



ENSURING ELDERLY RIGHTS: EXPLORING LIFETIME SUPPORT CONTRACTS IN EU LAW

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Chapter of Fundamental Rights of the European UNION

- The Charter of Fundamental Rights of the European Union recognizes and respects the rights of the elderly, to lead a life of dignity and independence and to participate in social and cultural life. (Article 25)
 - The propose: is to establish the basic principles and rights necessary for the wellbeing of all those who depend on others for support and care because of age, illness or disability.
 - The right to care and assistance of the elderly imposes a positive responsibility on the family, the community as well as the state to provide the necessary care and assistance to these people
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Analyzed other challenges faced by the elderly in these agreements.

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Analyze the regulation of lifetime support contracts in the EU member states and the way it is regulated in the legal system.

Recipient of support

- Physical person
 - Legal entities cannot be designated as recipients of support
 - The obligation of the recipient of support is to give to the provider of support as compensation all of his property or a certain part of the property, the delivery of which is delayed until death to the recipient of support
 - Can transfer only the property that he owned at the time of concluding the contract
 - The property must be individually determined and specified
 - The delivery of the property is delayed until the death of the recipient of support
 - **This provision is in the interest of the recipient of support**
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Provider of support

- Physical person with active legal capacity
 - In practice, most contracts are concluded between relatives
 - Legal entities can only be found in the role of a provider of support
 - The Center for Social Affairs, can act as a provider of support
 - It is necessary for the law to clearly define the categories of legal entities that can act as providers of support.
 - An example of clarification could be the inclusion of a provision in the law specifying that if a legal entity acts as a contracting party, the provision of support must not be contrary to the activities carried out by the legal entity.
 - In order to improve the protection of the support recipient, our law should be supplemented by clearly defining the obligations of the support provider, ensuring a higher level of protection for the recipient.
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Remaining Challenges Faced by Elderly Individuals in Lifetime Support Contracts

- From the provisions of the Law on Obligations, it follows that the strictest form prescribed for a legal act is required for the conclusion of the lifetime support contract, which includes certification by a judge or notary and in the presence of two witnesses.
 - In the interest of the recipient of support, the approach of the judicial practice to allow the validation of the agreement in case of minimal deficiencies in its form, or if the provider of support has already fully or mostly fulfilled their obligation, is considered justified.
 - the following proposal is to establish that disputes arising from the lifetime support contract should be considered as urgent proceedings.
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The Lifetime support contract in EU Members States

In Croatia:

- I. LIMITATION ON THE NUMBER OF CONTRACTS FOR LIFETIME SUPPORT ON THE SIDE OF THE PROVIDER, LIMITED TO A MAXIMUM OF THREE CONCLUSIONS,
 - II. INTRODUCTION OF THE REGISTER OF LIFETIME SUPPORT CONTRACTS,
 - III. REGISTRATION THE CONTRACT FOR LIFETIME SUPPORT IN THE LAND / PUBLIC REGISTER
 - IV. A DETAILED DEFINITION OF THE CONTENT OF THE SUPPORT,
 - V. THE GUIDELINES ON THE RIGHTS AND OBLIGATIONS OF THE CONTRACTING PARTIES ARE DEFINED,
 - VI. INTRODUCING URGENT PROCEDURES - RELATED TO THE TERMINATION AND MODIFICATION OF LIFETIME SUPPORT CONTRACTS
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The Lifetime support contract in EU Members States

IN SLOVENIA:

- Considering the aim of this presentation, there are no specific provisions that is different from the Macedonian legislation.

IN BULGARIA:

- This agreement is not specifically regulated by the Law on Obligations and Contracts in Bulgaria. However, a lifetime support contract can be entered into if it adheres to the general rules regarding the validity of contracts. This agreement is quite similar to the Macedonian agreement, and similar challenges arise in Bulgaria.

IN GERMANY AND SWITZERLAND:

- When it comes to the other EU member states, there was no opportunity to extensively research the rules for these types of contracts.
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CONCLUSION

- THIS CONTRACT OFFERS POTENTIAL BENEFITS AND CAN PLAY A SIGNIFICANT ROLE IN PROTECTING ELDERLY PERSONS
 - ACCORDING TO THE ARTICLE 25 OF THE EU CHAPTER MEMBER STATES ARE OBLIGED TO GUARANTEE EFFECTIVE PROTECTION OF THE RIGHTS OF THE ELDERLY. MEMBER STATES SHOULD FORMULATE POLICIES AIMED AT UPHOLDING THESE RIGHTS WITHIN DOMESTIC AND INSTITUTIONAL CARE CONTEXTS
 - THE RESPONSIBILITY FOR PROVIDING PROTECTION OF THE ELDERLY LIES WITH THE PROVIDER OF SUPPORT AND THE STATE AUTHORITIES
 - LEGAL THEORY AND COURT PRACTICE PLAY AN IMPORTANT ROLE IN THE PROTECTION OF THE RECIPIENT OF SUPPORT
 - NEED FOR IMPROVEMENT OF THE LEGAL FRAMEWORK AND CLARIFICATION OF THE RIGHTS AND OBLIGATIONS
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**THANK YOU
FOR
ATTENTION!!!**

