

Ask the experts

Meet the experts



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LEGAL

Q Two years ago I bought a property in Italy. I would like to know whether I can include it in my English will, or will I have to draft a specific Italian one?

Christopher Mancini

A There are substantial and formal differences between the Italian and English law system, which could potentially generate difficulties. Therefore, so as to avoid future problems, the differences should be taken into consideration when an individual buys a property abroad.

I think it is important to consider that under Italian law the testator cannot freely dispose of the assets he owns, but he has to comply with the civil law code applicable on death, which dictate that the deceased's estate must be left to particular beneficiaries in particular percentages dependent on how many beneficiaries there are and how proximate they were to the deceased. However, Italian Private International Law rules provide some mechanisms by which assets could be disposed of according to English law.

I would recommend using these mechanisms by drafting a codicil concerning the Italian estate only, to be annexed to the English will utilising the rules of the Italian Private International Law. This enables the estate to apply the law of the state in which the testator resides – it will be possible to prevent the application of Italian law and be able to dispose of your property freely.

Claudio Minasi

MEDICAL

Q If I'm paying National Insurance Contributions in the UK will I get free medical assistance if I move to Italy?

Brian Fawcett

A For EU citizens, a European Health Insurance Card is valid for low-cost or free medical treatment while



It is possible to have amend your will to allow your assets to be disposed according to English law

on holiday, but it will not cover you once you are a resident unless you can present one of the following forms: E106, E120, E121 (or E33), E109 (or E37). Until you are in possession of a Permanent Residency Card (after five years) you will be required to pay a private medical insurance, which should cost in the region of €600.

As an employed resident you can apply for a *Tessera Sanitaria* from the *Azienda Sanitaria Locale* (ASL) and register with a local doctor.

Non-EU citizens need to ensure they have adequate private health insurance when they enter the country.

Jason Jones

LEGAL

Q I have found an Italian property that I was interested in buying and have paid a deposit. However, since then a number of problems with the property have come to light. Can a buyer pull out of a purchase once they have made a formal offer and paid a deposit?

Holly Johnson

A When a buyer makes an offer on a property in Italy, a document called a *proposta d'acquisto immobiliare* is used to formalise the offer. Unlike in the UK, if the offer's accepted, the property will be taken off the market immediately and no one else will be able to make another offer for the following ten to 15 days. The offer is irrevocable for the agreed period. Once it's signed by both parties it becomes a legally binding contract.

As part of the offer process the buyer pays a deposit to the vendor, usually specified as a *caparra confirmatoria* (defined in article 1385 of the Italian Civil Code). If the buyer fails to complete on the agreed term the vendor keeps the deposit. If it is the vendor's fault, the vendor has to pay the buyer twice the deposit as a penalty. The deposit is typically around five per cent of the offer.

To avoid the risk of losing the deposit, a modification that a professional property lawyer can make is to add a clause to specify

PROPERTY LEGAL FINANCIAL EMPLOYMENT RELOCATION

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that the deposit will become a *caparra confirmatoria* only if the property does not have any "irregularities or serious anomalies and that it is free from burdens, restrictive covenants, mortgages and anything else that might restrict the full right of transfer".

If any of these conditions are not satisfied, the buyer "reserves the right to terminate the proposal" and in that case would be entitled to the full refund of any deposit money paid.

So, when buying a house in Italy it usually makes good financial sense to employ the services of a professional lawyer who specialises in property purchase to ensure you don't encounter problems like this while you're buying your dream home.

Valeria De Luca

PROPERTY

Q I would like to buy a property in the north of Italy, preferably in the countryside but very well connected with the major cities. I am looking for an area undiscovered by foreigners where I could step into the Italian lifestyle and way of living.

Joe Davies

A If you are not searching for a town setting, I would suggest you look at the area of the Euganean hills, which is about a 45-minute drive (5 km) from Venice. This range of spectacular hills, whose extension is only 15 by 30 km, is set right in the middle of the Veneto region. Visible even from the Venice lagoon, or simply driving from any direction throughout the Veneto, you will easily spot them thanks to their peculiar cone shape, which betrays their volcanic origin.

A set of emerald green cones standing out of the Venetian plain, in which nestle beautiful little towns and medieval villages, hundreds of vineyards and olive groves, ancient monuments, Venetian villas and charming farm and rustic houses. If you decide to get closer and venture a little way up among the hills, you will

"WELCOMING LOCALS WILL BECOME YOUR TEACHERS AND FRIENDS"

be immediately bewitched by their green forests, their breathtaking views and the sense of peace, which will persuade you little by little.

Being unknown among foreigners, especially Brits, you will need to start practising your Italian! But you will feel totally immersed in the local culture and way of living. You will learn about the wonderful regional cuisine, and the welcoming locals will become your teachers and reliable friends.

All amenities are available throughout the hills, as even the tiniest village has its food store, pharmacy, bank and post office. The road system is excellent and allows you to cross the hills from one end to the other in only 20 minutes. The cities of Padua, Venice, Treviso, Verona and Vicenza are all within reasonable travelling distance of the hills as the main motorways runs just along them.

Thanks to the advent of budget airlines, visiting the Veneto is much easier (and cheaper) than you may

think, thanks to the wide choice of flights connecting it with the UK.

If you to look for properties located on Euganean Hills, you can find traditional houses, which were originally built by farmers as country houses, with typical facades of exposed stone. Completely restored, rustic houses start at around €150,000 (semi-detached or terraced), and around €200,000 to €250,000 for a detached house, while their accompanying land, or the view they enjoy, can further increase their value.

Pre-restoration properties start at €100,000, depending on the size and the amount of restoration required, while their average price should be around €140,000 to €180,000. Holiday rental is relatively underdeveloped but there is great potential for it.

The Euganean Hills are a regional park, where no new developments are allowed, further increasing the present and future value of existing estate.

Andrea Redivo Zaglia TIM

The Euganean Hills are a great option for those looking for a slice of 'real' Italy within striking distance of major cities

