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**PERSONALIZED SOLUTION
IN EUROPEAN FAMILY AND
SUCCESSION LAW**

Roberto Garetto
Ed.

Report on Collecting Data Methodological and Taxonomical Analysis

Title Report on Collecting Data: Methodological and Taxonomical Analysis

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Preface

It is a fundamental requirement for a successful running of the PSEFS project on one hand to collect information and data related to cross-border couples in Europe and on the other hand to evaluate the extent to which the two new Regulations of 2016 are known by the potential beneficiaries of the rules, the cross-border couples.

Another aspect is the opportunity to verify the extent to which the EU regulatory choice of two different regulations, 1103 and 1104 of 2016, is an expression of a social and regulatory taxonomy in Europe.

The report is the document through which the results of this survey will be made public.

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Social Perspective Related to Family Formations in the European Union

Roberto Garetto

1.1. Introduction.

The RIJEKA TEAM – WP2 prepared a questionnaire focused on family law and succession law. The questionnaire was filled-in by experts in the fields for each of the EU Member States. The purpose was to have national reports for all of them. The first part of the questionnaire deals with “Social Perspectives”. This section is made up of four questions:

- 1.1. Provide the list of different types of living lifestyles/family formations (multi-generational families, nucleus families, couples without children, single-person household, families with one or more members are living separately such as in case of economic migrants, common household of two or more persons without affectio maritalis).*
- 1.2. Provide statistical and descriptive demographic and social data regarding the number of marriages and other formal/informal unions in your country.*
- 1.3. Provide statistical and descriptive demographic and social data regarding the number of divorces and dissolution of other formal/informal unions in your country.*
- 1.4. Provide statistical and descriptive demographic and social data regarding the percentage of these marriages/divorces and unions/dissolutions, which have cross-borders elements (if possible separately for those marriages and unions where the members are not of the same nationality and those which have moved abroad during their life).*

The analysis of the answers in this section of the national reports is potentially very useful for several reasons. First, it describes a wide range of family formations and lifestyles from across the EU. Second, it provides statistical information about marriage, formal or informal unions, divorce and union dissolution in the Member States which the authors of the reports gathered, selected and commented on. Furthermore, the results of their work offer information about the statistical agencies that provide data with regard to family issues in the Member States. In some cases the reports provide useful references to online reports.

Another important aspect related to the analysis of the answers to this section of the questionnaire deals with the complex taxonomy of family formations and the difficulties in finding uniform statistical data across the EU. Information on cross-border couples are often difficult to find in the data sets offered by the official statistical bureaus.

1.2. Different types of family formations and living lifestyles in the EU.

Answers to question 1.1 point to a complex picture of different family formations across EU. Comparing the answers from the different Member States, it is possible to notice that, in a way, the cultural differences depending on geography still persist. Traditional nuclear families still are more diffused in Southern and Eastern Europe. At the same time, it is clear that family formations and lifestyles are changing very quickly, and those that used to be diffused only in North-Western Europe today are quite common also in other areas of the continent.

In the last few decades, a remarkable evolution of family and household structures has occurred throughout Europe. The process started first in Northwestern Europe: patterns of family formation and dissolution have been changing there since the late 1960s. Until then, the traditional family consisted mainly of a unit made up of two generations: parents and their biological children: the so-called “nuclear family.” The evolution of lifestyles gradually changed the attitude of society towards marriage, cohabitation, single parenthood and divorce. A more tolerant and flexible mentality fostered the appearance of new models of family.

Since the late 1970s, family models have been changing in the Mediterranean area as well, so that lifestyles that used to be typical of Northern Europe (e.g. cohabitation) started spreading there too. The collapse of Soviet Union and its effects on Eastern Europe allowed a homogenisation of lifestyles and family models in that area of Europe as well.

Keeping in mind the aforementioned differences between the European regions, the answers to the first question provide a wide spectrum of family formations. The nuclear family is still the prominent family formation, although its diffusion is gradually decreasing. Even the nuclear family itself presents several typologies. The most common is the couple of married parents with minor or non-emancipated children. It must be pointed out that marriage is no longer considered necessary precondition to live as a family and to have children; hence, nuclear families nowadays are often based on cohabitation as well.

The so-called “long” nuclear family has an inhomogeneous diffusion. It is formed by parents with young adult children already economically-independent, who however decide to go on living at home, or who decide to come back home after a failed marriage or cohabitation. The social model of early independence of children discourages this typology of family in Northwestern areas of Europe, while in Mediterranean Europe it is still diffused.

Complex or multigenerational families have inhomogeneous diffusion too. Complex families can take multiple shapes and forms. In the multiple form households different generations coexist in the same family line (e.g. young spouses who live with the family unit of one of the spouses while they work to be able to have their own home). In the extended form a pre-existent household, ascenders and collaterals (e.g. widowed parents who permanently move to live into the family unit of one of their sons) coexists.

Nuclear families, with all their variants, are influenced by new life-styles all over Europe.

The impact of this influence is though still inhomogeneous. Starting from Northern Europe, the progressive equalisation of roles between men and women encouraged the diffusion of symmetrical families, where all responsibilities are equally divided between the partners. A more tolerant and flexible mentality tends to spread and to originate new models of family formation.

Single-parent families are becoming ever more common. This kind of “incomplete” family is composed of a single parent with his/her children. Other than in case of premature death of one of the spouses, this unit is the result of the dissolution of a conjugal relationship.

One of the main effects on the change of family types is the higher divorce rate. Until the second half of the twentieth century, divorce was in fact not allowed in several Member States and, where allowed, it was socially stigmatised and not so common. Social attitudes towards divorce have since changed, making it a normal part of family experience for increasing numbers of people.

Among the family formations that typically derive from the dissolution of a conjugal relationship can be mentioned reconstructed and recomposed families. Reconstituted families are composed of two adults who are married or cohabit. At least one of them has one or more children who come from a previously-established marriage or cohabitation and now live in the new family.

The recomposed families are a variant of the family formation previously described: adults, married or in cohabitation, generate new children living with them, together with children from previous relationships.

A type of relationship that started to spread in the last century and that now represents a significant phenomenon in the field of family formations is cohabitation in partnership. The first type of cohabitation in partnership that must be considered is the unregistered partnership. It originated in the past from different needs: the choice of sharing a life together for people that for some reasons were not allowed to marry (e.g. separated people waiting for divorce, same-sex couples) or did not want to marry (e.g. for ideological beliefs). Nowadays, cohabitant partnerships can be *de facto* or, in those Member States that allow for it, registered.

When the *de facto* or registered partnership is a free choice of the parties, that could have chosen marriage, it tends to be characterised by a strong emphasis on self-fulfilment and equality between the partners. In this type of family formation, the life in couple represents the main aim, and children sometimes are absent. The number of *de facto* partnerships is growing all over Europe with regard to couples of young people who experience a period of life in common before marriage. Other types of partnerships progressively arose in the last decades. The “living-apart-together” type of relationship ought to be mentioned: it consists of couples that have an intimate relationship, but live at separate addresses. Couples of elders, sometimes without *affectio maritalis*, must be mentioned as well.

Same-sex couples represent the newest and most remarkable introduction in the field of family formations in Europe. In the past few decades, the social acceptance of same-sex relationships has gradually grown in most Member States. Several of them, notably the ones in Centre-North and Western Europe (including, partially, the Mediterranean area) now recognise same-sex marriage. Others enabled same-sex couples to enter into civil unions or other forms of registered partnerships (sometimes exclusively reserved to them). Some Member States do not have any form of registered partnership for same sex couples that can only opt for *de facto* partnerships.

In the whole European Union the number of people living alone has increased. The unipersonal family is characterised by the improper denomination of “family”, as it is constituted by a single member. It regards people with disparate personal situations. Its diffusion is often linked to the lengthening of life, as the survived party, after the death of the spouse or partner, starts living alone. A single-member family can also be formed of subjects previously engaged in relationships, or married, that start living alone in consequence of the crisis of the couple, or of young people who leave their families and start living alone after they have obtained a job. This kind of unipersonal family is still less diffused in Southern and Eastern Europe, while Northern and Western Europe tend to encourage more independence and autonomy of the youth.

2.3. Statistical and descriptive demographic and social data regarding the family formations.

The statistical and descriptive demographic and social data available in the reports provide a wide and varied framework of family formations in the European Union.

Due to the structure of the “open” questions, statistical data are differently provided in the different Member States, so that their global comparison requires a thorough analysis that cannot be carried on at the moment. The provided information still makes a usefull tools for developing the understanding of contemporary family through a social analysis and, in particular, with regards to statistical data.

