be habitually resident when they die. A later move will therefore not, in itself, undermine the admissibility or substantive validity of the agreement, nor will it enable a party to escape its binding effects merely because the law ultimately governing the succession has changed[9].

Alongside that connecting factor, Article 25(3) provides a choice of law: by way of derogation from the preceding paragraphs, the parties may submit the agreement's admissibility, substantive validity and binding effects, including the conditions for dissolution, to a law which the person, or one of the persons, whose estate is concerned could have chosen under Article 22. The latter provision allows a person to choose the law of a State of which they are a national at the time of the choice or at the time of death to govern their succession as a whole. Reading Articles 22 and 25(3) together, party autonomy in the conflict-of-laws sense—and thus professio iuris—is confined to the national laws of the person or persons whose succession is involved, potentially selected from several nationalities. The nationality of a contracting party participating solely as a beneficiary is irrelevant for this purpose[10]. The chosen law must, of course, permit the particular agreement concluded: the ability to designate the applicable law is not a general authorisation to enter into any form of succession agreement[11].

It follows that the European framework described above does not oblige legal systems which prohibit or restrict succession agreements to introduce them into domestic substantive law. Establishing conflict-of-laws rules for an institution does not require incorporating it into national legislation. Conversely, the Regulation expressly accommodates the operation of succession agreements and facilitates their use as an estate-planning instrument by laying down specific rules and allowing, within defined limits, a choice of law (professio iuris). Without achieving substantive harmonisation, these solutions favour the predictability of succession dispositions.

From this perspective, EU conflict-of-laws rules—and particularly the professio iuris in favour of the law of a State of which the person concerned is a national—can promote the circulation, importation and exportation of legal models by facilitating cross-border recognition of their effects. At the same time, the connecting factor of habitual

[7]The distinction concerns the number of successions involved, not the number of contracting parties: an agreement made by several persons may concern only one person's estate. Where several successions are involved, however, the potential concurrence of different succession laws must be addressed.

[8]As recital 51 explains, references to the law which would have applied to a person's succession had that person died on the date on which a disposition mortis causa was made, modified or revoked are to be understood as references either to the law of the State of habitual residence at that time or, if a choice had been made under the Regulation, to the law of the State of nationality at that time. In the present situation the relevant connecting factor for the hypothetical lex successionis is therefore the deceased's habitual residence when the agreement was concluded; the exception in Article 21(2), based on the rather indeterminate criterion of a manifestly closer connection, should not apply.

[9]A significant distinction thus emerges between succession agreements and other dispositions of property upon death. For the latter, absent a choice under Article 24(2), the Regulation refers, for modification or revocation, to the hypothetical succession law at the date when those acts take place. If a choice has been made under that provision, modification and revocation are also governed by the chosen law. For succession agreements, Article 25 subjects binding effects and the conditions for dissolution to the law governing the agreement, ensuring greater continuity. The stability of the connecting factor protects the parties' legitimate reliance and makes the outcome of succession planning more predictable. A more complex solution applies to agreements concerning several persons' successions. Article 25(2) makes admissibility conditional upon compliance with each law that would have governed the respective succession if the persons concerned had died on the date of conclusion. This means reviewing admissibility against the hypothetical succession laws of the persons whose estates are covered, rather than those of every contracting party. Once admissibility is established, substantive validity, binding effects and the conditions for dissolution are subject to a single law, selected from among those laws by reference to its closest connection with the agreement. This provision balances two approaches: (i) a more restrictive requirement of simultaneous compliance with all the relevant succession laws; and (ii) a more liberal approach satisfied by compliance with one law. The weakness of the chosen technique lies in the difficulty of identifying, in a particular case, the law most closely connected with the agreement. As Kindler (2017, p. 21) observes, it is easy to imagine agreements concerning the successions of two or more persons habitually resident in different countries, each containing estate assets or other relevant connecting factors. In such ambiguous circumstances, determining the closest connection may be problematic or even arbitrary.

[10]On the determination of the law applicable under Article 25, see Davì and Zanobetti 2014, p. 119; Rodrigo Rodríguez 2016, p. 381 ff.; Kindler 2017, p. 22.

[11]The choice of law is particularly important for agreements involving several successions because it replaces the separate admissibility tests under the hypothetical succession laws with a single governing law, including as to admissibility. It must also be distinguished from professio iuris under Article 22: a designation under Article 25(3) is made by agreement between the parties and concerns the law of the succession agreement, whereas the choice under Article 22 belongs to the individual whose estate is concerned and covers the succession as a whole.

residence itself facilitates the integration, including legal integration, of foreign nationals in their host State by extending to them the legal treatment afforded to habitual residents. Its application weakens the connection with nationality where a European citizen settles in a State other than the State of origin, leading to the application of the same law to nationals and foreign citizens habitually resident in the same State. Because nationals and foreign residents are governed by the same law in such circumstances, the legal disadvantage that might otherwise result from making nationality the connecting factor is avoided[12].

