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Introduction of “civil solidarity contracts” into Monegasque law

Law No. 1.481 of 17 December 2019 on civil solidarity contracts [*contrats civils de solidarité*] (voted on 4 December 2019 and published in the *Journal de Monaco* of 27 December 2019) stemmed from draft law No. 974 on common life contract [*contrat de vie commune*] (tabled in public session on 20 June 2018), which had transformed draft law No. 207 on common life pact [*pacte de vie commune*] (adopted on 27 October 2016).

The new category of civil solidarity contracts comprises two types of contracts:

- **Common life contract** [*contrat de vie commune*], intended for common-law couples, including same-sex couples (partners);
- **Cohabitation contract** [*contrat de cohabitation*]: intended for two members of the same family living under the same roof (cohabitants).

Their conclusion is open to partners or cohabitants who are not bound by another civil solidarity contract or marriage (including one concluded under foreign law), with the requirement of a link with the Principality (domicile in Monaco or Monegasque nationality of one of the partners or, in the case of cohabitants, a common roof in Monaco prior to the conclusion of the contract).

The conclusion of a cohabitation or common life contract will be possible from 28 June 2020.

Law No. 1.481 echoes the case law of the European Court of Human Rights, which has established “*the positive obligation for States which do not permit same-sex marriage to provide a specific legal framework to recognise and protect the union of homosexual couples*”.¹

Provisions:

- **Formation, modification, effects** (obligation to contribute to current needs, patrimonial effects), **termination** (causes, conditions, consequences) of civil solidarity contracts.
- **Rights and obligations common to the cohabitation contract and the common life contract** (in social, criminal, criminal procedure, civil procedure, work, housing, and health matters).
- **Rights and obligations specific to the common life contract** (in criminal, housing, work, tax, social security benefits, and employment matters).

¹ Opinion of the Monegasque High Commissioner for the Protection of Rights, Liberties and for Mediation (Draft Law No. 974 on cohabitation contract), p. 5.