



Serbia Screening Chapter 24

Implementation of the Regulation 650/2012

DG Justice

Unit A.1 Civil Justice Policy



Background

4 July 2012:

Adoption of the Regulation NO (EU) 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession

Published in OJ L 201 of 27/07/2012

Legal basis for the Regulation is Art 81(2) TFEU





Background

Regulation entered into force

Most of the provisions will apply to the succession of persons who die on or after 17 August 2015

Member States not taking part: DK, IE, UK



Scope

All civil-law aspects of succession to the estate of a deceased person.

Tax issues are excluded.



Key elements of the Regulation

- *Common rules on jurisdiction*
- *Recognition of decisions (without any special procedure)*
- *Acceptance and enforceability of authentic instruments*
- *Common rules on applicable law*
- *European Certificate of Succession*
- *Information on MS succession law to be made available to the public*





European Certificate of Succession (ECS)

- characteristics

- *Proof of status as heir or legatee: who are the heirs and legatees and what are their rights;*
- *Proof of powers of the administrators and executors of the will;*
- *Use of the ECS is not mandatory;*
- *Does not replace national certificates*
- *Flexible document: may be issued at different stages of proceedings, for different purposes;*
- *Content laid down in a standard form;*





Effects of the ECS

The certificate shall constitute a valid document for the recording of succession property in the relevant register of a Member State (art 69 par 5)

Evidentiary effects;

Presumed to demonstrate accurately elements which have been established under the law applicable to the succession ... (Recital 71)





Principle of avoiding duplication of procedures

In order to avoid duplication, authorities should accept documents drawn up in another Member State...

The European Certificate of Succession should constitute a valid document for the recording of succession property in a register...





Practical requirements: contact details and procedures

Member States have to communicate to the Commission ...

- names and contact details of courts and authorities to deal with applications for a declaration of enforceability*
- procedures to contest the decision given on appeal*
- information on authorities competent to issue the European Certificate of Succession (ECS)*
- information on redress procedures following the challenge of the ECS*





Information on national law

- *MS have to make information available to the public on national succession law*
- *this will be done via the European Judicial Network in Civil and Commercial Matters*
- *inspiration will be taken from the Website www.successions-europe.eu*





Questions, comments?

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