Consider, for example, an Italian family habitually resident in Germany. Unlike Italy, Germany generally permits succession agreements (Erbverträge), which are governed by §§ 1941 et seq. and 2274 et seq. BGB. Indeed, the drafters' decision to include the Erbvertrag in the German Civil Code, notwithstanding some initial scepticism and hesitation, was informed by the institution's distinctive flexibility and functional versatility, unmatched by other transactions in German succession law. Through an inheritance contract, the person whose estate is concerned (Erblasser) may appoint an heir (Erbeinsetzung), make legacies (Vermächtnisse), impose obligations (Auflagen), or choose the law applicable to the succession in accordance with private international law. The contracting party or a third person may be designated as heir, legatee or other beneficiary. The inheritance contract is therefore a genuine alternative to a will, both belonging to the category of dispositions mortis causa. Although their possible content may be the same, an essential difference remains: contractual succession dispositions are immediately binding, whereas testamentary dispositions remain freely revocable by the testator until death[13].

Returning to the Italian family habitually resident in Germany, in the absence of a different choice of law, a family member wishing to conclude an agreement appointing an heir (Erbvertrag) may rely on German law, designated by habitual residence at the time of conclusion under Article 25(1). Following the opening of the succession, rights arising from that agreement may also be asserted in Italy—as envisaged by recital 49 of Regulation (EU) No 650/2012—subject to the limits laid down by the Regulation. This mechanism facilitates the cross-border circulation of the effects of contractual succession, allowing arrangements permitted in one legal system to be relevant also in systems whose domestic law generally prohibits them.

The circulation of succession models can also be viewed from another angle. The Regulation allows a foreign national who is habitually resident in a Member State to choose their lex patriae, thereby selecting, between the law of residence and the law of nationality, the regime that appears most suitable or advantageous. In relation to Italy, the choice of applicable law can facilitate the introduction of contractual solutions originating in other legal systems. This may occur where a foreign citizen habitually resident in Italy wishes to conclude a succession agreement there and, with the other parties, chooses their national law under Article 25(3). Consider a Belgian family habitually resident in Italy whose members wish to conclude an agreement appointing successors. Choosing Belgian law as the national law of the person whose estate is concerned makes it possible to submit the agreement's admissibility, substantive validity and binding effects to a legal system which recognises and promotes that instrument. Although Belgian law originally prohibited agreements relating to unopened successions, reforms enacted in 2017 and 2018 revised that traditional position; the new provisions governing succession agreements are found in Articles 4.242 et seq. of the Belgian Civil Code (Burgerlijk Wetboek)[14]. The Belgian legislature didn't abolish the general prohibition: Article 4.242 BW continues to prohibit succession agreements, save for statutory exceptions. Yet the reforms substantially expanded private autonomy by permitting several specifically defined agreements, most notably the globale erfovereenkomst (global succession agreement). This arrangement represents the culmination of the evolution of Belgian succession law: it's a genuine inheritance contract under which a parent may reach an overall agreement with all their children concerning the future succession, also taking account of gifts and, more generally, advantages previously conferred on them[15].

Subject to the further requirements and limits imposed by the Regulation, conflict-of-laws party autonomy therefore makes it possible to use, in the State of habitual residence, succession-planning models permitted only by the law of nationality, notwithstanding the general prohibition under Italian domestic law.

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[12]On the significance of this connecting factor for the circulation of succession models, see Zanchi 2013, p. 758.

[13]On German inheritance contracts and the binding effects of contractual dispositions, see Nieder 2000; Reithmann and Albrecht 2001; Bühler and Schmitt 2022, p. 1004 ff.; Frieser 2024, pp. 402 ff. and 494 ff.; Hagenbucher 2025, p. 99 ff.; Wegmann 2025, pp. 213–221; Goldkamp 2026, p. 100 ff.

[14]On the innovative significance of the Belgian reforms, see especially Verbeke 2017–2018, p. 1082 ff.; Verbeke 2019a, p. 920 ff.; Verbeke 2019–2020, p. 43 ff.

[15] The Belgian global family agreement provides a mechanism through which family members can collectively coordinate succession arrangements. The legislative aim is to promote transparency, balance and legal certainty within families and to prevent subsequent inheritance disputes. The essential feature of the global agreement is the achievement of a balance among all parties: Article 4.254 BW speaks of 'balance', not 'equality'. Family members are thus enabled to reach a fair and reasonable solution together, in light of the particular personal circumstances of each prospective heir.

The solutions devised by the European legislature in its succession conflict-of-laws rules reveal a clear Union policy of encouraging mobility by EU citizens and, with them, the circulation of their property, assets and wealth. In this perspective, the connecting factor of habitual residence reduces national legal barriers to the more efficient circulation of wealth, including upon death. The free movement of persons and capital, combined with the possibility of choosing the lex patriae, also increases the circulation and importation of legal models of succession planning, including contractual models. Freedom to choose the applicable law thus has significance beyond merely identifying the governing legal regime: it can substantially expand the options available to a person planning the devolution of their assets, making contractual forms of succession accessible even where the legislature of the State of residence—particularly the Italian legislature, given the breadth of the prohibition in Article 458 of the Civil Code—does not provide for them. EU conflict-of-laws rules may therefore become genuine channels for the introduction of foreign contractual models, enabling their application even in legal environments traditionally resistant to the consensual regulation of future successions and thereby opening domestic succession law to the application of the designated foreign law.

