Dillemas of Documenting Succession Rights in the EU

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Summary: In many legal systems, documents confirming the rights of the heirs and other people benefiting from the inheritance are issued in order to confirm the rights to the inheritance acquired. The purpose of such documents is to present the rights under *mortis causa* legal succession to a third party, and legitimisation of the right currently vested in the entitled person, or solving of the possible doubts. Since the respective instruments documenting the rights to inheritance are only of territorial nature, with the entrance into force of the EU Succession Regulation, the European heirs were offered a new instrument of trans-border consequences – the European Certificate of Succession. This new Certificate was supposed to eliminate the previous imperfections in the system of documenting succession rights. After nearly two years of applying the new legal act it may be assumed that the new provisions have not dispelled the doubts.

Keywords: inheritance, succession, EU Succession Regulation, confirmation of succession rights, EU

1. Initial Comments

Transfer of the property rights and duties from a deceased person to their legal successors is an obvious consequence of inheritance, usually regulated by the principles of the succession law[1]. Despite many attempts of unifying law in that regard at various levels, succession has remained the domain of domestic law of the European Union countries[2]. Member states have their own succession laws, which differ in many aspects, such as for example the principles of statutory succession, intestate succession or rights of the persons close to the testator. Along with the increased migration trends in the recent years, the citizens of the

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1 See KERRIDGE, Roger. *Parry and Kerridge: The Law of Succession.* London: Sweet & Maxwell, 2016, p. 1.

2 PINTENS, Walter. *Towards a ius commune in European Family and Succession Law*. Cambridge-Antwerp-Portland: Intersentia, 2012, p. 6 et seq.

particular EU countries acquire various assets in various member states, including real estate. After their death the matter of legal succession may be subject to the regime of many legal systems (domestic laws), which may be decisive as to who and on what principles acquires all of the rights and duties of the deceased[3].

In many legal systems, documents confirming the rights of the heirs and other people benefiting from the inheritance are issued in order to confirm the rights to the inheritance acquired[4]. The purpose of the documents is to present the rights under *mortis causa* legal succession to a third party, and legitimisation of the right currently vested in the entitled person, or solving of the possible doubts. In other words, in order to solve the uncertainty regarding the right to inheritance from the respective testator, the legislators introduce documents of legitimising nature, whose purpose is not only to document the fact of inheriting from the deceased by the respective heir, but also to confirm the nature and scope of the respective rights. Usually, these documents are the only evidence for the heir of coming into inheritance, and serve proving of the heirs' right in situations when this is necessary towards persons who claim specific rights against the estate of the deceased[5].

With regard to the difference of the particular systems of succession law, it comes as no surprise that the respective instruments documenting the rights to inheritance are only of territorial nature. Such state of affairs has been considered unsatisfactory for a long time, at least in the European Union. Therefore, along with the entrance into force of the 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[6], the European heirs were offered a new instrument of trans-border consequences – the European Certificate of Succession[7]. The objective of the document is to eliminate the previous imperfections in the system of documenting succession rights[8]. After nearly two years of applying the

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3 MODDERMAN, Henrik, Adriaan, Ewoud. *Internationaal Erfrecht.* Den Haag: Mouton, 1895 (Reproduction) 2013, *passim.*

4 See, for example: DYSON, Henry. *French Property and Inheritance Law. Principles and Practice.* Oxford: Oxford University Press, 2010, pp. 326-328.

5 See KREßE, Bernhard. Commentary to Art. 62. In Calvo Caravaca, Alfonso-Luis, Davi, Angelo, Mansel, Heinz-Peter (eds.). *The EU Succession Regulation. A Commentary.* Cambridge: Cambridge University Press, 2016, p. 673 et seq.

6 Official Journal of 27.07.2012, No. L 201/107.

7 CALVO VIDAL, Isidoro, Antonio. El reenvío en el Reglamento (UE) 650/2012, sobre sucesiones. *Millennium DIPr: Derecho Internacional Privado,* 2015, no. 1, pp. 17–25.

8 See CRÔNE, Richard. Le certificat successoral européen. In Khairallah, Georges, Revillard, Mariel (eds.), *Droit européen des successions internationales. Le Règlement du 4 juillet 2012*, Paris: Defrénois, 2013, pp. 169–186.

new legal act (the provisions apply to the succession cases in which the testator died after 17 August 2015), it may be assumed that the new provisions have not dispelled the doubts. Admittedly, the Regulation removed certain imperfections but resulted in the origination of new ones.

