

Ongoing study on Succession Regulation:

- ❖ Overview of the case law of the Court of Justice in the field of Succession C- 354/21
- ❖ Update on the European Commission Working Group on Succession Law
- ❖ Presentation new ELRA Factsheet: National requirements for registration

3rd ELRN WORKSHOP

Barcelona, 31.10.2025

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❖ **I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21
R.J.R. v. Registrų centras VĮ, lithuanian case – judgement of 9.03.2023**

Facts about case procedure:

- **JUDGMENT OF THE COURT (Fifth Chamber) of 9 March 2023**
- case pending between R.J.R. v. Registrų centras VĮ – **lithuanian case**
- the observations submitted on behalf of: the Lithuanian Government, the Czech Government, the German Government, the Spanish Government, the French Government, the Hungarian Government and the European Commission



❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21

Facts about case

- The applicant - **R.J.R. – „Robert“** resides in **Germany**
- At the time of death on 6 December 2015, the mother of „Robert“ – „**Helga**“ was also habitually resident in Germany
- „Robert“ – Helga’s sole heir - accepted without reservation the succession in Germany
- „Robert“ applied to the competent German authority in order to obtain a **European Certificate of Succession**, as that estate included **property** located not only in **Germany** but also in **Lithuania**.
- In 2018 Local Court, Bad Urach, Germany issued to Robert 2 certificates:
 - (i) **national** - a certificate of inheritance No 1 VI 174/18, in which stated that „**Helmut**“ who had died on 10 May 2014, had left his estate to Robert as his sole heir
 - (ii) **European** Certificate of Succession No 1 VI 175/18, in which stated that „**Helga**“ left her estate to „Robert“ as her sole heir

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21

Facts about case

- In 2019, „Robert” applied to the Centre of Registers, Lithuania to record his right of ownership of the immovable property which had belonged to his mother in Lithuania in the register. In support of his application, he submitted both certificates: the certificate of inheritance and the European Certificate of Succession
- In March 2019 Registru Centras **rejected that application**, on the ground that European Certificate of Succession **did not indicated the assets** inherited by the applicant - „Robert”
- „Robert” filed a complaint against that rejection with the Disputes Commission of the Registru Centras which, by decision of 9 May 2019, **confirmed the rejection**
- „Robert” brought an appeal against those decisions before the Chamber of the Regional Administrative Court of the Regions, Klaipėda, Lithuania), **which dismissed the appeal**
- „Robert” brought an appeal against that judgment before **the Supreme Administrative Court of Lithuania**
- **The Supreme Administrative Court of Lithuania** considered that the dispute before it raises **questions** concerning the interpretation of Regulation No 650/2012

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21

Facts about law

- Article 69(5) of Regulation No 650/2012, a **European Certificate of Succession constitutes a valid document for the recording of succession property in the relevant register** of a Member State, without prejudice **to Article 1(2)(k) and (l)**

„Art. 1. This Regulation shall apply to succession to the estates of deceased persons. It shall not apply to revenue, customs or administrative matters.

*2. The following shall **be excluded** from the scope of this Regulation: ...*

(k) the nature of rights in rem; and

*(l) **any recording in a register** of rights in immovable or movable property, including the legal requirements for such recording, and the effects of recording or failing to record such rights in a register.”*

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21

Facts about law

- the **Supreme Administrative Court of Lithuania** notes that, in Lithuania **the documents** on the basis of which rights in rem in immovable property can be recorded in the register **are listed in Article 22 and art. 23 of the Land Register Act**
- *„Under the said Article 23(4), the documents on the basis of which an application for an entry in the register is made must be legible and must include the first names and full surnames, titles, addresses and identification numbers of the persons concerned by that registration **and the unique number of the building concerned, which is allocated in accordance with the Real Property Register Regulations of the Republic of Lithuania**”*
- **The Supreme Court** adds that, in order to produce its effects, a European Certificate of Succession must be drawn up using **Form V in Annex 5** to Implementing Regulation No 1329/2014
- **Form V includes Annex IV** to that form, certifying the status and rights of the heir, in point 9 of Annex IV, **no information was provided to identify the asset(s) attributed to the heir – Robert** - for whom certification was requested.

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21

Facts about law

- **Robert** highlighted in the claims, that **German law of succession** is governed by the principle of universal succession and consequently, **where there is a single heir and he inherits the deceased's entire estate and it is not possible to indicate the succession property**
- Therefore Supreme Administrative Court of Lithuania decided to ask the question to the Court of Justice for a preliminary ruling (reformulated by Court of Justice):

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 ?

