

Regulation on succession and European certificate of succession EU 2012/ 650

Additional research and discussions about the regulation
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Need for more a wider approach

ELRA has agreed to conduct a continued and more thorough investigation about the regulation and it's implications on the land register and work of land registrars

During 2020 and 2021

Contribution to the Commissions report in 2025 (article 82)

The work began during the last workshop

Questions from the last workshop!

Previous research by ELRA showed that a number of member states did not approve entries in the LR on the basis of a ECS despite art 69.5.

Are there still conflicts between the regulation and national law in any of the member states?

According to ELRA's previous study on the principle of adaptation (article 31), some jurisdictions seem to not consider adaptation at all. Is this still the case?

In the "adapting" countries, is there a general strategy of how the registering procedure applies in these cases?

Answers to the questionnaire

Acceptance of ECS?

In theory all countries now accept ECS as a valid document

Answers

Is adaptation made?

Yes:

Austria (but not regarding apartments), Croatia, Estonia, Finland, Latvia, Poland, Portugal, Romania, Spain, Sweden, the Netherlands

No:

Ireland, Lithuania,

Unclear:

Belgium, Bulgaria, Italy (Agenzia della Entrate), Malta, Slovakia

The next step!

- Selection of topics and prioritization
- Which topics do you find most important?
- Should any of the suggested topics be excluded from ELRA's additional research?
- Should any topic be added?
- Two new topics were suggested in the last workshop

Summary

1. **European certificate of succession (conflicts and problems)**
2. **Acceptance of trusts (New)**
3. **Management if there are more than one ECS (New)**
4. **Applicable law**
5. **Compulsory law (exceptions from the regulation)**
6. **Adaptation principle (If and how)**
7. **Recognition of decisions**
8. **Acceptance of foreign documents**
9. **Authentic documents**

Suggestion for prioritization (without mutual order)

1. European certificate of succession (conflicts and problems)
2. **Acceptance of trusts (New)**
3. **Management if there is more than one ECS (New)**
4. Applicable law
5. Compulsory law (exceptions from the regulation)
6. Adaptation principle (If and how)
7. **Recognition of decisions**
8. **Acceptance of foreign documents**
9. **Authentic documents**

Questions sent before the workshop

1. Does your country/system recognize trusts? Is it possible to register a trust as an owner of immovable property or as a holder of a property right?
2. If you do not register trust as owner of the title, how do you proceed in your jurisdiction? Is the application rejected or is the entry permitted in someone's name (the trustee or other)?
3. Do you register the rules of the trust in case you allow to make the entry in its name?
4. Does your country/system accept foreign documents and in that case what kind of documents?
5. Does your country/system require authentic transfer documents?
6. If you accept non authentic documents coming from other jurisdiction, do you have especial requirements for them? Do you foresee to control if the signatures are authentic?