1. JUDGMENT OF THE COURT 12 October 2017

In Case C‑218/16, **Aleksandra Kubicka**

Scope - Immovable property located in a Member State in which legacies ‘per vindicationem’ do not exist - Refusal to recognise the material effects of such a legacy

**Article 1(2)(k) and (l) and Article 31 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as precluding refusal, by an authority of a Member State, to recognise the material effects of a legacy ‘by vindication’, provided for by the law governing succession chosen by the testator in accordance with Article 22(1) of that regulation, where that refusal is based on the ground that the legacy concerns the right of ownership of immovable property located in that Member State, whose law does not provide for legacies with direct material effect when succession takes place.**

1. JUDGMENT OF THE COURT 1 March 2018

In Case C‑558/16, **Doris Margret Lisette Mahnkopf**

Scope — Ability to include the surviving spouse’s share in the European Certificate of Succession

**Article 1(1) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that a national provision, such as that at issue in the main proceedings, which prescribes, on the death of one of the spouses, a fixed allocation of the accrued gains by increasing the surviving spouse’s share of the estate falls within the scope of that regulation.**

1. JUDGMENT OF THE COURT 21 June 2018

In Case C‑20/17, **Vincent Pierre Oberle**

Article 4 — General jurisdiction of a court of a Member State to rule on the succession as a whole — National legislation governing international jurisdiction to issue national certificates of succession — European Certificate of Succession

**Article 4 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which provides that, although the deceased did not, at the time of death, have his habitual residence in that Member State, the courts of that Member State are to retain jurisdiction to issue national certificates of succession, in the context of a succession with cross-border implications, where the assets of the estate are located in that Member State or the deceased was a national of that Member State.**

1. JUDGMENT OF THE COURT 23 May 2019

In Case C‑658/17, **WB**

Article 3(1)(g) and (i) — Definition of a ‘decision’ in a matter of succession — Definition of an ‘authentic instrument’ in a matter of succession — Legal classification of the national deed of certification of succession — Article 3(2) — Definition of a ‘court’ — Failure by the Member State to notify the European Commission of notaries as non-judicial authorities exercising judicial functions like courts

**1.      The second subparagraph of Article 3(2) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that failure by a Member State to notify the Commission of the exercise of judicial functions by notaries, as required under that provision, is not decisive for their classification as a ‘court’.**

**The first subparagraph of Article 3(2) of Regulation No 650/2012 must be interpreted as meaning that a notary who draws up a deed of certificate of succession at the unanimous request of all the parties to the procedure conducted by the notary, such as the deed at issue in the main proceedings, does not constitute a ‘court’ within the meaning of that provision and, consequently, Article 3(1)(g) of that regulation must be interpreted as meaning that such a deed does not constitute a ‘decision’ within the meaning of that provision.**

**2.      Article 3(1)(i) of Regulation No 650/2012 is to be interpreted as meaning that a deed of certification of succession, such as that at issue in the main proceedings, drawn up by a notary at the unanimous request of all the parties to the procedure conducted by the notary, constitutes an ‘authentic instrument’ within the meaning of that provision, which may be issued at the same time as the form referred to in the second subparagraph of Article 59(1) of that regulation, which corresponds to the form set out in Annex 2 to Implementing Regulation No 1329/2014.**

1. JUDGMENT OF THE COURT 19 April 2018

In Case C–565/16, **Alessandro Saponaro**

REQUEST (Small Claims Court, **Leros, Greece**), made by decision of 25 October 2016

Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility — Regulation (EC) No 2201/2003 — Court of a Member State seised with an application for judicial authorisation to renounce an inheritance on behalf of a minor child — Jurisdiction in matters of parental responsibility — Prorogation of jurisdiction — Article 12(3)(b) — Acceptance of jurisdiction — Conditions)

**In a situation, such as that in the main proceedings, where the parents of a minor child, who are habitually resident with the latter in a Member State, have lodged, in the name of that child, an application for permission to renounce an inheritance before the courts of another Member State, Article 12(3)(b) of Council Regulation No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as meaning:**

–        **the joint lodging of proceedings by the parents of the child before the courts of their choice is an unequivocal acceptance by them of that court;**