The purpose of this article is to identify some of the imperfections, present the problems occurring in reference to the need of documenting succession rights within the laws of the European countries, as well as attempt to specify the interpretation direction, which could enable further improvement of that area of the succession law operation.

2. Confirmation of Succession Rights

Determination of legal succession after a deceased testator takes place on various principles in the particular systems of domestic law. To some extent this is related to the varied approach of the legislators to the matters of acquiring the rights to inheritance. Apparently at least three concepts of the succession property transfer to the legal heirs of the testator may be differentiated, i.e. 1) the *le mort saisit le vif*, 2) the *hereditas iacens*, and 3) the estate administration concept. Each of them is characterised with a different approach to the acquisition of the rights and duties of the testator by the heir[9] and, therefore, different needs with regard to instruments legitimising the heirs as the legal successors of the deceased. The legislators apply various instruments in that regard. The consequences of those instruments focus on providing the heirs with the possibility to refer to legal succession after the testator against third parties, as well as creating a presumption that the person whose rights have been confirmed in that way is a heir[10].

The traditional method of confirming the succession rights, at least from the point of view of some of the legal systems[11], namely the court confirmation of the succession rights[12], is only one of the possible models in that regard, and one that is actually very rarely applied in Europe. Admittedly, in the systems

[9] ZAŁUCKI, Mariusz. *Uniform European Inheritance Law. Myth, Dream or Reality of the Future*, Kraków: AFM Publishing House, 2015, p. 131.

[10] KARAKULSKI, Kazimierz. Stwierdzanie praw do spadku [Declaration of Succession Rights]. *Przegląd Notarialny,* 1947, no. 11, pp. 391–397.

[11] GWIAZDOMORSKI, Jan. Stwierdzenie praw do spadku [Declaration of Succession Rights]. *Przegląd Notarialny* 1950, no. 7–8, p. 57et seq.

[12] See GWIAZDOMORSKI, Jan. Stanowisko prawne spadkobiercy według polskiego prawa spadkowego [Legal Position of the Heir under Polish Inheritance law]. *Przegląd Notarialny,*1947, no. 1, p. 434. See also OHANOWICZ, Alfred, Przyjęcie i odrzucenie spadku w nowym prawie spadkowym [Acceptance and Rejection of the Succession in the New Inheritance Law]. *Przegląd Notarialny,* 1947, no. 1, pp. 423–432.

which may be considered the basic paradigms of many regulations, there are similar legal structures, for example the German *Erbschein*[13] or the Austrian *Einantwortungsurkunde*[14], it is also a regulation characteristic to the English law[15], but in a majority of the European domestic legislations, confirmation of succession rights is made outside court. In many European countries there have been developed notarial confirmations of inheritance, as for example the French *acte de notoriété*[16] or the Dutch *verklaring van erfrecht*[17]. As opposed to court documents, notarial confirmation consists in gathering the information on inheritance by a notary public and based thereon, issuing the respective certificate, mainly in indisputable cases. Still another model may be found (in Sweden and Finland), in which a private inventory is made, and based thereon the respective legal consequences are derived. In some other countries there are no adequate regulations in that area and the documentation of the rights of the heirs takes place on customary basis[18] and documentation of the 'coming to inheritance' within the meaning of this speech is issued[19]. There are also systems, as for example in Poland, where the notarial confirmation of succession[20] operates next to the court determination of the rights to inheritance. Generally, a conclusion may be drawn in that respect, that the domestic solutions serving the documentation of the legal status of the heir are not uniform.

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13 MICHALSKI, Lutz. *Erbrecht*, Heidelberg: C.F. Müller, 2010, p. 385 et seq.

14 See VERWEIJEN, Stephan. *Verlassenschaftsverfahren: Handbuch*, Wien: Linde Verlag, 2014, p. 1 et seq.

15 The English system obviously differs significantly from continental constructions in this respect, however, it is also necessary to obtain a court's confirmation of *grant of representation*, which is the only evidence of the rights to inheritance of a *personal representative*, the person managing the estate before its transfer to the heirs. See more broadly: KUCIA, Bartosz. Dokumentowanie praw do spadku w prawie angielskim [Documentation of Succession Rights in English Law]. In ROTT-PIETRZYK, Ewa, STRZEBIŃCZYK, Anita (eds.) *Akty poświadczenia dziedziczenia na tle harmonizacji prawa prywatnego* [Acts of Succession Certification Against the Background of Private Law Harmonisation], Bielsko-Biała: Od Nowa 2015, pp. 7-27. Se also KERRIDGE, Roger, supra note 1, p. 459 et seq.