However, in view of the possible transnational circulation of legal instruments, it is necessary to ask whether contractual dispositions mortis causa might be prevented from taking effect in the Italian legal system by invoking the public policy exception under Articles 35 and 40(a) of the Regulation. Before addressing that question, the meaning of public policy in those provisions must be clarified[16]. Article 35 allows the application of foreign law to be refused where it is manifestly incompatible with the public policy of the forum, while Article 40(a) provides a comparable ground for refusing recognition of a decision given in another Member State. At first sight, the reference to the forum's public policy might suggest a reference to the mandatory rules and principles of domestic law. Nevertheless, according to the widely accepted scholarly view, public policy under the Regulation must be understood in its private international law sense, which is necessarily distinct from the concept applicable to purely domestic relationships[17].

The distinction is important because the two concepts serve different functions. Domestic public policy limits private autonomy by preventing parties from contracting out of provisions protecting interests which the legal system regards as non-disposable. International public policy, by contrast, restricts the application of foreign law designated by conflict-of-laws rules or the recognition of the effects of decisions originating abroad. It follows that not every mandatory domestic rule is necessarily relevant to international public policy: the latter protects only fundamental principles of the legal system whose violation would be incompatible with the reception of particular foreign legal effects[18].

Accordingly, the reference to the forum's public policy in Article 35 of the Regulation should be interpreted as referring to international, rather than domestic, public policy. Any other interpretation would impair the very function of conflict-of-laws rules by making the application of foreign law conditional upon its conformity with the forum's mandatory provisions. This conclusion is supported by the evolution of Italian Supreme Court case law, which has progressively developed a concept of international public policy more receptive to the circulation of foreign legal models[19]. That jurisprudential development was carefully reconstructed by the Joint Divisions of the Court of Cassation in judgment No 12193 of 8 May 2019. The Court highlighted the move away from a traditionally

[16]On Article 25 and the cross-border circulation of succession agreements, see Bonomi 2016a, p. 142 ff.; Zanchi 2013, p. 760; Davì and Zanobetti 2014, p. 106 ff.; Rodrigo Rodríguez 2016, p. 381 ff.; Kindler 2017, p. 30.

[17]For the private international law meaning of the public policy exception in Article 35 of Regulation (EU) No 650/2012 and the distinction between domestic and international public policy, see Grimaldi 2012, p. 755 ff.; Barba 2016, p. 17 ff.; Bonomi 2016b, p. 579 ff.; Barba 2018, p. 403 ff.; Perriello 2019, p. 371 ff.; Perlingieri and Zarra 2019, p. 48 ff.

[18]On the distinction between domestic and international public policy and their different functions, see Grimaldi 2012, p. 755 ff.; Barba 2016, p. 17 ff.; Barba 2018, p. 403 ff.; Perriello 2019, p. 371 ff. For an account that recognises their different functions while emphasising the unity of the legal system's underlying values, see Perlingieri and Zarra 2019. Putortì (2016, p. 3 ff.) critically revisits the traditional distinction, emphasising the unity of the legal system and grounding both concepts in fundamental principles emerging from domestic, European and international sources.

[19]Earlier case law of the Italian Court of Cassation (Cass., 5 December 1969, No 3881, Foro it., 1970, I, col. 1977 ff.; Cass., 14 April 1980, No 2414, Giust. civ., 1980, I, p. 1489 ff.; Cass., 12 March 1984, No 1680, Giust. civ., 1984, I, p. 1419 ff.) adopted an essentially defensive conception of public policy, identifying it with the fundamental principles characterising the national community's ethical and social structure and with mandatory principles underlying major legal institutions. Although domestic and international public policy were conceptually distinguished, the two largely overlapped: the application of foreign law often depended on its essential conformity with domestic rules. This approach was progressively revised as the Italian legal system opened itself to international and supranational law and fundamental rights assumed greater importance. The Court eventually made clear that international public policy cannot be identified with domestic public policy, since doing so would make application of foreign laws depend on their substantial correspondence to Italian rules and frustrate the purpose of private international law. The focus consequently shifted from individual mandatory provisions to fundamental principles, also informed by values shared internationally. On that shift, see Cass., 26 November 2004, No 22332, Mass. giur. lav., 2005, p. 457 ff.; Cass., 4 May 2007, No 10215, Giust. civ. Mass., 2007, issue 5; Cass., 22 August 2013, No 19405, Foro it., 2014, I, col. 2898 ff.

defensive conception of public policy towards a more outward-looking function that facilitates the circulation of foreign legal institutions and rapprochement between legal systems, while respecting their fundamental principles[20].

According to the Joint Divisions, international public policy must therefore be identified with the fundamental values of the legal system at a given historical moment. Those values are derived not only from constitutional principles and international and supranational sources, but also from the manner in which those principles are implemented in ordinary legislation and interpreted by the Constitutional Court and the Court of Cassation[21]. International public policy is consequently a relative and evolving concept, liable to change in response to social, economic and legal developments. Consistently with earlier case law, it may accordingly be said that a mere difference between foreign and domestic rules is insufficient to establish an infringement of international public policy; compatibility must instead be assessed by reference to principles fundamental enough to bind the domestic legislature itself[22].

