

Abstract

Selected Issues of International Law of Succession

The topic of this thesis is selected issues of international law of succession. These primarily target European succession law and its basic principles regulated by Regulation (EU) No 650/2012 of the European Parliament and the Council of 4 July 2012.

Using the literature and case law of national and international courts, the author provides a brief insight into the basic principles contained in the individual provisions of the legislation and answers the question of to what extent they provide legal certainty and predictability to the testator and other persons when trying to plan an inheritance with an international element. In examining the shortcomings of the current European succession law in the context of legal certainty and predictability, the author compares the various expert opinions on the subject and adds his perspective.

The thesis consists of three chapters, further divided into subchapters. In the first chapter, the author discusses the reasons for adopting legislation in the field of succession with an international element and then introduces the various sources of European succession law. In the second chapter, the author briefly describes the basic principles of European succession law, namely the uniform succession statute, the unity of the forum and the applicable law, and the coordination of laws. In the introduction to the last chapter, the author analyses the principle of legal certainty and predictability from the perspective of European law and its conflict with individual justice. The author then analyses in detail the provisions of Regulation No 650/2012 introduced in the second chapter of the thesis, this time from the perspective of the requirement of legal certainty and predictability, and determines to what extent they achieve it and what shortcomings they face in practice.

Keywords: Regulation (EU) No. 650/2012, succession, legal certainty and predictability