

Implementation of EU instruments: study on Succession Regulation. Feedback of the European Commission Working Group Succession Law

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EJN Working Group Succession Law
– short introduction and general overview of the project

In March 2024 European Judicial Network (EJN) created **the Working Group Succession Law**, whose task is to conduct analytical studies of the practical application of *the Regulation of the European Parliament and of the Council (EU) No. 650/2012 of July 4, 2012 on jurisdiction, applicable law, recognition and enforcement of decisions, acceptance and enforcement of authentic instruments in matters of succession and on the establishment of the European Certificate of Succession* among the Network's members - Member States and affiliated organizations.

This action followed the conclusion worked out during the **93rd Meeting of the Contact Points of European Judicial Network in Civil and Commercial Matters in Brussels**, which took place on 30th November – 1st of December 2024. It was also the effect of work on the Discussion Paper.

EJN Working Group Succession Law – short introduction and general overview of the project

The first inaugural meeting of the Working Group Succession Law was held on-line on the 16th of May, 2024, and was chaired by representatives of the European Commission: Stephen Matyk-d'Anjony, Austrian Chamber of Civil Law Notaries, Mrs Maria Vilar and Caterina D'Ossualdo DG JUST, European Commission and Ms Marie Vautravers, Secretary of the EJN. Several experts from different EU Member States attended the meeting.

The project will last at least until the end of 2025, and will be based on analytical work and meetings with experts - the vast majority of them will be held online. The result of this work should indicate whether further analytical work on Regulation 650/12 or the European Commission's implementing acts should be undertaken.

ELRA is represented by judge Dr. Marta Rękawek-Pachwicewicz, Coordinator for International Cooperation on Civil Law and Human Rights, Białystok Regional Court in Poland and Mr Enrique Maside Páramo, European Affairs Director of Colegio de Registradores de España - a CPs from Spain.

EJN Working Group Succession Law
– first step: Questionnaire: EU Succession
Regulation (SR) & Registers

The first meeting of the Working Group Succession Law was devoted to the discussion of the draft of the questionnaire: *EU Succession Regulation (SR) & Registers (draft of 25/04/2024)*.

During the meeting, we discussed both, the general idea of the survey questionnaire and the design of individual questions. It is very initial stage of the work.

Finally, the questionnaire will be sent to Member States within the EJN to collect accurate information, this will happen in October/November 2024, so that the results of the research can be presented in January/February 2025 at the meeting in Brussels.

In the next few slides, I would like to present the detailed topics of the questions, make you and ask you to reflect and discuss them sharing your experience. It will be a valuable part of this project. The remarks were sent 14th June 2025 according to EC deadline, but still the draft is under work.

EJN Working Group Succession Law – first step: Questionnaire: EU Succession Regulation (SR) & Registers

Questionnaire consist of 6 parts, as follows:

- Part 1. EU Succession Regulation (SR) & Registers
- Part 2. ECS Form (Annex 5 Form V Implementing Regulation)
- Part. 3 ECS – online tool
- Part 4. Translation requirements
- Part 5. Information gathering
- Part 6. Miscellaneous

It is based on open and closed questions, the working language is English. It's aim is to cover all different legal systems of EU countries bearing in mind that LRs are regulated by national law and they keep many specificities.

This makes work harder, that is why expertise of Contact Point of ELRA, ELRN is really important.

EJN Working Group Succession Law
– first step: Questionnaire: EU Succession
Regulation (SR) & Registers

Part 1. EU Succession Regulation (SR) & Registers

Example of a question from this section:

1.1. For the purposes of civil law (not, e.g. tax law), in which national registers can the result of the succession to the estate of a deceased person be entered (e.g. acquisition of property by heirs/legatees having/having not direct rights in the succession, other rights in rem, obligations etc)?

- *land register*
- *company register/commercial register*
- *other register/s (please specify all registers concerned)*
- *no registration*

If possible, please indicate the relevant legal basis.

Is it clear for you ? What would you add, explained, deleted ?

Example of comment to Q 1.4. or Q 1.5.1 *Land register*

**EJN Working Group Succession Law
– first step: Questionnaire: EU Succession
Regulation (SR) & Registers**

Part 2. ECS Form (Annex 5 Form V Implementing Regulation)

Example of a question from this section:

2.1. Are there any problems with the European Certificate of Succession form?

- *yes*
- *no*

If yes, please provide examples.

2.3. Would it be desirable to have more information than that currently contained in the European Certificate of Succession form?

- *yes*
- *no*

If yes, please specify.

Is it clear for you ? What would you add, explained, deleted ?

Example of comment to Q 2.1

**EJN Working Group Succession Law
– first step: Questionnaire: EU Succession
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Part. 3 ECS – online tool

Example of a question from this section:

3.2. *Should registration be required to use the online tool?*

- *yes*
- *no*

Is it clear for you ? What would you add, explained, deleted ?

Example of comment, please!

EJN Working Group Succession Law
– first step: Questionnaire: EU Succession
Regulation (SR) & Registers

Part 4. Translation requirements

Example of a question from this section:

2. When submitting a European Certificate of Succession in the registration procedure, does the entire text, including the form entries (which are available in the OJ in all official languages), have to be translated or only the content of free text fields?

3. Are there any ideas/suggestions for avoiding translation effort and thus costs for EU citizens?

Is it clear for you ? What would you add, explained, deleted ?

Example of comment, please!

**EJN Working Group Succession Law
– first step: Questionnaire: EU Succession
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Part 5. Information gathering

Example of a question from this section:

5.4. Is there any experience of using the legal aid option stated in art.. 66 (5) SR?

Is it clear for you ? What would you add, explained, deleted ?

Example of comment to Q 5.4

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– first step: Questionnaire: EU Succession
Regulation (SR) & Registers**

Part 6. Miscellaneous

Example of a question from this section:

6.2. *In practice, are there problems with the **adaptation of rights in rem** within the meaning of art 31 SR?*

- *yes*
- *no*

If yes, please provide examples.

Is it clear for you ? What would you add, explained, deleted ?

Example of comment to Q 6.2

THANK YOU FOR YOUR ATTENTION

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