European jurisdiction in matters of succession

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Basic rule (Arts. 4 and 10 SR)

1. **General jurisdiction** at the last habitual residence of the deceased (Art. 4 SR)

2. **Subsidiary jurisdiction** at the place where assets of the estate are located (Art. 10 SR)

   a) **“Omni-jurisdiction”** for the worldwide estate (Art. 10(1) SR), or

   b) **Limited jurisdiction** for the parts of the estate which are situated in that Member State (Art. 10(2) SR)
Derogation in case of a choice of law by the deceased (Arts. 5–9 SR)

1. **Formal choice-of-court agreement** (Art. 5 with derogating effects → Art. 6 lit. b and prorogating effects → Art. 7 lit. a or b)
2. **Informal, but explicit acceptance of jurisdiction** (Art. 7 lit. c)
3. **Discretionary decline of jurisdiction by the competent court** (Art. 6 lit. a with prorogating effects → Art. 7 lit. a)
4. **Agreement to settle the case amicably out of court** (Art. 8)

Forum necessitatis (Art. 11 SR)
Limitation of proceedings to assets situated in the European Union (Art. 12 SR)

Acceptance of certain succession-related declarations (Art. 13 SR)
Remaining jurisdictional rules
(Art. 14 seq.)

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