In short, the public policy exception under the Regulation cannot be regarded as a general means of preserving the forum's mandatory rules, but must be confined to protecting its fundamental principles. The reference to the public policy of the forum identifies the legal system by reference to which compatibility is assessed, without equating international public policy with domestic public policy. This interpretation is also consistent with the Regulation's aim of facilitating the cross-border circulation of succession rights and legal positions, while preventing public policy from becoming a systematic obstacle to the application of foreign legal models[23].

Having clarified the relevant concept of public policy, the next question is whether the prohibition of succession agreements under Article 458 of the Italian Civil Code embodies fundamental principles of the Italian legal system and can accordingly operate as an international public policy exception. Legal scholarship generally answers this question in the negative, not merely because of the relatively liberal approach of Italian case law, but also because the opposite conclusion would be difficult to reconcile with the purposes and structure of the Regulation[24]. Recital 49 is particularly telling: the European legislature expressly sought to facilitate acceptance in Member States of succession rights acquired as a result of agreements as to succession. This objective is directly implemented by Article 25, which governs the law applicable to such agreements and allows the parties, under paragraph 3, to choose the law governing their agreement. The prohibition in Article 458 of the Italian Civil Code does not appear, in itself, to constitute a rule of international public policy. An interpretation permitting the systematic invocation of public policy merely because foreign law allows contractual succession would deprive Article 25 of much of its practical effect and frustrate the objectives pursued by the European legislature[25].

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[20]See Italian Court of Cassation, Joint Divisions, 8 May 2019, No 12193, Foro it., 2019, I, col. 1951 ff., tracing the evolution of international public policy from a predominantly defensive conception towards a more outward-looking function receptive to values shared internationally and supranationally.

[21]The Joint Divisions clarify that growing openness towards international and supranational values does not make ordinary legislation irrelevant to the content of public policy. Referring to the Joint Divisions' earlier judgment of 5 July 2017, No 16601, the Court notes that constitutional principles also find concrete expression in the rules governing particular institutions. Identifying fundamental values therefore requires consideration of ordinary legislation and its judicial interpretation. See Cass., Joint Divisions, 5 July 2017, No 16601, Foro it., 2017, I, col. 2613 ff. and Cass., Joint Divisions, 8 May 2019, No 12193, Foro it., 2019, I, col. 1951 ff. The latter judgment expressly recognises the role of ordinary rules implementing constitutional principles and their interpretation by the Constitutional Court and the Court of Cassation.

[22]See Cass., 30 September 2016, No 19599, Foro it., 2016, I, col. 3329 ff., holding that a mere difference between foreign law and national law is not sufficient to establish a public policy violation where the domestic rule is only one possible exercise of the ordinary legislature's discretion.

[23]On the restrictive interpretation of public policy under the Succession Regulation and the need to preserve predictability of the applicable law, see Davì and Zanobetti 2013, p. 107 ff.; Villata 2019, pp. 714–748; Damascelli 2020, issue 4. See also recital 58 of the Regulation, which presents public policy as an exceptional ground of refusal and requires that it be applied consistently with the Charter of Fundamental Rights of the European Union.

[24]For further scholarship on the law applicable to succession agreements, see Migliazza 1993, p. 6; Clerici 1995, p. 1140; Deli 1996, p. 1307 ff.; Ballarino 1999, p. 160 ff.; Calò 2000, p. 1325 ff.; Damascelli 2003, p. 86 ff.; Calò 2010 (online supplement to Quaderni della Fondazione Italiana del Notariato); Deli 2010, p. 475 ff.; Marino 2010, p. 469 ff.; Zanchi 2013, p. 760 ff.; Barel 2013, p. 136 ff.; Davì and Zanobetti 2014, p. 106 ff.; Rodrigo Rodríguez 2016, p. 381 ff.; Kindler 2017, p. 30 ff.; Peroni 2022, p. 426 ff.

[25]These conclusions appear consistent with approaches found in other European jurisdictions, including the Netherlands. Under the prevailing interpretation in Dutch scholarship, the domestic prohibition of succession agreements is not, in itself, a bar to applying foreign law that permits them. On Dutch law, see Schols 2012, p. 96 ff.; Verdickt and Elsermans 2016, p. 258 ff.; van Doormalen 2024, p. 11 ff. Particularly instructive is the example given in the Council of the Notariats of the European Union's practical guide to Regulation (EU) No 650/2012 (CNUE, Praktische gids bij verordening 650/2012 over grensoverschrijdende nalatenschappen, p. 11). Two German spouses habitually resident in France conclude an inheritance contract before a German notary, choosing German law to govern both the agreement and their successions. The guide considers the agreement valid under Article 25(3), although French law maintains a general prohibition of agreements concerning future successions. This example indicates that the mandatory nature of the prohibition in the State of habitual residence does not automatically make it a rule of international public policy or exclude a foreign law permitting contractual succession. The effects of the individual agreement must nevertheless remain compatible with the fundamental principles of the forum.

The expansion of the European perspective from business succession to succession generally, first through the 2005 Green Paper and then Regulation (EU) No 650/2012, makes it possible to situate succession agreements within a broader framework protecting the expectations of interested parties and the certainty of arrangements made during life. The specific rules governing the applicable law and the objective of facilitating acceptance of the succession rights arising from these agreements reflect a strong openness towards a plurality of means of transferring wealth upon death.

