



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

GOINEU



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EL REGLAMENTO EUROPEO DE SUCESIONES Y EL NOTARIO

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Notario de Alicante

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NORMA DE CONFLICTO BÁSICA

LA RESIDENCIA AL TIEMPO DEL FALLECIMIENTO (Art 21.1)

QUÉ SE ENTIENDE POR RESIDENCIA Y SU PRUEBA (considerando 23)

LA RESIDENCIA EN UNA COMUNIDAD AUTÓNOMA Y LA VECINDAD CIVIL
(Art 36 – 38)



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CRITERIOS CORRECTORES DE LA RESIDENCIA Y SU APLICACIÓN POR EL NOTARIO

a) EL VÍNCULO MÁS ESTRECHO (Art 21.2 y considerandos 24 y 25)

b) LA PROFESSIO IURIS EN MATERIA SUCESORIA:

-SUS LÍMITES (Art 22)

-LA OPCIÓN EXPRESA O TÁCITA (Art 22 y considerandos 38-41)

c) EL REENVÍO (Art 34)

EL ORDEN PÚBLICO (Art 35)

EL FRAUDE DE LEY (Considerandos 26 y 38)

EL CONCEPTO “LEY APLICABLE A LA SUCESIÓN”

¿A QUÉ SE APLICA EL REGLAMENTO? (Art 23)

¿A QUÉ NO SE APLICA EL REGLAMENTO?
(Art 1 y Considerandos 10-19)

EL DERECHO TRANSITORIO (Art 83)

EL CERTIFICADO SUCESORIO EUROPEO

EL CERTIFICADO (Arts 62-73)

SU UTILIDAD (Arts 63 y 69)

COMPETENCIA PARA SU OTORGAMIENTO
(Arts 64, 4, 7, 10 y 11)



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THE EUROPEAN REGULATION ON SUCCESSIONS AND THE NOTARY

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BASIC CONFLICT RULE

RESIDENCE AT THE TIME OF DEATH. (Art 21.1)

WHAT IS UNDERSTOOD BY RESIDENCE AND ITS PROOF (recital 23)

RESIDENCE IN AN AUTONOMOUS COMMUNITY AND A CIVIL NEIGHBORHOOD (Art 36 - 38)



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CORRECTIVE CRITERIA OF RESIDENCE AND ITS APPLICATION BY THE CIVIL LAW NOTARY

a) THE MOST STRAINED LINK (Art 21.2 and recitals 24 and 25)

b) THE PROFESSIO IURIS IN SUCCESSION MATTERS:

- ITS LIMITS (Art 22)

-THE DECLARED OR THE TACIT OPTION
(Art 22 and recitals 38 41)

c) THE REFERRAL (Art 34)

THE PUBLIC ORDER (Art 35)

THE FRAUD OF LAW (Recitals 26 and 38)



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THE CONCEPT OF “THE LAW APPLICABLE TO SUCCESSION”

WHAT DOES THE REGULATION APPLY TO? (Art 23)

WHAT DOES THE REGULATION NOT APPLY TO? (Art 1 and
Considering 10-19)



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TRANSITIONAL LAW (Art 83)

THE EUROPEAN CERTIFICATE OF SUCCESSION

THE CERTIFICATE (Arts 62-73)

ITS USEFULNESS (Arts 63 and 69)

COMPETENCE FOR ITS GRANT (Arts 64, 4, 7, 10 and 11)



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