

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (88) 3

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE VALIDITY OF CONTRACTS BETWEEN PERSONS
LIVING TOGETHER AS AN UNMARRIED COUPLE
AND THEIR TESTAMENTARY DISPOSITIONS¹

*(Adopted by the Committee of Ministers on 7 March 1988
at the 415th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, in particular by promoting the adoption of common rules in legal matters;

Considering that many problems concerning persons living together as an unmarried couple may be resolved by the conclusion of contracts between such persons or by testamentary dispositions made by one in favour of the other;

Noting that in some countries such contracts and testamentary dispositions might be considered to be contrary to public policy or morality,

Recommends that the governments of member states take the necessary measures:

i. to ensure that contracts relating to property between persons living together as an unmarried couple, or which regulate matters concerning their property either during their relationship or when their relationship has ceased, should not be considered to be invalid solely because they have been concluded under these conditions;

ii. to apply the same principle to testamentary dispositions.

1. When this recommendation was adopted, and in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, the Representative of Luxembourg reserved the right of his Government to comply with it or not.