Although the various European initiatives do not necessarily require abolition of the Italian prohibition, they have long encouraged reflection on whether such a general restriction remains appropriate in light of the need for stable and consensual arrangements concerning property. It is reasonable to believe—and to hope—that these needs can be met through the circulation, sharing and mutual recognition of legal models, particularly against the background of ever-increasing intra-EU mobility. professio iuris has a particularly important role in this regard: by enabling a person to choose the law applicable to their succession, and specifically to an inheritance contract they wish to conclude, it facilitates the cross-border circulation of succession institutions and models that differ from those recognised by the law of the State of habitual residence.

The option of applying foreign law not only broadens the range of instruments available for planning generational transfers, but also fosters an ongoing dialogue between national legal traditions. professio iuris is thus both an expression of private autonomy and a vehicle for the circulation of legal models. Over time, it may encourage convergence between legal systems and prompt renewed scrutiny of outdated prohibitions and restrictions without equivalents in other European succession regimes. European experience may in this way contribute to reconsideration of the established Italian model, in search of an equilibrium in which testamentary freedom and the protection of family members can also be achieved through contractual instruments.

3. … and reshape forced heirship protection.

As indicated above, Article 21 of the Regulation generally designates the law of the State in which the deceased was habitually resident at death as the law applicable to the succession, subject to the exception of a manifestly closer connection with another State. Article 22, by contrast, permits professio iuris in favour of the law of the State of nationality at the time of the choice or at death.

This raises the question whether a legal system providing a relatively strong or weak degree of protection for reserved heirs may apply a foreign law affording a lower degree of protection, or one that makes no provision for forced heirship at all[26].

Consider, for example, an English national habitually resident in Italy or the Netherlands who, by means of a professio iuris under Article 22 of Regulation (EU) No 650/2012, submits their succession to the Inheritance Act; conversely, consider an Italian or Dutch national habitually resident in England, whose succession would accordingly be governed by that law under Article 21 of the Regulation.

In both situations, Articles 22 and 21 lead to the application of a law which does not establish a mandatory reserved share, although it may allow a claim for financial provision in certain circumstances.

The question is therefore whether the forced heirship rules of Italy and the Netherlands form part of their respective concepts of international public policy and whether Article 35 of the Regulation accordingly permits the exclusion of the derogating foreign law.

To delineate the issue more precisely, a brief account of the substantive rules on forced heirship in Italy and the Netherlands is appropriate, with a view to identifying the level of protection afforded by the two legal systems.

From a comparative perspective, forced heirship regimes may be divided into three broad categories according to the protection afforded: strong protection, based on a proprietary claim and the conferral of heirship status; weak protection, consisting of a monetary claim without necessarily conferring the status of heir; and the absence of a reserved share, which may be accompanied by protective measures tailored to the circumstances of the individual case.

Italy follows the strong-protection model, whereas the Netherlands follows the weak-protection model, since reserved heirs enjoy a claim in personam.

[26]For a recent assessment of the Regulation's impact ten years after its application began, see Riva 2025, p. 13 ff.

Under Articles 536 et seq. of the Italian Civil Code, reserved heirs are the spouse, the surviving party to a civil union, children (including adopted children), and, in the absence of descendants, ascendants. Descendants of children who inherit by representation enjoy the rights reserved to the latter. The size of the reserved share varies with the number and combination of beneficiaries: where there is no spouse, an only child is entitled to half of the estate, while two or more children are collectively entitled to two-thirds. A spouse who does not share the succession with descendants or ascendants is entitled to half; where the spouse shares with one child, each receives one-third; where there are several children, the spouse receives one-quarter and the children collectively one-half. In the absence of descendants and a spouse, ascendants are collectively entitled to one-third; where they share with the spouse, they receive one-quarter and the spouse one-half[27].

The Italian reserved share can therefore significantly restrict testamentary freedom: where a spouse and children survive, it may amount in aggregate to 75 per cent of the estate, in addition to the spouse's rights of use and habitation in the family home under Article 540 of the Civil Code.

The basis for calculating the reserved share is determined through notional aggregation (riunione fittizia): the deceased's debts are deducted from the value of assets owned at death, and the value of lifetime gifts is added, according to the rules laid down in Article 556 of the Civil Code.

Accordingly, whether a reserved share has been infringed is assessed by reference not only to the estate remaining at death (the so-called relictum), but also to gifts made during the deceased's lifetime. Reserved heirs must also impute gifts and legacies received against their reserved share, unless exempted to the extent permitted by Article 564 of the Civil Code.

Italian protection has traditionally been characterised as proprietary, since the action for reduction of testamentary dispositions and gifts infringing the reserved share seeks to secure participation in estate assets rather than merely awarding a monetary claim. That description now requires qualification: Law No 182/2025 strengthened the protection of third-party purchasers of donated assets by replacing recovery of the property, in the circumstances governed by the amended Article 563 of the Civil Code, with monetary compensation payable by the donee.