–        **a prosecutor who, according to the national law, has the capacity of a party to the proceedings commenced by the parents, is a party to the proceedings within the meaning of Article 12(3)(b) of Regulation No 2201/2003. Opposition by that party to the choice of jurisdiction made by the parents of the child in question, after the date on which the court was seised, precludes the acceptance of prorogation of jurisdiction by all the parties to the proceedings at that date from being established. In the absence of such opposition, the agreement of that party may be regarded as implicit and the condition of the unequivocal acceptance of prorogation of jurisdiction by all the parties to the proceedings at the date on which that court was seised may be held to be satisfied; and**

–        **the fact that the residence of the deceased at the time of his death, his assets, which are the subject matter of the succession, and the liabilities of the succession were situated in the Member State of the chosen courts leads, in the absence of matters that might demonstrate that the prorogation of jurisdiction was liable to have a prejudicial impact on the child’s position, to the conclusion that that prorogation of jurisdiction is in the best interests of the child.**

1. ΑΠΟΦΑΣΗ ΤΟΥ ΔΙΚΑΣΤΗΡΙΟΥ της 6ης Οκτωβρίου 2015

Στην υπόθεση C‑404/14, Τσεχική Δημοκρατία, **Marie Matoušková**

Διεθνής δικαιοδοσία, αναγνώριση και εκτέλεση αποφάσεων σε γαμικές διαφορές και διαφορές γονικής μέριμνας — Κανονισμός (ΕΚ) 2201/2003 — Άρθρο 1, παράγραφος 1, στοιχείο βʹ — Καθ’ ύλην πεδίο εφαρμογής — Συμφωνία σχετικά με τη διανομή της κληρονομίας μεταξύ του επιζώντος συζύγου και των εκπροσωπούμενων από επίτροπο ανηλίκων τέκνων — Χαρακτηρισμός — Αναγκαία η εκ μέρους δικαστηρίου έγκριση μιας τέτοιας συμφωνίας — Μέτρο σχετικό με γονική μέριμνα ή μέτρο σχετικό με τις κληρονομίες

**Ο κανονισμός (ΕΚ) 2201/2003 του Συμβουλίου, της 27ης Νοεμβρίου 2003, για τη διεθνή δικαιοδοσία και την αναγνώριση και εκτέλεση αποφάσεων σε γαμικές διαφορές και διαφορές γονικής μέριμνας ο οποίος καταργεί τον κανονισμό (ΕΚ) 1347/2000, πρέπει να ερμηνευθεί υπό την έννοια ότι η έγκριση συμφωνίας σχετικά με τη διανομή της κληρονομίας, η οποία έχει συναφθεί από τον επίτροπο ανηλίκων τέκνων για λογαριασμό τους, αποτελεί μέτρο σχετικό με την άσκηση της γονικής μέριμνας, κατά την έννοια του άρθρου 1, παράγραφος 1, στοιχείο βʹ, του κανονισμού αυτού, το οποίο εμπίπτει, κατά συνέπεια, στο πεδίο εφαρμογής του τελευταίου αυτού κανονισμού, και όχι μέτρο σχετικό με τις κληρονομίες, κατά την έννοια του άρθρου 1, παράγραφος 3, στοιχείο στʹ, του εν λόγω κανονισμού, εκφεύγον του πεδίου εφαρμογής του.**

1. JUDGMENT OF THE COURT 16 July 2020

In Case C‑80/19, **E. E./ Kauno miesto**

Scope – Definition of ‘succession with cross-border implications’ – Definition of ‘habitual residence of the deceased’ – Article 3(2) – Definition of ‘court’ – Whether notaries are subject to the rules of international jurisdiction – Article 3(1)(g) and (i) – Definitions of ‘decision’ and ‘authentic instrument’ – Articles 5, 7 and 22 – Agreement on the choice of court and the law applicable to the succession – Article 83(2) and (4) – Transitional provisions

1. **Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that a situation in which the deceased, a national of one Member State, was residing in another Member State at the date of his or her death but had not cut ties with the first of those Member States, in which the assets making up his or her estate are located, while his or her successors have their residence in both of those Member States, falls within the scope of the concept of ‘succession with cross-border implications’.**

**The last habitual residence of the deceased, within the meaning of that regulation, must be established by the authority dealing with the succession in only one of those Member States.**