Table 1 below contains a list of the official statistical agencies of the Member States, including some unofficial ones, whose data and information were processed by the authors. Their English official website of each of the statistical agencies is included in the table.

Table 1. Statistical Agencies in the EU Member States

Member State	Statistical Agency	Website
Austria	Statistik Austria is the name with which the Bundesanstalt Statistik Österreich appears in public matters. It is the national statistical office.	http://www.statistik.at/web_en/statistics/index.html
Belgium	Statistics Belgium (or Statbel) is the national statistical office. It is part of the Federal Public Service Economy, SMEs, Self-Employed and Energy.	https://statbel.fgov.be/en
Bulgaria	The National Statistical Institute (Национален статистически институт), or NSI, is the Bulgarian state agency responsible for the collection and dissemination of statistical data.	http://www.nsi.bg/en
Croatia	The Croatian Bureau of Statistics (Državni Zavod za Statistiku), or DZS, is the national statistics office.	https://www.dzs.hr/default_e.htm
Republic of Cyprus	The Statistical Service of Cyprus (Στατιστική Υπηρεσία), or CYSTAT, is the national authority responsible for the compilation and the publication of the official statistical data.	http://www.cystat.gov.cy/mof/cystat/statistics.nsf/index_en/index_en?OpenDocument
Czech Republic	Czech Statistical Office (Český statistický úřad), or ČSU, is the national agency which collects and disseminates statistical information.	https://www.czso.cz/csu/czso/home
Denmark	Statistics Denmark (Danmarks Statistik) is a Danish governmental organization under the Ministry for Economic and Interior Affairs that provides statistical data.	https://www.dst.dk/en
Estonia	Statistics Estonia (Statistikaamet) is the government agency responsible for producing official statistics.	https://www.stat.ee/?lang=en
Finland	Statistics Finland (Tilastokeskus - Statistikcentralen) is the national statistical institution.	http://www.stat.fi/index_en.html
France	The National Institute of Statistics and Economic Studies (Institut national de la statistique et des études économiques), abbreviated INSEE, is the national statistics agency. Others: Commission nationale consultative des droits de l'homme (French National Institution of Human Rights).	https://insee.fr/en/accueil https://www.cncdh.fr/

Germany	The Federal Statistical Office (Statistisches Bundesamt) is a federal authority for official statistics. Others: Statista GmbH, an online portal for statistics, which makes data collected by market and opinion research institutes.	https://www.destatis.de/EN/Home/_node.html https://de.statista.com/
Greece	The Hellenic Statistical Authority (Ελληνική Στατιστική Αρχή), is the national statistical service.	http://www.statistics.gr/en/home/
Hungary	The Hungarian Central Statistical Office (Központi Statisztikai Hivatal) is the agency responsible for collecting, processing and publishing official statistics.	http://www.ksh.hu/?lang=en
Ireland	The Central Statistics Office (Phríomh-Oifig Staidrimh) is the statistical agency responsible for providing statistical data.	http://www.cso.ie/
Italy	The Italian National Institute of Statistics (Istituto Nazionale di Statistica), or ISTAT is the official producer of statistics in Italy. Others: Consiglio Nazionale Forense (the Italian Law Society)	http://www.istat.it/en/ https://www.consiglionazionaleforense.it/
Latvia	The Central Statistical Bureau of Latvia (Centrālā statistikas pārvalde) provides national statistical data.	http://www.csb.gov.lv/en
Lithuania	The Lithuanian Department of Statistics, or Statistics Lithuania (Lietuvos statistikos departamentas) is a public authority that provides official statistical data.	http://www.stat.gov.lt/en/
Luxembourg	The National Institute of Statistics and Economic Studies of the Grand Duchy of Luxembourg (Institut national de la statistique et des études économiques du Grand-Duché de Luxembourg), or STATEC, generates and disseminates official statistical data.	http://www.statistiques.public.lu/en/index.html
Malta	The National Statistics Office Malta is responsible for the collection, compilation, analysis and publication of statistical information.	https://nso.gov.mt/en/Pages/NSO-Home.aspx
Netherlands	The Central Agency for Statistics (Centraal Bureau voor de Statistiek) is a governmental institution that gathers statistical information. Others: The Netherlands Jeugdinstituut (Netherlands Youth Institute)	http://www.cbs.nl/en-GB/menu/home/default.htm http://www.youthpolicy.nl/
Poland	The Central Statistical Office (Główny Urząd Statystyczny) is the public agency charged	http://stat.gov.pl/en/

	with collecting and publishing statistics.	
Portugal	The National Statistical Institute of Portugal (Instituto Nacional de Estatística), or Statistics Portugal, is responsible for producing and disseminating official statistical information.	https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_main&xlang=en
Romania	The National Institute of Statistics (Institutul Național de Statistică) is a government agency which is responsible for collecting national statistics.	http://www.insse.ro/cms/
Slovakia	The Statistical Office of the Slovak Republic (Štatistický úrad Slovenskej republiky) is an independent institution. Its main mission is the provision of statistical products.	https://slovak.statistics.sk/wps/portal/ext/home/en
Slovenia	The Statistical Office of the Republic of Slovenia (Statistični urad Republike Slovenije) is an independent state institution in charge of official statistical surveying.	https://www.stat.si/statweb/en
Spain	The National Statistics Institute (Instituto Nacional de Estadística) is the official statistics agency. Others: Consejo General del Poder Judicial (General Council of the Judiciary)	http://www.ine.es/en http://www.poderjudicial.es/cgpj/es/Temas/Estadistica_Judicial
Sweden	Statistics Sweden (Statistiska centralbyrån) is the government agency responsible for producing official statistics.	https://www.scb.se/en/
UK	The Office for National Statistics (ONS) is the the recognised national statistical institute. ONS is the executive office of the UK Statistics Authority, a non-ministerial department which reports directly to the UK Parliament.	England and Wales: https://www.ons.gov.uk Scotland: https://www.nrscotland.gov.uk/ https://www.gov.scot/ Northern Ireland: https://www.nisra.gov.uk/

In view of next increasing of the research in statistical issues, with regards to family formations in the EU, Table 2 below contains a list of the bibliographic references open source (in PDF) provided in the reports and subdivided by states.

Table 2. List of open source bibliographic references

Member State	Links to specific reports (in PDF)
Bulgaria	Population and Demographic Processes in 2017 (published on: 12.04.2018): http://www.nsi.bg/sites/default/files/files/pressreleases/Population2017_en_R5PBSJP.pdf
Croatia	Census of Population, Household and Dwellings 2011, Household and Families, Statistical Reports

	<p>(published on: 2016) https://www.dzs.hr/Hrv_Eng/publication/2016/SI-1583.pdf Javna uprava vama na usluzi, Statistički prikaz Ministarstva uprave, Broj 13, https://uprava.gov.hr/UserDocsImages//Statisti%C4%8Dki%20prikaz//Statisti%C4%8Dki%20prikaz%20%20Ministarstva%20uprave%20-%20broj%2013.pdf Javna uprava vama na usluzi, Statistički prikaz Ministarstva uprave, Broj 9, https://uprava.gov.hr/UserDocsImages/Statisti%C4%8Dki%20prikaz/Statisti%C4%8Dki%20prikaz%20%20Ministarstva%20uprave%20-%20broj%209.pdf. Javna uprava vama na usluzi, Statistički prikaz Ministarstva uprave, Broj 5, https://uprava.gov.hr/UserDocsImages/Statisti%C4%8Dki%20prikaz/Statisti%C4%8Dki%20prikaz%20br%205%20(24.01.2017.).pdf Javna uprava vama na usluzi, Statistički prikaz Ministarstva uprave, Broj 1, https://uprava.gov.hr/UserDocsImages/Statisti%C4%8Dki%20prikaz/FIN-AL-Statisti%C4%8Dki%20prikaz%20-24.02.2016..pdf.</p>
Estonia	<p>Mihkel Servinski (Principal Analyst at Statistics Estonia), Marriages, divorces and live births in Estonia (published on: June 2015) https://ec.europa.eu/eurostat/statistics-explained/pdfscache/43357.pdf</p>
Italy	<p>I.S.T.A.T. Anno 2018. Popolazione residente per stato civile (Published on: 2018) https://www.istat.it/it/files//2018/09/Report_popolazione_residente_e_stato_civile.pdf I.S.T.A.T. Anni 2017-2018. Cittadini non comunitari: presenza, nuovi ingressi e acquisizioni di cittadinanza (Published on: 2018) https://www.istat.it/it/files/2018/11/Report_cittadini_non_comunitari.pdf I.S.T.A.T. Popolazione e famiglie (Published on: 2017) https://www.istat.it/it/files/2017/12/C03.pdf I.S.T.A.T. Anno 2015, Matrimoni, separazioni e divorzi (Published on: 2015) https://www.istat.it/it/files//2016/11/matrimoni-separazioni-divorzi-2015.pdf Consiglio Nazionale Forense. Monitoraggio per l'anno 2017 delle procedure di negoziazione assistita ex art. 2 e ss. d.l. n. 132/2014, convertito con modificazioni in legge n. 162/2014. Dati al 4 marzo 2018 (Published on: 2018) https://www.consiglionazionaleforense.it/documents/20182/431673/Monitoraggio+negoziiazione+assitita+2017.pdf/d486fa06-c595-4a05-a19d-fa1873d01cc0</p>
Malta	<p>International Day of Families: 2018. New Release (Published on: 15.05.2018) https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C1/Living_Conditions_and_Culture_Statisti</p>

