

Abstract

At the moment, the European regulation on jurisdiction, applicable law, recognition and enforcement of decisions in matters of successions is being prepared, the comparison of the respective ruling of the EU Member States presents, therefore, very actual theme.

At first, the problematic situations are exposed in this thesis that occur because of the different treatment of the particular legal orders and result into negative consequences which shall be eliminated by the unified European ruling. It concerns the conflict of qualifications, the incidental question, the renvoi and the factor of time.

In the second part, this thesis deals with the particular questions of succession. The legal orders of the EU Member States usually contain a choice of law rule referring to succession as whole, while several particular questions, such as capacity to make a will, its content and form, possibility to select the applicable law as well as admissibility of other dispositions mortis causa, are submitted to another choice of law rule. In general, the applicable law is the law of the deceased's last domicile or their nationality. Some states apply the „scission“ model where the immovables are governed by their lex situs while the rest of succession underlies to the above mentioned general rule. Apart from the material questions also procedural matters, as jurisdiction rules and the principles of recognition and enforcement of foreign court decisions, are reviewed in the thesis.