



GOVERNING INHERITANCE STATUTES  
AFTER THE ENTRY INTO FORCE  
OF EU SUCCESSION REGULATION

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# The coordination between the EU Succession Regulation and the EU Matrimonial Property regimes Regulation

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# La coordinación entre el Reglamento de sucesiones y el Reglamento de régimen económico matrimonial

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# General features

- The MPR Regulation addresses matrimonial property disputes arising in connection with the death of one of the spouses (Article 4), marital crisis (Article 5), or in other cases concerning the spouses' matrimonial property regime (Articles 6 and ss.)
- Focus on the relation between the MPR Regulation and the Succession Regulation.
- 4 different scenarios



# Cuestiones generales

- El Reglamento de régimen de régimen económico matrimonial distingue respecto de la competencia judicial internacional tres supuestos: competencia en caso de fallecimiento del cónyuge (Artículo 4), crisis matrimoniales (Artículo 5) u otros casos (Artículos 6 y ss.).
- Nos centraremos en la coordinación entre el Reglamento de régimen económico matrimonial y el de sucesiones.
- 4 escenarios



# Jurisdiction in the absence of choice upon succession

General jurisdiction (art. 4) = the court of the deceased's habitual residence at the time of the death shall also have jurisdiction to decide on matters relating to the matrimonial property regime.



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# Competencia judicial internacional en ausencia de elección de foro para las sucesiones

Competencia general (art. 4) = los tribunales de la residencia habitual del causante tendrán también competencia judicial internacional para resolver sobre el régimen económico matrimonial



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# Prorogation of court upon succession

Choice of court agreements (arts. 5, 6 and 7 + 22) = the deceased's choice of law may have the potential to change the competent court which decides upon matters arising from the dissolution of the couple's matrimonial property regime.



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# Competencia judicial internacional en caso de elección de foro para las sucesiones

Acuerdos de elección de foro (arts. 5, 6 and 7 + 22) = la ley elegida por el causante para la sucesión podría llegar a impactar en el tribunal competente para el régimen económico matrimonial



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# Subsidiary jurisdiction upon succession

Subsidiary jurisdiction rule (Art. 10) = situations where the deceased does not have his or her habitual residence in a Member State = impact for the surviving spouses?  
Concentration of proceedings?



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# Competencia subsidiaria para las sucesiones

Regla de competencia subsidiaria (Art. 10) = situaciones donde el causante no tiene su residencia habitual en un Estado miembro = impacto para cónyuge superviviente?  
Concentración de asuntos?



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# *Forum necessitatis* upon succession

Forum necessitatis rule (Art. 11) = Where jurisdiction in succession proceedings cannot be determined through the above provisions = connection with the dispute of the matrimonial property regime?



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# *Forum necessitatis* para las sucesiones

Forum necessitatis (Art. 11) = Cuando la competencia judicial internacional no pueda determinarse en virtud de los criterios anteriores = conexión con la disputa del régimen económico matrimonial?



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