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## Erfenissen

Landspecifieke informatie en onlineformulieren betreffende Verordening (EU) nr. 650/2012

### Algemene informatie

**Verordening (EU) nr. 650/2012** van 4 juli 2012 betreffende de bevoegdheid, het toepasselijke recht, de erkenning en de tenuitvoerlegging van beslissingen en de aanvaarding en de tenuitvoerlegging van authentieke akten is erop gericht de afwikkeling van internationale erfopvolgingen voor burgers te vergemakkelijken.

De verordening is in alle lidstaten van de Europese Unie van toepassing, met uitzondering van Denemarken en het Ierland.

De verordening, die van toepassing is op de erfopvolging van personen die op of na 17 augustus 2015 overlijden, waarborgt dat een erfopvolging coherent, op grond van één wetgeving en door één instantie wordt afgewikkeld en biedt burgers tevens de mogelijkheid ervoor te kiezen dat op hun erfopvolging de wetgeving van hun land van nationaliteit van toepassing is.

De verordening omvat ook de invoering van een Europese erfrechtverklaring. Dit is een document dat wordt afgegeven door de autoriteit die zich met de erfopvolging bezighoudt en kan door erfgename, legatarissen, executeurs-testamentair en beheerders van nalatenschappen worden gebruikt om in andere lidstaten hun status te bewijzen en hun rechten of bevoegdheden uit te oefenen, zonder dat daarvoor een speciale procedure nodig is.

Op 9 december 2014 heeft de Commissie een **uitvoeringsverordening** aangenomen waarin de formulieren worden vastgesteld die moeten worden gebruikt in het kader van de verordening betreffende erfopvolging:

Word  (362 Kb) 

PDF  (844 Kb) 

Op het e-justitieportaal kunt u een pdf-versie van het formulier V (Europese erfrechtverklaring) [online aanmaken en invullen](#).

**Klik op een van de vlaggen voor landspecifieke informatie.**

Laatste update: 01/02/2020

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Deze website wordt aangepast in verband met de brexit. Mocht bepaalde informatie nog niet het vertrek van het Verenigd Koninkrijk uit de Europese Unie weerspiegelen, dan is dit onbedoeld en zal dit worden gecorrigeerd.

### Succession - Belgium

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

Applications for a declaration of enforceability: the court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*)

Appeals against decisions on such applications:

- an objection (*opposition/verzet*) can be brought before the same court of first instance
- a full appeal (*appel/beroep*) can be brought before the Court of Appeal (*Cour d'appel/Hof van Beroep*)

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

The Court of Cassation (*Cour de Cassation/Hof van Cassatie*) reviews points of law. It does not review the facts. Lodging an action before the Court of Cassation is a special procedure. A case can be brought before the Court of Cassation only when the ordinary redress procedures, such as objections or appeals, have been exhausted; the court of Cassation considers only whether the contested judgment or ruling is contrary to law or to some rule of law. If it is, the Court of Cassation will quash the contested decision and refer the case to another court at the same level as the first. That court must then try it afresh on the merits.

#### **Cour de Cassation/Hof van Cassatie**

Palais de justice/Justitiepaleis

Place Poelaert/Poelaertplein 1

1000 Brussels

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

Certificates pursuant to Article 64 are issued by [notaries](#).

**Article 78 (d) - the redress procedures referred to in Article 72**

The Family Court (*Tribunal de la Famille/Familierechtbank*) was created by the Act of 13 July 2013; it is a division of the court of first instance. In the interests of simplification and in order to reduce the cost of legal proceedings, the new Act lays down the general rule that proceedings should be brought by application (*requête/verzoekschrift*) made to the court. However, in many cases proceedings may still be instituted by summons (*citation/dagvaarding*) served on the other party, which gives the plaintiff more control over the date when the case is actually brought to court.

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### Succession - Bulgaria

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The application for enforcement of a judicial decision or other act issued in another Member State of the European Union is lodged with the provincial court having jurisdiction over the permanent address or registered office of the debtor, or over the place of enforcement (Article 627(e)(1) of the Code of Civil Procedure).

The court with local jurisdiction can be found using the search engine available.

#### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

The decision of the court of first instance is subject to appellate review by the Sofia Court of Appeal (Article 627e(6), first sentence, of the Code of Civil Procedure).

The decision of the Sofia Court of Appeal is subject to further appeal before the Supreme Court of Cassation (Article 627e(6), second sentence, of the Code of Civil Procedure).

National civil legislation concerning such appellate reviews and further appeals is covered in Chapters 20 and 22 of the Code of Civil Procedure.

#### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

Where the Bulgarian court has international jurisdiction under Articles 4, 7, 10 and 11 of Regulation (EU) No 650/2012, the application for the issuance of a European Certificate of Succession must be submitted to the district court having jurisdiction over the last permanent address of the deceased or, in the absence thereof, over his or her last address in Bulgaria. In the absence of an address in Bulgaria, the application must be submitted to Sofia District Court (Article 627f(1) of the Code of Civil Procedure).

The district court having local jurisdiction can be found using the search engine on the website.

No other authority is competent to issue a European Certificate of Succession.

#### **Article 78 (d) - the redress procedures referred to in Article 72**

Appeals against a European Certificate of Succession or against a refusal to issue one may be lodged before the corresponding provincial court within one month from the date of service. Where an issued European Certificate of Succession is inaccurate or a refusal to issue a Certificate is unfounded, the court annuls the decision wholly or in part and returns the case to the court of first instance together with binding instructions. (Article 627f(3) of the Code of Civil Procedure).

Decisions in response to a request for correction or amendment to or withdrawal of a European Certificate of Succession are subject to appeal before the corresponding provincial court within a period of two weeks from the date of service. Where an issued European Certificate of Succession is inaccurate or a refusal to correct, amend or withdraw a Certificate is unfounded, the court annuls the decision wholly or in part and returns the case to the court of first instance together with binding instructions (Article 627g(1) of the Code of Civil Procedure).

The suspension of the validity of a European Certificate of Succession issued by the district court is subject to appeal before the provincial court within one week (Article 627h of the Code of Civil Procedure).

Matters not governed by Regulation (EU) No 650/2012 or by the rules specifically created under the Code of Civil Procedure in relation to the procedure for issuing a European Certificate of Succession are covered by the general rules applicable to non-contentious proceedings (Chapter Forty-Nine of the Code of Civil Procedure).

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In Bulgaria, only the courts themselves meet the definition of the term 'court' set out in Article 3(2).

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#### **Succession - Czech Republic**

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

Pursuant to Article 45(1) of the Regulation, applications for a declaration of enforceability are dealt with by the *okresní soud* [district court] (in Prague, the *obvodní soud*, in Brno, the *Městský soud*).