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21

Facts about law

„Article 68 of the regulation entitled ‘Contents of the Certificate’, reads as follows:

‘The Certificate shall contain the following information, to the extent required for the purpose for which it is issued:

...

(I) the share for each heir and, if applicable, the list of rights and/or assets for any given heir;

...

Article 69 of Regulation No 650/2012 entitled ‘Effects of the Certificate’, reads as follows:

*‘1. The Certificate shall **produce its effects in all Member States**, without any special procedure being required.*

*2. The Certificate shall be presumed to accurately demonstrate elements which have been established **under the law applicable to the succession** or under any other law applicable to specific elements. The person mentioned in the Certificate as the heir*

*... shall be presumed to have the status mentioned in the Certificate and/or **to hold the rights** or the powers stated in the Certificate, with no conditions and/or restrictions being attached to those rights or powers other than those stated in the Certificate.*

...

*5. The Certificate **shall constitute a valid document for the recording of succession property in the relevant register of a Member State**, without prejudice to points (k) and (l) of Article 1(2).”*

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21



Consideration proces – the question

- the European Certificate of Succession constitutes **an autonomous instrument of EU law**, the use and effects of which are regulated in detail in the provisions of Regulation No 650/2012
- It is apparent from Regulation No 650/2012, that **certificate should produce the same effects in all Member States, without any special procedure being required**
- So, where a European Certificate of Succession is issued to an heir – **Robert** - in the Member State of the habitual residence of the deceased – **Helga** - that heir may use it in the other Member States in which the assets are located
- Article 68 of Regulation No 650/2012 provides for a **minimum of information** to be included in that certificate. **The content of the certificate may vary from case to case**
- According to article 67(1) of Regulation No 650/2012 the **issuing authority (Germany)** must use **Form V, provided for in Annex 5** for the purposes of issuing that certificate
- the **law of the Member State**, in which the register is kept, **determines** under what legal conditions and how the recording must be carried out and which authorities, such as land registers or notaries, are in charge of checking that all requirements are met and that the documentation presented or established is sufficient or contains the necessary information.

❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21



Consideration proces – the question

- the provisions of Regulation No 650/2012 and Article 69(5) of that regulation, read in conjunction with Article 1(2)(l) **do not prevent a Member State laying down or applying the requirements** to be complied with for the purposes of registering rights in rem in immovable property
 - = **each Member State is free to determine the conditions** and how that recording, **including the imposition of a requirement** that all identifying data of an immovable property for which an application for registration is made
 - = **the authority (registrar, judge) may reject such an application**

REGISTRAR IN LITHUANIA WAS RIGHT



❖ I. Overview of the case law of the Court of Justice in the field of Succession C- 354/21



Judgement

Article 1(2)(l), Articles 68(l) and 69(5) of *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* must be interpreted as meaning that they **do not preclude legislation of a Member State** which provides that an application for registration of 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**.

❖ Overview of the case law of the Court of Justice in the field of Succession C- 354/21

❖ Pending case connected to C-354/21

Request for a ruling in Case C-873/24 – GK, NU, TZ, MV, UK (Marwanak) – pending (asked of 17 December 2024)

Questions

- Interpretation of Art. 68 (l) Succession Regulation:

*Must the issuing authority of a Member State **include in the ECS**, upon the request of the heir, **information on immovable property which is part of the estate and located in another Member State** whose national law requires this information for the recording of an heir as owner in the land register?*

Does the principle of universal succession affect the answer to this question?

*Does it make any difference whether the requirements of the foreign land register can also be **fulfilled by a document which accompanies the ECS and contains the required information?***

Facts

- case C-354/21: Lithuanian land register could reject an application for registration of immovable property where the only document submitted by the heir was an ECS which did not identify that immovable property
- German issuing authorities **refuse to identify individual assets** that devolved to the heir in an ECS

❖ Overview of the case law of the Court of Justice in the field of Succession C- 354/21