	stics/Documents/2018/News2018_075.pdf World Population Day: 11 July 2018. New Release (Published on: 11.07.2018) https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C5/Population_and_Migration_Statistics/Documents/2018/News2018_107.pdf
Romania	Giampaolo Lanzieri, <i>Mixed Marriages in Europe</i> , 1990-2010, available at: https://ec.europa.eu/eurostat/statistics-explained/pdfscache/23713.pdf Radu Baetica, National Statistical Office of Romania, <i>Romania between modernism and traditionalism</i> , June 2015, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriages_and_births_in_Romania&oldid=400404
UK	England and Wales: https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/articles/whatdoesthe2011censustellusaboutinterethnicsrelationships/2014-07-03 (printable as PDF) https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2015 (printable as PDF) Scotland: https://www.nrscotland.gov.uk/files//statistics/rgar/2017/rgar17-corrected-08-04-19.pdf Northern Ireland: https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/RG2017.pdf

2.4. Taxonomical issues regarding statistical and descriptive demographic and social data

The comparison of statistical and descriptive demographic and social data among the Member States brings about the complex taxonomical issue.

In the EU, all Member States recognise the possibility of marriage for opposite-sex couples, and several of them allow both opposite-sex and same-sex couples to marry. Regarding the registered partnerships, such a simple scheme is not in place. Some Member States regulate registered partnerships, while others do not recognize this family formation at all. Some allow opposite-sex and same-sex couples to enter into a registered partnership, others reserve registered partnerships only to same-sex couples, usually as an alternative to the marriage when reserved to opposite-sex couples only. Among the Member States that adopted registered partnerships, some apply to them substantially the same discipline of marriage, while others apply a less rigorous discipline. There are also some Member States (e.g. Italy) with two different forms of registered partnerships: a civil union for same-sex couples, corresponding substantially to marriage, and a registered *de facto* cohabitation, open to opposite-sex and same-sex couples.

The plurality of family formations in EU is a matter of fact. A homogeneity of taxonomical definitions of family formations should facilitate interpretation of the current state of affairs.

2.5. Statistical and descriptive demographic and social data which have cross-border elements

The cross-border elements in the statistical and demographic data represent the most problematic aspect. National statistical agencies usually do not provide specific data with regard to cross-border couples. When such data are found, they come from thematic publications or specific reports, which do not serve a systematic analysis.

This is certainly an issue that needs to be pointed out. An in-depth research on the growing phenomenon of cross-border couples in the EU certainly could benefit from availability of specific and systematically collected data.

At the moment updated information on cross-border families is available from Eurostat. Eurostat is the statistical office of the EU. Its mission is to provide statistics at EU level that enable comparisons between countries and regions. International statistics are a way of getting to know more about the Member States, as well as countries outside the EU.

In a global context in which legislative and social policies require a thorough assessment of the impact of regulations, there is a growing importance of strengthening data collection at national level in order to better understand current social dynamics and to adopt informed and prudent legislative choices. This is even more relevant in matters of family property relationships, as there are inhomogeneities between the Member States regarding the property regimes, as well as in relation to the very concept of family, which emerges from the social and normative reality of each State.

The data collected by Eurostat promotes and encourages a uniformity of data collection methodologies at national level. Indeed, it is at the national level that a greater possibility of deepening the data related to family groups becomes possible. In this field the need for obtaining, with ever greater efficiency, data related to cross-border couples is *condictio sine qua non*. Researchers and scholars have already noticed the lack of national statistics on cross-border situations and call for improvement in the collection of these data. Furthermore, in some Member States this improvement must take place also at a regional level, because in some States family relationships are subject to different legislation depending on the region.

The Questionnaire for Couples: Methodological Approach and Case-Study of H-Copies Questionnaires Diffused through Social Workers

Roberto Garetto

2.1. Methodological approach.

In a general perspective, the formulation of a research problem and the development of the research activities have as main purpose the awareness of the existence of social issues. This awareness is supposed, later, to encourage social actions aimed at solving possible problems¹.

The PSEFS research activities relate, *inter alia*, to collecting social and statistical data and to setting-up documents and materials for effective and inclusive implementation of the legal standards. In particular, the PSEFS Project focuses on issues linked to cross-border couples, their matrimonial property regimes or the property consequences of the registered partnerships they entered into (as well as family property in case of death of a family member). A questionnaire aimed at these two categories of couples, married or cohabitating, was prepared by the PSEFS research team.

The questionnaire consists of three queries.

The first query is a twofold decision question² that envisages only two possible answers: yes or no.

- *Have you ever wondered which rules are currently governing patrimonial aspects of the relationship between you and your partner?*
- *If yes, was it difficult to find information?*

The second query is a mixed twofold one: first a decision question, then a complementation question which do not definitely limit the number of possible answers³.

- *Are you aware that new EU regulations on matrimonial property regime and property consequences of registered partnership are in force as of 29 January 2019?*
- *If yes, how did you learn about this?*

1 Cfr. Stefan NOWAK, *Methodology of Social Research. General Problems*, Dordrecht-Boston, D. Reidel Publishing Company, 1977, p. 8: the researcher “wants to make public opinion aware of the existence or the mechanism of a certain social problem in such a way to introduce certain groups undertake social actions aimed at solving the problem (...) and at the same time wants to point out measures which would lead to the solution of the problem thus revealed”.

2 Stefan NOWAK, *o.c.*, p. 14: “decision questions are ones which consist in inverted statement (...). Such questions envisage only two possible answers: Yes or No”.

3 Stefan NOWAK, *o.l.c.*: “complementation questions, that can be either in form of «open» questions, i.e. ones which do not definitely limit the kind of number of possible answers, or in form of «closed» questions, in which the number of possible answer is frequently predetermined”.

The third query is an “open” complementation question. Due to the fact that it was possible to evaluate the probability of recurring choices out a number of possible hypothesis, a list of choices was provided⁴. Among the possible choices, “other” was included, with an opportunity to specify.

Which patrimonial aspects of your relationship with your partner are you interested in knowing more about?

- *Ownership of movables and immovables*
- *Bank accounts*
- *Rights of residence*
- *Child Support*
- *Succession*
- *Other:*

Personal information was anonymously required to both the partners:

- *Country of residence*
- *European citizenship (yes or no)*
- *Nationality*

Family questionnaires diffusion follows two different modes: a hard-copy questionnaire and an online questionnaire. The hard-copy questionnaire presuppose a direct contact with the persons filling the form (or with a mediator in its diffusion). The questionnaire dissemination activity will be most widespread.

2.2. A case-study: the PSEFS focus group with social workers of ATS 16, 17 and 18, in Italy.

Among the activities of the PSEFS Project, the gathering and analysis of data on cross-border families have great importance. In this perspective, the contribution that social workers can provide, daily working with cross-border families is fundamental.

A collaboration program details:

In agreement with Dr. Valerio Valeriani, coordinator of Regione Marche – Ambito Territoriale Sociale (ATS) 16, 17 and 18, a collaborative program between social workers of the ATS and the research team Unicam was planned. On January 29, in San Severino Marche (Italy), at the Potenza Esino Musone Mountain Union, the first FOCUS Group with social workers of Regione Marche – ATS 16, 17 and 18 (Camerino, San Severino e San Ginesio, in Marche region) took place.

The FOCUS Group activities concerned the innovations introduced by the European regulations on matrimonial property regimes and property consequences of registered partnerships (EU Regulations 2016/1103 and 2016/1104), which came into force on the same day of the meeting, as well as the criteria for identifying the case studies and the outlining of the objectives of the research. During the FOCUS Group the PSEFS family questionnaire was presented to the social workers and their

⁴ Stefan NOWAK, o.c., p. 15: “at times the assertion factor is so strong that the researcher undertakes his investigation in order to prove the truth of what his hypothesis asserts. This indicates (..) that we know the phenomena under investigation to such an extent that we are in a position to evaluate at least the probability of various states of affairs being the case and, out a number of possible hypothesis, to choose the one whose truth seems most substantiated in the light of earlier knowledge”.

collaboration was required, in order to have questionnaires filled in by cross-border families of their work area. Dr. Chiara Olivari, from ATS 17, was responsible of the dissemination and recollecting of the questionnaires, which were then analysed by the PSEFS research team.