Appeals against decisions on applications for a declaration of enforceability pursuant to Article 50(2) of the Regulation are dealt with by the *krajský soud* [regional court] (in Prague, the *Městský soud*). Appeals should be lodged with the court whose decision is being appealed.

##### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Only the following extraordinary appeal procedures may be used:

- *žaloba pro zmatečnost* [action in annulment];
- *žaloba na obnovu řízení* [action to re-open proceedings];
- *dovolání* [appellate review];

All the extraordinary appeal procedures listed should be lodged with the court which ruled on the case at first instance.

##### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

Only a court may issue a European Certificate of Succession. If succession proceedings are already under way, the certificate is issued by the Court Commissioner of the court responsible for those proceedings under § 100(1) of Act No 292/2013 on Special Judicial Procedures.

If a European Certificate of Succession has to be rectified, amended or revoked after the succession proceedings have been completed, that court act may not be performed by a notary acting as Court Commissioner, as his or her competence has lapsed; he or she is no longer a Court Commissioner.

##### **Article 78 (d) - the redress procedures referred to in Article 72**

The *krajský soud* [regional court] (in Prague, the *Městský soud*) decides on appeal procedures lodged with a notary acting as a Court Commissioner or with the *okresní soud* [district court] whose decision is being appealed.

##### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

Under § 100(1) of Act No 292/2013 on Special Judicial Procedures, acts of the court of first instance in succession proceedings are performed by a notary, acting as a Court Commissioner, authorised by the Court, unless otherwise specified.

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### Succession - Germany

#### Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

- Regional Court (Landgericht)

- Higher Regional Court (Oberlandesgericht)

#### Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Further appeal

- Federal Court of Justice [Bundesgerichtshof - BGH]

#### Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Local court ('Amtsgericht')

Baden-Württemberg: Amtsnotariat

#### Article 78 (d) - the redress procedures referred to in Article 72

- Higher Regional Court (Oberlandesgericht)

The appeal must be lodged within one month of the date on which the person entitled to appeal is informed of the decision.

If the person has their habitual residence abroad, the period is extended to two months.

The appeal must be lodged in writing or in the form of an oral statement recorded in writing at the court, and may raise questions both of law and of fact.

The appeal is automatically forwarded to the Higher Regional Court.

The Higher Regional Court may decide the case itself or refer it back to the court below, directing it to decide in the light of the Higher Regional Court's opinion.

#### Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Not applicable

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### Succession - Estonia

#### Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

In Estonia, county courts possess the competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) of the Regulation. There are four county courts in Estonia: Harju, Pärnu, Tartu and Viru County Courts. The contact information of the county courts is available on the courts' [website](#).

In Estonia, district courts possess the competence to deal with appeals against decisions on applications for a declaration of enforceability in accordance with Article 50(2) of the Regulation. There are two district courts in Estonia: Tallinn District Court and Tartu District Court. The contact information of the district courts is available on the courts' [website](#).

Appeals to district courts are filed through the county court whose ruling is contested in the appeal.

As a court of second instance, Tallinn District Court hears appeals against decisions of Harju and Pärnu County Courts. As a court of second instance, Tartu District Court hears appeals against decisions of Tartu and Viru County Courts.

#### Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

In Estonia such proceedings are under the jurisdiction of the Supreme Court. A district court ruling may be contested by filing an appeal to the Supreme Court. An appeal against a ruling may be based solely on the fact that, when making the ruling, the district court incorrectly applied a provision of substantive law or was in grave breach of a provision of procedural law and this fact could have resulted in an incorrect court decision.

Contact information is available on the [website](#) of the Supreme Court.

#### Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

In Estonia European Certificates of Succession are issued by notaries, in accordance with Article 64 of the Regulation. The up-to-date contact information of all notaries that have been appointed in Estonia is available on the [website](#) of the Chamber of Notaries, or through the [Find a notary](#) functionality.

#### Article 78 (d) - the redress procedures referred to in Article 72

In Estonia such proceedings are under the jurisdiction of county courts.

To contest a European Certificate of Succession issued by a notary, a petition must be filed to the county court in whose jurisdiction the notary who issued the European Certificate of Succession is located. The county court will issue a judicial decision regarding the petition.

A county court decision may be appealed to a district court, and the district court's decision on the appeal may in turn be appealed to the Supreme Court.

#### Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

There are no such authorities in Estonia.

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### Succession - Greece

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The competent court for considering applications for a declaration of enforceability in accordance with Article 45(1) is the Single-Member Court of First Instance [*Μονομελές Πρωτοδικείο*] of the district in which the party against whom the enforcement is sought is domiciled; if he/she has no domicile, then his/her residence; if he/she has no residence then the Single-Member Court of First Instance of the country's capital city (Article 905(1) Code of Civil Procedure). The court that has jurisdiction to deal with appeals against decisions made in accordance with Article 45(1) is the relevant Single-Member Court of Appeal [*Μονομελές Εφετείο*] to which the Single-Member Court of First Instance that heard the application is subject.

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

The Supreme Court [*Άρειος Πάγος*] is the court before which the decision given on appeal referred to in Article 51 (Single-Member Court of Appeal) may be contested.

Enforceability is declared by the Single-Member Court of First Instance in ex parte proceedings (Articles 740 to 781 of the Code of Civil Procedure).

Appeals before the Single-Member Court of Appeal against the above decision of the Single-Member Court of Appeal [sic] are heard in contested proceedings (Article 524 of the Code of Civil Procedure).

The decision may be set aside on the grounds referred to in Article 559 of the Code of Civil Procedure.

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The District Civil Court [*Ειρηνοδίκη*] of the district in which the deceased person was domiciled at the time of death; if he/she had no domicile, then his/her residence; if he/she had no residence, then the District Civil Court of the country's capital city (Articles 30 and 810 of the Code of Civil Procedure).

**Article 78 (d) - the redress procedures referred to in Article 72**

A. - The decision ordering the provision of a certificate of succession pursuant to Article 72(1) of the Regulation may be challenged by lodging an appeal before the Multi-Member Court of First Instance [*Πολυμελούς Πρωτοδικείου*] in the district to which the district civil court belongs (Article 824(1) in conjunction with Article 18 of the Code of Civil Procedure).

B. The decision ordering the withdrawal of the certificate or declaring it invalid or amending or revoking it may be challenged, pursuant to Articles 71 and 73 (1)(a) of the Regulation, only by means of third-party proceedings before the probate court, which is the District Civil Court [*Ειρηνοδίκη*] of the district in which the deceased person was domiciled at the time of death or his/her residence if he/she had no domicile; if he/she had no residence, then it is the District Court of the country's capital city (Articles 823 and 824 of the Code of Civil Procedure in conjunction with Article 1965 of the Civil Code).

