

## CONTENTS

<i>List of Contributors</i>	page x	
<i>Foreword and Acknowledgements</i>		xiii
<i>List of Abbreviations</i>	xv	
Introduction	1	
<b>CHAPTER I Scope and Definitions</b>		<b>71</b>
Article 1 Scope	73	
Article 2 Competence in Matters of Succession within the Member States	112	
Article 3 Definitions	114	
<b>CHAPTER II Jurisdiction</b>		<b>125</b>
Article 4 General Jurisdiction	127	
Article 5 Choice-of-Court Agreement	149	
Article 6 Declining of Jurisdiction in the Event of a Choice of Law	162	
Article 7 Jurisdiction in the Event of a Choice of Law	171	
Article 8 Closing of Own-Motion Proceedings in the Event of a Choice of Law	177	
Article 9 Jurisdiction Based on Appearance	182	
Article 10 Subsidiary Jurisdiction	186	
Article 11 Forum necessitatis	199	
Article 12 Limitation of Proceedings	209	
Article 13 Acceptance or Waiver of the Succession, of a Legacy or of a Reserved Share	221	

Article 14	Seising of a Court	234
Article 15	Examination as to Jurisdiction	240
Article 16	Examination as to Admissibility	245
Article 17	Lis pendens	251
Article 18	Related Actions	268
Article 19	Provisional, Including Protective, Measures	280
	<b>CHAPTER III Applicable Law</b>	<b>289</b>
Article 20	Universal Application	291
Article 21	General Rule	298
Article 22	Choice of Law	323
Article 23	The Scope of the Applicable Law	351
Article 24	Dispositions of Property upon Death Other Than Agreements as to Succession	369
Article 25	Agreements as to Succession	380
Article 26	Substantive Validity of Dispositions of Property upon Death	394
Article 27	Formal Validity of Dispositions of Property upon Death Made in Writing	402
Article 28	Validity as to Form of a Declaration Concerning Acceptance or Waiver	412
Article 29	Special Rules on the Appointment and Powers of an Administrator of the Estate in Certain Situations	417
Article 30	Special Rules Imposing Restrictions Concerning or Affecting the Succession in Respect of Certain Assets	430
Article 31	Adaptation of Rights in rem	442
Article 32	Commorientes	452
Article 33	Estate without a Claimant	458
Article 34	Renvoi	469
Article 35	Public Policy (ordre public)	505

## CONTENTS

vii

Articles 36–37–38	States with More Than One Legal System: Territorial Conflicts of Laws; States with More Than One Legal System: Inter-personal Conflicts of Laws; Non-application of This Regulation to Internal Conflicts of Laws	519
<b>CHAPTER IV Recognition, Enforceability and Enforcement of Decisions</b>		<b>531</b>
Article 39	Recognition	533
Articles 40–41	Grounds of Non-recognition; No Review as to the Substance	542
Article 42	Staying of Recognition Proceedings	561
Article 43	Enforceability	567
Articles 44–45	Determination of Domicile; Jurisdiction of Local Courts	574
Articles 46–47–48–49	Procedure; Non-production of the Attestation; Declaration of Enforceability; Notice of the Decision on the Application for a Declaration of Enforceability	578
Article 50	Appeal against the Decision on the Application for a Declaration of Enforceability	591
Articles 51–52	Procedure to Contest the Decision Given on Appeal; Refusal or Revocation of a Declaration of Enforceability	598
Article 53	Staying of Proceedings	604
Article 54	Provisional, Including Protective, Measures	608
Article 55	Partial Enforceability	612
Articles 56–57–58	Legal Aid; No Security, Bond or Deposit; No charge, Duty or Fee	615
<b>CHAPTER V Authentic Instruments and Court Settlements</b>		<b>623</b>
Article 59	Acceptance of Authentic Instruments	625
Article 60	Enforceability of Authentic Instruments	664
Article 61	Enforceability of Court Settlements	667

	<b>CHAPTER VI European Certificate of Succession</b>	<b>671</b>
Article 62	Creation of a European Certificate of Succession	673
Article 63	Purpose of the Certificate	686
Article 64	Competence to Issue the Certificate	699
Article 65	Application for a Certificate	711
Article 66	Examination of the Application	723
Article 67	Issue of the Certificate	734
Article 68	Contents of the Certificate	744
Article 69	Effects of the Certificate	769
Article 70	Certified Copies of the Certificate	795
Article 71	Rectification, Modification or Withdrawal of the Certificate	805
Article 72	Redress Procedures	812
Article 73	Suspension of the Effects of the Certificate	819
	<b>CHAPTER VII General and Final Provisions</b>	<b>827</b>
Article 74	Legalisation and Other Similar Formalities	829
Article 75	Relationship with Existing International Conventions	831
Article 76	Relationship with Council Regulation (EC) 1346/2000	836
Articles 77–78–79	Information Made Available to the Public; Information on Contact Details and Procedures; Establishment and Subsequent Amendment of the List Containing the Information Referred to in Article 3(2)	840
Articles 80–81–82	Establishment and Subsequent Amendment of the Attestations and Forms Referred to in Articles 46, 59, 60, 61, 65 and 67; Committee Procedure; Review	847

## CONTENTS

ix

Article 83 Transitional Provisions	852
Article 84 Entry into Force	864
<i>Bibliography</i>	867
<i>Index</i>	903