

Abstract

This thesis deals with the 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 (regulation on succession). This regulation will be applicable in the matters of successions with cross-border implications of people who will decease on 17 August 2015 or later. Regulation on succession unifies legislation in matters of succession with cross-border implications, both in terms of substantive law and procedural law. This regulation has been expected for a long time in the European Union because the succession matters were expressly excluded from the scope of other regulations. Also thanks to the free movement of persons, the unification of this area of law is becoming more necessary from day to day. The preparation of this regulation and the connected discussions lasted several years. Not only for the numerous differences between the national rules of the Member States but also for the intention to create a complete unification of the substantive law, the succession proceedings itself and of the recognition, enforceability and enforcement of decisions. In addition, the regulation on succession creates new instrument called European Certificate of Succession that shall be for use by heirs, legatees having direct rights in the succession and executors of wills or administrators of the estate who, in another Member State, need to invoke their status or to exercise respectively their rights. This thesis also focuses on national Czech legislation and how the regulation on succession would affect the application of the national legislation. The opinions of experts regarding this new European regulation are mentioned as well. This thesis focuses not only on the analysis of the regulation on succession, its ideological basics and main features, but also on practical examples of how the regulation will be applied in the future. These examples especially help to illustrate the choice of applicable law, recognition and enforcement of decisions and usage of the European Certificate of Succession under this regulation on succession.