For the appeals procedure (under A above), see Articles 495 to 500 and 511 to 537 of the Code of Civil Procedure.

For the third-party proceedings (under B above), see Articles 583 to 590 of the Code of Civil Procedure.

**Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

Notaries are the legal professionals who are competent in matters of succession.

Notaries act under the control of a judicial authority (the Public Prosecutor at the court of first instance - *Εισαγγελέα Πρωτοδικών*).

Notaries are unsalaried public officials who are vested with state authority to draw up authentic acts that have the validity of public documents, with the ensuing advantages of increased probative force, conclusive date and enforceability.

In the exercise of their duties, by applying the law, notaries simultaneously safeguard the interests of the state and of the parties, and as lawyers with high academic training acting impartially, provide legal certainty to those involved and prevent potential litigation.

These qualities of notaries and of the acts and documents they draw up mean that notaries play an active and effective role in preventive justice, safeguarding the rights of all those appearing before them.

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**Succession - Spain**

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The jurisdiction to deal with an application for a declaration of enforceability falls to the Court of First Instance (*Juzgado de Primera Instancia*) in the place of domicile of the party that is the subject of the request for recognition or enforcement or in the place of enforcement where the judgment is to take effect.

Rule 2 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure (*Ley de Enjuiciamiento Civil*), as worded in the Second Final Provision of Law 29/2015 on international legal cooperation (*Ley de Cooperación Jurídica Internacional*) in civil matters.

Decisions may be appealed. The jurisdiction to deal with appeals falls to the Provincial Court (*Audiencia Provincial*).

Rule 5 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

The procedures to contest decisions given on appeal under this Law are: an extraordinary appeal for breach of procedure (*recurso extraordinario por infracción procesal*) and an appeal in cassation (*recurso de casación*).

Rule 5 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The certificate will be issued by the competent court or notary in each case.

a) A European Certificate of Succession issued by a court will be issued by a separate order (*mediante providencia*) pursuant to Article 67 of Regulation (EU) No 650/2012, following an application for a certificate submitted using the form referred to in Article 65(2) of this Regulation.

The court that has dealt with or is dealing with the succession will have jurisdiction to deal with issuing a European Certificate of Succession. A copy of the certificate issued will be given to the applicant.

b) Upon request, the competent notary who declares all or part of the succession, or their legal representative or replacement if applicable, will be responsible for issuing the certificate pursuant to Article 62 of Regulation (EU) No 650/2012, using the form referred to in Article 67 of this Regulation.

Rules 11 and 14 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

#### **Article 78 (d) - the redress procedures referred to in Article 72**

a) The procedure for modifying, cancelling or refusing to issue a European Certificate of Succession to be issued by the court will be in the form of a separate decision (*mediante auto*), which may only be challenged by requesting a review (*recurso de reposición*) from the same court (*en única instancia*).

b) If a notary refuses to correct, modify, cancel or issue a European Certificate of Succession, a review may be requested from the Court of First Instance of the official place of residence of the notary, which will be settled by summary oral proceedings (*trámites del juicio verbal*).

Rules 12, 13, 15 and 16 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

Notaries for declarations of intestate heirs, as well as the submission to a judge, verification, opening and notarisation of sealed, holograph and oral wills, and the drawing up of an inventory of succession assets.

Articles 55 and 56; 57 to 65, 67 and 68 of the Law on notaries (*Ley del Notariado*), as worded by the Eleventh Final Provision of Law 15/2015 of 2 July 2015 on non-contentious proceedings (*Ley de la Jurisdicción Voluntaria*).

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#### **Succession - France**

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The applications referred to in Article 45 are submitted to the director of the registry (*directeur de greffe*) of the regional court (*tribunal de grande instance*) (Articles 509-1, 509-2 and 509-3 of the code of civil procedure (*code de procédure civile*)) where they relate to a court decision or court settlement, and to the president of the association of notaries (*chambre des notaires*), or his or her replacement in case of absence or incapacity, if they relate to an authentic instrument.

The authority before which the appeals referred to in Article 50(2) are lodged is the president of the regional court (Article 509-9 of the code of civil procedure).

##### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

A final decision given by the president of the regional court can be contested only by bringing an appeal on a point of law (*pourvoi en cassation*) before the Court of Cassation (*Cour de cassation*).

The grounds for an appeal on a point of law may differ (ruling contravening the law, misuse of power, lack of jurisdiction, lack of legal basis, lack of legal grounds, conflicting judgments, etc.), but in each case the court limits itself to a review of the application of the law. This means that the Court of Cassation checks that the ruling did not contravene the law or disregard the rule of law, but does not examine the facts of the case.

Cour de cassation

5 quai de l'horloge

75055 Paris

##### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The European Certificate of Succession (ECS) is issued by a notary.

The High Council of Notaries (*Conseil supérieur du notariat*) is the body overseeing professional notaries in France.

Conseil supérieur du notariat

60 boulevard de la Tour-Maubourg

75007 Paris

Contact: <http://www.notaires.fr/fr>

##### **Article 78 (d) - the redress procedures referred to in Article 72**

A challenge of the kind referred to in Article 72 may be brought before the president of the regional court with jurisdiction in the area in which the office of the notary is located (Article 1381-4 of the code of civil procedure).

An application can be made within fifteen days of the certified copy of the ECS being issued or notified, or the ruling on the ECS being received.

The president of the regional court delivers a final ruling on the application. The applicant, the notary who issued the certificate and, where applicable, the party requesting the European Certificate of Succession, if different from the applicant, are heard or summoned. The notary is informed of the ruling.

Where the president of the regional court orders the certificate to be issued, rectified or modified, he or she may take the necessary steps or require the notary to do so.

If the president of the court orders the withdrawal of the European Certificate of Succession or the suspension of its effects, the notary informs without delay all those who were issued with certified copies. No copies of the certificate can be issued during the period during which its effects are suspended.

##### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

Not applicable

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#### **Succession - Croatia**

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The names and contact details of the competent municipal courts can be found in the database of courts available on the European e-Justice portal.

#### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Appeals against decisions of a court of first instance (on an objection against a decision of a notary public) are to be lodged within fifteen days of the date on which the decision was served.

On the basis of the appeal lodged, the court of first instance may autonomously modify the contested decision by issuing a new decision. If the court of first instance does not modify its decision, it will refer the appeal to a court of second instance (which may even consider a late appeal if this does not infringe the rights of the other parties).