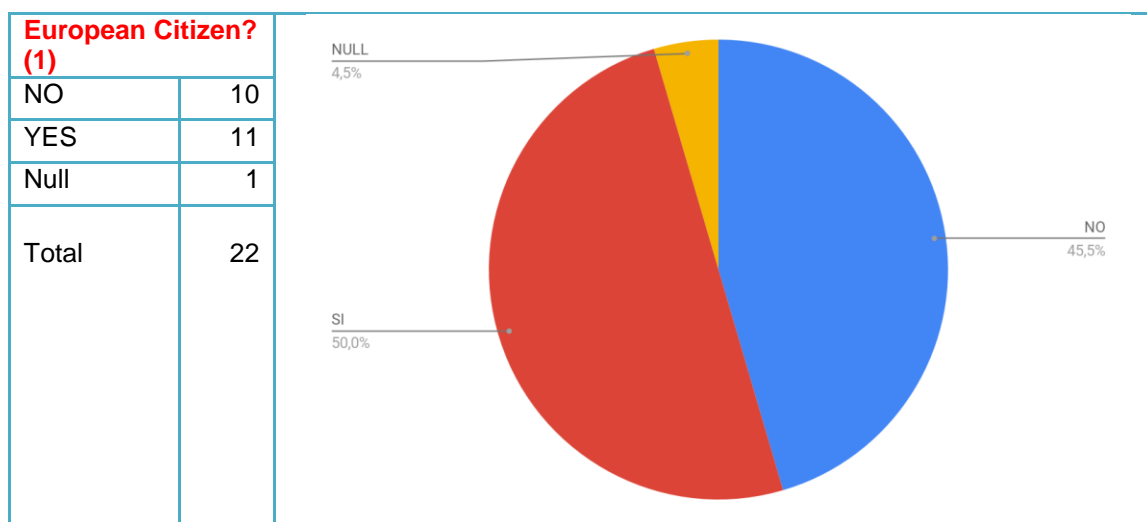
2.3. Results of the questionnaires distributed by the Italian social workers.

Period of administering of the questionnaire: 1 February – 31 March 2019.

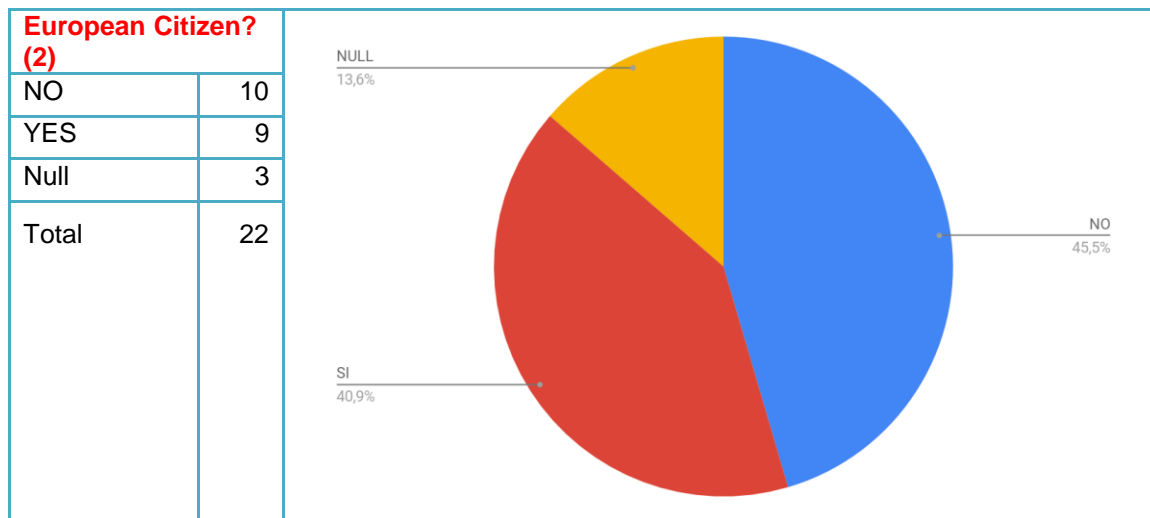
Number of persons that responded to the questionnaire: 44.

The questionnaire was addressed to cross-border couples that live in Italy, Marche region, in the area of Potenza Esino Musone Mountain Union - ATS 16, 17 and 18.

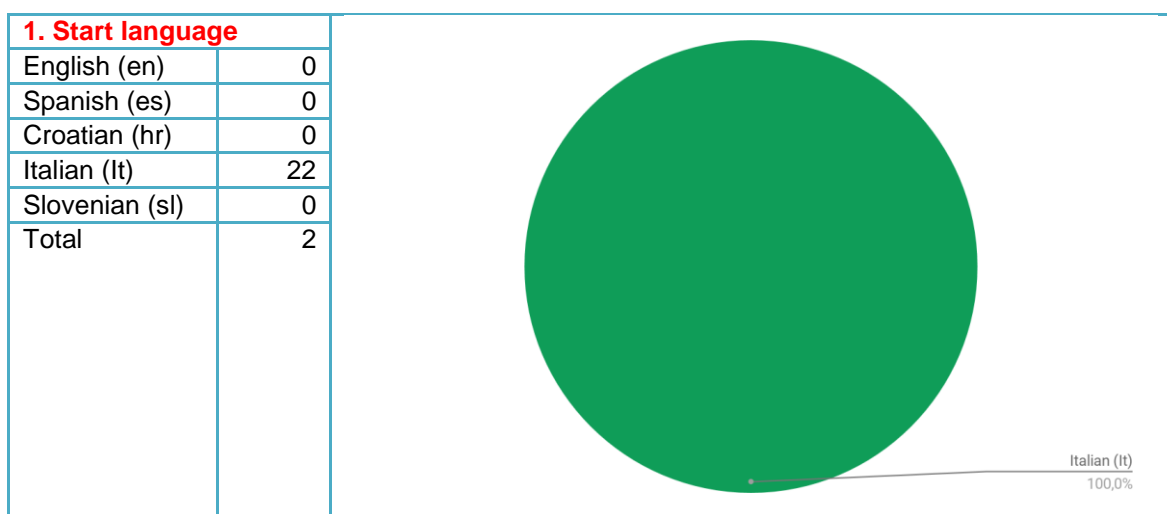
Shown below are the data collected by the family questionnaire.



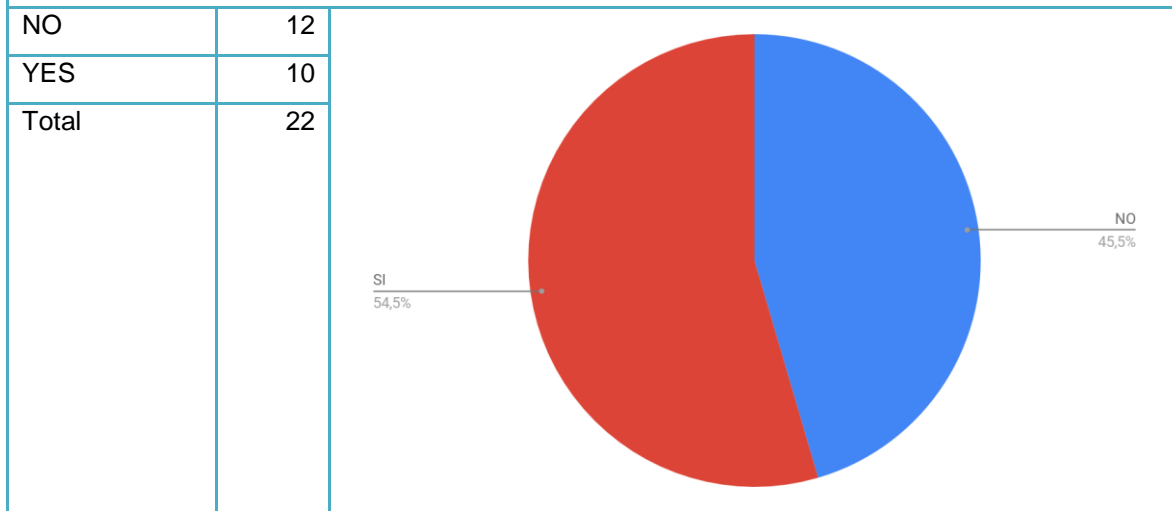
	Country of residence (1)	Nationality (1) optional.
Albania		1
Czechia	1	1
Italy	21	8
Tunisia		1
Ukraine		2
Null		9
Total	22	22



