

# EU-Regulation on succession

## Recognition and enforcement

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# Recognition and enforcement

Brussels I-Regulation is model.

## Article 29. Main rule.

A decision in one Member State (Decision State) shall be recognized in all the other Member States (Recognition States).

# Article 30. Non-recognition.

1. Public policy (ordre public)
2. Defendant not properly served
3. Irreconcilable with decision in Recognition State
4. Irreconcilable with earlier decision in another Member State or in a State outside of the EU.

Article 31.

No review as to substance.

## Article 33. Enforceability

- A decision in a Member State is enforceable in another Member State.
- It is mandatory with an enforcement decision by a court in the Enforcement State.
- The actual enforcement measures can only be in accordance with the national enforcement rules in the Enforcement State.

## Article 33-2. Application documents.

- An authentic copy of the original decision.
- A special certificate issued by the Decision court.
- When necessary a translation.

## Article 33-4.

The court in the Enforcement State issues a Declaration of enforceability without the defendants submission at this stage.

## Article 33-5.

The Declaration of enforceability shall be served on the defendant.

## Article 33-6. Time of appeal.

- Main rule: Appeal within 30 days of service.
- Exception rule: Appeal within 45 days of service, if the defendant has his habitual residence in another Member State than the Enforcement State.

## Article 33-8. Revokation of Declaration of enforceability.

- A Declaration of enforceability can only be revoked on the grounds of non-recognition in Article 30.
- The revoke decision must be given within 90 days of appeal.

## Article 33-10. Protective measures.

- Protective measures can be decided even without a Declaration of enforceability.
- Protective measures shall be in accordance with the national protective rules in the Enforcement State.

# Article 33-10. No enforcement during time of appeal.

During the time of appeal (30/45 days) and until appeal is determined (90 days) no measures of enforcement may be taken, other than protective measures.

Thank you for listening.