16 See POTVIN, Florent. *L'acte de notoriété successorale*. Bordeaux: Thèses et écrits académiques, 2004, p. 10 et seq.

17 See de VOS, Johannes, Wilhelmus, Maria. *De notariële verklaring van erfrecht.* Amsterdam: Gouda Quint 1975, p. 10 et seq.

18 MARGOŃSKI, Marcin. *Charakter prawny europejskiego poświadczeniaspadkowego. Analiza prawnoporównawcza aktu poświadczenia dziedziczenia i europejskiego poświadczenia spadkowego* [Legal Nature of the European Certificate of Succession. Comparative Legal Analysis of the Notarial Succession Certificate and the European Certificate of Succession]. Warszawa: Instytut Wymiaru Sprawiedliwości, 2015, p. 4.

19 BONOMI, Andrea, Wautelet, Patrick. *Le droit européen des successions. Commentaire du Règlement no 650/2012 du 4 juillet 2012.* Bruxelles: Bruylant 2013, p. 702 et seq.

20 GRZYBCZYK, Katarzyna, SZPUNAR, Maciej. Notarialne poświadczenie dziedziczenia jako alternatywny sposób stwierdzenia prawa do dziedziczenia [Notarial Certificate of Succession as an Alternative Means of Establishing the Right to Succession]. *Rejent*, 2006, no. 2, pp. 44–57.

The problem of non-uniform instruments for documenting the succession rights becomes particularly important in trans-border context, where the heir wishes to prove their rights to legal succession with regard to the estate left by the testator in another country. Traditionally, the document confirming the rights to inheritance issued in one country did not result in any legal consequences in another country. Only after the introduction of the provisions of the particular international conventions on the jurisdiction and execution of court adjudications in civil cases, the operation of such documents in other countries depended on their acceptance by the court of that other country, within a procedure provided by law. This is not, however, automatic. Such adjudication, in order to qualify for acceptance proceedings, must fulfil a series of preconditions determined by the specific domestic regulations. Nevertheless, this has not been satisfactory in the area of succession law for many years now, particularly because in the specific countries this could result in various resolutions[21].

3. A New European Instrument

Discrepancies in documenting the acquisition of rights to inheritance have been perceived by the European doctrine for a long time. The statements of the scientific circles have become one of the reasons for introducing uniform instruments in that regard on the European level. Already in the Green Paper regarding statutory succession and last wills[22], which opened consultations regarding the principles of *ab intestato* succession or testate succession, a need for introducing a common standard in that regard in the EU countries was perceived[23]. Among other things, it has been indicated there, that "it is essential for heirs to be able to assert their rights and take possession of the property to which they succeed", which would justify the establishment of "a certificate having uniform effects throughout the Community" and "would undeniably constitute value added". In that context, it has been considered how to solve some issues, including the basis for preparing

[21] See BASEDOW, Jürgen, DUTTA, Anatol, Comments on the European Commission's Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession. *Rabels Zeitschrift für ausländisches und internationales Privatrecht,* 2010, no. 74, p. 672.

[22] COM (2005) 65.

[23] ZAŁUCKI, Mariusz. Ku jednolitemu prawo spadkowemu w Europie. Zielona księga Komisji Wspólnot Europejskich o dziedziczeniu i testamentach [Towards a Unified Inheritance Law in Europe. Green Paper of the Commission of the European Communities on Succession and Wills]. *Problemy Współczesnego Prawa Międzynarodowego, Europejskiego i Porównawczego,* 2009, vol. VII, no. 1, pp. 103–118.

such "certificate", the contents thereof as well as its consequences. Therefore, three questions were posed in the Green Paper: "Question 33: What effects should the certificate have?; Question 34: What information should appear on the certificate?; Question 35: Which Member State should issue it? Should the Member States remain free to decide which authorities are to issue the certificate or should certain criteria be laid down in the light of the certificate's content and functions?" This has resulted in some discussion, rather enthusiastic with regard to the possibility of enriching the set of legal succession instruments with such a solution[24]. In the opinion of many commentators it has been obvious that the respective solution will be included in a future legal act regulating the European succession law issues.

