



CROSS-BORDER INHERITANCE IN EUROPE

Nicole and François bought a house in Spain to enjoy their retirement years in the sun.

They regularly visit their children and grandchildren in their home country.



**A few years later
Nicole passed away...**

● How will the succession be dealt with?

- **The basic principle:** all assets shall be subject to the law of the country of the habitual residence of the deceased at the time of death.
- It is possible to choose the law applicable to one's succession by will.
- **! But remember:** only one law always applies to the succession as a whole.

● How can I know if there is a will?

European states can, through the ENRW, interconnect their national registers with other European registers.

- The content of the will remains confidential! The tool only allows you to know whether or not a will exists.
- There is no longer any risk of the will not being found, or of it being found late when the succession is being liquidated.
- Reply within 24 hours (within 10 days at the latest)



www.arert.eu

NB : ENRWA: the European Network of Registers of Wills' Association is a European non-profit association governed by Belgian law. It brings together most of the notariats and/or managers of registers of wills and ECS (European Certificates of Succession). This initiative of the Notaries of Europe (www.notaries-of-europe.eu) was created in 2005 by the Belgian, French and Slovenian notariats. Supported by the European Commission.



We do not always remain in the country of our nationality. Sometimes we move temporarily or permanently for work or family. You might buy a house, open a bank account and perhaps have property in different countries.

In the event of death, if the estate involves assets (movable and immovable) in several European countries:

- The basic principle is that all assets are subject to the **law of the country of the habitual residence of the deceased at the time of death.**
- The testator has the possibility to make a choice of succession by will. He or she may choose to apply to his or her succession the law of the country of nationality (instead of the law of the country where they were habitually resident).
- **! But remember: only one law always applies to the succession as a whole.**



In order to organise the succession, **the notary** must know the estate of the deceased.

He or she will then check whether there is a will and whether he or she has to complete the relevant formalities. **To do so, he or she will consult the ENRW.**

How does it work?

- Notaries, legal professionals, citizens in some cases, connect to their national register of wills.
- Provide the necessary information about the deceased.
- Define the foreign register(s) relevant to their succession case.
- Searchable registers, those which have a partnership agreement with the ENRW appear on their national register portal.
- The interviewed register answers whether or not it has a will/ECS relating to the deceased and, if so, gives information about the office/-notary holding it.
- Does not give the content of the will but only whether or not it exists and which notary holds it.
- This process usually takes less than 24 hours and a maximum of 10 days.

How can I prove that I am an heir?

Through the European Certificate of Succession (ECS), heirs can easily prove their rights to access the deceased's assets and unblock bank accounts.

Any questions?

Contact the notary of your choice. Are you looking for a notary abroad? **Go to the European Directory of Notaries and find a notary** who speaks your language in 22 EU countries.



Are you a notary?

Register free of charge to the European Notarial Network, to access a wide range of tools and information for your cross-border cases.

www.notaries-directory.eu

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