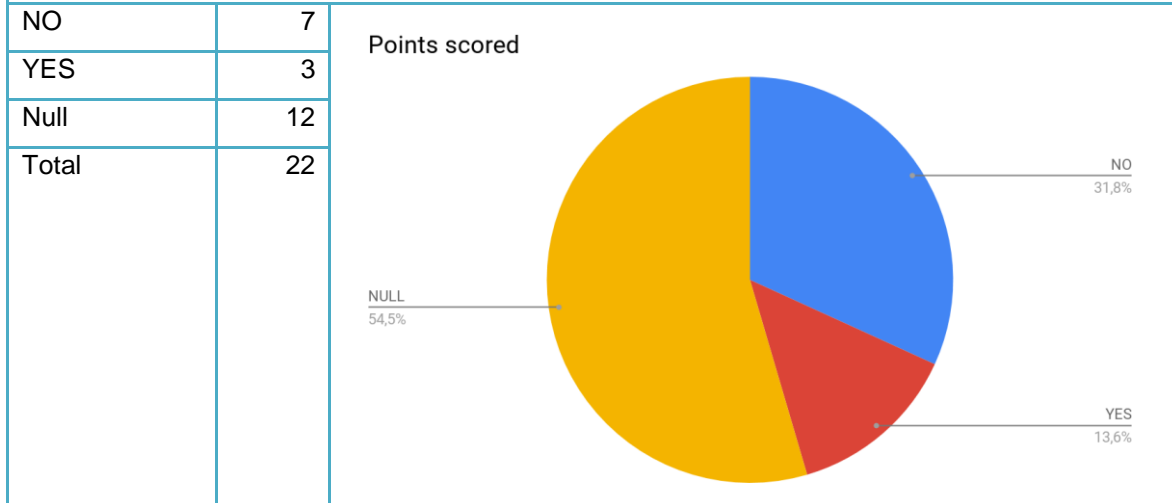
	Country of residence (2)	Nationality (2) optional
Albania		1
Brazil		1
Colombia		1
Italy	21	7
Moldavia	1	1
Tunisia		1
Ukraine		2
Null		9
Total	22	22



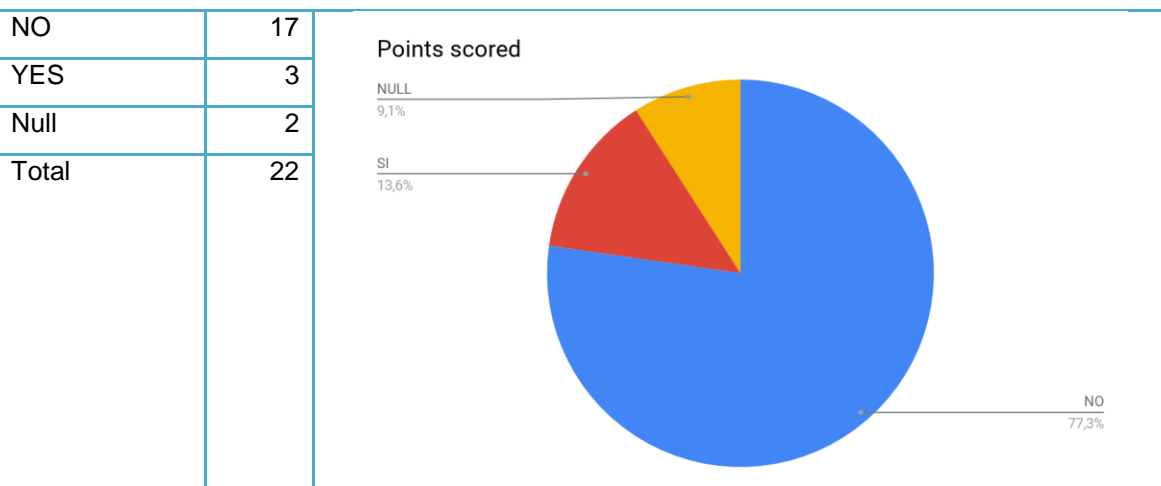
2. Have you ever wondered which rules are currently governing patrimonial aspects of the relationship between you and your partner?



3. Was it difficult to find information?

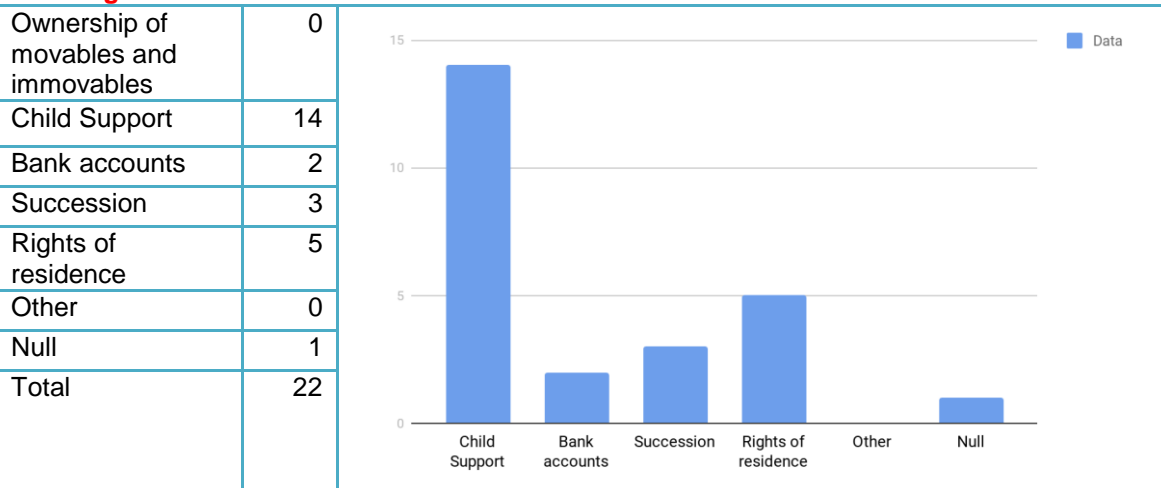


4. Are you aware that new EU regulations on matrimonial property regime and property consequences of registered partnership are in force as of 29 January 2019?



4.bis - How did you learn about this? (optional)	Total
Internet	1
Other	1

5. Which patrimonial aspects of your relationship with your partner are you interested in knowing more about?



Comment (optional)

Ownership of movables and immovables:

- Real estate is property whose value remains in the period
- For the value of the house
- The key issue are the implications of regime in various cross border situations, notably cross border civil liability and civil proceedings.
- The status of business shares and other membership rights in companies

Child Support: For their safety and well-being

Rights of residence: About rights and possibilities

Succession: In Italy the theme needs a reform

Other:

- There should be more opportunities to respond here
- All I'm interested in, and here is only one choice
- I'd like to tag more answers

The Online Family Questionnaire: Methodological Issues and Partial Results

Fabrizio Quadrani

3.1. Methodological issues.

The survey called "PSEFS PROJECT" (an acronym for "Personalized Solution in European Family and Succession Law") was carried out through the LimeSurvey application, distributed under the GNU GPL license (and therefore open-source). It allows the production of questionnaires and online surveys.

The survey setup was realised through the use of the "multilanguage" function, hence allowing to offer the contents of the questionnaire in 5 different languages, selectable by the user while the initial screen: Italian, Spanish, English, Croatian, Slovenian.

"Public" access was reserved for the participants. It is through the sharing of a link with which one could directly access the survey, without the need for a nominal token (essentially credentials); in order to prevent "duplicate" participations, cookies and verification code (c.d. "captcha") have been utilised to control access.

The user was notified of the completion percentage (through a special bar). Browsing backwards to check and modify fields already filled was allowed.

The survey settings afforded that answers were anonymous, including the completion date; users were allowed to "save" the survey and resume compilation later.

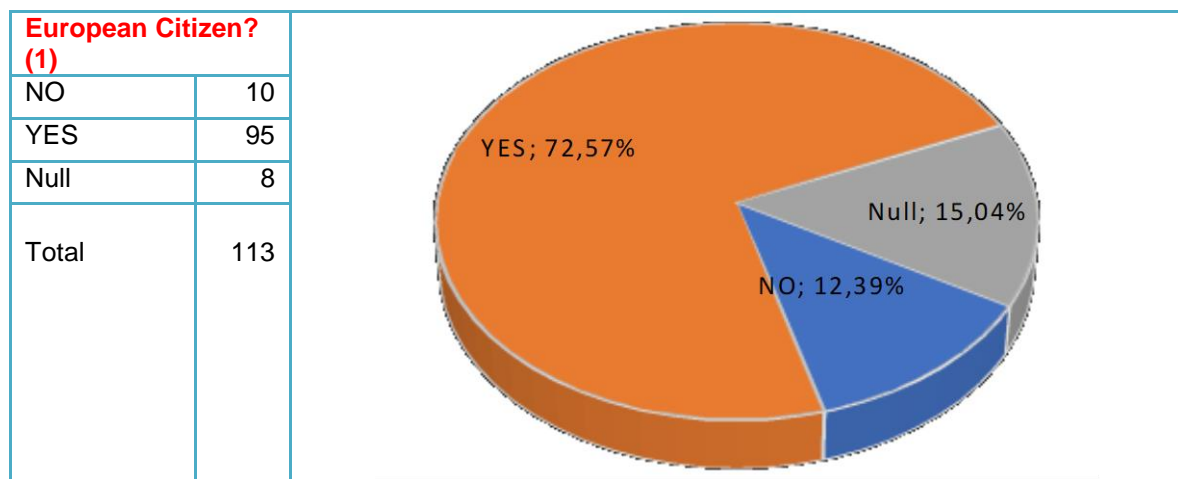
3.2. Partial results

Period of administering of the online questionnaire: 24 April – 15 May 2019.

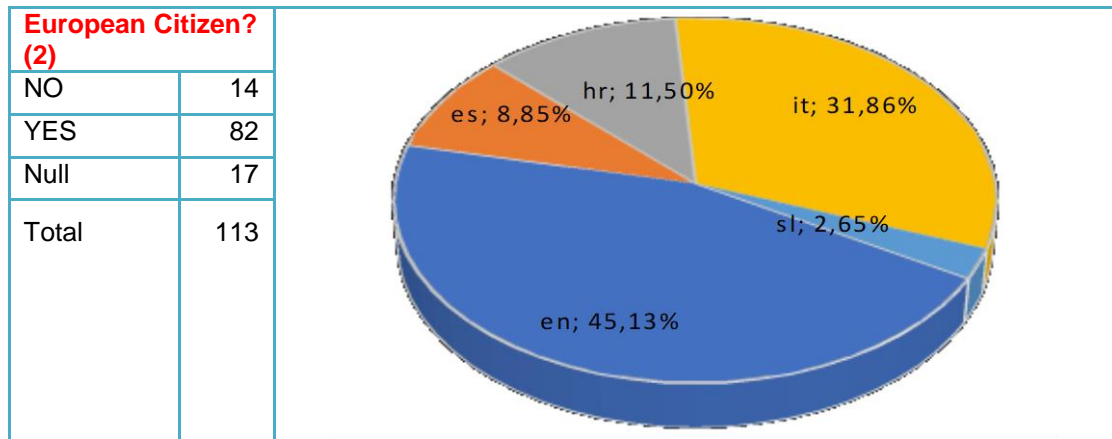
Number of persons that responded to the questionnaire (completely or partially): 113.

The questionnaire was addressed to cross-border couples (without geographical limitations).

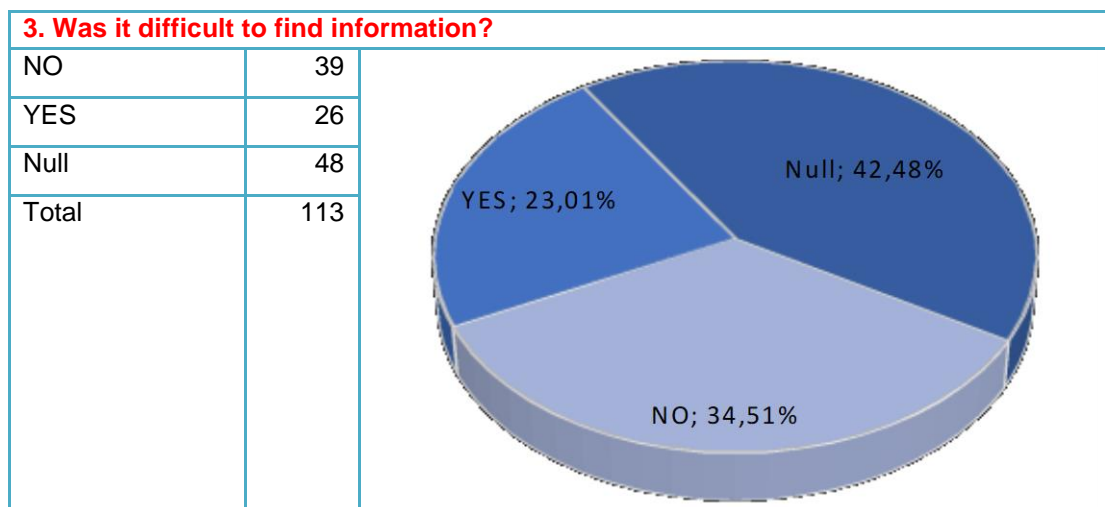
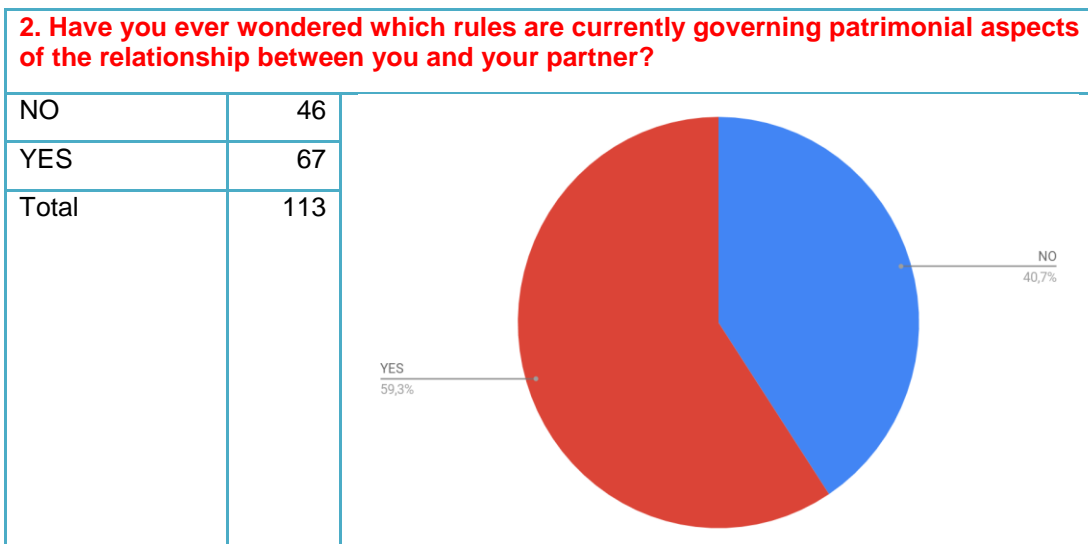
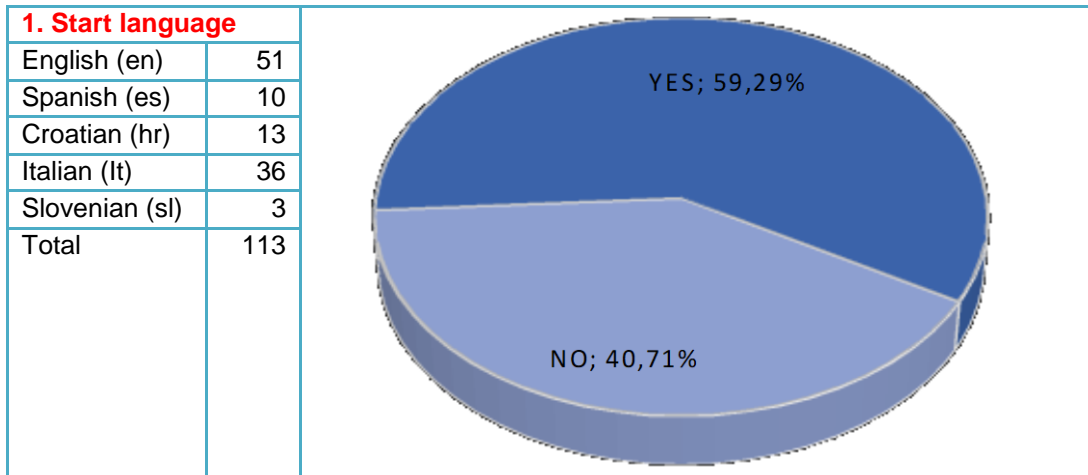
Shown below are data collected through the online questionnaire.