And this really happened. The provisions of the 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, comprise a respective regulations in that regard (Articles 62–73)[25]. On that background it must be mentioned that at the stage of the legislative works, the EU regulator considered at least several concepts for the future European solution. One of the suggestions was to dwell upon the existing tools in that regard and use for that purpose for example the certificate introduced by the Hague Convention of 2 October 1973 concerning the international administration of the estates of the deceased persons, which functions only in some member states, i.e. in Italy, Luxembourg, the Netherlands, Portugal, the Slovak Republic and the Czech Republic[26]. Moreover, the use of one of the instruments applied by the particular member states was taken into account. In that regard the German *Erbschein* was indicated as the model solution. Considered was also a solution consisting in preparing a certificate of succession by a notary public. Finally, an instrument was selected, which in its nature represents the notarial certificates of succession operating in some member states, and the European Certificate of Succession was introduced[27].

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[24] See, for example, HARRIS, Jonathan. The Proposed EU Regulation on Succession and Wills : Prospects and Challenges. *Trust Law International,* 2008, no. 4, pp. 229–235; Łukańko, Bernard. Europeizacja prawa spadkowego [Europeanisation of Succession Law]. *Europejski Przegląd Sadowy,* 2007, no. 7, p. 36.

[25] See BONOMI, Andrea, Wautelet, Patrick, supra note 19, pp. 769-934; Davi, Angelo, Zanobetti, Alessandra, *Il nuovo diritto internazionale privato europeo delle successioni*, Torino: G. Giappichelli Editore, 2014, pp. 231-248.

[26] See a list of signatories and States acceding to the Convention available online: http://www.hcch.net/, [last visited: 6.12.2017].

[27] ZAŁUCKI, Mariusz. Commentary to Art. 62. In Załucki, Mariusz (ed.) *Unijne rozporządzenie spadkowe Nr 650/2012. Komentarz* [EU Succession Regulation No. 650/2012. A Commentary], Warszawa: C.H. Beck, 2015, p. 287.

In accordance with Article 62.1 of Regulation No. 650/2012, there was created "a European Certificate of Succession [...] which shall be issued for use in another Member State and shall produce the effects listed in Article 69" of the Regulation. Accordingly to the latter provision, the consequences consist in creation, among other things, of a presumption that "the person mentioned in the Certificate as the heir, legatee, executor of the will or administrator of the estate shall be presumed to have the status mentioned in the Certificate and/or to hold the rights or the powers stated in the Certificate, with no conditions and/or restrictions being attached to those rights or powers other than those stated in the Certificate" (Article 69.2), whereas "the Certificate shall produce its effects in all Member States, without any special procedure being required" (Article 69.2). Therefore, the Certificate is an attempt to enable faster consideration of trans-border succession cases, and is to facilitate the determination of the legal succession status in a member state other than the state of the Certificate issue, e.g. in a member state in which the succession property is located (Recital 67 of the Regulation)[28].

Therefore, currently, next to the domestic instruments, in the European succession law there is operating a universal instrument confirming the status of the heir – the European Certificate of Succession. The reach of the domestic instruments is, as to the principle, limited to the territory of one country. The European Certificate of Succession should, thus, be used in trans-border matters. The new instrument does not take the place of the previously applied instruments but supplements them (Article 62.3 of the Regulation). In care for the principles of subsidiarity (confirmed with Article 5 of the EU Treaty), it was, therefore, decided that the Certificate will not replace the internal documents which may exist for the performance of similar objectives in the member states. The European Union has in this way divided the competencies in that regard between itself and the member states[29].

4. New Doubts

The above may raise some doubts *prima facie*, as the European Certificate of Succession is only a supplementation of the existing methods of documenting

[28] PISULIŃSKI, Jerzy. Europejskie poświadczenie spadkowe [European Certificate of Succession]. In Pecyna, Marlena, Pisuliński, Jerzy, Podrecka, Małgorzata (eds.) *Rozprawy cywilistyczne. Księga pamiątkowa dedykowana Profesorowi Edwardowi Drozdowi* [Civilist Debates. Memorial Book Dedicated to Professor Edward Drozd], Warszawa: Lexis Nexis 2013, p. 622.