❖ Summary

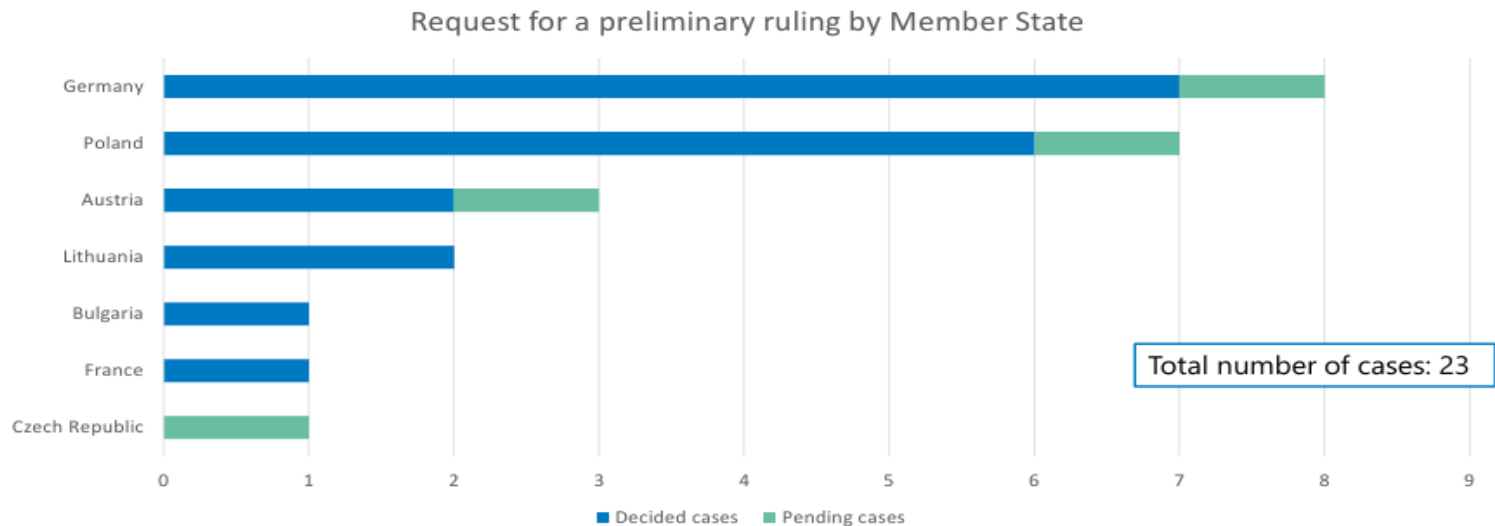
„The volume of the case-law of the Court of Justice of the European Union dealing with the interpretation of the Regulation’s provisions grows and every year new preliminary questions are directed to the Court. The academics all around Europe devote much attention to novelties adopted therein and the difficulties arising in that respect”

„Highlights and Pitfalls of the EU Succession Regulation”

by Maksymilian Pazdan and Maciej Zachariasiewicz,

In: “Problemy Prawa Prywatnego Międzynarodowego”. T. 26, 2020, p. 131

The Succession Regulation at 10 before the CJEU



	European Certificate of Succession	National Certificates of Succession as Authentic Instruments	National Certificates of Succession as Court Decisions
Qualification	<i>Sui generis</i> document	Art. 3 (1) (i) ESR C-658/17 <i>W.B.</i> C-80/19 <i>E.E.</i>	Art. 3 (1) (g) ESR C-20/17 <i>Oberle</i>
Issuing authority	Art. 64 (a)+(b) ESR C-187/23 <i>Albausy</i> Not a “court”	Notary	Court Art. 3 (2) ESR „Judicial control or functions” C-20/17 <i>Oberle</i>
Rules of jurisdiction	Art. 64 ESR ↓ Art. 4 – Art. 11 ESR	Domestic laws	Art. 4 - Art. 11 ESR C-20/17 <i>Oberle</i>
Recognition	No grounds for non- recognition	Acceptance limited to evidentiary effects Art. 59 ESR	Art. 39 ESR
Enforceability	No	Enforceable Art 43 ESR	Enforceable Art 61 ESR
Registrability	Art. 69 (5) ESR C-354/21 <i>R.J.R</i> C-873/24 (pending)	Foreign NCS registrable under conditions (e.g., <i>France</i> - only national authentic instruments)	Foreign decisions registrable, with exceptions (e.g., <i>Germany</i>)

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New legal term: **REGISTRABILITY**

The European Certificate of Succession Implications for Forced Heirship, Ioana Olaru, PhD
Annual Conference on EU Succession Law, Academy of European Law, Trier, 22 May 2025

❖ II. Update on the European Commission Working Group on Succession Law

WHY ???

LEGAL REASONS OF WGS - Review

Article 82

of Regulation (EU) No 650/2012 of the European Parliament and of the Council of July 4, 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

*By **August 18, 2025**, the Commission shall submit to the European Parliament, the Council, and the European Economic and Social Committee **a report on the application of this Regulation**, including an **assessment of any practical problems** encountered in relation to parallel out-of-court settlements of succession cases in different Member States or in relation to an out-of-court settlement in one Member State in parallel with a court settlement in another Member State. **The report shall be accompanied, where appropriate, by proposals for amendments.***

❖ II. Update on the European Commission Working Group on Succession Law

Just to remind !

