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AFTER THE ENTRY INTO FORCE
OF EU SUCCESSION REGULATIONS.



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

EUROPEAN CERTIFICATE OF SUCCESSION APPLICATION IN PORTUGAL

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Regulation 650/2012 of the European Parliament and of the Council of 4 July 2015 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** mandatory in all its elements and applicable for the Member-States of the European Union

Art. 62 to 73– European Certificate of Succession

Competent issuing authority: IRN- Instituto dos Registos e do Notariado (Institute of Registries and Notaries)

Period under analysis (2015-2019)
52 Certificates of Succession were issued:

- ✓ 2015 – 1
- ✓ 2016 – 9
- ✓ 2017 – 16
- ✓ 2018 – 17
- ✓ 2019 – 9
- 2 ongoing

- ✓ 39 Portuguese citizens
- ✓ 14 citizens from other Member-States

Purposes:

- ✓ Bank account movement and financial applications
- ✓ Access to state benefits (retirement and other pensions)
- ✓ Access to Insurance
- ✓ Registry of Real Estate



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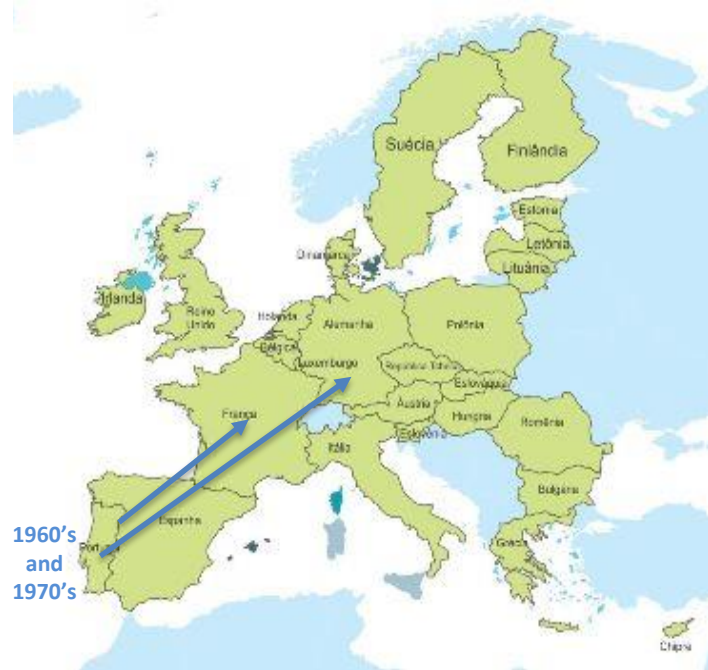
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Portuguese migrant phenomena

Up until the last decade of the 20th century, Portugal was a country of outward migrants:

- Up to the 1960's: Brazil, Venezuela and Canada
- From the 1960's onwards: France and Germany

Therefore, in Portugal, we have deceased citizens who were emigrants in France and Germany but came back to the country of origin after retirement whilst keeping a connection with the host countries.



Portuguese migrant phenomena

Portugal is residually a host country to immigrants who have chosen the country, not to work, but to live after retirement.



This is the case of German, Dutch and Austrian citizens, who have their last residency in Portugal.



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Main practical issues:

- ✓ Applicants do not reside in Portugal;
- ✓ Interested parties (heirs, legatees or administrators) reside in various Member-States, which implies the need for notification;
- ✓ The uncertainty regarding the existence of a will;
- ✓ The difficulty in understanding the proper forms by applicants who aren't fully proficient in Portuguese – especially given the basic requirements put forward by Portuguese Law.
- ✓ As a consequence the procedures are delayed (average of 2 months). The Portuguese are used to quick and immediate procedures.
- ✓ Other difficulties regarding the identification of real estate.