

ABSTRACT

Succession with cross-border implications focusing on adoption and application of Succession Regulation in practice

The subject of the rigorous thesis is succession with cross-border implications focusing on adoption and application of Succession Regulation in practice. Succession Regulation applies from 17th August 2015 and unifies both conflict of law and jurisdiction rules in matters of international succession. Moreover, it creates European Certificate of Succession (hereinafter the „ECS“) to be issued for use in another Member State in order to efficiently settle the succession. Succession Regulation shortens the length of inheritance proceedings and removes obstacles to the exercise of the rights of beneficiaries in relation to succession having cross-border implications. This thesis focuses on adoption of Succession Regulation, basic application rules (scope, principles) and interpretation problems connected to its application in practice.

The aim of this thesis is clarification of the main principles of Succession Regulation and providing an overview of the rules for determining its temporal, territorial and subject matter jurisdiction. The main goal is the detailed analysis of problematic issues, which occur in connection with the application of Succession Regulation in practice – not only those that have been answered by CJEU by the closure date but those that still persist as well.

The first chapter deals with the historical circumstances surrounding the submission of the proposal and adoption of the Succession Regulation. It mentions both goals the European legislators wanted to achieve and legislation that inspired them when submitting the proposal.

The second chapter introduces main principles which the Succession Regulation is based on. There is an impact analysis for each of the principles.

The third chapter defines the scope of the Succession Regulation in terms of time, territory and subject matter. This chapter clarifies the basic conditions under which it is possible to apply the Succession Regulation.

The fourth chapter contains the analysis of CJEU decision in this area. In terms of structure, this is a key part of the work, which evaluates in detail the procedure of the CJEU in the already resolved issues related to the application of the Succession Regulation.

The fifth chapter is dedicated to ECS and the unresolved interpretation problems in connection with its application in practice.

Key words:

Succession Regulation, ECS, CJEU.