

Abstract

The European Certificate of Succession

The thesis deals with the European Certificate of Succession, which was introduced by Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 adoption of this Regulation and the introduction of the European Certificate of Succession was an important step towards simplifying succession proceedings with an international element within the European Union.

The aim of the thesis is to describe and analyse the problems that have occurred or are occurring regarding the European Certificate of Succession. The thesis also takes into account and analyses the case law of the Court of Justice of the European Union concerning the European Certificate of Succession. The first part of the thesis deals with the sources of the legal regulation of the European Certificate of Succession. It then defines the concept of the European Certificate of Succession and its relationship with national certificates of succession. The thesis also focuses on the whole process of issuing the European Certificate of Succession, from the application for the European Certificate of Succession to the issuance itself. The second chapter discusses the persons entitled to apply for a European Certificate of Succession as well as the form and content of the application. The third chapter deals with the issue of the European Certificate of Succession. This chapter discusses the issue of the competence of the authorities to issue the European Certificate of Succession and the examination of the application for it. This part of the thesis also discusses the form and content of the European Certificate of Succession and the issue of certified copies thereof. The largest part of the work is devoted to the effects of the European Certificate of Succession, such as the presumption of correctness of the information contained in the certificate, the protection of good faith and the fact that the European Certificate of Succession serves as a basis for registration in public registers, including the Land Registry. This chapter also analyses whether the European Certificate of Succession is a public document. The last chapter of the thesis is devoted to the defects of the European Certificate of Succession, the remedies and the suspension of the effects of this certificate.

Key words: the european certificate of succession, international succession law, the EU succession regulation