[29] See. HERTEL, Christian. European Certificate of Succession – Content, Issue and Effects*, ERA Forum,* 2014, no. 15, pp. 393-407.

the acquisition of inheritance, and is not of obligatory but of optional nature. One of the major problems related to that, which might have been foreseen before the new Regulation came into force, was the previous or subsequent issue by the competent authority of a member state of a document confirming the acquisition of succession rights in the previous form. This issue has not been in any way solved by the Regulation, which means that the Certificate does not replace the internal documents used by the member states for similar purposes (Article 62.3 of the Regulation). Meanwhile, there occur collisions of the particular documents, at least in the situation when the European Certificate of Succession has already been issued and only then the domestic document, or when there already exists a domestic document at the moment the European Certificate of Succession is issued. As regards the estate of the deceased located in several countries, it is possible that several domestic documents are issued as well as the European Certificate, or even several independent European Certificates. Such situations cannot be avoided in the current state of affairs, similarly as the discrepancies between the contents of the respective documents cannot be avoided.

The problem was perceived at the very beginning of the Regulation provisions application. The doctrine indicated, among other things, that the conflicts between the contents of the European Certificate and the domestic instruments have not been solved in the Regulation and the Regulation has not provided any measures to help solving the discrepancies[30]. Some people have tried to prove that with regard to the alleged correctness, the consequences of the discrepant instruments are mutually excluded, which means that the legal status is equivalent to that, which would apply without any certification[31]. This was also the object of one of the first concerns of the preliminary ruling procedures, filed by the domestic courts to the European Court of Justice. In the case C-20/17 (*Vincent Pierre Oberle*), the German Kammergericht Berlin asked on 18 January 2017 whether Article 4 of the Regulation is to be interpreted such that it also applies the sole domestic jurisdiction to the issue of the domestic succession certificates by the member states, which are not replaced by the European Certificate of Succession (see Article 62.3 of the Regulation No. 650/2012), with the result that divergent provisions adopted by national legislatures, for example § 105 of the *Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* (FamFG[32]) in Germany, are ineffective on the ground

[30] DORSEL, Christoph. Europäische Erbrechtsverordnung und Europäisches Nachlasszeugnis. *Zeitschrift für die Steuer- und Erbrechtspraxis,* 2014, p. 212 et seq.

[31] WALL, Fabian. Richtet sich die internationale Zuständigkeit zur Erbscheinserteilung künftig ausschließlich nach Artt. 4 ff EU ErbVO?. *Zeitschrift für die Steuer- und Erbrechtspraxis*, 2015, p. 16.

[32] Bundesgesetzblatt I 2008, p. 2586 et seq.

that they infringe higher-ranking European law[33]. In effect the matter referred to a situation when an authority of one of the member states was competent with regard to a respective succession case of an EU citizen, and whether an authority of another country could document the rights to inheritance as regards the property located in the territory of that country.

In the light of the above, it must be mentioned that § 105 of the aforementioned German FamFG Act, regulating the conduct in family affairs and non-procedural matters, provides that in any proceedings regulated by the act, the German courts are competent, providing that the German Court has local jurisdiction. The local competence of the German court in the succession case was supposed to result from the contents of another provision of the same Act, § 343 FamFG, pursuant to which the court having local jurisdiction in a succession case is the court of the latest place of habitual residence of the testator. If at the time of death the place of habitual residence of the testator was not Germany, decisive will be the latest place of habitual residence in Germany. If that cannot be determined, then in case the testator was a German citizen or in case there is a succession estate in Germany, competent is the District Court in Schöneberg, Berlin, which due to serious reasons may hand-over the case for consideration to another court[34]. This enables, quite broadly, to indicate the jurisdiction of a German court and refers to the legal status from before the introduction of Regulation No. 650/2012, when the connection of citizenship was more important for the determination of the law applicable to a succession case.

