

## **Private International Law from a Comparative View**

### **Succession in Private International Law according to Czech and Austrian Law**

The aim of the following thesis is to compare the Czech and Austrian rules of international private law in the area of succession and wills. I have chosen this topic, because this area was so far not comprehensively unified, which is to be changed in the early future. Apart from current legislative works on the European field, new international private law act is also being prepared in the Czech Republic.

The thesis is composed of 12 chapters and several subchapters.

The first chapter describes the historical background of current international private law with special consideration of the succession area. With regard to the common historical development of the two states, it is considered as appropriate initial basis.

The two following chapters represent introduction into international private law in general. Specifically the understanding of the term „international private law“ in both laws is being analyzed here. And also I attempted to describe the internal structure of Czech and Austrian international private law acts.

Starting with chapter 4 I focused on the branch of law of succession. Firstly I tried to introduce the topic with explanation of the given term. As it appeared convenient, the chapter 5 provides brief look at the internal law of succession of the both states. The purpose of this chapter is to point out the differences between the two compared laws.

From my point of view the most important chapter is the sixth one, which concentrates on stating *lex successionis* and on identification of its range. The further investigation of this area resulted in discovering several crucial dissimilarities between the Czech and Austrian Law, which has to be taken into mind.

A special treatment applies to testamentary succession, specifically to the issues of the testament form, its validity and to the capacity of the testator. Regulations of these questions are being compared in chapter seven of this thesis.

One of the following passages deals with issues, which are not primarily connected with inheritance, however its frequent use especially in area of succession justifies its inclusion in here. The explored instruments are the *renvoi* and public policy from the Czech and

Austrian point of view.

Chapter 10 provides comparison of the Czech and Austrian regulation of the international jurisdiction.

Finally, the last two chapters treat the new proposed regulations both in inland (International Private Law Act) and on the field of the European Union (Proposal for 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).