

# **AGING WITH SECURITY: LIFETIME SUPPORT CONTRACTS AND ELDERLY PROTECTION IN THE MACEDONIAN SYSTEM COMPARED TO THE EUROPEAN LEGAL FRAMEWORK**

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# Key Points:

## Rights and Obligations in Lifetime Support Contracts

- **Provider's Obligations:** Lifelong care, including personal, financial, and medical support.
- **Recipient's Rights:** To receive adequate care and support as agreed in the contract.
- **Asset Transfer:** Recipient may transfer property or assets in exchange for support.

## Improving Positive Law for Elderly Protection

- Strengthen legal frameworks to ensure better protection of elderly individuals.
- Implement stricter standards for lifetime support agreements to prevent abuse or exploitation.

## EU Member States' Regulation on Lifetime Support

- **Diverse Approaches:** Different EU countries have varying legal frameworks for lifetime support.
- **Harmonization Efforts:** Encourage unified standards for lifetime support across the EU to ensure consistent protection for the elderly.

# Participants (parties) in Lifetime Support Contracts

**Recipient:** Usually an elderly individual who requires long-term care.

**Provider:** Agrees to offer care in exchange for the recipient's property.

**Key Agreement:** The elderly person transfers ownership of their property (often real estate) in exchange for care until their death.

*These contracts are legally binding and ensure that elderly persons receive the care they need. (art. 1029, Law on Obligation Relations)*

# Macedonian Legal Framework

**Regulated by the Law on Obligations** (Article 1029 in Macedonia and similar laws across the EU).

The contract must be in **solemn form**, requiring notarization and witnesses to be legally valid.

**Provider Obligations:** Care includes housing, medical assistance, and food for the recipient's entire life.

Contracts must ensure both parties understand their rights and responsibilities, providing legal protection for elderly recipients.

# Challenges with Lifetime Support Contracts

- Many elderly recipients may not fully understand their rights.
- **Common issues:**
  - Unfavorable terms due to lack of knowledge.
  - Cases of providers failing to meet their obligations.
  - Legal disputes over property or care quality.
- **Legal protection exists**, but the process of terminating these contracts can be lengthy and complex.



# Lifetime Support Contracts in EU Member States -> Key Observation

## Croatian Legal Adjustments:

- Aims to **prevent abuse** and **protect the elderly** from manipulation.
- **Limitation:** A support provider may hold a **maximum of three lifetime support contracts**.
- Contracts exceeding this limit are automatically **void**.

## Slovenian Law on Lifetime Support:

- Regulated by the **Law on Obligations**, with **no significant differences** from Macedonian law.
- Noteworthy: Support providers can **waive the disposal** of property subject to the agreement in favor of the recipient.

## Bulgarian Law on Lifetime Support:

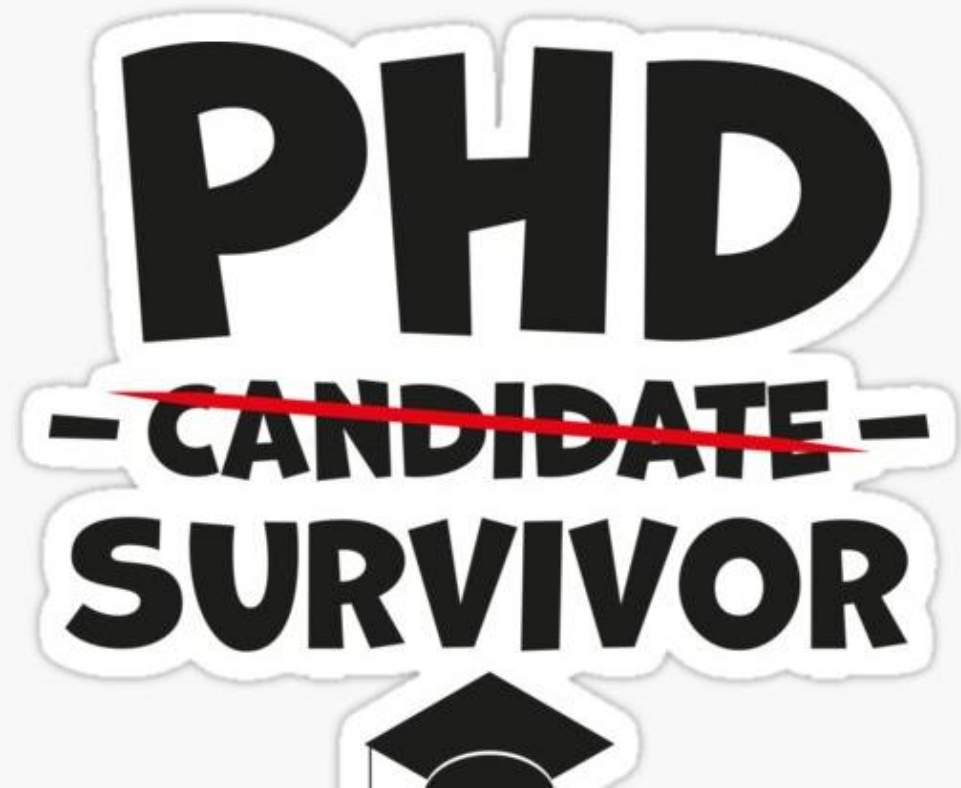
- **Not specifically regulated** by Bulgarian law but follows **general contract validity rules**.
- Commonly used in **property transfers** where elderly individuals exchange ownership for **lifelong care and maintenance**.
- Written contracts often take the form of a **title deed**, ensuring lifelong care in exchange for property transfer.

# Conclusion

• In conclusion, lifetime support contracts remain a valuable legal instrument for protecting the elderly by providing them with much-needed care and security in their later years. However, it is crucial to continue refining these legal frameworks to prevent misuse and ensure the protection of vulnerable individuals. Both the maintenance providers and state authorities must fulfill their roles in ensuring the elderly receive the care they are entitled to, as intended by the EU Charter of Fundamental Rights. Ensuring legal clarity and reinforcing safeguards will be essential in achieving this goal.

• **The Future:** Greater transparency, legal clarity, and protection mechanisms are necessary to prevent misuse.

• **Key Takeaway:** Both the maintenance provider and the state must work together to ensure elderly individuals' rights are respected, fulfilling the promise of the EU Charter of Fundamental Rights.



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