History of information to ELRN about EC Project on Succession

- In March 2024 European Judicial Network (EJN) created the **Working Group on Succession (WGS)**, whose task is to conduct analytical studies of the practical application of the *Regulation of the European Parliament and of the Council (EU) No. 650/2012 of July 4, 2012 on jurisdiction, applicable law, recognition and enforcement of decisions, acceptance and enforcement of authentic instruments in matters of succession and on the establishment of the European Certificate of Succession*
- The first inaugural meeting of the Working Group Succession Law was held on-line on the 16th of May, 2024
- ELRA is represented by judge Dr. **Marta Rękawek-Pachwicewicz**, Coordinator for International Cooperation on Civil Law and Human Rights, Białystok Regional Court in Poland and Mr **Enrique Maside Paramo**, Head of European Affairs of the Colegio de Registradores de España - a CPs from Spain
- in October/November 2024 the **WGS** distributed the questionnaire: **EU Succession Regulation (SR) & Registers** among CPs of Member States, but also **ELRN has contributes additional research – information to ELRA was presented on ELRN's seminar in Valetta, Malta (21ST JUNE 2024)**

❖ II. Update on the European Commission Working Group on Succession Law

VALETTA, FRIDAY 21ST JUNE 2024

AGENDA WORKSHOP

Venue: Mediterranean Conference Centre (MCC)

09:00 Welcome Coffee

09:15 Digital transition: the European approach

Presentation on the e-Justice Strategy 2024-2028: aspects related to the land registries by **Enrique Maside**, European Affairs Director of CORPME (Spain)

Audience Q&A

9:40 Digitalization of the Property Registration Processes in Malta by Michelle Piccinino, Executive Head, from Land Registration Agency, and Prof. Saviour Formosa, from the University of Malta

Round Table moderated by Claude Sapiano

10:25 COFFEE BREAK

10:40 Implementation of EU instruments; study on Succession Regulation

Feedback of the European Commission Working Group by **Judge Dr. Marta Rekawek-Pachwicz**, Coordinator for international cooperation District Court in Bialystok

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❖ II. Update on the European Commission Working Group on Succession Law

History of information to ELRN about EC Project on Succession

- In November 2024 we had initial idea on **ELRN additional research** *Conclusions of the results of the survey of ELRN Contact Points on 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 as ELRA's Working document* - **information about this initiative to ELRA was presented on ELRA's General Assembly in Brussels (6th November 2024)**



12:00 Pannel 1: Succession Regulation & EC report moderated by Francisco J. Gimeno, ELRA Secretary General

- **Maria Vilar Badia**, DG Justice, European Commission
- **Judge Dr. Marta Rekawek-Pachwiczewicz**, ELRA representative in the EC Working Group and Coordinator for international cooperation District Court in Bialystok
- **Judge Michele Cuccaro**, Rovereto Court, Italy
- **Jacques Vos**, ELRA Board member – Land Registrar from The Netherlands.

❖ II. Update on the European Commission Working Group on Succession Law

- In December 2024 ELRA prepared the **Report** and it was sent to the Commission. The Report achieved an approval of the European Commission and it was **presented officially at European Judicial Network session in Brussels on 28th April 2025**. It was a very important point at the discussion, it gave a new light on the **matter of registering the legal effects of the European Certificate of Succession** in the land registers of Member States, focusing on **two key issues**:
 - ✓ the identification of **the most typical national requirements to register ECS** in the land registry as a title
 - ✓ **reasons for rejection of applications**



ELRA Report on the
application of the Succession
Regulation

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❖ II. Update on the European Commission Working Group on Succession Law

- The group held a separate working session to summarize the first stage of the work – results of the general **Report on the questionnaire: EU Succession Regulation (SR) & Registers– STAGE I**

1.1 affected national registers

Land register	17	100%	BE, DE, FI, FR, GR, IT, LV, MT, NL, AT, HU, PL, PT, RO, SI, ES, CZ
Business register	13	76%	BE, DE, FR, IT, LV, MT, AT, HU, PL, PT, RO, SI, CZ
Moveable assets register	8	47%	IT, LV, HU, PL, PT, SI, ES, CZ
Other register/s	9	53%	DE, FR, IT, MT, AT, HU, PL, SI, ES

1.2 Obligation to record transfer of assets/rights/obligations by in a register

Yes	13	76%	BE, DE, FR, GR, IT, MT, AT, HU, PL, PT, RO, SI, ES
No	4	24%	FI, LV, NL, CZ

Obligation always concerning national registers

❖ II. Update on the European Commission Working Group on Succession Law

1.1 How has the EU Succession Regulation been applied at the national level in connection with registration procedures?

Implementation in nation law	10	59%	BE, DE, GR, MT, NL, AT, HU, PL, SI, CZ
No implementation required	6	35%	FR, IT, LV, PT, RO, ES
No answer	1	6%	FI

1.2 Land register

1.4.1. Which documents are accepted as valid documents for the recording of a right in immovable property in the land register?

