



CASE C-354/21

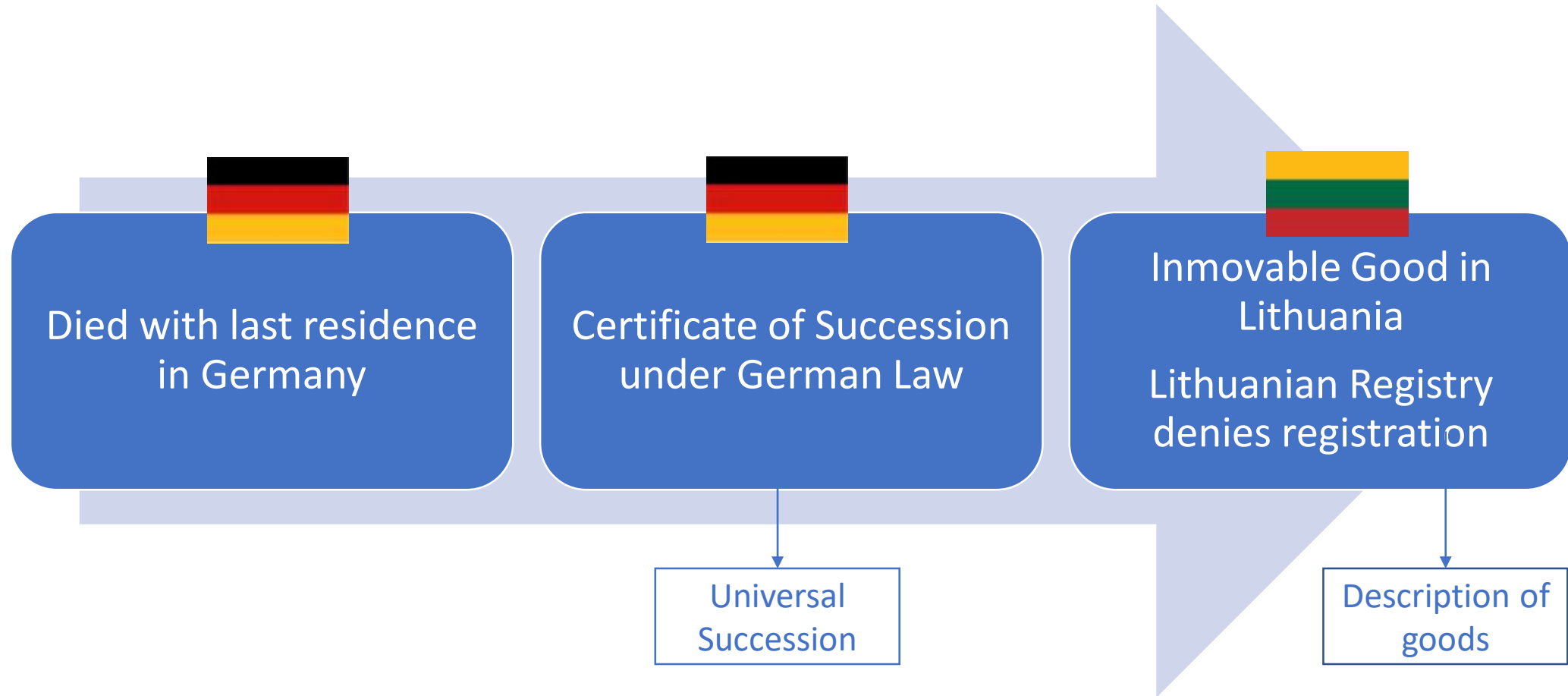
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ELRN WORKSHOP

