



Making cross-border inheritances easier

Committees: Committee on Legal Affairs

An Italian woman who marries a German and settles in Belgium would have the option of choosing whether her heirs inherit under Italian or Belgian law, under new rules backed unanimously by Legal Affairs Committee MEPs on Thursday.

A report drawn up by Kurt Lechner (EPP, DE), agrees with the main points of a Commission proposal that aims to make it easier to settle inheritances and avoid disputes when someone dies and leaves a will and the legal systems of more than one Member State are involved.

The idea is create a European Certificate of Succession designed to make the legal position clearer for the person who draws up the will and to safeguard the rights of heirs, as well as other parties, such as creditors.

According to Mr Lechner, the new piece of legislation represents "big progress for European citizens, a big step forward for the testator, who will be able to exercise his freedom to deal with his succession, and a huge simplification for the heirs".

EU-wide criteria would make clear which Member State's legal system applies when an inheritance concerns more than one Member State, thereby avoiding costly legal disputes and cutting red tape for heirs.

Two new rules

The proposed regulation would introduce two new principles for dealing with international successions.

In the first place, if someone dies in a Member State that is not their home country, their succession would generally be dealt with under the law of the Member State where they last had their place of habitual residence, by the courts and authorities of that Member State. This would avoid conflicts that could otherwise arise if several courts in different Member States declared themselves competent.

But the person drawing up a will would also have the option of having his or her will read under the law of his or her Member State of origin. This would give EU citizens a new right, which MEPs believe would be a major improvement, as it would allow someone living abroad to retain close links with their home country and ensure that specific national provisions, such as rules governing gifts made during a lifetime, are respected.

In the example of the Italian woman who marries a German and lives for a long time in Belgium, Belgium is more likely to be her centre of interests. Without the proposed regulation, there could be a conflict between the courts in her heirs' home country (Germany), in her own country (Italy), and in the country where she has property (Belgium).

European Certificate of Succession

A European Certificate of Succession would be created to ensure that the heirs, creditors and competent authorities apply the terms of the succession directly under swifter and cheaper procedures. The use of this certificate would not be mandatory.

No impact on national law

Press release

The new legislation, once approved, would have no impact on the situation of people who remain resident in their home country. It would not change national laws governing succession, property, or tax arrangement and it would not introduce any harmonisation of national laws.

The regulation would not apply in UK and Ireland, as their respective governments decided to exercise their right to opt out.

Next steps

The proposal is to be put to a plenary vote at the March I session.

In the chair: Klaus-Heiner LEHNE (EPP, DE)

Contact :

Federico DE GIROLAMO

BXL: (+32) 2 28 31389

STR: (+33) 3 881 72850

PORT: (+32) 498 98 35 91

EMAIL: lega-press@europarl.europa.eu