It should be noted that any person with a legitimate interest may attempt to obtain rectification, by civil action, of anything they consider erroneous in the decision on succession, unless that person is bound by the finality of the decision on succession (Article 232 of the Succession Act).

#### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

In accordance with the Succession Act, it is the municipal courts and notaries public as commissioners of the court that are competent to issue European Certificates of Succession.

#### **Article 78 (d) - the redress procedures referred to in Article 72**


Article 7 of the Act implementing Regulation (EU) No 650/2012 allows an objection to be lodged against a European Certificate of Succession (hereinafter 'Certificate') issued by a notary public. The objection will be decided on by a municipal court. It also allows an appeal to be lodged against a Certificate issued by a municipal court or against a decision of a municipal court granting or refusing a Certificate. The appeal will be decided on by a county court. A Certificate may be rectified, modified or withdrawn by the municipal court or notary public that issued the Certificate, of its own motion or at the request of any party demonstrating a legitimate interest. Article 9 of the Act implementing Regulation (EU) No 650/2012 allows an objection to be lodged against a decision of a notary public rectifying, modifying or withdrawing a Certificate. The objection will be decided on by a municipal court. It also allows an appeal to be lodged against a decision of the municipal court rectifying, modifying or withdrawing the Certificate. The appeal will be decided on by a county court. An application for suspension of the effects of a Certificate within the meaning of Article 73(1)(a) of Regulation (EU) No 650/2012 will be decided on by the municipal court or notary public before which or whom the modification or withdrawal of the Certificate is pending. An objection may be lodged against a decision of a notary public suspending the effects of a Certificate, which will be decided on by a municipal court. An appeal may be lodged against a decision of the municipal court suspending the effects of the Certificate, which will be decided on by a county court.

In all the above cases, the provisions of the Succession Act governing proceedings and decisions on objections to decisions on succession apply *mutatis mutandis* to proceedings and decisions on objections to decisions of a notary public and on appeals against decisions of a municipal court.

Under the Succession Act, an objection to a decision adopted by a notary public as a commissioner of the court in succession proceedings may be lodged within eight days of the date on which the decision was served on the parties. The objection is to be lodged with the notary public, who is obliged to deliver it to the competent municipal court without delay, together with the relevant file. The objection will be ruled on by a single judge. Any late, incomplete or inadmissible objections will be dismissed by the court. When a court rules on an objection to a decision adopted by a notary public, it may uphold the decision in whole or in part or overturn it. A court can decide autonomously which part of a decision to overturn or uphold. A court decision overturning a decision of a notary public in whole or in part is not be subject to individual appeal.

The Succession Act allows an appeal to be lodged against a decision of a court of first instance. The appeal must be lodged with the court of first instance within fifteen days of the date on which the first-instance decision was served. On the basis of an appeal lodged in sufficient time, the court of first instance may autonomously modify the contested decision by issuing a new decision, if this does not violate the rights of the other parties based on that decision. If the court of first instance does not modify its decision, it will refer the appeal to the court of second instance, regardless of whether the appeal was lodged within the statutory time limit. As a rule, the court of second instance decides only on appeals lodged in sufficient time. It may, however, also take into consideration appeals lodged late, if this does not violate the rights of the other parties based on the contested decision.

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In Croatia, apart from the competent municipal courts, [notaries public](#) (194 Kb ) are designated as legal professionals with competence in matters of succession which exercise judicial functions or act pursuant to a delegation of power by a judicial authority or under its control, in accordance with Article 3(2) of the Regulation 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.

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### **Succession - Italy**

#### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

Court of appeal (*corte d'appello*)

The contact details of all the courts of appeal can be found at this address: [https://www.giustizia.it/giustizia/it/mg\\_4.wp](https://www.giustizia.it/giustizia/it/mg_4.wp) by clicking on RICERCA and then choosing 'Corte d'Appello' in the filter under TIPO UFFICIO (ignoring the other fields).

#### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Supreme Court of Cassation (*Corte Suprema di Cassazione*)

Piazza Cavour

00193 Roma (RM)

Italy

Tel. (+39) 06 68831

Fax (+39) 06 6883423

Website <http://www.cortedicassazione.it/>

Local holiday: 29 June

The procedure available in Italy is the appeal on a point of law (*ricorso per cassazione*).

#### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

Notaries

The contact details of notaries (*notai*) can be found at this address: [http://www.notariato.it/it/utilita/ricerca\\_notai.jsp](http://www.notariato.it/it/utilita/ricerca_notai.jsp).

#### **Article 78 (d) - the redress procedures referred to in Article 72**

A 'complaint' (*reclamo*) under Article 739 of the Code of Civil Procedure.

(a)  
The ordinary court (*tribunale*) for the place of residence of the notary, sitting with a three-judge bench (*in composizione collegiale*).

(b)  
The contact details of all the ordinary courts (*tribunali*) can be found at this address: [https://www.giustizia.it/giustizia/it/mg\\_4.wp](https://www.giustizia.it/giustizia/it/mg_4.wp) by clicking on RICERCA and then choosing 'Tribunale' in the filter under TIPO UFFICIO (ignoring the other fields).

(c)  
A complaint under Article 739 of the Code of Civil Procedure is brought by application to the ordinary court, which decides in expedited proceedings in closed session (*in camera di consiglio*). The complaint must be lodged within a mandatory limit of ten days from communication (*comunicazione*) of the issuing authority's decision, if it is given against a single party, or from notification (*notificazione*), if it is given against more than one party.

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#### **Succession - Cyprus**

#### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The competent courts are the District Courts.

##### **District Court of Nicosia**

Address: Charalambou Mouskou, 1405 Nicosia, Cyprus

Tel.: (+357) 22865518

Fax: (+357) 22304212/22805330

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

##### **District Court of Limassol**

Address: Leoforos Lordou Vyronos 8, P.O. Box 54619, 3726 Limassol, Cyprus

Tel.: (+357) 25806100/25806128

Fax: (+357) 25305311

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

##### **District Court of Larnaca**

Address: Leoforos Artemidos, 6301 Larnaca P.O. Box 40107, Cyprus

Tel.: (+357) 24802721

Fax: (+357) 24802800

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

##### **District Court of Paphos**

Address: Corner of Neofytou and Nikou Nikolaïdi, 8100 Paphos, P.O. Box 60007, Cyprus

Tel.: (+357) 26802601

Fax: (+357) 26306395

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

##### **District Court of Famagusta**

Address: Sotiras 2, Megaro Tzivani, 5286 Paralimni, Cyprus

Tel.: (+357) 23730950/23742075

Fax: (+357) 23741904

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

#### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Cypriot law does not provide for any procedure for contesting a decision given by the Supreme Court (*Anótato Dikastírio*) on such an appeal.