Court decisions	13	76%	BE, FR, IT, LV, MT, NL, AT, HU, PL, PT, SI, ES, CZ
Authentic instruments	14	82%	BE, DE, FR, GR, IT, LV, MT, NL, AT, PL, PT, SI, ES, CZ
ECS	15	88%	BE, DE, GR, IT, LV, MT, NL, AT, HU, PL, PT, RO, SI, ES, CZ
No answer	1	6%	FI

❖ II. Update on the European Commission Working Group on Succession Law

1.4.2. Are the aforementioned documents per se valid for a recording in the land register of the receiving Member State?

	yes, whether or not it specifies the immovable property	yes, if it specifies the immovable property	No, additional requirements must be met	it is generally not possible to register on this basis
Court decisions	GR, NL, AT, PL, PT, SI	BE, IT, CZ	FR, LV, MT, HU, ES	DE, RO
Authentic instruments	DE, NL, AT, PL, PT, SI	BE, IT, CZ	GR, LV, MT, HU, ES	FR, RO
ECS	DE, GR, NL, AT, PL, PT, RO, SI	BE, IT, HU, CZ	LV, MT, ES	FR

No answer: FI

1.4.3. Can land register applications be rejected or refused due to deficiencies in content or due to the absence of specifications?

Yes	13	76%	BE, DE, GR, IT, MT, NL, HU, PL, PT, RO, SI, ES, CZ
No	2	12%	LV, AT
No answer	2	12%	FI, FR

Does your national law provide for any remedies against the rejection?

Yes	13	76%	BE, DE*, GR, IT, MT, NL, AT, HU, PL, PT, RO, SI, CZ
No answer	4	24%	FI, FR, LV, ES

* ECS: not if missing information can easily be obtained

1.4.4. What are the effects of the recording or failing to record a transfer?

Declaratory	7	41%	DE*, NL, AT***, PL, RO, SI, CZ
Constitutive	6	35%	DE**, GR, LV, AT***, HU, ES
Enforceability vis-à-vis third parties	7	41%	BE, IT, MT, HU, PL, PT, SI
No answer	2	12%	FI, FR

*for heirs

** for legatees per damnationem

*** depending on the applicable law

❖ II. Update on the European Commission Working Group on Succession

What now, any plans ?

- the project is currently underway, between May 2024 and October 2025 several live and online meetings were held to discuss reporting assumptions, activities, and planned actions
- last meeting was held online on **October 13, 2025**, and focused on two topics:
 - ✓ **simplification of the ECS**
 - ✓ discussion of the proposal to **grant access to registers containing information on bank accounts** through the European e-Justice Portal for authorities issuing ECSs under Article 66(5) of Regulation (EU) No. 650/2012 of the European Parliament and of the Council of July 4, 2012
- The project **should conclude at the EJM Meeting on Succession on 19-20 March 2026 in Brussels with a final report and recommendations for changes**
- The results of this work should indicate whether and what analytical work on Regulation 650/12 or the European Commission's implementing acts should be undertaken *de lege ferenda*
- *Next on-line working meeting is planned on 2nd December 2025 and WGS will finish analysing the content of ECS and it's annexes (two are left) – the field for further simplification*

❖ II. Update on the European Commission Working Group on Succession Law

Simplification of ECS – Aneks V (state of play of agreed simplification, September 2025)

An example:

<i>Heading</i>	<i>Proposed simplification/deletion</i>	<i>Reasoning</i>
2.4. et al.	Fax number	Fax technology is not in use anymore. To be deleted throughout the whole form.
4.2.	Add reference to Art 75 in 4.1., which allows for deletion of 4.2	All references to different jurisdiction rules to be listed as tick-boxes in 4.1 and thereby 4.2. can be deleted
5.3.	Fax number	Not in use anymore.
5.7. and 6.7.	Identification number etc	There might be different kind of ID/social security etc numbers in Member States. This point should be redrafted, streamlined and thereby simplified.

