



## EU EASES CROSS-BORDER SUCCESSION

The Council of Ministers of the European Union (EU) has created a European Certificate of Succession and approved the Commission's proposal aims to facilitate cross-border succession by reducing the legal formalities on the death of a person who has property in another Member State. Following publication of the new regulation, Member States have three years to harmonize their national legislation in order to apply these new EU rules on successions.

It is intended to provide greater legal certainty to all those who are confronted with international processes of succession and with the difficulties raised by the existence of different rules on jurisdiction and applicable law in the various Member States.

Under the new regulation, the place of *habitual residence* of the deceased takes effect as *the sole criterion* for determining jurisdiction and the law applicable to cross a succession, even when that State is not an EU member. Citizens living abroad may, however, choose to submit their succession to the law of the State of which they are nationals.

The succession will thus be fully governed by a single law and authority, reducing the risk of contradictory decisions of a Member State to another, depending on where the goods are situated. All decisions and authentic documents in matters of inheritance are also subject to mutual recognition and full automatic.

### European Certificate of Succession

The European Certificate of Succession will be introduced that allows people to prove in the EU who are heirs or administrators of a succession, without any additional formalities. The aim is to overcome the difficulties that currently appear to assert their rights, while also accelerating procedures and reducing costs.



This certificate is not required, may be requested by the heirs, legatees, executors or administrators who need to rely on inheritance in another Member State or the quality of pursuing its rights or powers. The issue will be the responsibility of the Member State whose courts have jurisdiction to decide on the succession, producing the certificate purposes in all Member States without recourse to any additional procedure.

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