

JURISDICTION IN MATTERS OF SUCCESSION ON THE BASIS OF REGULATION (EU) NO 650/2012

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Abstract

Purpose – The aim of this presentation is to show the importance of EU Regulation in matters of succession and its consequences on legal position of EU citizens. Owing to above the speech will be present the different kind of jurisdiction, depending of the connector. On the top of that, the presentation will concern the issue of international civil procedure introduced by Polish code and its relation to EU Regulation.

Design/methodology/approach – The speech is based on the legal-comparative and legal-historical methods of law research. The chosen methods provide a complete picture of the situation, which should be consider from the Member States perspective as well as from EU ones.

Finding – Todays reality encourage people to travel or move to another country and the European Union Treaty treats freedom of movement as one of the protected rights. Over the time, this possibility has evolved into a difficulty. Lack of unified succession procedure meant that each Member States has its own regulation regarding to the succession. As an outcome of above, foreign people, especially successors met a great difficulty to obtain their inheritance. Hence, the unification of procedure should facilitate it, but it also brought new practical problems and questions, which are resulted using the state law.

Research limitations/implications –For the purpose of this paper, the core of research has been limited to the issue of jurisdiction in Regulation (EU) no 650/2012 and its juxtaposition with jurisdiction in matters succession in polish civil procedure code and Regulation (EU) 1215/2015 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. For the purpose of this speech, the issues regarding to recognition and enforcement of judgments on the territory of European Union have not been included.

Practical implications – Establishing the proper jurisdiction in matters of succession will help successors in resolving those cases in more efficiently and effectively way.

Additionally, this issue will provide more stable principles of inheritance in cases with a foreign element.

Originality/Value – The issue of European successor law is not popular agenda and the problems concerning the jurisdiction for cases is extremally invisible for the doctrine. In the light of the foregoing the is a need to develop this aspect of law and introduced them to the wider public.

Keywords: European Law, European procedure law, jurisdiction, succession law.

Research type: research paper.