



**COUNCIL OF
THE EUROPEAN UNION**



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PRESSE 245

Council adopts EU-wide rules on matters of succession

The Council adopted today a regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession ([PE-CONS 14/12](#)).

The new regulation will be directly applicable in all EU member states except Denmark, which has an opt-out in matters concerning justice and home affairs, and the United Kingdom and Ireland which did not opt in to the initial proposal within the three months set out in Article 3 of the Protocol on the position on those two member states. The new Regulation will start applying three years after its entry into force.

The new rules will make life easier for heirs, legatees and other interested parties. They will speed up succession procedures in cross-border situations and will make it easier and less costly for heirs and legatees as well as for persons entitled to reserved shares to take possession of their respective parts of the estate.

Once they start applying, the rules will ensure that:

- the succession to the estate of a deceased person will be dealt with as a whole irrespective of the nature or the location of the assets,
- one single authority will be in charge of the succession, and
- one single law will apply to the succession.

The basic rule will be that the law applicable to the succession will be the law of the State of the deceased's habitual residence at the time of death. If a person wants to plan his succession otherwise, he can choose the law of a State of which he is a national.

P R E S S

Succession decisions given by a court in any of the EU member states under the new regulation will be recognised and enforceable throughout the EU. Likewise, authentic instruments issued by a notary in a succession matter in any of the EU member states will be accepted and enforceable throughout the EU. In addition, the new regulation will create a European Certificate of Succession which will make it easier, for instance, for heirs to invoke their rights in another member state or for an executor of the will to exercise his powers in another member state.

The new regulation will respect the existing systems of dealing with succession matters in the various EU member states and will not impose a judicial system on those member states in which succession matters are currently settled out of court. The new regulation will not apply to tax issues.