24-25 May, Stockholm



DISPUTE



QUESTION REFERRED FOR A PRELIMINARY RULING



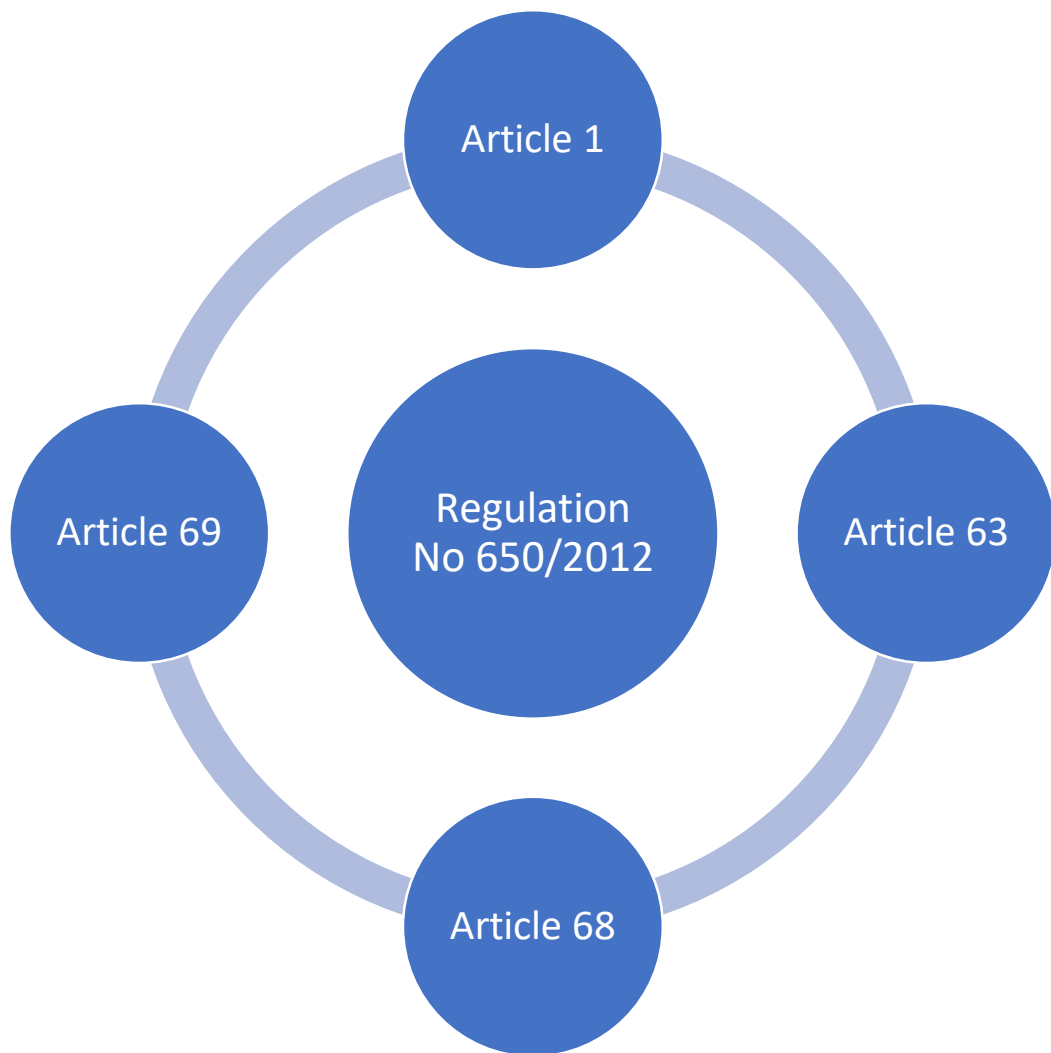
‘Must Article 1(2)(1) and Article 69(5) of Regulation [No 650/2012] be interpreted as not precluding legal rules of the Member State in which the immovable property is situated under which the rights of ownership can be recorded in the land register on the basis of a European Certificate of Succession only in the case where all of the details necessary for that recording are set out in that European Certificate of Succession?’

REFORMULATION

Whether Article 1(2)(l), Article 68(l) and Article 69(5) of Regulation No 650/2012 must be interpreted as precluding legislation of a Member State which provides that an application for recording immovable property in the land register of that Member State may be rejected where the only document submitted in support of that application is a European Certificate of Succession which does not identify that immovable property.



EU LAW




LITHUANIAN LAW





OPINION OF ADVOCATE GENERAL

- **European Certificate of Succession has to be issued according to Lex Successionis**
 - German Law: UNIVERSAL SUCCESSION  The National Registration Authority has to investigate the properties.
- ***Effet utile* of a European Certificate of Succession:** a valid document for the purposes of recording succession property in the relevant register of a Member State (...). (Art. 69 R.)

CONCLUSION: GERMAN LEX SUCCESSIONIS > LITHUANIAN LEX
REGISTRATIONIS



JUDGMENT OF THE COURT

- Art. 1 of R. 650/2012 excludes Registration requirements from the scope.
- Art. 68 of R. provides for a minimum of information to be included in that certificate that may vary case to case depending on the purposes for which is issued.
- Legal requirements for registration are governed by national law

THE DECISION OF DENYING THE REGISTRATION OF A EUROPEAN CERTIFICATE OF SUCCESSION WHEN IT DOESN'T COMPLY WITH THE REQUIREMENTS ESTABLISHED BY THE NATIONAL REGISTRATION LAW IS NOT AGAINST EU LAW.



CONCLUSIONS

Land Registers as AUTHORITIES

Each Member State is free to determine the legal conditions, the requirements and the authorities, to carry out registration.

European Certificate of Succession

- Issued according to the *Lex successionis* BUT
- Taking into account the *Lex Registrationis*

Kubicka,
C-218/16



QUESTIONS

- **What documents and requirements are necessary to register an immovable good in your Land Registry based on a title of succession?**
 - **Is there any difference when there is just one heir?**
- **Is there any additional requirement in your national legislation that it is not included in the EU Regulations requirements for the ECS (Art 68 R and “Form V”)?**
- **Is there any requirement included in the EU Regulations requirements for the ECS (Art 68 R and “Form V”) that is irrelevant for registration in your national legislation?**

A map of Europe and its surrounding regions, including parts of North Africa and the Middle East. The map uses a color-coded system: dark blue for Western and Northern European countries (e.g., Ireland, UK, France, Germany, Poland, Scandinavia), light blue for Eastern European countries (e.g., Russia, Ukraine, Belarus, Turkey), and tan for Southern European and North African countries (e.g., Spain, Italy, Greece, Egypt, Libya). A white rectangular box with a thin blue border is centered over the map, containing the text "THANK YOU" in a dark blue, sans-serif font.

THANK YOU