However, if a decision declaring enforceability is challenged by means of an application for a prerogative writ (*pronomiakó éntalma*) heard by a judge of the Supreme Court, then an appeal (*éfsi*) may be brought against the judge's decision, as it would be in civil cases.

In any case, if it is claimed that there has been a breach of human rights, an individual application may be brought before the European Court of Human Rights (ECHR) in Strasbourg.

#### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The issuing authority for the European Certificate of Succession is the District Court (*Eparchiakó Dikastírio*) with local jurisdiction, as referred to above in the case of an application for a declaration of enforceability.

#### **Article 78 (d) - the redress procedures referred to in Article 72**

The form of redress available against a decision taken by the issuing authority, i.e. the District Court, with regard to issuing a Certificate is an appeal to the Supreme Court, in accordance with the Rules of Civil Procedure (*Thesmoí Politikís Dikonomías*).

By way of exception, the Supreme Court may grant authorisation to file a prerogative writ, in which case the same applies as set out above.

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

The only authority that exercises judicial functions or acts pursuant to a delegation of power by a judicial authority or acts under the control of a judicial authority is the registrar (*protokollitís*) of each District Court, pursuant to Section 13 of the Administration of Estates Law, Cap. 189. However, the conditions for these competences set out in Article 3(2) of the Regulation are not met, so the registrar is not considered to be a 'court' within the meaning of the Regulation.

Given the definition of the term 'decision' in Article 3(1)(g) of the Regulation, the only competence of the registrar that meets all the conditions of Article 3(2) of the Regulation is determining costs of applications and proceedings in general related to succession, so when exercising that competence the registrar does fall within the meaning of 'court' under the Regulation.

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## Succession - Latvia

### Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

A decision of a foreign court that is enforceable in the country in which it is given is enforceable in Latvia once it has been recognised in Latvia in accordance with the procedure in force.

Except where the relevant convention and regulations provide otherwise, the procedure for securing a declaration of enforceability of the kind provided for in Regulation (EU) No 650/2012 is laid down by Chapter 77 of the Civil Procedure Law (*Civilprocesa likuma*), which deals with the recognition of decisions of foreign courts. The court with jurisdiction to hear applications for a declaration of enforceability in accordance with Article 45(1) is therefore the district or city court (*rajona (pilsētas) tiesa*) of the place where the decision is to be enforced or the declared place of residence of the defendant, or failing any such place, the defendant's actual place of residence or registered office.

A decision of the district or city court recognising or refusing to recognise a decision of a foreign court may be contested by lodging an ancillary complaint (*blakus sūdzība*) with the regional court (*apgabaltiesa*), and the regional court's decision may be contested by lodging an ancillary complaint with the Supreme Court (*Augstākā tiesa*).

A list of district or city courts and regional courts can be found here: [☞ Latvian courts portal](#)

### Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

A decision of the district or city court recognising or refusing to recognise a decision of a foreign court may be contested by lodging an ancillary complaint with the regional court, and the regional court's decision may be contested by lodging an ancillary complaint with the Supreme Court.

A party to the case whose declared place of residence is in Latvia, or failing that whose actual place of residence or registered office is in Latvia, may lodge an ancillary complaint within 30 days of receipt of a copy of the decision; a party to the case whose declared place of residence or actual place of residence or registered office is not in Latvia may lodge an ancillary complaint within 60 days of receipt of a copy of the decision.

A list of Latvian courts can be found here: [☞ Latvian courts portal](#)

### Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Provided Latvia has jurisdiction in a cross-border succession under Articles 4, 7, 10 and 11 of [☞ Regulation \(EU\) No 650/2012](#), a European certificate of succession can be issued by any certified notary (*zvērināts notārs*).

Lists of certified notaries can be found here: [☞ Notaries website](#)

### Article 78 (d) - the redress procedures referred to in Article 72

At the request of an interested party the certified notary who drew up the European certificate of succession may rectify, modify or withdraw the certificate in accordance with Article 71 of [☞ Regulation \(EU\) No 650/2012](#), and may also suspend the effects of the certificate in accordance with Article 73 of the Regulation.

To do so the notary must draw up a notarial deed (*notariāls akts*) rectifying, modifying, withdrawing or suspending the certificate, and without delay inform all persons to whom certified copies of the certificate or extracts from the certificate have been issued.

### Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

In accordance with Article 3(2) of Regulation (EU) No 650/2012 and Section 324.1 of the Notaries Law (*Notariāta likums*), a notary dealing with a case of crossborder succession will apply the rules of the Notaries Law except where otherwise provided by European Union law that is directly applicable in Latvia. An application for succession (*mantošanas iesniegums*) has to be submitted to a notary practising within the area referred to in Section 252 of the Notaries Law, but if the deceased's last declared place of residence or the location of the estate or the greater part of it is not known, the application may be submitted to any certified notary.

Proceedings for securing a declaration of enforceability of a judgment should be brought before the district or city court.

Lists of certified notaries can be found here: [☞ Notaries website](#).

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## Succession - Lithuania

### Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The Court of Appeal of Lithuania (*Lietuvos apeliacinis teismas*)

Address: Gedimino pr. 40/1, LT-01503 Vilnius, Lithuania

Tel.: (+370 70) 663 685

Fax: (+370 70) 663 060

Email: [☞ apeliacinis@apeliacinis.lt](mailto:apeliacinis@apeliacinis.lt), [☞ apeliacinis@teismas.lt](mailto:apeliacinis@teismas.lt)

### Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

The Supreme Court of Lithuania (*Lietuvos Aukščiausiasis Teismas*)



Address: Gynėjų g. 6, LT-01109 Vilnius, Lithuania

Tel.: (+370 5) 2 616 466

Fax: (+370 5) 2 616 813

Email: [lat@teismas.lt](mailto:lat@teismas.lt)

The procedure is an appeal in cassation, lodged in accordance with the national rules governing proceedings in the court of cassation. Pursuant to the provisions of the Code of Civil Procedure of the Republic of Lithuania (*Lietuvos Respublikos civilinio proceso kodeksas*), cassation is possible only if the following grounds are present: (1) a violation of the rules of substantive or procedural law which is of material significance for the uniform interpretation and application of law, where that violation may have influenced the adoption of an unlawful judgment/ruling; (2) a court has diverged from the established case-law of the Supreme Court of Lithuania in the contested judgment/ruling; (3) the case-law of the Supreme Court of Lithuania regarding the point of law in dispute is not uniform. The court of cassation, without exceeding the limitations of the appeal in cassation, verifies the contested judgments and/or rulings solely in terms of the application of law.

#### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

A notary in the place where the succession is opened. The territory covered by notaries in succession cases is determined by the Minister of Justice of the Republic of Lithuania.

An up-to-date list of notaries, up-to-date information on their contact details and the territory served by them in succession cases can be found online at <https://notarurumai.lt/notarai/pagal-darbuotojus>.

#### **Article 78 (d) - the redress procedures referred to in Article 72**

The district court (*apylinkės teismas*) in the notary's place of business.

Pursuant to the Lithuanian Law on the notarial profession (*Notariato įstatymas*), any interested person who believes that the performance of a notarial act, or the refusal to perform a notarial act, was unlawful has the right of appeal before a court in the place where the notary's office is located. Pursuant to the Code of Civil Procedure of the Republic of Lithuania (*Lietuvos Respublikos civilinio proceso kodeksas*), failure to lodge an appeal does not affect the right to apply to the court for compensation for damage resulting from the unlawful acts of a notary. Appeals against notarial acts may be lodged no later than within twenty days of the date on which the appellant became, or should have become, aware of the contested act or refusal, but no later than within ninety days of the performance of the contested act. Cases relating to notarial acts will be settled by a court ruling. If the appeal is upheld, the court will annul the notarial act or order the notary to perform the notarial act in question. A court ruling relating to notarial acts may be appealed against separately in the appeal court.

#### **[Contact details of the district courts](#)**

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#### **Succession - Luxembourg**

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

##### Competent court or authority

President of the District Court (*Tribunal d'arrondissement*)

##### Addresses

Tribunal d'arrondissement de Luxembourg

Cité judiciaire

L-2080 Luxembourg

Tel: 00352 4759 811

Tribunal d'arrondissement de Diekirch

Palais de Justice

Place Guillaume

L-9237 Diekirch

Tel: 00352 8032 141

##### Court with jurisdiction to hear appeals

Court of Appeal sitting in civil matters (*Cour d'appel siégeant en matière civile*)

##### Address

Cour d'appel

Cité judiciaire

L-2080 Luxembourg

Tel: 00352 4759 811

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

##### Competent court

Court of Cassation (*Cour de cassation*)

##### Address

Cour de cassation

Cité judiciaire

L-2080 Luxembourg

Tel: 00352 475981 369/373

##### Procedure

Appeal on points of law (*recours en cassation*)

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

**Competent authorities**

All notaries who are members of the Chamber of Notaries (*Chambre des Notaires*) of the Grand Duchy of Luxembourg.

**Information**

[www.notariat.lu](http://www.notariat.lu)

**Article 78 (d) - the redress procedures referred to in Article 72**

**Competent court**

District Court (*Tribunal d'arrondissement*)

**Address:**

Tribunal d'arrondissement de Luxembourg

Cité judiciaire

L-2080 Luxembourg

Tel: 00352 4759 811

Tribunal d'arrondissement de Diekirch

Palais de Justice

7, avenue de la Gare

B.P. 164

L-9202 Diekirch

Tel: 00352 8032 141

**Procedure**

**Written procedure**

**Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

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**Succession - Hungary**

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The district court situated at the seat of the regional court; in Budapest Buda Central District Court; appeals are handled by the regional courts or, in Budapest, by Budapest-Capital Regional Court (name and address of the courts).

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Requests for review are handled by the Curia of Hungary in review proceedings.

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The authorities competent to issue the certificate are:

- courts as referred to in Article 3(2): **district courts**
- other authorities with competence in matters of succession under national law: **civil law notaries**

**Article 78 (d) - the redress procedures referred to in Article 72**

Applications for redress are handled by the regional courts or, in Budapest, by BudapestCapital Regional Court (name and address of the courts).

**Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In Hungary civil law notaries count as 'other authorities and legal professionals'.

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**Succession - Malta**

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The competent Court to deal with the application for a declaration of enforceability is the First Hall of the Civil Court. Appeals are to be filed before the Court of Appeal.

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Look at the provisions of Title IV of the Third Book of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta) regarding retrial.

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The competent authorities to issue a certificate according to Article 64 are the Civil Court (Voluntary Jurisdiction Section) and notaries who possess a warrant according to Notarial Profession and Notarial Archives Act.

**Article 78 (d) - the redress procedures referred to in Article 72**

The challenge must be lodged by means of a sworn application before the First Hall of the Civil Court according to the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta). Appeals from the decision of the First Hall of the Civil Court must be lodged before the Court of Appeal.

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#### Succession - Netherlands

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The judge hearing applications for interim relief (*voorzieningenrechter*) at the district court (*rechtbank*).

##### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Appeal on a point of law (*beroep in cassatie*) brought before the Supreme Court (*Hoge Raad*). The Supreme Court does not review the facts of a case. The Supreme Court works on the basis of the facts as they were established by the court dealing with the first appeal (here the district court). The Supreme Court checks whether the court interpreted and applied the law correctly and whether the judgment at issue was sufficiently and comprehensibly substantiated. The procedure for appeal on a point of law is intended to promote and ensure legal uniformity, the development of law and legal protection.

##### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

A notary (*notaris*). Contact details for notaries with specific expertise may be obtained from the Royal Dutch Association of Civil-law Notaries (*Koninklijke Notariële Beroepsorganisatie* - KNB).

Koninklijke Notariële Beroepsorganisatie (KNB)

Tel: +31 70 3307111

Fax: +31 70 3602861

E-mail: [info@knb.nl](mailto:info@knb.nl)

PO Box 16020, 2500 BA The Hague

Address for visitors: Spui 184, 2511 BW The Hague

##### **Article 78 (d) - the redress procedures referred to in Article 72**

The cantonal judge (*kantonrechter*) of the district court. The procedure is launched by submission of an application. The district court summons any interested parties. The interested parties may submit a statement of defence before the start of the proceedings or, with the judge's authorisation, during the course of the proceedings. They may also present their defence against the application orally at the hearing. At the end of the hearing, the judge sets the date on which he or she will give judgment.

##### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In the Netherlands there is no authority of the kind referred to in Article 3(2) of the Regulation.

Last update: 24/07/2017

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#### Succession - Austria

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The courts with competence to deal with applications under Article 45(1) are the District Courts (*Bezirksgerichte*).

The competent court to deal with appeals against decisions on such applications under Article 50(2) is the higher Regional Court (*Landesgericht*), via the District Court that issued the decision.

##### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Appeals against points of law (*Revisionsrekurs*) are made to the Supreme Court (*Oberster Gerichtshof*) via the District Court that issued the decision as the court of first instance.

##### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The European Certificate of Succession is issued by the District Court (by the court commissioner - *Gerichtskommissär*, i.e. a notary acting as a judicial authority).

##### **Article 78 (d) - the redress procedures referred to in Article 72**

The District Court judge also rules on complaints from parties who believe that the certificate of succession issued contains errors. An appeal against the judge's decision can be lodged, within 14 days of notification, at the higher Regional Court via the District Court that issued the decision as the court of first instance.

If the court commissioner has doubts whether the Certificate of Succession can be issued as requested, he or she will refer the application to the judge; the judge will then decide whether and how the court commissioner should issue the certificate.

##### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In Austria, there are no other authorities or legal professions with jurisdiction in this area within the meaning of Article 3(2).

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#### Succession - Poland

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

(a) Regional Court

<http://bip.ms.gov.pl/pl/rejestr-y-i-ewidencje/lista-sadow-powszechnych>

(b) Court of Appeal - the appeal is lodged via the regional court which issued the decision under appeal.

<http://bip.ms.gov.pl/pl/rejestr-y-i-ewidencje/lista-sadow-powszechnych>

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

(a) Supreme Court - the appeal is lodged via the court of appeal which issued the decision under appeal.

(b) Address: Plac Krasińskich 2/4/6

00-951 Warsaw 41

Tel.: +48 22 530 8000

(c) Appeal in cassation - the appeal may not dispute the facts as established or the assessment of evidence.

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

(a) District Court

<http://bip.ms.gov.pl/pl/rejestr-y-i-ewidencje/lista-sadow-powszechnych>

(b) Notary

[http://www.krn.org.pl/1197/Znajdz\\_notariusza](http://www.krn.org.pl/1197/Znajdz_notariusza)

**Article 78 (d) - the redress procedures referred to in Article 72**

(a)

- If the European Certificate of Succession was issued by a district court, the complaint is lodged before the regional court via the district court;

- If the European Certificate of Succession was issued by a notary, the complaint is lodged before the regional court via the notary;

(b)

- Courts:

<http://bip.ms.gov.pl/pl/rejestr-y-i-ewidencje/lista-sadow-powszechnych>

- Notaries:

[http://www.krn.org.pl/1197/Znajdz\\_notariusza](http://www.krn.org.pl/1197/Znajdz_notariusza)

**Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

Not applicable

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**Succession - Portugal**

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The courts with jurisdiction to decide on applications for a declaration of enforceability pursuant to Article 45(1) are the **Local General Divisions (*Juízos de Competência Genérica*)** or the **Local Civil Divisions (*Juízos Locais Cíveis*)**, if they exist, of the relevant District Court of First Instance (***Tribunal de Comarca (1ª Instância)***).

Appeals against these decisions pursuant to Article 50(2) will be heard by the **Courts of Appeal (*Tribunais da Relação*)**.

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

For the purposes of Article 51, a decision given on appeal can only be contested by bringing an appeal on a point of law (*Recurso de revista*) before the Supreme Court of Justice (*Supremo Tribunal de Justiça*).

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The authorities with the power to issue the European Certificate of Succession are registrars (*conservadores*), namely those who have competence in the area of simplified hereditary succession procedures, as provided for in Articles 210A to 210R of the Civil Registry Code (*Código do Registo Civil*), as last amended.

The list of registry offices (*conservatórias*) able to issue the European Certificate of Succession is available at: [http://www.irm.mj.pt/IRN/sections/irm/a\\_registral/servicos-externos-docs/contactos/balcao-das-herancas-e-locais](http://www.irm.mj.pt/IRN/sections/irm/a_registral/servicos-externos-docs/contactos/balcao-das-herancas-e-locais)

**Article 78 (d) - the redress procedures referred to in Article 72**

For the purposes of Article 72, appeals against decisions taken by registrars are heard by the **Local General Divisions or the Local Civil Divisions, if they exist, of the District Court of First Instance in the relevant registry office's area of jurisdiction.**

Within 15 days following the notification of the decision, the applicant must present to the registry office a statement of appeal addressed to the judge of the court, together with the documents he/she wishes to submit (Articles 286 and 288 of the Civil Registry Code (*Código do Registo Civil*), as last amended.

**Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

For the purposes of Article 3(2), aside from the courts, notaries also have competence in matters of succession and exercise judicial functions.

Notaries are empowered to draw up all the documents for and terms of inventory proceedings and to issue inheritance certificates to beneficiaries following a person's death, in accordance with the new legal framework on inventory proceedings, approved by Law No 23/2013 of 5 March 2013, and brought into effect by Implementing Order No 278/2013 of 26 August 2013, with the exception of cases where the parties are referred to the usual legal channels.

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## Succession - Romania

### Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

In Romania claims for recognition and declaration of enforceability (exequatur) fall within the jurisdiction of the court (Articles 95(1) and 1098 of the Code of Civil Procedure). Appeal against the decision on recognition and declaration of enforceability (exequatur) falls within the jurisdiction of the court of appeal (Article 96(2) of Law No 134/2010 on the Code of Civil Procedure).

### Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Review by the High Court of Cassation and Justice (Article 97(1) of the Code of Civil Procedure), located at Strada Batiștei 25, Sector 2, Code 020934, Bucharest.

### Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Public notary or court.

Under Article I (6) of Law No 206/2016 supplementing Government Emergency Order No 119/2006 on certain measures necessary for the application of Community regulations from the date of Romania's accession to the EU, and amending and supplementing Law No 36/1995 on public notaries and notarial activity:

'The European Certificate of Succession, in accordance with Chapter VI of Regulation No 650/2012, is issued at the request of any of the persons referred to in Article 63(1) of the Regulation, by the public notary who issued the Certificate or in whose archives it is. If the archive of the public notary issuing the certificate of succession in accordance with Romanian law is kept by the Public Notaries Chamber, the European certificate of succession shall be issued by the public notary designated for that purpose by the President of the Chamber's Executive Committee.' [Article 3(1) of Law No 206/2016].

The names and contact details of the public notaries' offices can be found under the link published on the website of the National Union of Notaries Public in Romania <http://www.uniuneanotarilor.ro/?p=2.2.3&lang=ro>.

If the heir, the extent of the estate and/or the extent of the rights and obligations of the succession of the heirs have been established by court order, the European Certificate of Succession shall be issued by the court which gave the judgment.

### Article 78 (d) - the redress procedures referred to in Article 72

Challenges drawn up according to Article 72 of Regulation No 650/2012 shall be dealt with by the court which issued, rectified, amended or withdrew the European Certificate of Succession or which suspended the effects of the Certificate or, where applicable, by the court in the district in which the office of the attesting public notary is located. The judgment ruling on the challenge is subject only to appeal. [Article 5(1) of Law No 206/2016].

