



Report

Webinar on Intestate Succession of Unmarried Partners as Members of a Deceased's Household

The webinar opened with remarks from **Gregor Christandl**, who welcomed the speakers and participants.

Subsequently, **Dorota Miler** delivered a brief introduction to the webinar, highlighting the growing number of unmarried partnerships in Europe and the lack of rights or claims available to them on intestacy in the event of their partner's death in most European jurisdictions. In the jurisdictions discussed during the webinar, unmarried partners enjoy the intestate rights available to members of a deceased's household only if they are classified as deceased's housemates for a certain period and if additional requirements (such as financial dependency or a common child) are fulfilled. In most of the relevant countries, these rights were introduced due to the influence of Soviet-Union law.

Eniana Qarri (University of Tirana, Albania) presented the law applicable in Albania. She first provided an overview of Albanian succession law and then concentrated on the intestate rights available to members of a deceased household. Household members have intestate rights if they were incapable of working and financially dependent on the deceased for at least one year directly before the deceased's death. These rights, if all conditions are met, can be available to unmarried partners as well. In such a situation, unmarried partners cannot be deprived of their rights through testamentary dispositions. An unmarried partner, as a member of a deceased household, inherits in the second order of succession (if the deceased was not survived by any descendants).

Iryna Dzera & Tetyana Fedosieieva (Kyiv-Mohyla Academy, Ukraine) provided insights into Ukrainian law. Under Ukrainian law, an unmarried partner can inherit from a deceased partner on intestacy, or if they do not meet the criteria for inheriting on that basis, as a member of a deceased's household. However, inheriting as a member of a deceased's household requires that the surviving partner was incapable of working and financially dependent on the deceased for at least five years immediately before the deceased's death. Both rights are rather symbolic, as unmarried partners belong to the penultimate order of statutory heirs in Ukraine (4th order) or, as members of the deceased's household, they belong to the last order of statutory heirs (5th order).

Ondřej Frinta (Charles University, Czech Republic) presented the intestate rights of unmarried partners as cohabitants of a deceased in the Czech Republic. In this country, an unmarried partner can inherit from his or her deceased partner if he or she was dependent on the deceased or took care of the common household for at least a year directly before the deceased's death. Ondřej Frinta discussed the prerequisites for the application of the relevant provisions in the context of relevant case law. An unmarried partner, as a member of a deceased household, inherits in the second order of succession (if the deceased was not survived by any descendants).

John Asland (University of Oslo) discussed the legal provisions granting intestate rights to unmarried partners, as well as the legal provisions providing unmarried partners as cohabitants with claims against the estate of their deceased cohabitants. Because the threshold for being recognized as an unmarried partner under Norwegian law is comparatively high (the unmarried partners must have or have had a common child), the claims available to housemates are practically relevant also for unmarried partners. These claims allow them, inter alia, to buy out real estate or a part of real estate belonging to the deceased, which has exclusively or mainly served as a shared home, and the deceased's share of ordinary household goods.

The seminar concluded with a discussion led by **Denise Wiedemann**, followed by final conclusions.