❖ II. Update on the European Commission Working Group on Succession Law

- ✓ proposal to grant access to registers containing information on bank accounts

Article 66(5) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of July 4, 2012.

*5. For the purposes of this Article, the competent authority of a Member State **shall, upon request, provide** the issuing authority of another Member State with **information contained in particular in land registers, civil status registers and registers in which documents and facts** relevant to the succession or matrimonial property regime of the deceased or the regime corresponding to it **are recorded, in cases where the competent authority would be entitled, under national law, to provide such information to another national authority.***

❖ II. Update on the European Commission Working Group on Succession Law

- ✓ **proposal to grant access to registers containing information on bank accounts**

EJN-civil WG on succession law

Draft questions for the European e-Justice Portal on bank account registers

1. Is there a competent authority that keeps information of all bank accounts opened in your Member State with details on the account holders?

☐ yes

☐ no

If yes, please provide contact details of the competent authority (if more than one, please list them all):

If no, are there any means of obtaining information to identify the existence of a bank account of the deceased? Please explain:

2. In accordance with article 66 (5) of the Succession Regulation, is the competent authority authorised, under national law, to provide another national authority with information on bank accounts held by the deceased?

☐ yes

☐ no

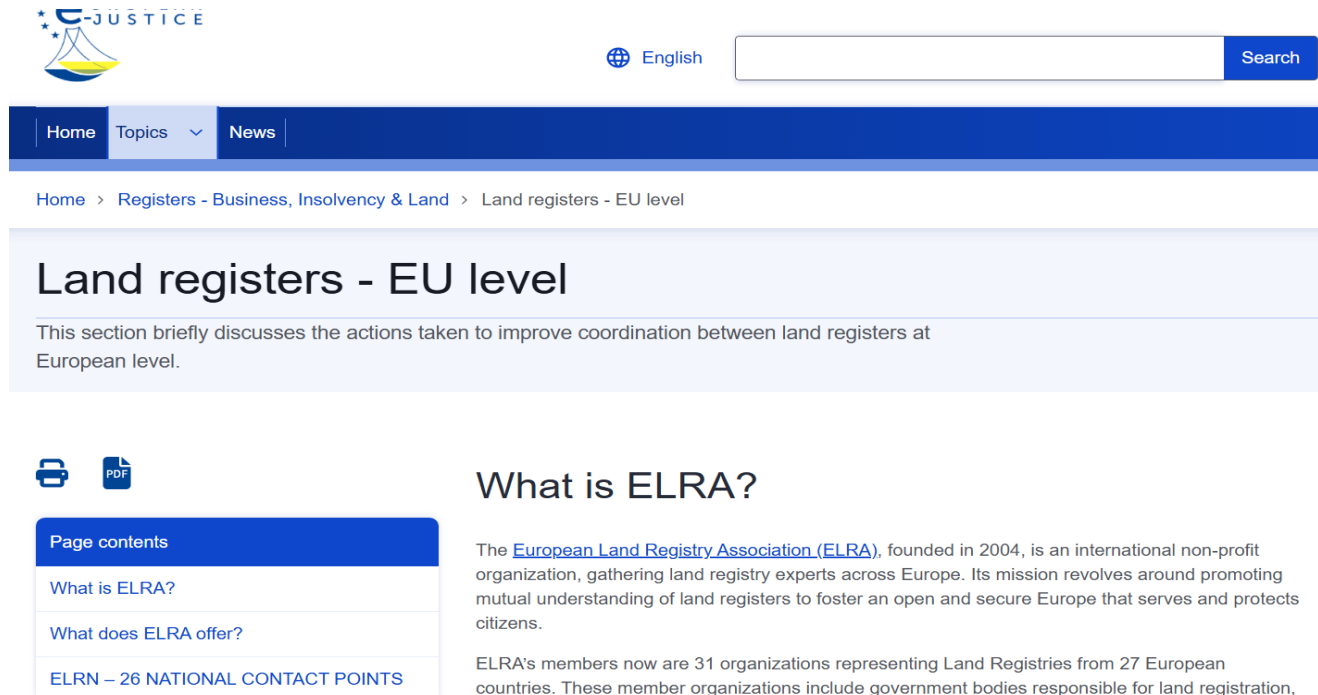
If yes, which requirements have to be fulfilled by the requesting authority to enable the competent authority to provide information on bank account holders?

Please specify:.....

❖ III. Presentation new ELRA Factsheet: National requirements for registration

WHAT ABOUT ELRA's and ELRN contribution?