Applications relating to the rectification, amendment and withdrawal of the European Certificate of Succession fall within the competence of the issuer - the public notary or the court, as the case may be (Art. I ^ 6, Art. 5 (1) of Law No 206/2016).

### Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Not applicable.

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## Succession - Slovenia

### Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The district courts (*okrožna sodišča* (pl.) *okrožno sodišče* (sing.)) are competent to deal with applications for a declaration of enforceability in accordance with Article 45(1).

A list of district courts can be found [here](#) .

The district courts are competent to deal with legal remedies against decisions on such applications in accordance with Article 50(2).

A list of district courts can be found [here](#) .

### Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

A party may lodge an appeal (*pritožba*) against a decision by the district court on an objection to a declaration of enforceability. Such an appeal must be lodged within 30 days of service of the decision that is being contested. The appeal must be lodged with the district court, which forwards it to the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*). The appeal is served on the opposing party, which must respond within 30 days.

A decision on the appeal is taken by the Supreme Court.

Vrhovno sodišče RS

Tavčarjeva 9

1000 Ljubljana

tel.: (01) 366 44 44

fax.: (01) 366 43 01

e-mail: [urad.vrs@sodisce.si](mailto:urad.vrs@sodisce.si)

### Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

The European Certificate of Succession is issued by the local court (*okrajno sodišče* (sing.) *okrajna sodišča* (pl.)), which takes a decision in probate proceedings.

A list of local courts in Slovenia can be found [here](#).

### Article 78 (d) - the redress procedures referred to in Article 72

Anyone who is entitled to request a European Certificate of Succession may lodge an appeal against the following decisions: a court decision on a request for a European Certificate of Succession; a decision correcting a European Certificate of Succession; a decision amending a European Certificate of Succession; a decision annulling a European Certificate of Succession. The appeal must be lodged in the probate proceedings, i.e. with the court that issued the decision on succession, within 30 days of that decision being served. The appeal does not stay execution of the decision.

The court with which the appeal is lodged may amend or revoke its previous decision only by issuing a new decision. If it does not do so, it refers the appeal to a higher court (*višje sodišče* (sing.) *višja sodišča* (pl.)) for a decision.

A list of higher courts can be found [here](#).

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In the Republic of Slovenia the courts have exclusive competence in matters of succession, which means that there are no other authorities or legal professionals within the meaning of Article 3(2) of the Regulation with competence in matters of succession which exercise judicial functions or act pursuant to a delegation of power by a judicial authority or act under the control of a judicial authority.

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#### **Succession - Slovakia**

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The authorities with jurisdiction to deal with applications for a declaration of enforceability in accordance with Article 45(1) are District Courts (*okresné súdy*). Under Article 50(2), the authorities with jurisdiction to deal with appeals against decisions on applications for a declaration of enforceability under Article 45 (1) are Regional Courts (*krajské súdy*). Appeals are to be lodged with the district court (*okresný súd*) whose decision is being appealed.

##### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Decisions given on appeal under Article 51 are to be contested by extraordinary appeal (*dovolanie*). Extraordinary appeals (*dovolanie*) are dealt with by the Supreme Court of the Slovak Republic (*Najvyšší súd Slovenskej republiky*) and are lodged with the district court (*okresný súd*) that rendered the judgment at first instance. An extraordinary appeal (*dovolanie*) does not necessarily concern only defects of law in an appeal court's decision.

##### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

Authorities with competence to issue a certificate under Article 64 are as follows:

a court-appointed notary (*notár poverený súdom*) – if succession proceedings have not been brought to a final conclusion and also following the final conclusion of succession proceedings.

##### **Article 78 (d) - the redress procedures referred to in Article 72**

Redress procedures under Article 72:

appeals are to be lodged no more than 15 days after the date of delivery of the European Certificate of Succession with the district court which appointed the notary as a commissioner for the succession proceedings. Appeals have suspensive effect. Appeals against the European Certificate of Succession are dealt with by district courts (*okresné súdy*).

##### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

– other authorities and legal professionals under Article 3(2) do not exist in the Slovak Republic

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#### **Succession - Finland**

##### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

Declaration of enforceability:

District Court

Contact information: <http://www.oikeus.fi/tuomioistuimet/karajaoikeudet/fi/index/yhteystiedot.html>

Appeals against decisions of the District Court:

Court of Appeal

Contact information: <http://www.oikeus.fi/tuomioistuimet/hovioikeudet/fi/index/yhteystiedot.html>

##### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Supreme Court

Contact information: <http://korkeinoikeus.fi/fi/index/yhteystiedot.html>

The appeal referred to in Article 51 of the Regulation is an appeal to the Supreme Court, if it grants leave to appeal (Chapter 30, Sections 1-3 of the Code of Judicial Procedure).

##### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

The certificate is issued by:

The Digital and Population Data Services Agency

Lintulahdenkuja 2

FI – 00530 Helsinki

Telephone: +358 29 55 390 99

Email address: [perintotodistus@ddv.fi](mailto:perintotodistus@ddv.fi)

#### **Article 78 (d) - the redress procedures referred to in Article 72**

Redress procedures are dealt with by:

Helsinki Administrative Court

Radanrakentajantie 5

FI – 00520 Helsinki

Customer Services/Registrar: +358 29 56 42 069

Fax: +358 29 56 45079

Email: [✉ helsinki.hao@oikeus.fi](mailto:helsinki.hao@oikeus.fi)

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

Executor appointed by the court

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#### **Succession - Sweden**

#### **Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

Applications for a declaration of enforceability in accordance with Article 45(1)

- district court (*tingsrätt*)

Appeals against decisions in accordance with Article 50(2)

- An appeal in accordance with Article 50(2) is made to the court that gave the decision.

- district court (*tingsrätt*)

#### **Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

- court of appeal (*hovrätt*) and the Supreme Court (*Högsta domstolen*)

#### **Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

Swedish Tax Agency (*Skatteverket*)

171 94 Solna

#### **Article 78 (d) - the redress procedures referred to in Article 72**

Procedure: The Act on Court Matters (1996:242) (*lagen om domstolsärenden*) applies to appeals unless the Succession Regulation specifies otherwise.

Name: district court, court of appeal and the Supreme Court

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

a) Swedish Tax Agency

b) estate distributor (*skiftesman*)

c) executor of the will (*testamentsexekutor*), when he or she has the role of estate distributor without a special appointment to that effect

d) special estate administrator (*särskild bouppteckningsman*), when he or she has the role of estate distributor without a special appointment to that effect

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