

Documents to be compiled to enforce an authentic instrument, other than an ECS, in another Member State.

Pilot: The heir

Replacement: The authority that established the authentic instrument

Compiling the documents required for the circulation of an authentic instrument drawn up in another Member State.



1. Actors	1
■ Issue of the right form for the enforcement of an authentic instrument	2

1. Actors

- The heir
- The authority that established the authentic instrument
- The authority of enforcement specified by the State (Article 45)

Issue of the right form for the enforcement of an authentic instrument

Manager: The authority of enforcement specified by the State (Article 45)

Have the right form issued by the authority which drew up the instrument.

1. Use Form II 2

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The authentic instrument: Article 3 (i)

The “Successions” Regulation reprises the definition of an authentic instrument already included in Regulation EC n°805/2004 of 21 April 2004 creating a European Enforcement Order for uncontested claims (Article 4, §3)

According to Article 3(i), “authentic instrument means a document in a matter of succession which has been formally drawn up or registered as an authentic instrument in a Member State and the authenticity of which relates to the signature and the content of the authentic instrument; and has been established by a public authority or other authority empowered for that purpose by the Member State of origin. “

NB

The ECS is excluded from this procedure.