- ELRA is a **very important element** in the implementation of Regulation 650/12 (SR) in European Union countries
- Substantive discussions between the Contact Points and the ELRA management board have resulted in the addition of a new website on the ELRA website, which is an official part of the e-Justice portal



The screenshot shows the ELRA website interface. At the top, there is a header with the e-Justice logo, a language selector set to 'English', and a search bar. Below the header is a navigation bar with 'Home', 'Topics', and 'News'. The main content area is titled 'Land registers - EU level' and includes a brief description: 'This section briefly discusses the actions taken to improve coordination between land registers at European level.' On the left side, there is a 'Page contents' sidebar with links to 'What is ELRA?', 'What does ELRA offer?', and 'ELRN – 26 NATIONAL CONTACT POINTS'. The main text area is titled 'What is ELRA?' and contains a paragraph about the European Land Registry Association (ELRA), founded in 2004, and its mission to promote mutual understanding of land registers. It also mentions that ELRA has 31 member organizations representing 27 European countries.

Home > Registers - Business, Insolvency & Land > Land registers - EU level

Land registers - EU level

This section briefly discusses the actions taken to improve coordination between land registers at European level.

Page contents

- What is ELRA?
- What does ELRA offer?
- ELRN – 26 NATIONAL CONTACT POINTS

What is ELRA?

The [European Land Registry Association \(ELRA\)](#), founded in 2004, is an international non-profit organization, gathering land registry experts across Europe. Its mission revolves around promoting mutual understanding of land registers to foster an open and secure Europe that serves and protects citizens.

ELRA's members now are 31 organizations representing Land Registries from 27 European countries. These member organizations include government bodies responsible for land registration,

❖ III. Presentation new ELRA Factsheet: National requirements for registration

WHAT ABOUT ELRA's and ELRN contribution?



The Regulation EU No 650/2012 envisages that the Certificate of Succession should constitute a valid document for the recording of succession property in a register of a Member State (recital 18).

Following previous approaches, ELRN has found diversity in the LR systems. It was found that this Certificate may be enough itself for registration, or may be enough together with additional requirements or deeds, or not enable it at all.

Considering this information, the following fact sheet includes the legal answers of the impact of the Certificate for the purposes of registration in different LR systems.

This fact sheet is divided into 5 chapters:

- Registration of certificate of succession
- Closest equivalent rights and adaptation
- Adaptation principle
- ECS and national legislation
- National requirements for registration **NEW 2025**

❖ III. Presentation new ELRA Factsheet: National requirements for registration

WHAT ABOUT ELRA's and ELRN contribution?

Contributions received from the Contact Points to this Fact Sheet:



Austria



Bulgaria



Cyprus



Estonia



Finland



Hungary



Italy Servizio Libro Fondiario e Catasto -
Provincia Autonoma di Trento



Latvia



Lithuania



Malta



The Netherlands



Poland



Portugal



Romania



Slovak Republic



Spain



Sweden

The factsheet presents the following key questions to be answered by Member States:

1. If applications for registration of the ECS were rejected, what were the reasons?
2. What are the national requirements for the ECS registration in the land registry?
 - o Identification of assets
 - o Identification of all heirs
 - o Identification of shares for each heir
 - o Valid copy
 - o Validation of issuer
 - o Translation
 - o Other (please specify)

By compiling these responses, the factsheet will contribute to a better understanding of national practice promote greater consistency in the application of the EU Succession Regulation.

ELRA20 EUROPEAN LAND REGISTRY ASSOCIATION										
COUNTRY	IDENTIFICATION OF ASSETS	ALL HEIRS	ALL SHARES	VALID COPY	VALIDATION OF ISSUER	LOCAL TRANSLATION	TRANSLATION OF DOCUMENTS	ADDITIONAL DOCUMENTS	CONSTRUCTIVE EFFECT	TAX DOCUMENT
AUSTRIA	X	X	X ¹	X	X	X	X		X	
BULGARIA	X	X	X	X	X	X	X			
CYPRUS	X	X	X	X	X	X	X ²		X	X
CZECHIA	X	X	X	X	X	X	X		X	
FINLAND	X ³	X	X	X		X	X			
FRANCE	X	X	X	X	X	X	X		X	X
GERMANY	X ⁴	X	X	X	X	X	X		X	
HUNGARY	X	X	X	X	X	X	X		X	
ITALY	X	X	X	X	X	X	X		X	
LITHUANIA	X	X	X	X	X	X	X		X	
NETHERLANDS	X	X	X	X	X	X	X ⁵			
POLAND	X	X	X	X	X	X	X			
PORTUGAL	X	X	X	X	X	X	X		X ⁶	X
ROMANIA	X	X	X	X	X	X	X			
SLOVAKIA	X	X	X	X	X	X	X			
SLOVAKIA - National Agency for Cadastre and Land Registration	X	X	X	X	X	X	X			
SLOVAKIA - National Agency for Cadastre and Land Registration	X	X	X	X	X	X	X			
SPAIN	X	X	X	X	X	X	X		X	X
SWEDEN	X	X	X	X	X	X	X		X	

X¹ The identification of apartment ownership is limited to two (2) natural persons per object. If the identification of the (S) Certificate of Inheritance would lead to more than 3 owners per object the court will ask for details.

