



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

GOINEU



This Project is funded
by the European Union's
Justice Programme 2014-2020

Experienced or Predicted Problems, Questions, Difficulties Regarding the Succession Regulation

Balázs Tökey
Eötvös Loránd University of Budapest

Based on the opinion
of the Hungarian Chamber of Civil Law Notaries

The content of this document represents the views of the author only and it is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

This Project is implemented by Coordinator



UNIVERSITÀ
DEGLI STUDI
FIRENZE
DSG
DIPARTIMENTO DI
SCIENZE GIURIDICHE

Partners



ELTE LAW
FACULTY OF LAW



UNIVERSITAT
DE VALÈNCIA

Centro de
Direito da
Família



Fondazione
Italiana
del Notariato



Associazione Avvocati
Matrimonialisti Italiani
Sezione Distrettuale di Firenze



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

GOINEU



This Project is funded
by the European Union's
Justice Programme 2014-2020

Problemas experimentados, predichos, cuestiones, dificultades respecto del Reglamento de Sucesiones

Balázs Tökey

Eötvös Loránd Universidad de Budapest

Basado en la opinión de la Cámara Húngara
de Notarios de Derecho Civil

The content of this document represents the views of the author only and it is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

This Project is implemented by Coordinator



UNIVERSITÀ
DEGLI STUDI
FIRENZE
DSG
DIPARTIMENTO DI
SCIENZE GIURIDICHE

Partners



ELTE LAW
FACULTY OF LAW



UNIVERSITAT
ID VALÈNCIA

Centro de
Direito da
Família



Fondazione
Italiana
del Notariato



Associazione Avvocati
Matrimonialisti Italiani
Sezione Distrettuale di Firenze

Country-specific issues

- “In kind compensation” after the communist era in Romania: several Hungarian citizens have regained (real) property there
- Many Hungarians settled in Austria as refugees after the revolution in 1956: they still have significant amount of property and other assets (e.g. bank accounts) in Austria
- German citizens bought (real) property in Hungary in a significant number after 1990; Germany is the main destination for Hungarian guest workers



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

GoInEU



This Project is funded
by the European Union's
Justice Programme 2014-2020

Cuestiones específicas de cada país

- “A modo de compensación” tras la era comunista en Rumania, varios ciudadanos húngaros han recuperado allí la propiedad (real).
- Muchos húngaros se establecieron en Austria como refugiados tras la revolución de 1956: aun tienen una cantidad significativa de propiedades y otros bienes (p.e. cuentas bancarias) en Austria.
- Ciudadanos alemanes compraron propiedades en Hungría en un número considerable tras 1990; Alemania es el principal destino de los trabajadores húngaros.



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

GoInEU



This Project is funded
by the European Union's
Justice Programme 2014-2020

Problem 1.: non-harmonized issues

- Taxation issues are not harmonized
- No uniform cross-border notification system or register of probates
- The term "habitual residence" is not defined by the Succession Regulation



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



This Project is funded
by the European Union's
Justice Programme 2014-2020

Problema 1: cuestiones no armonizadas

- Cuestiones impositivas no armonizadas
- No hay un sistema de notificación transfronterizo uniforme o registro de legalizaciones.
- El término “residencia habitual” no está definido en el Reglamento de Sucesiones.



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

GoInEU



This Project is funded
by the European Union's
Justice Programme 2014-2020

Problem 2.:

Lack of access to information needed to proceed the probate

Notaries do not get access to the information on the existence/value of some specific assets:

a) Foreign bank accounts

Possible solution: indirect request based on Council Regulation (EC) No 1206/2001

b) The content of the safe boxes, either

Possible solution: designation of one of the heirs as an “executor of the wills”



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



This Project is funded
by the European Union's
Justice Programme 2014-2020

Problema 2:

falta de acceso a la información necesaria para proceder a la legalización

- Los notarios no tienen acceso a la información sobre la existencia / valor de algunos bienes específicos:

a) Cuentas bancarias extranjeras

Posible solución: solicitud indirecta en términos del Reglamento 1206/2001, del Consejo.

b) El contenido de las cajas de seguridad

Posible solución: designación de uno de los herederos como "ejecutor del testamento".



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



This Project is funded
by the European Union's
Justice Programme 2014-2020

Other problems

- The Succession Regulation is simply not applied (with special regard to Romania)
- Registration of ownership into the land register is problematic if the ECS contains only abstract proportions of the estate
- Adaptation proceedings: the adaptation of several foreign rights/rules/terms/institutions is going to be very difficult



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

GoInEU



This Project is funded
by the European Union's
Justice Programme 2014-2020

Otros problemas

- El Reglamento de Sucesiones simplemente no se aplica (con especial referencia a Rumania).
- Inscripción de la propiedad en el Registro de la Propiedad problemática si el ECS sólo contiene proporciones abstractas del inmueble.
- Procedimientos de adaptación: la adaptación de varios derechos/reglas/términos/instituciones extranjeros será muy difícil.



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

GoInEU



This Project is funded
by the European Union's
Justice Programme 2014-2020