	Country of residence (1)	Nationality (1) optional.
Angola	1	
Australia	2	
Austria	1	1
Belgium	6	
Costa Rica		1
Croatia	17	22
Cuba	2	2
Czechia	1	1
Denmark	2	
Djibouti		1
France		1
Gabon		1
Germany	5	2
Hungary	2	1
Iran	1	
Ireland	3	
Italy	32	38
Japan	1	1
Latvia		1
Lithuania	1	2
Malta	1	2
Netherlands	3	1
Northern Mariana Islands (US)		1
Palau		1
Peru		1
Portugal	1	1
Romania	1	2
Slovakia	1	
Slovenia	3	5
Spain	9	4
Turkey	1	
United Kingdom	1	1
United States	1	1
Venezuela	3	4
Null	11	14
Total	113	

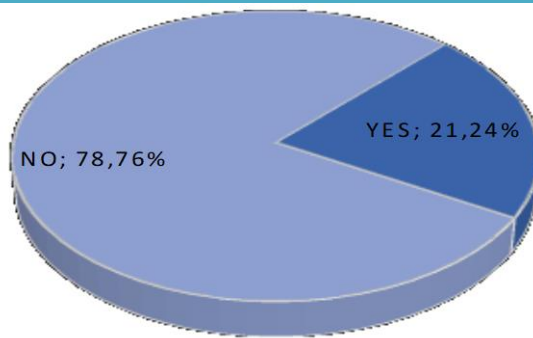


	Country of residence (2)	Nationality (2) optional
Australia	2	
Austria	1	1
Belgium	6	2
Costa Rica	1	
Croatia	18	20
Cuba	2	4
Czech Republic	1	1
Denmark	1	1
Egypt		1
France	1	1
Georgia		1
Germany	4	2
Hungary	1	2
Indonesia		1
Ireland	2	1
Italy	27	29
Japan	2	1
Latvia	1	
Lithuania	1	2
Malta	2	
Netherlands	3	
Luxembourg		1
Palau	1	
Poland	1	1
Portugal	1	
Romania		1
Slovenia	2	6
Spain	8	6
Sweden	1	1
United Kingdom	1	1
United States	1	2
Venezuela	3	4
Null		20
Total	113	113



4. Are you aware that new EU regulations on matrimonial property regime and property consequences of registered partnership are in force as of 29 January 2019?

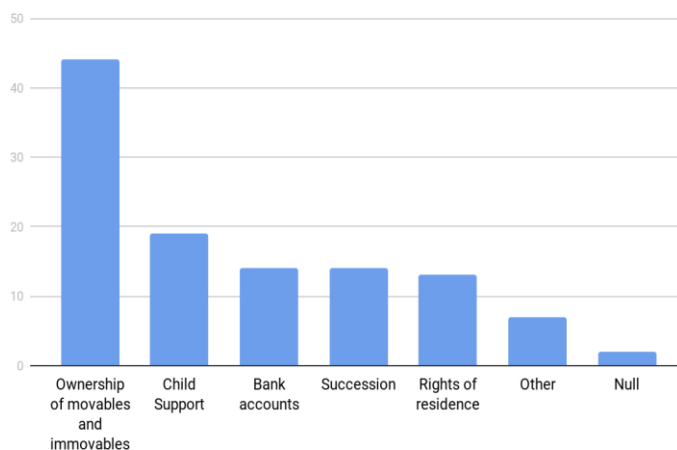
NO	89
YES	24
Total	113



4.bis - How did you learn about this? (optional)	Total
Internet	11
Work in the field	4
Books and newspapers	3
From a friend or colleagues	2

5. Which patrimonial aspects of your relationship with your partner are you interested in knowing more about?

Ownership of movables and immovables	44
Child Support	19
Bank accounts	14
Succession	14
Rights of residence	13
Other	7
Null	2
Total	113



Comment (optional)

Ownership of movables and immovables:

- Real estate is property whose value remains in the period
- For the value of the house
- The key issue are the implications of regime in various cross border situations, notably cross border civil liability and civil proceedings.
- The status of business shares and other membership rights in companies

Child Support: For their safety and well-being

Rights of residence: About rights and possibilities

Succession: In Italy the theme needs a reform

Other:

- There should be more opportunities to respond here
- All I'm interested in, and here is only one choice
- I'd like to tag more answers

A Focus on the Online Family Questionnaire: Slovenia

Neža Pogorelčnik Vogrinc

The team of the Faculty of Law of the University of Ljubljana decided to disseminate the questionnaire in Slovenia primarily through the foreign State representations in Slovenia. We anticipated that the consulates have the tightest communication with their expats in Slovenia and would, therefore, contact them easily. Questionnaires were sent to 21 e-mail addresses, primarily to the consulates and some to embassies (in case of the EU Member States that do not have a consulate in Slovenia). We included consulate or embassy of all the EU Member States that joined the enhanced cooperation with respect to property regimes for cross-border couples in the EU and at the same time have the consulate or embassy in Slovenia (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, and Spain). Some of them responded, but not many. Therefore, we contacted all of the 62 Social Work Centres in Slovenia and asked them to pass the questionnaire to the cross-border couples they work with. The response rate was very low. Then, we started utilising our own personal contacts, asking the cross-border couples we privately know to fill in the questionnaire. Combined, only 12 responded. The following analysis is, therefore, conducted on a relatively small sample. We expect to receive more responses in the future, and that the analysis could be broadened and as such more representative.

Population of Slovenia is only 2 million, and there are also not many cross-border couples when compared to some other Member States. Consequently, there are no specific associations or organisations, bringing them together, and therefore, there is no easy way to get in contact with them. However, we are determined to disseminate the questionnaire also in the future, and therefore, we are confident we will receive more responses in the following weeks and months.

Out of 12 questionnaire responses collected so far, six (50%) were filled in English and six (50%) in Slovene. That demonstrates the individuals and/or couples living in Slovenia do not necessarily communicate in Slovene (yet).

Out of all the respondents half (6 individuals, 50%) had wondered which rules were currently governing patrimonial aspects of the relationship between the partners, and the rest (6 individuals, 50%) had not. That demonstrates the legal aspect of the patrimonial questions is not one of the most essential things on the couples' minds. Out of those that answered affirmative, 83,33% (5 individuals) responded that it was difficult for them to find that information and 16,67% (1 individual) responded that it was not difficult. It is possible to conclude that for the people looking for that kind of information it is difficult to attain information regarding the rules governing patrimonial aspects of the relationship.

Almost all of the individuals who replied to the questionnaire (11 individuals, 91,67%) were not aware at the time of the filling in the questionnaire that new EU regulations on matrimonial property regime and property consequences of the registered partnership have been in force since 29 January 2019. Only one individual (8,33%) was informed about that. This undoubtedly demonstrates general lack of information among specific target audience – cross-border couples. The person who, at the time of responding to the questionnaire, knew about the new EU regulations did not answer how he learnt about this. However, it is clear that enhanced dissemination of this information is necessary.

On the question in which patrimonial aspects of the relationship is the respondent interested in knowing more about, respondents listed more than one answer. Altogether, we received 27 answers. Out of those, two of the most common responses were interest in information regarding bank accounts and ownership of movable and immovable property (22,22% each). The next most common

responses were interest in succession and rights of residence (18,25% each). An interest in child support and pension rights follow (7,4% each), taxes and insurance are last on the list (3,7%). The first five aspects mentioned were already offered in the questionnaire and respondents were therefore primarily reminded on those. That could be the reason why they appear to be among the most common ones.

There was no rule who in the couple is partner 1 and who is partner 2 as labelled in the questionnaire. Therefore, it is difficult to make a conclusion regarding the answers to the question about their nationalities. In the questionnaires we received all of the partners no. 1 and 91,67% of the partners no. 2 were the EU citizens. Majority of partners no. 1 (10 individuals, 83,33%) live in Slovenia, one (8,33%) lives in Austria, and one (8,33%) in France. A relative majority of the 12 partners no. 1 are Slovene (5 individuals, 41,67%), which makes sense while the questionnaire was primarily sent to the cross-border people living in Slovenia. The rest of the partners no. 1 were Dutch (3 individuals, 25%), French (1 individual, 8,33%) and Spanish (1 individual, 8,33%). The question regarding the nationality of the partner no. 1 was optional. Therefore, 2 individuals (16,67%) decided not to answer. As opposed to the partners no. 1 who mainly live in Slovenia, countries of residence for partner no. 2 are various: 33,33% (4 individuals) of partners no. 2 live in Slovenia, and the rest in Latvia, the Netherlands, Austria, Greece, France and Turkey. In each of the listed Member States lives one partner from the group no. 2. Two responses (16,67%) did not include the information regarding the country of residence of the partner no. 2. Out of these 12 partners no. 2 living in those various countries, 25% (4 individuals) are Slovene and one person (8,33%) has Hungarian, one Polish, one French nationality, and one person (8,33%) has Italian and Croatian nationalities. The question regarding the nationality of the partner no. 2 was also optional, and therefore, 4 individuals (25%) chose not to respond.

