

International succession law with emphasis on European legislation

Abstract

This thesis deals with legislation on cross-border succession with emphasis on Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 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 (Succession Regulation). Firstly the thesis delimits the subject of international succession law and describes its legislative methods. Furthermore the thesis in closer detail deals with sources of international succession law and their mutual relationships, particularly the relationship between bilateral international treaties and the Succession Regulation. Consequently the diploma thesis define *lex hereditatis* (law applicable to succession) and borderline determinants typical for international succession law, namely a nationality, a last habitual residence and a location of immovable property.

A core of this thesis is composed of chapters handling conflict of laws norms according to the Succession Regulation which determine an applicable law to succession and international private law institutes related to it which influence *lex hereditatis*, such as order public reservation and imperative norms and also chapters handling conflict of laws rules which determine an applicable law to admissibility and validity of dispositions of property upon death. The Succession Regulation also lays down a limited option of choice of law of a *lex hereditatis* and applicable law to admissibility and validity of dispositions of property upon death by a testator. Uniform conflict of laws legislation in succession matters of the Succession Regulation unambiguously contributes to the possibility of individuals to plan their estate. The diploma thesis concerns with topic of a cross-border escheat, too.

Also, this diploma thesis refers to some problematic questions pertaining to application of provisions concerning applicable law according to Succession Regulation which were not unequivocally solved yet. Answers to these questions are little by little provided by The Court of Justice of European Union in preliminary rulings initiated by courts of European member states bound by the Succession Regulation. Selected judgements of The Court of Justice are analyzed in the very end of the thesis.

Key words: succession, habitual residence, European regulation