In any event, a testator cannot freely deprive a reserved heir of their entitlement by will: omission of the heir does not extinguish the right to bring an action for reduction. The grounds of unworthiness to inherit and the specific power under Article 448-bis of the Civil Code to exclude a parent deprived of parental responsibility remain applicable.

Dutch law, by contrast, is less restrictive than Italian law.

In the Netherlands, the legitieme portie, governed by Articles 4:63 et seq. of the Burgerlijk Wetboek, is reserved exclusively to descendants; neither the spouse nor ascendants are reserved heirs[28].

An individual's reserved portion ordinarily equals half the share that would be received on intestacy, calculated on the statutory estate base. For each child, that base is divided by twice the number of children, with the spouse also counted. Thus, an only child without a surviving spouse is entitled to one-half, while two children without a surviving spouse are each entitled to one-quarter. Where a spouse and one child survive, the child's entitlement is one-quarter; where a spouse and two children survive, each child's entitlement is one-sixth. The spouse therefore affects the calculation of descendants' shares despite not being a reserved heir.

The calculation base, known as the legitimaire massa, comprises the value of estate assets plus relevant gifts and minus debts specifically deductible under Article 4:65, subject to the allocation against a reserved heir's share of benefits received by inter vivos gift or on succession.

A reserved heir's protection takes the form of a personal claim: the heir may demand a sum of money without acquiring a proprietary right in particular assets or heirship status.

A distinctive feature of Dutch law is the need to distinguish entitlement to the reserved portion from the actual enforceability of the corresponding monetary claim. In particular, a reserved heir's claim is not enforceable until six months have elapsed since the deceased's death.

Protection of the surviving spouse may, however, result in a further postponement: under the statutory division between spouse and children, enforceability is normally deferred until the spouse's death, subject to other statutory

[27]See Calvo and Ciatti Càimi 2026.

[28]For recent Dutch textbooks and commentaries on succession law, see Perrick 2025; van Mourik et al. 2020; Vegter 2025, pp. 151–212; Kolkman et al. 2026; van Tijdhof-van Haare and Schols 2023; Nuytinck 2024; Wortmann and van Duijvendijk-Brand 2024; Schrama et al. 2026.

circumstances and to provisions for non-enforceability established by the testator in favour of the spouse pursuant to Articles 4:82–4:83 BW.

Unlike Italy, the Netherlands permits the disinheritance of a reserved heir, excluding that person from heirship even without good cause; nevertheless, disinheritance does not extinguish the legitieme portie.

Mere family conflict or a child's financial independence does not allow a parent to deprive the child of the reserved share, subject to statutory grounds of unworthiness. A disinherited spouse, by contrast, has no reserved share but retains independent protective rights: under the conditions laid down in Articles 4:28–4:30, the spouse may temporarily continue using the home and its furnishings and obtain usufruct rights over the home and, where necessary for maintenance, over other estate assets.

Having outlined the forced heirship regimes in both legal systems, it's now necessary to examine how each addresses the question raised above.

Unlike Article 46(2) of Italian Law No 218/1995[29], which prevented a testator's choice of the law of their State of residence from prejudicing the rights of reserved heirs resident in Italy, Regulation (EU) No 650/2012[30] does not provide that the Italian forced heirship regime bars the application in Italy of a foreign law lacking rules protecting reserved heirs.

Consequently, it's only if Articles 536 et seq. of the Italian Civil Code are regarded as expressing an indispensable principle defining the identity of the Italian legal system, and are therefore brought within the notion of international public policy[31], that Article 35 of Regulation (EU) No 650/2012 could justify excluding in Italy the application of foreign law infringing the rights of Italian reserved heirs.

Since forced heirship in Italy isn't constitutionally guaranteed, answering this question first requires clarification of whether the values comprising international public policy may also be derived from ordinary legislation.

The concept of international public policy has undergone significant evolution in Italian law. The original understanding was that the exception did not prevent application of foreign law in Italy only if that law was compatible with Italian ordinary legislation concerning the same institution[32].

Subsequently, under the influence of supranational law, international public policy came to be understood as coinciding with the fundamental values expressed in the Constitution and international and supranational instruments[33].

The more recent approach of the Court of Cassation occupies an intermediate position: the concept derives from the Constitution and international and supranational law, but also from ordinary legislation insofar as that legislation expresses fundamental values of the legal system[34].

Having established that ordinary legislation in Italy may also contribute to the definition of international public policy, it remains to determine, as already indicated, whether the Civil Code rules on forced heirship implement an indispensable principle expressing a value fundamental to the identity of the Italian legal system.

In several decisions, Italian courts have held that protection of reserved heirs does not concern international public policy because, although it's secured by mandatory domestic rules, restricting it does not amount to an infringement of an inviolable human right[35].

[29]The earlier connecting factors operated in the reverse order. Article 46 of Italian Law No 218/1995 provided: '1. Succession upon death is governed by the national law of the person whose estate is concerned at the time of death. 2. The person whose estate is concerned may, by an express declaration in testamentary form, submit the succession as a whole to the law of the State in which they reside. The choice has no effect if the person no longer resides in that State at death. Where the deceased is an Italian national, the choice shall not prejudice the rights which Italian law grants to reserved heirs resident in Italy at the time of death. 3. Division of the estate is governed by the law applicable to succession, unless the co-heirs agree to designate the law of the place where the succession opens or of the place in which one or more estate assets are situated.'

