



Press Release

The Notaries of Europe support the Commission's proposal to facilitate cross-border successions

Brussels, 14 October 2009

Having read the European Commission's draft regulation on succession, the Notaries of Europe wish to support this ambitious project, which will provide further legal certainty to European citizens. Thus, they welcome the fact that the Commission's proposals retain the 'controlled autonomy' principle, which provides that the law applicable to successions is the law of the habitual residence of the deceased. At the same time, it can also be left to citizens to provide for the planning of their successions by choosing the law of their nationality. The Notaries of Europe welcome the Commission's proposal aiming to establish a European certificate of inheritance, which will constitute evidence of status as heir in all Member States and will facilitate efforts by right-holders.

Every day the Notaries of Europe make this same observation in their practices: more and more citizens live, study, marry, divorce or die in a Member State that is not their own; this is not without legal complications. For example, every year, 450,000 successions with an international dimension are opened in Europe. According to **Bernard Reynis**, President of the Council of Notariats of the European Union (CNUE), "*up to now, in the context of a cross-border succession, heirs were often faced with major difficulties when implementing their rights, the diversity of national regulations being the source of many uncertainties. The provisions of the current regulation will clarify the regulations applicable to successions for the benefit of citizens and their families. This clarification should be made in compliance with various legal systems and traditions*". For the Notaries of Europe, this draft regulation constitutes an additional step towards the construction of a legal Europe, which should allow citizens to move freely in the Union and to assert their rights.

To respect the deceased's final wishes, the Notaries of Europe would also like to emphasise the importance of being able to easily find the last will drawn up by the deceased, in any Member State. Indeed, the search for wills, particularly when they were drawn up abroad, can present complications that are sometimes unsolvable by heirs or by professionals responsible for settling successions. It is for this reason that the Notaries of Europe support the interconnection of national registers of wills undertaken by the ENRWA (European Network of Registers of Wills), which allows a notary to examine a foreign register via his or her national register. By taking initiatives of this type, the Notaries of Europe undertake to act in the interest of European citizens.

For further information :

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The CNUE in brief :

The Council of the Notariats of the European Union (CNUE) is an official organism representing the notarial profession at the European institutions. Speaking for the profession, it handles negotiation and decision-making for all civil law notaries in the European Union.

The CNUE includes 21 notarial organisations in the European Union.

The European notariats are represented in the CNUE by the presidents of the national notariats. The CNUE operates under the authority of a President, the CNUE's spokesperson, who has tenure for one year.