**2.      Article 3(2) of Regulation No 650/2012 must be interpreted as meaning that, subject to verification by the referring court, Lithuanian notaries do not exercise judicial functions when issuing certificates of succession. However, it is for the referring court to determine whether those notaries act by delegation or under the control of a judicial authority and whether, consequently, they can be classed as ‘courts’ within the meaning of that provision.**

**3.      Article 3(1)(g) of Regulation No 650/2012 must be interpreted as meaning that, in the event that the referring court should find that Lithuanian notaries can be classed as ‘courts’ within the meaning of that regulation, certificates of succession that they deliver can be regarded as ‘decisions’ within the meaning of that provision, with the result that, for the purposes of issuing such certificates, those notaries can apply the rules of jurisdiction laid down in Chapter II of that regulation.**

**4.      Articles 4 and 59 of Regulation No 650/2012 must be interpreted as meaning that notaries of a Member State, who are not classed as ‘courts’ for the purposes of that regulation, can issue national certificates of succession without applying the general rules of jurisdiction laid down by that regulation. If the referring court finds that those certificates satisfy the conditions laid down in Article 3(1)(i) of that regulation and can, therefore, be regarded as ‘authentic instruments’, within the meaning of that provision, such certificates produce, in other Member States, the effects that Article 59(1) and Article 60(1) of Regulation No 650/2012 attribute to authentic instruments.**

**5.      Articles 4, 5, 7 and 22, together with Article 83(2) and (4), of Regulation No 650/2012 must be interpreted as meaning that the testator’s wish and the agreement between his or her heirs can lead to the determination of a court having jurisdiction in matters of succession and the application of the law on succession of a Member State other than those which would result from the application of the criteria laid down by that regulation.**

1. JUDGMENT OF THE COURT 1 July 2021

In Case C‑301/20, Austria, **UE, HC** v **Vorarlberger Landes- und Hypothekenbank AG**

European Certificate of Succession – Validity of a certified copy of the certificate not having an expiration date – Article 65(1) – Article 69 – Effects of the certificate as regards the persons who are designated on it but have not requested it to be issued – Article 70(3) – Date to take into account for the assessment of the validity of the copy – Evidential effects of the copy

**1.      Article 70(3) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that a certified copy of the European Certificate of Succession, bearing the words ‘unlimited duration’, is valid for a period of six months from the date of issue and produces its effects, within the meaning of Article 69 of that regulation, if it was valid when it was presented to the competent authority;**

**2.      Article 65(1) of Regulation No 650/2012, read in conjunction with Article 69(3) of that regulation, must be interpreted as meaning that the effects of the European Certificate of Succession are produced with respect to all persons who are named therein, even if they have not themselves requested that it be issued.**

1. JUDGMENT OF THE COURT 9 September 2021

In Case C‑277/20, Austria, **UM**

Article 3(1)(b) – Concept of ‘agreement as to succession’ – Scope – Contract transferring ownership mortis causa – Article 83(2) – Choice of applicable law – Transitional provisions)

**1.      Article 3(1)(b) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that a contract under which a person provides for the future transfer, on death, of ownership of immovable property belonging to him or her to other parties to the contract is an agreement as to succession within the meaning of that provision.**

**2.      Article 83(2) of Regulation No 650/2012 must be interpreted as meaning that it does not apply to the examination of the validity of a choice of applicable law, made before 17 August 2015, to govern only an agreement as to succession within the meaning of Article 3(1)(b) of that regulation, in respect of a particular asset of the deceased, and not the latter’s succession as a whole.**

1. JUDGMENT OF THE COURT 9 September 2021

In Case C‑422/20, Germany **RK** v **CR**

Article 6(a) – Declining of jurisdiction – Article 7(a) – Jurisdiction – Examination by the court second seised – Article 22 – Choice of law applicable – Article 39 – Mutual recognition – Article 83(4) – Transitional provisions

**1.      Article 7(a) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that, in order for there to have been a declining of jurisdiction, within the meaning of Article 6(a) of that regulation, in favour of the courts of the Member State whose law was chosen by the deceased, it is not necessary for the court previously seised to have expressly declined jurisdiction, but that intention must be unequivocally apparent from the decision that it delivered in that regard.**

