

kadaster



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European Certificate of Succession: *a practical case study*

ANNEX 5
FORM V

European Certificate of Succession
(Article 67 of Regulation (EU) No 650/2012 of the European Parliament and of the Council 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 (*)

The original of this Certificate remains in the possession of the issuing authority

Certified copies of this Certificate are valid until the date indicated in the appropriate box at the end of this form

Annexes included in the certificate (*)

- Annex I — Details concerning the applicant(s) (MANDATORY if the applicant(s) is(are) (a) legal person(s))
- Annex II — Details concerning the representative of the applicant(s) (MANDATORY if the applicant(s) is(are) represented)
- Annex III — Information on the matrimonial property regime or other equivalent property regime of the deceased (MANDATORY if the deceased had such a regime at the time of death)
- Annex IV — Status and rights of the heir(s) (MANDATORY if the purpose of the certificate is to certify those elements)
- Annex V — Status and rights of the legatee(s) having direct rights in the succession (MANDATORY if the purpose of the certificate is to certify those elements)
- Annex VI — Powers to execute a will or to administer the estate (MANDATORY if the purpose of the certificate is to certify those elements)
- No Annex is included

1. Member State of the issuing authority (*)

- Belgium Bulgaria Czech Republic Germany Estonia Greece Spain France
- Croatia Italy Cyprus Latvia Lithuania Luxembourg Hungary Malta Netherlands
- Austria Poland Portugal Romania Slovenia Slovakia Finland Sweden

2. Issuing authority

2.1. Name and designation of the authority (*):

2.2. Address

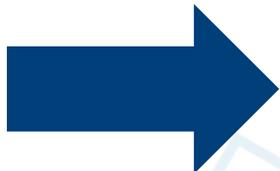
2.2.1. Street and number/PO box (*):

2.2.2. Place and postcode (*):

2.3. Telephone:

2.4. Fax:

2.5. E-mail:





Process of submission for registration



A certified copy of the ECS (art. 27a Dutch Land Registry Act)



Submission on paper or digital



Declaration of equivalence / certified true copy



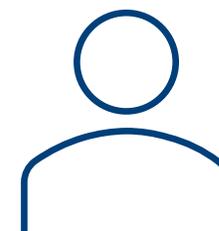
Dutch language (art. 41 Dutch Land Registry Act)





Competence verification

- Issuing authority?
Check [website e-justice](#)
- Absolute competence
 - *In case of a court: no further check*
 - *In case of a non-judicial authority: competence check based on declaration of the professional association of the issuing authority*
- Formal competence
Marginal check based on provisions of jurisdiction in the Succession Regulation





Checks: form V + annexes

- Mandatory fields (*)
- Use of the standard form (no deviations, no extract)
- Mandatory annexes
- Validity, signature / stamp
- Dutch citizen service number (*BSN*)
- Description of registered property (cadastral reference) is not required
- Shares are required where multiple heirs are involved + addresses heir(s)





Adaptation of rights in rem (art. 31 Succession Regulation)

- Example: bequest of a Belgian right of usufruct
- In the Netherlands: damnatio bequest
- In Belgium: vindication bequest
- Kubicka case

Aantekening recht

RAADPLEEG BRONDOCUMENT
OMZETTING BELGISCH RECHT OBV ART 31 EUERFVO
Ontleend aan:



Notice

CONSULT SOURCE DOCUMENT
CONVERSION BELGIAN RIGHT BASED ON ART. 31
SUCCESSION REGULATION
Derived from: