

**Question for written answer P-6874/2010  
to the Commission**  
Rule 117  
**Hella Ranner (PPE)**

Subject: Crossborder succession - Proposal for a regulation to facilitate the identification of the succession law applicable and further measures to come

This proposal for a regulation is raising several concerns. In the view of some Member States the proposal might breach the principles of subsidiarity and proportionality and might threaten the national rules on forced inheritance (France, Belgium). The UK and Ireland, for now, will not participate in the adoption of the regulation at all. Besides, the practical application of the proposed regulation might lead to costly proceedings with unclear results when the last habitual residence of the deceased is used as connecting factor to identify the succession law applicable (Austrian Bar).

1. What measures are provided for by the Commission to ensure there are no costly proceedings (fact-finding missions) to come, when on the basis of the regulation it will be necessary to first find out how often and how long the deceased had stayed in a place before he died, before the law applicable is identifiable? What measures are provided for the case where the deceased had more than one residence (in different EU Member States) that might be considered as habitual residences, so that no last habitual residence of the deceased can be clearly identified?
2. The proposed regulation does not provide for the determination of the last habitual residence/the connecting factor. How will the Commission deal with the unclear outcomes resulting from this?
3. With regard to the fact that the proposed regulation intends to keep family law aspects exempt, can the Commission clarify what measures are provided for in order to implement these intentions, since, e.g., reserved portions of children, spouses and parents, dwelling rights of surviving spouses and gifts granted upon the marriage of a child and taken into account when determining the reserved portions are matters of family law?
4. Can the Commission clarify that it does not intend to extend chapter V (Articles 34 and 35) to instruments which have - according to national law - in certain limited areas similar status and effects as authentic instruments (e.g. Article 46 of Regulation 2201/2003 Bruxelles II bis). Or would the Commission suggest deleting this chapter (Article 34 and 35) from the proposed regulation, in order not to anticipate the discussions on a possible future EU instrument relating to authentic acts and instruments with comparable status and effects?