[30]One of the most important achievements at the European level is the European Certificate of Succession. See Riva 2017, p. 51 ff.

[31]For the relationship between domestic and international public policy, see Perlingieri and Zarra 2019; Barba 2018, p. 403 ff.; Barba 2020, p. 41; Feraci 2012; Salerno 2018, p. 259 ff.; Caroccia 2018, p. 95 ff.; Mosconi 2007, p. 5 ff.; Lotti 2005.

[32]For the earlier jurisprudential conception, see Cass., 5 December 1969, No 3881; Cass., 14 April 1980, No 2414; Cass., 13 March 1984, No 1680 (date reproduced as in this note in the original manuscript; elsewhere the manuscript gives 12 March 1984).

[33]See Cass., 15 June 2017, No 14878, on fundamental values relevant to recognition of foreign legal effects.

[34]See Italian Court of Cassation, Joint Divisions, 8 May 2019, No 12193, on international public policy.

[35]On the status of reserved-heir protection in Italian case law, see Tribunale di Termini Imerese, 15 July 1965; Corte d'Appello di Milano, 4 December 1992; Cass., 24 June 1996, No 5832; Cass., 30 June 2014, No 14811.

This reasoning is also supported by the fact that, as noted, forced heirship enjoys no constitutional guarantee under either Article 42(4) or Article 29 of the Italian Constitution, so that the ordinary legislature could even abolish it.

Accordingly, foreign laws affording reserved heirs a lower degree of protection than Italian law can be applied in the Italian legal system[36].

As in Italy, the prevailing view in the Netherlands is that forced heirship does not form part of international public policy. Accordingly, an English national resident in the Netherlands who makes a professio iuris in favour of the law of their nationality may leave nothing to their children. In such a case the children, even if Dutch nationals, have no reserved share, although they may invoke other, weaker forms of protection available under the applicable law[37].

A decisive reason for this solution lies in Article 23(2)(h), under which the law applicable to the succession also governs the disposable portion and reserved shares. This implies that Member States cannot reinstate their domestic reserved shares by invoking the public policy exception: otherwise that provision would be deprived of practical effect and the objective of unifying conflict-of-laws rules within the European Union would be undermined.

In both Italy and the Netherlands, the public policy exception is accordingly considered to require exceptional caution. It may, for example, be relevant to legislative provisions discriminating on grounds of religion, race, nationality or sex, since, also in the light of recital 58 of Regulation (EU) No 650/2012, the principle of non-discrimination is widely accepted as forming part of international public policy[38.]

These conclusions are further supported by recital 54, which, although not directly concerned with public policy, requires a restrictive interpretation of departures from the applicable succession law and expressly states that provisions granting a larger reserved share cannot prevail over the applicable law for that reason alone.

Recital 38 likewise demonstrates that the protection of reserved heirs was considered when the rules on choice of law were framed: professio iuris is limited to the law of nationality precisely to reduce opportunities to select a law solely in order to defeat the forced heirship rules of the State of habitual residence.

This recital therefore indirectly confirms the conclusion reached above: once nationality of another State has been acquired, the person may submit the whole succession to that State's law, including its treatment of reserved heirs.

Finally, recital 26 leaves intact mechanisms designed to prevent circumvention of the law, including fraus legis. Its role in protecting reserved heirs is, however, limited: acquisition or change of nationality is governed by the rules of the respective national legal systems, while the transfer of habitual residence, by the nature of that connecting factor, cannot be reduced to a mere formality but presupposes factual circumstances without which habitual residence cannot be established.

The approach adopted in Italy and the Netherlands isn't, however, shared by all national supreme courts.

In Germany, for example, in its judgment of 29 June 2022[39], the Bundesgerichtshof adopted the following principle: the protection of reserved heirs is a matter of German public policy, and Article 35 of Regulation (EU) No 650/2012 may therefore justify disapplying the lex successionis designated under Article 22 whenever its application fails in practice to afford reserved heirs protection at least equivalent to that guaranteed by German succession law[40].

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[36]For public policy in succession law with particular reference to sex discrimination, see Gruppuso 2024, p. 256.

[37]On choice of law and reserved shares in Dutch and interregional succession matters, see Filesia 2020a, 2020b; Schols 2019, pp. 740–741; Knot 2015, pp. 64–70, especially p. 67; Schols 2014, pp. 587–592. On the relationship between freedom of testation, choice of law, public policy and avoidance of the law, see Schols 2012, issue 5. For earlier Dutch scholarship on international and interregional succession law, see Joppe 1980, p. 19; Westbroek 1990, p. 149; ten Wolde 1996, p. 100.

[38]Francisetti Brolin (2024, p. 325) notes a possible paradox if non-discrimination is included in international public policy but protection of reserved heirs is excluded: in Italy, Article 35 could then prevent application of a law which discriminates between children by giving one a smaller reserved share than another, even though both receive some protection, while allowing application of foreign law which provides no forced-heirship protection at all and permits the testator to leave the entire estate to one child and exclude another entirely.