As mentioned above, we anticipate receiving more responses to the questionnaire in the future and are, therefore, already looking forward to making further analysis.

Taxonomical Table Related to Models of Couple in the European Union

Simona De Simone

1. Social perspective.

The unions between two persons are ruled in different ways, as national legal systems in Europe recognize several types of unions. In each EU country at least 4 different disciplines are provided.

The synoptic table below systemizes the different legal types governing unions between couples in different European countries (legal types in the columns, EU countries in the lines). In this way it is possible to obtain in synoptic table information about this kind of legal discipline, also comparing the EU States and the disciplines applied.

Purpose of simplification required to realize a table with only six columns. Specific situations (e.g. Italy) are not easily perceivable from the table, as several kinds of registered partnership can coexist in the same legal system.

Simona De Simone provided the following couples taxonomy table.

The was filled out by Giovanni Russo, PhD student in Civil Law at the University of Camerino and Ivan Allegranti, student at the School of Specialization in Civil Law of the University of Camerino.

The PSEFS Atlas, available at www.euro-family.eu, is the source of the information provided by the table.

It must be noted that the two columns related to de facto partnerships were crossed out in all case that the law of the single Member State does not forbid them.

Cases to Classify in Taxonomy	Marriage (opposite-sex)	Marriage (same-sex)	Registered Partnership (opposite-sex)	Registered Partnership (same-sex)	De facto partnership (opposite-sex)	De facto partnership (same-sex)
AUSTRIA						
Austrian Taxonomy on the basis of the Law	X	X	X	X	X	X
BELGIUM						
Belgium Taxonomy on the basis of the Law	X	X	X	X	X	X
BULGARIA						
Bulgarian Taxonomy on the basis of the Law	X				X	X
CROATIA						
Croatian Taxonomy on the basis of the Law	X			X	X	X
CYPRUS						
Cyprus Taxonomy on the basis of the Law	X		X	X	X	X
CZECHIA						
Czech Taxonomy on the basis of the Law	X			X	X	X
DANMARK						
Danish Taxonomy on the basis of the Law*	X	X			X	X
ESTONIA						
Estonian Taxonomy on the basis of the Law	X		X	X	X	X
FINLAND						

Finnish Taxonomy on the basis of the Law	X	X		X	X	X
--	---	---	--	---	---	---

FRANCE

French Taxonomy on the basis of the Law	X	X	X	X	X	X
---	---	---	---	---	---	---

GERMANY

German Taxonomy on the basis of the Law**	X	X			X	X
---	---	---	--	--	---	---

GREECE

Greek Taxonomy on the basis of the Law	X		X	X	X	X
--	---	--	---	---	---	---

HUNGARY

Hungarian Taxonomy on the basis of the Law	X			X	X	X
--	---	--	--	---	---	---

IRELAND

Irish Taxonomy on the basis of the Law	X	X	X	X	X	X
--	---	---	---	---	---	---

ITALY

Italian Taxonomy on the basis of the Law	X			X	X	X
--	---	--	--	---	---	---

LATVIA

Latvian Taxonomy on the basis of the Law	X				X	X
--	---	--	--	--	---	---

LITHUANIA

Lithuanian Taxonomy on the basis of the Law	X				X	X
---	---	--	--	--	---	---

LUXEMBOURG

Luxembourg Taxonomy
on the basis of the Law

X X X X

MALTA

Maltese Taxonomy on
the basis of the Law

X X X X X X

NETHERLANDS

Dutch Taxonomy on
the base of the Law

X X X X X X

POLAND

Polish Taxonomy on the
basis of the Law

X X X

PORTUGAL

Portuguese Taxonomy on
the basis of the Law

X X X X

ROMANIA

Romanian Taxonomy on
the basis of the Law

X X X

SLOVAKIA

Slovakian Taxonomy on
the basis of the Law

X X X

SLOVENIA

Slovenian Taxonomy on
the basis of the Law

X X X X

SPAIN

Spanish Taxonomy on the
bas of the Law***

X X X X

SWEDEN

Swedish Taxonomy on the basis of the Law	X	X	X	X	X	X
--	---	---	---	---	---	---

UK

English and Welsh Law to derive Taxonomy	X	X	X	X	X	X
--	---	---	---	---	---	---

Scottish Law to derive Taxonomy	X	X		X	X	X
---------------------------------	---	---	--	---	---	---

Northern Irish Law to derive Taxonomy	X			X	X	X
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Notes:

*In Denmark since 2012 (Act No. 532 of 12 June 2012) registered couples can convert their partnership into marriage. It is no longer possible to register new same-sex unions.

** In Germany after entry into force of the Gesetz zur Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts of 27 July 2017 registered partnership between persons of the same sex is no longer available (therefore, it continues to exist only, if entered into before the introduction of marriage for the same-sex couples).

*** Spain has the particularity that there is NO law on de facto couples at state level. Thus, most of the Autonomous Communities have regulated *de facto* couples from a perspective that is not strictly administrative.

Conclusions

Roberto Garetto

The methodological and taxonomic analysis so far carried out leads to the following conclusions.

1. The surveys indicate the opportunity to continue the monitoring of statistical data that is continuously updated. In this regard, several countries are working to develop new databases. Italy, for example, is planning the implementation in the municipalities of a data collection which includes information on the property regimes of married or cohabitant couples. In the future that will allow analysing the data so far obtainable exclusively through requests addressed to each municipality.

In this regard, it should be noted that, to carry out next fruitful researches in this field, it seems desirable to gradually develop adequate forms of publicity in relation to the property regulations of cross-border families, accessible at EU level.

2. The hard copy questionnaires, as well as the online ones, bear witness to a lack of awareness of the EU Regulations 2016/1103 and 2016/1104. Almost 80% (77.30% in the hard copy questionnaires and 78, 86% in the online questionnaires) has never heard about them (note the homogeneity of results between questionnaires subjected to a limited diffusion and questionnaires with very wide circulation).

It is clear that three years after the approval of the EU Regulations and even after their entry into force (the collected data are subsequent to the entry into force of the EU Regulations) a large percentage does not even know the existence of EU Regulations.

Since it was decided to start the collection of questionnaires after that the EU Regulations entered into force, we are conscious that efforts still need to be made to spread awareness among the potential beneficiaries, as to say cross-border couples, and we will continue collecting data in the next months to monitoring the rate of awareness about the European legislation.

We can also hypothesize a survey among legal area professionals, to verify the degree of awareness of the EU Regulations.

3. The taxonomic survey summarized in the synoptical table, and widely expressed in the Atlas and in the Reports describing the domestic legislation on family and succession (available on the website www.euro-family.eu), shows that there is no uniformity among the Member States in terms of types of couples.

The choice of the European Union to adopt two different Regulations is in line with the taxonomic indications coming from the synoptical table, which highlight the persistence of Member States that do not have registered partnerships. It is therefore clear the reason why the adoption of the Regulations took place through an enhanced cooperation procedure: unanimity would have presupposed a sharing of taxonomic models that currently does not exist.

Even the uniform adoption of property regimes for married couples and registered partnerships is not possible at the moment.

That explains why two Regulations in matters of property regimes were adopted and why the enhanced cooperation is at the moment limited to eighteen Member States.



PERSONALIZED SOLUTION IN EUROPEAN FAMILY AND SUCCESSION LAW

PSEFS, an acronym that stands for “Personalized Solution in European Family and Succession Law”, is a project co-funded by the European Union’s Justice Programme (2014-2020). It is focused on three EU regulations which deal with jurisdiction, applicable law and the recognition and enforcement of decisions related to property issues arising within a cross-border family: matrimonial property, registered partnership property and succession. The project is intended to raise awareness of the new regulations, in particular their specific mechanisms which are aimed at securing more legal certainty to transnational families when it comes to their property relations. Further activities relate to collecting statistical data and law reports for the Member States, creation of the taxonomy of families, and setting-up of the Atlas summarizing the legal regulation and identifying discriminatory provisions or practices. The important outcomes of the project are hands-on model documents and accompanying material for effective and inclusive implementation of the legal standards.

Project Partners



Univerza v Ljubljani Universitas
v Ljubljani Labacensis



Personalised Solution in European Family and Succession Law
800821-JUST-AG-2017/JUST-JCOO-AG-2017



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