In accordance with the facts of the case, the testator, deceased on 28 November 2015, was a French citizen with his latest place of habitual residence in France, but with the succession estate located in France and in Germany. On 8 March 2016 the certificate of succession was issued in France. Further, on 31 August 2016, the applicant, being one of the heirs under the French document, filed with the District Court in Schöneberg, Berlin, an application for the issue of a German certificate of succession, with consequences limited to the German legal territory, of the content identical as the French certificate. By decision of 17 November 2016, the District Court in Schöneberg decided that pursuant to Article 4, in relation to Article 15 of Regulation of No. 650/202, the German jurisdiction does not apply in that case. The court emphasised that the provisions of the German Act (§ 105 FamFG) cannot justify the German jurisdiction, as this would not be compliant with the prevailing standard of Article 4 of Regulation No. 650/2012. The applicant appealed against that decision, and the appeal

[33] Official Journal of 10.04.2017, No. C 112/19.

[34] See. MANKOWSKI, Peter. Gloss on the Order of Kammergericht of 10.01.2017, 6 W 125/16. *Zeitschrift für das gesamte Familienrecht*, 2017, pp. 566–568.

was directed for consideration to the second instance by the Kammergericht in Berlin, which by decision of 10 January 2017[35] posed the above question to the European Court of Justice[36].

The resolution of the Court of Justice is still awaited. In that context, it seems that for the purpose of uniform practices in the EU countries, it would have to be assumed that the provisions of Article 4 of the Succession Regulation applies the exclusive jurisdiction to the member state of the latest place of habitual residence of the testator to the whole succession case and, therefore, to the issue of a document confirming the right to the inheritance, preventing the documentation of succession in another member state. A document confirming the succession right issued in a member state in breach of Article 4 of the Succession Regulation, should then be treated as invalidly issued, which would enable a refusal to accept the consequences thereof. This shall not, however, apply to the European Certificate, as the Regulation does not provide for the possibility of refusing the acceptance of the consequences of the European Certificate of Succession in the other member states. As it may be expected, possibly the withdrawal procedure referred to in Article 71.2 of the Regulation will apply. This is, however, so complicated that also other stands are possible, therefore, we will have to wait for the practice of the member states and the final solutions, such as in the case C-20/17 (*Vincent Pierre Oberle*). Undoubtedly the relationship between the domestic documents and the European Certificate of Succession is unsure and perhaps there will be needed another intervention of the European Court of Justice.

5. What Follows?

On that background, there arises a question what may happen further. Surely the new European instrument certifying the succession rights is a revolutionary step in the succession law, which contributes to shortening of the procedures of the inheritance acquisition and reducing of the risk of acquiring the inheritance by unauthorised persons. Still, the instrument has some faults and imperfections, with the main being the continuous co-existence of the domestic instrument intended basically for the same purpose. It may be understood that when creating the new Regulation, the European legislator did not want to make a too significant revolution, or perhaps only expected a gradual evolution of that area of law. Originally, Regulation No. 650/2012 was supposed to be only an act of the private

[35] Available on line: https://www.jurion.de/urteile/kg-berlin/2017-01-10/6-w-125_16/, [last visited: 11.12.2017].

[36] See. LEIPOLD, Dieter. Gloss on the Order of Kammergericht of 10.01.2017, 6 W 125/16. *Zeitschrift für Erbrecht und Vermögensnachfolge,* 2017, pp. 216–218.

international law, instead of substantive law. This could not, however, been fully avoided, as the European Certificate of Succession is one of the best examples thereof. Further integration which seems to be necessary refers not only to the documentation of succession rights but to the whole European succession law.

The direction which may be followed in the future is complete resignation from the domestic instruments of documenting succession rights and leaving only the European Certificate of Succession. For that purpose one European register of the Certificates of Succession would have to be created, which would enable elimination of the co-existence of several certificates issued by the authorities dealing with succession in the particular countries.

That would be another revolution, which, however, may prove to be necessary and will actually become an evolution – with regard to many years of co-existence of various instruments documenting succession rights. So far, we still have to watch the practices of the member states. And the time for such changes will follow. As it may be considered, the closest opportunity to do that will come in a few years, fir it must be reminded that pursuant to Article 82 of the Regulation "by 18 August 2025 the Commission shall submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an evaluation of any practical problems encountered in relation to parallel out-of-court settlements of succession cases in different Member States or an out-of-court settlement in one Member State effected in parallel with a settlement before a court in another Member State. The report shall be accompanied, where appropriate, by proposals for amendments". And the documentation of the rights to inheritance may be expected to be such "appropriate case".