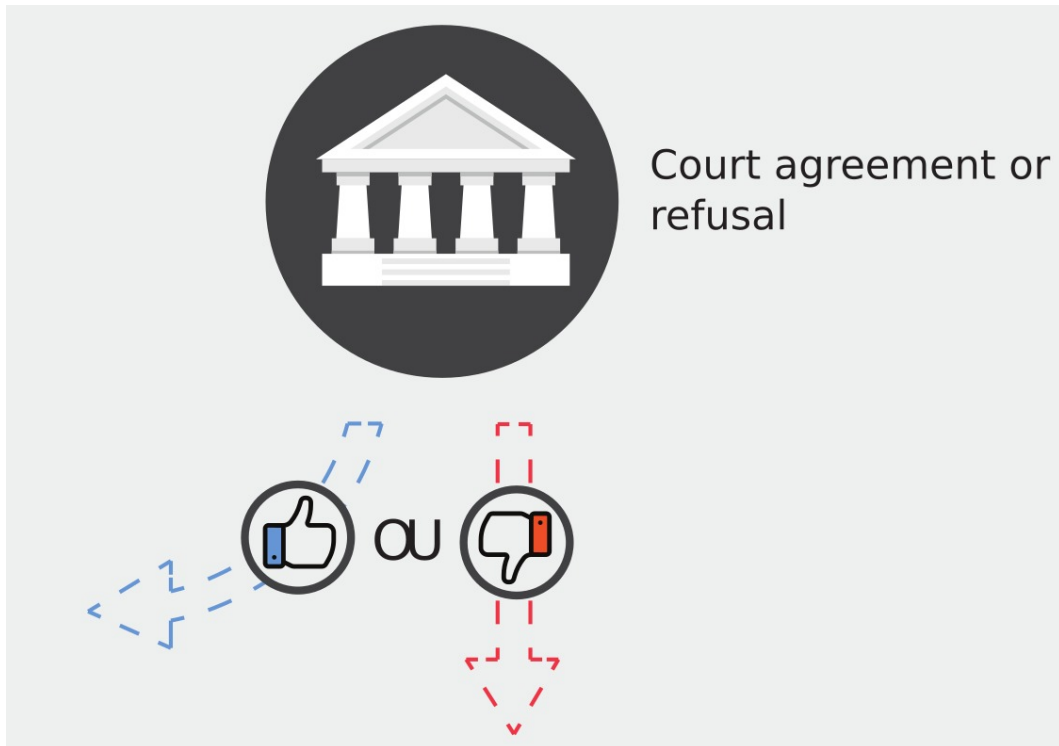


First instance: the enforcement procedure is non-contentious

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

The authority or court designated by the country of enforcement (Article 45) verifies the merits of the enforcement application



| | |
|------------------|---|
| 1. Actors | 1 |
| 2. Actions | 1 |

1. Actors

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

2. Actions

The court seised with an application for the recognition of a decision given by a court of another participating State grants or refuses the requested authorisation. It must not review the substance of the case.

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

The purpose of the Regulation is to facilitate the circulation and recognition of decisions handed down in matters of succession on the territory of all the participating Member States (Article 39).

In principle, the substance of the decision handed down in another State must not be reviewed (Article 41).

However, Article 51 allows partial recognition of enforceability of some of the matters in the application, when enforceability cannot be given for the judgement as a whole.

The decision that is handed down may only be a recognition or a refusal of recognition.

Example of the full recognition of a foreign judgement

Sofia, who resided in Germany, died on 20 August 2015. She owned a holiday home in Spain. A German judgement has been given on the sharing-out of this succession.

José, Sofia's son, makes an application to a Spanish court for the recognition of the German judgement, accompanied by Form I (see 2.3.2.2 below), for the purpose of proceeding with the sharing-out of the holiday home located in Spain.

The Spanish court that is seised may not modify the German judgement, but only recognise its validity and allow its compulsory enforcement in Spain, where appropriate.

Example of partial enforceability

Sofia, who resided in Germany, died on 20 August 2015. She was married to Anton, a German national, and the owner of a holiday home in Spain. A German decision has been given on the matrimonial regime applicable to the marriage between Sofia and Anton, and on the sharing-out of Sofia's succession.

José, Sofia and Anton's son, makes an application to a Spanish court for the recognition of the German judgement, accompanied by Form I (see 2.3.2.2 below), for the purpose of proceeding with the sharing-out of the holiday home located in Spain. He limits this application solely to those provisions pertaining to Sofia's succession, excluding those relating to his parents' matrimonial regime.

The Spanish court that is seised may recognise the partial validity, in Spain, only of that part of the judgement pertaining to Sofia's succession.

If the decision is not challenged

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

The judgement or court settlement is enforced.

If enforcement is refused by the authority or if a party challenges its decision

Manager : Parties

A party may appeal within 30 to 60 days.