[39]The judgment arose from the following dispute. A testator originally from the United Kingdom, but habitually resident in Germany, had chosen English law to govern his succession by a will dated 13 March 2015. As that law allowed, he left his entire estate to a third party, omitting his adopted son. The latter applied to the Regional Court of Cologne for information on the existence and value of his father's estate, asserting rights under §§ 2303, 2314, 1754 and 1755 BGB. The court dismissed the application, but on appeal the Higher Regional Court of Cologne, by a judgment of 22 April 2021, reversed that decision and ordered the testamentary heir to prepare an inventory of the estate. The appointed heir then appealed to the Bundesgerichtshof, seeking dismissal of the claim in its entirety.

[40]For commentary on the German Federal Court of Justice judgment of 29 June 2022 (IV ZR 110/21), see Schmidt 2022, pp. 1493–1495; Windeknecht 2022, pp. 2547–2552; Dörner 2022, pp. 672–673; Holtz and Lorenz 2022, p. 1923; Wenzel and Falkowski 2022, pp. 453–459; Henn 2022, pp. 417–419; Rieländer 2022, pp. 964–970; Boosfeld 2023, pp. 249–274; Soutier 2023, pp. 286–290; Looschelders 2023, pp. 320–322; Hertel and Strauß 2023, pp. 433–440; Magnus 2024, pp. 4–20; Weber J 2025, pp. 65–71; Lehmann 2021, pp. 701–702; Bühler 2022, pp.

In the case before it, the Federal Court of Justice was required to assess the compatibility of English succession law with German public policy.

The Inheritance (Provision for Family and Dependants) Act 1975 does not confer an automatic reserved share on descendants, irrespective of their financial circumstances. Rather, it allows a court, in its discretion, to award financial provision against the testator's wishes to descendants in need, provided that the deceased was domiciled in England or Wales at death.

By contrast, § 2303 BGB guarantees descendants a compulsory portion equal to half the value of their intestate share, regardless of their financial circumstances. Section 2314 BGB also entitles an omitted reserved heir to obtain information from the testamentary heir concerning the estate and to request an inventory at the estate's expense.

The Federal Court of Justice considered the provisions of the Inheritance Act incompatible with German succession law, which enjoys constitutional protection under Articles 6 and 14 of the Grundgesetz. The reserved heir's entitlement is regarded as a fundamental, non-disposable right intended to preserve the moral and economic bond between family assets and family members.

Unlike in Italy and the Netherlands, a descendant's participation in the estate of an ascendant is thus regarded in Germany as an expression of the reciprocal duties of moral and material assistance underpinning family life; pursuant to the combined effect of Articles 6 and 14 of the Basic Law (Grundgesetz), these duties impose a constitutionally significant restriction upon testamentary freedom.

The German Federal Court of Justice reasoned that Regulation (EU) No 650/2012 itself indicates that forced heirship rules may concern public policy. In the Court's view, since Article 22 permits the law of nationality to be chosen as the law governing a succession, one function of Article 35 is precisely to protect reserved heirs who would otherwise be prejudiced by the law selected, preventing professio iuris from being employed to frustrate the expectations of persons entitled to a reserved share.

Unlike the German approach, the Italian and Dutch positions accord with the case law of the European Court of Human Rights. As regards forced heirship, the Strasbourg Court has held that Article 8 of the European Convention on Human Rights does not protect a general and unconditional right of children to inherit part of their parents' assets[41]. Nor does Article 1 of Protocol No 1 afford such protection where the applicable succession law recognises no reserved-heir entitlement: in that situation, the persons concerned possess neither existing property nor a legitimate expectation[42] capable of falling within the provision's scope.

4. Conclusions: professio iuris and the cross-border circulation of succession models.

The European context provides fertile ground for the Italian legislature, too, to develop greater receptiveness to demands for reconsideration of the prohibition of succession agreements and the limitations inherent in forced heirship rules. Comparison with foreign experiences and participation in a common legal space permit renewed critical scrutiny of legislative solutions traditionally regarded as indispensable features of the national system. professio iuris under Articles 22 and 25 of Regulation (EU) No 650/2012 has a particularly important role in this regard: through the choice of the law applicable to the succession and to succession agreements, it promotes the circulation of models different from those available under the law of the person's State of habitual residence. Resort to foreign laws which recognise broader private autonomy enables individuals not only to use contractual estate-planning instruments, but also to benefit from regimes allowing greater freedom in determining the devolution of an estate—including, in some jurisdictions, disinheritance or forms of reserved-heir protection markedly different from those provided by Italian law. professio iuris thus becomes an important means of circulating legal models, broadening the person's freedom of self-determination while encouraging dialogue between differing conceptions of testamentary freedom and family solidarity. Such circulation may, in turn, become a significant catalyst for the development of domestic law, prompting the legislature to reconsider whether prohibitions and limitations deeply rooted in national legal tradition remain appropriate when comparable restrictions are absent from other European legal systems.

191–200; Weber C 2022, pp. 424–431. The cited works analyse the relationship between freedom to choose English succession law under Article 22 of the Regulation, the German constitutional understanding of the mandatory share, and the international public policy exception in Article 35.

[41]ECtHR, Colombier v France, 15 February 2024.

[42]ECtHR, Jarre v France, 15 February 2024.

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