

**Question for written answer E-007641/2016
to the Commission**
Rule 130
Richard Sulík (ECR)

Subject: European Certificate of Succession - the sharing-out of an estate

A German court, despite the express request of the German heir, has refused to fill in the section of the European Certificate of Succession on the sharing-out of the estate – Annex IV, Part 9 (Article 23(2)(j) of Regulation (EU) No 650/2012). In the justification for its decision it stated that the applicable law was German law, which in succession proceedings does not settle specific assets left by the testator, as German law provides for a so-called global transfer of testators' rights (§ 1922 BGB), and therefore in Germany which specific properties are being inherited is not stated. However, the testator, who died in November 2015, owned properties on the territory of the Slovak Republic. As a result of the above, the Slovak cadastral office (the property registry) is not in a position to register a change in ownership of such properties.

Can a German court, despite the heir's express request to it to specify the property situated in another Member State and state how that estate is being shared out, refuse to complete the section of the European Certificate of Succession relating to the sharing-out of the estate?

Does the sharing-out of the estate referred to in the Article apply only to the indication of the inherited shares of the estate as a whole, or is a court, upon request by an heir, obliged to specify a deceased's estate in detail and its distribution among the heirs?

How should a German Court proceed in a case where an heir in his application for a European Certificate of Succession indicates that the deceased owned immovable property on the territory of the Slovak Republic?