**2.      Article 6(a), Article 7(a) and Article 39 of Regulation No 650/2012 must be interpreted as meaning that the court of the Member State seised following a declining of jurisdiction is not competent to examine whether the conditions set out in those provisions were satisfied in order for the court previously seised to decline jurisdiction.**

**3.      Article 6(a) and Article 7(a) of Regulation No 650/2012 must be interpreted as meaning that the rules of jurisdiction set out in those provisions also apply in the event that, in his or her will, drawn up before 17 August 2015, the deceased had not chosen the law applicable to the succession, and that the designation of that law can be inferred from Article 83(4) of that regulation alone.**

1. ORDER OF THE COURT 1 September 2021

In Case C‑387/20, Poland, **OKR**

Reference for a preliminary ruling – Article 53(2) of the Rules of Procedure of the Court of Justice – Article 267 TFEU – Notary acting as a deputy for another notary – Definition of ‘court or tribunal’ – Criteria – Inadmissibility of the request for a preliminary ruling

**The request for a preliminary ruling from a Zastępca notarialny w Krapkowicach (notary acting as a deputy for another notary and practising in Krapkowice, Poland) is manifestly inadmissible.**

1. JUDGMENT OF THE COURT 7 April 2022

In Case C‑645/20, France, **V A, Z A** v **TP**

Article 10 – Subsidiary jurisdiction in matters of succession – Deceased person habitually resident at the time of his or her death in a State that is not bound by Regulation (EU) No 650/2012 – Deceased person who is a national of a Member State and has assets in that Member State – Obligation for the court of that Member State seised to examine of its own motion the criteria as regards its subsidiary jurisdiction – Appointment of an administrator of the estate

**Article 10(1)(a) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 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 must be interpreted as meaning that a court of a Member State must raise of its own motion its jurisdiction under the rule of subsidiary jurisdiction referred to in that provision where, having been seised on the basis of the rule of general jurisdiction established in Article 4 of that regulation, it finds that it has no jurisdiction under that latter provision.**

1. ΠΡΟΤΑΣΕΙΣ ΤΟΥ ΓΕΝΙΚΟΥ ΕΙΣΑΓΓΕΛΕΑ MACIEJ SZPUNAR της 20ής Ιανουαρίου 2022

**Υπόθεση C**‑**617/20, T. N., Ν.Ν. κατά E.G.,** Γερμανία

Αποδοχή ή αποποίηση κληρονομίας, κληροδοσίας ή νόμιμης μοίρας – Δήλωση αποδοχής ή αποποίησης κληρονομίας υποβληθείσα ενώπιον του δικαστηρίου του κράτους μέλους της συνήθους διαμονής του δηλούντος – Κύρος

Οι διατάξεις των άρθρων 13 και 28 του κανονισμού (ΕΕ) 650/2012 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου, της 4ης Ιουλίου 2012, σχετικά με τη διεθνή δικαιοδοσία, το εφαρμοστέο δίκαιο, την αναγνώριση και εκτέλεση αποφάσεων, την αποδοχή και εκτέλεση δημόσιων εγγράφων στον τομέα της κληρονομικής διαδοχής και την καθιέρωση ευρωπαϊκού κληρονομητηρίου, έχουν την έννοια ότι η προβλεπόμενη από το εφαρμοστέο στην κληρονομική διαδοχή δίκαιο απαίτηση περί υποβολής δήλωσης αποποίησης της κληρονομίας στο δικαστήριο της κληρονομίας, ήτοι στο δικαστήριο της συνήθους διαμονής του κληρονομουμένου κατά τον χρόνο του θανάτου, αποτελεί προϋπόθεση του τυπικού κύρους της εν λόγω δήλωσης. Συνεπώς, στην περίπτωση κατά την οποία το τυπικό κύρος της υποβληθείσας δήλωσης εκτιμάται με γνώμονα το δίκαιο που ορίζεται βάσει του άρθρου 28, στοιχείο βʹ, του κανονισμού αυτού, η μη τήρηση της εν λόγω απαίτησης δεν επιφέρει την ακυρότητα της δήλωσης που υποβλήθηκε ενώπιον του δικαστηρίου που έχει διεθνή δικαιοδοσία δυνάμει του άρθρου 13 του κανονισμού 650/2012.