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Laga Newsflash

National courts cannot issue a national certificate of succession in cross-border inheritance cases

The Court of Justice of the European Union ruled a judgment in case C-20/17 (Oberle) on 21 June 2018 on the interpretation of article 4 of the European Succession Regulation.

Adrien Oberle was a French citizen and resided in France at the time of his death. His heirs requested German courts to issue a German certificate of succession for the German assets. The Court ruled that the courts of a Member State do not have the jurisdiction to issue a national certificate of succession, in the context of a succession with cross-border implications, if the deceased does not have his residual residence in that state. One can therefore not address the courts of the state where assets are located to issue a national certificate of succession.

Conclusion

National certificates of succession are no longer possible where the Member State concerned has no jurisdiction under the Regulation. In merely domestic cases, the national certificate of succession can still be used.

The judgment's full text can be viewed on the [CJEU website](#).

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