X² If there is a will, the law provides for the application procedure with deadlines, if not, it is upon the 17th of the heirs to submit an application. The (S) Bureau, Succession Law (Cap195), The Probate (S) Law (Cap 302).

X³ It depends on the situation and whether the property is being divided between the heirs or not. If the registration applies for a pre-mortem registration of the (S) (S) of the heirs without any concrete decision of the court (S) then a specification of the property is not needed. Also, when there is only one heir who inherits all the property, there is no need for a specification of the property because the only heir is entitled to all the property. But if there are several heirs and the property is going to one of them, or all the heirs are getting a share each of the property, a specification of the property is needed and preferably a confirmation of the estate distribution has been done or if an estate distribution is not needed, the law is throughly flexible with the (S) and try to interpret the information in the (S) in a positive way for the applicant.

X⁴ Not needed in the certificate, immediately prior to the application. The certificate must specify the beneficiary shares.

X⁵ Translation is not always necessary.

X⁶ A court order drafted by a Notary Public would be required for registration.

X⁷ A declaration of the competence of a foreign notary, if the European Certificate of Succession was issued by a foreign notary. The declaration of the competence of the notary must be issued by the national association of notaries.

X⁸ If one of the heirs is a minor, we must know who represents him. If there are several heirs, it is necessary to attach a declaration signed by all the heirs. Otherwise, the Registrar will have to notify them.

❖ III. Presentation new ELRA Factsheet: National requirements for registration

POLAND:

National requirements for registration

Ho

1.If applications for registration of ECS were rejected, what were the reasons:

The most common reason for refusal of entry ECS was the expiry of the 6-month.

2. What are the national requirements for the ECS registration in the land registry:

- ⊗ identification of assets
- ⊗ identifications of all heirs
- ⊗ identification of shares for each heir
- ⊗ valid copy
- ⊗ validation of issuer
- ⊗ translation

❖ III. Presentation new ELRA Factsheet: National requirements for registration

WHAT ABOUT ELRA's and ELRN new contribution?

Example of Netherland's:

8. ELRA new question

8.1. If applications for registration of ECS were rejected, what were the reasons:

There are several reasons, for example:

- Not all mandatory fields are filled in;
- The issued ECS differs from the standard form V;
- Pages are missing;
- The declaration of the competence of a foreign notary is lacking;
- The ECS is not translated in the Dutch language;
- Not all of the annexes that are applicable are submitted for registration.

8.2. What are the national requirements for the ECS registration in the land registry:

- ☐ identification of assets
- ☐ identifications of all heirs
- ☐ identification of shares for each heir (*remark: this only applies if there is more than one heir who acquires a share in the immovable property.*)
- ☐ valid copy
- ☐ validation of issuer (*remark: this only applies to foreign notaries. With regard to Dutch notaries we validate the competence of the notary electronically. In case of a foreign notary we require a declaration of the competence of the foreign notary. The declaration of the competence of the notary must be issued by the national association of notaries.*)
- ☐ translation
- ☐ other (please add)

❖ III. Presentation new ELRA Factsheet: National requirements for registration

WHAT ABOUT ELRA's and ELRN new contribution?

- The new forms - **ELRA Factsheet *National requirements for registration*** - were updated or prepared in **July 2025** by several countries:
 - ✓ **Cyprus**
 - ✓ **Estonia**
 - ✓ **Węgry**
 - ✓ **Latvia**
 - ✓ **Malta**
 - ✓ **Netherlands**
 - ✓ **Slovakia**
 - ✓ **Sweden**
 - ✓ **Spain**

Working conclusions are planned to be presented during on-line meeting with WGS on 2nd December 2025.

The updated report will be sent to CPs to authorisation and with the acceptance of ELRN and the Board should be placed on the official ELRA's website by the end of the PROJECT - the EJM Meeting on Succession in Brussels - on 19-20 March 2026 😊😊😊

THANK YOU FOR YOUR ATTENTION

