

EU Succession Regulation: First Decade of Application, Strengths, Challenges, Future Outlooks

(EUSuccess)

Project number: 101190611

JUST-2024-JCOO

Call for proposals for action grants to promote judicial cooperation in civil and criminal matters.

NATIONAL REPORT

LITHUANIA

prepared by

Katarzyna Bogdziewicz

Deliverable No 2.3.



**Funded by
the European Union**

Funded by the European Union. Views and opinions expressed are however those of the authors only and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Version 1: 29 October 2025

Dissemination Level: PU

Table of contents

INTRODUCTION	3
SUMMARY	3
SETTING THE SCENE	4
SUCCESSION CASES IN YOUR MEMBER STATE	4
STATE OF DIGITALISATION OF THE SUCCESSION PROCEEDINGS	5
METHODOLOGY OF THE RESEARCH	6
QUESTIONS	7
GENERAL	7
JURISDICTION	11
APPLICABLE LAW	16
AUTHENTIC INSTRUMENTS AND COURT SETTLEMENTS	22
RECOGNITION AND ENFORCEMENT OF JUDGEMENTS	22
EUROPEAN CERTIFICATE OF SUCCESSION	23
OTHER ASPECTS	25

Introduction

This National Report was prepared within the *EU Succession Regulation: First Decade of Application, Strengths, Challenges, Future Outlooks* (EUSuccess) project. EUSuccess is focused on the assessment of the practical functioning of the EU Succession Regulation¹ during the first decade of its application in selected Member States: Poland, Italy, Germany, Spain, Lithuania, Greece and Finland.² Each National Report was prepared on the basis of a detailed Questionnaire and thorough research into case-law of domestic courts in a given Member State. EUSuccess has a practical focus on law in action, however when needed the research of EUSuccess Team was supplemented by findings presented in the legal literature, decisions of domestic authorities other than courts, conclusions resulting from the case-law of the Court of Justice of the European Union (CJEU) and data collected during National Seminars aimed at the exchange of experiences with legal professionals.

Summary

Succession cases in Lithuania are primarily managed by notaries, while courts resolve disputes. A key finding, confirmed by the CJEU, is that Lithuanian notaries, when issuing national succession certificates, do not perform judicial functions and are generally not considered a "court" under the Regulation.

The main challenge concerning jurisdiction and applicable law, centred on determining the deceased's "habitual residence". Notaries frequently refuse to initiate proceedings if the deceased resided abroad (e.g., Germany). This procedural barrier forces heirs to seek a court decision to establish where the deceased person's habitual residence was. Courts, by applying a holistic assessment, following the guidance from Recital 24 of the Regulation, frequently overturn notary refusals by finding a "closer and more stable connection" with Lithuania. Courts do so by prioritizing factors like family interests in Lithuania and the location of the principal immovable property. In case of determining the applicable law, the most challenging is tacit choice of law. The courts in several cases confirmed a tacit choice of Lithuanian law when testaments were executed according to the law of the deceased's nationality, even before the Regulation's full application.

The Lithuanian Registry Centre consistently rejects foreign European Certificates of Succession (ECSs) when registering domestic immovable property. Rejection occurs because foreign ECSs (e.g., those from states applying universal succession) lack the specific identification data (cadastral numbers) required by Lithuanian national property registration law. This practice was affirmed by the CJEU (Case R. J. R, C-354/21), which confirmed that the Regulation does not harmonize national registration rules, allowing Lithuania to reject the ECS if it does not meet national data requirement.

¹ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, OJ L 201, 27.7.2012, p. 107–134. See also Commission Implementing Regulation (EU) No 1329/2014 of 9 December 2014 establishing the Forms referred to in Regulation (EU) No 650/2012 of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, OJ L 359, 16.12.2014, p. 30–84.

² National Reports on Poland, Italy, Germany, Spain, Lithuania, Greece and Finland can be found on EUSuccess website at <https://eusuccess.project.uj.edu.pl>.

Setting the scene

Succession cases in your Member State

Please describe shortly how the succession cases are dealt with in your MS. Which authorities are competent and to what extent? Is it possible to handle a succession case without recourse to any public authority? Which legal professionals (e.g. notaries, legal advisors, attorneys, tax authorities, land registrars, civil status registrars) and at which stage (planning, liquidating, recognizing foreign decisions, etc.) might interpret or apply the Succession Regulation? Which authorities and legal professionals are considered ‘courts’ within the meaning of Article 3(2) Succession Regulation? Are there any other authorities, which are not ‘courts’, but do intervene in succession matters? How do such authorities establish their jurisdiction? Please explain shortly which authorities in your MS are competent to issue an ECS? What kind of authentic instruments³ within the meaning of Article 3(1)(i) Succession Regulation may authorities of your MS produce? What are their effects?

In Lithuania, succession is regulated by Civil Code⁴. However, some of the provisions are included in other laws: Notarial Law⁵, Authors’ Law⁶, and Insurance Law⁷. Notaries are the main authorities having competence in succession matters. Disputes related to succession matters are solved in courts. Lithuanian law doesn’t provide a possibility to handle a succession case without recourse to any public authority. The Succession Regulation potentially could be applied by courts, notaries, Tax Inspection, attorneys, Centre of Registers. The attorneys could apply the Regulation in advising their clients in various stages of the succession case, from planning to dealing with disputes related to succession matters. The notaries can apply or interpret the Regulation while dealing with planning of the succession, dealing with succession matters after the succession case is open. Whereas courts apply or interpret succession in case of disputes related to succession matters, recognition of the foreign decisions in this matter. In Lithuania the ECSs are issued by notaries⁸. As an authentic document within the meaning of Article 3(1)(i) Succession Regulation might be considered national succession certificate issued by notaries. National certificate, which finishes the succession proceeding, has declaratory nature. It confirms ownership rights of the heir. The Supreme Court of Lithuania has explained that succession certificate only confirms rights of the heir, its issuance doesn’t affect the moment when those rights were created and the content of those rights.⁹ The succession certificate allows the heir to exercise the right they possess, for instance, to change the entrances related to inherited property in the relevant registers.

³ See case C-658/17 *WB* ECLI:EU:C:2019:444.

⁴ Civil Code of the Republic of Lithuania (adopted 18 July 2000, No VIII-1864, entered into force 1 July 2001).

⁵ Law on Notaries of the Republic of Lithuania (adopted 18 September 1992, No I-2882, as amended).

⁶ Law on Copyright and Related Rights of the Republic of Lithuania (adopted 18 May 1999, No VIII-1185, as amended).

⁷ Law on Insurance of the Republic of Lithuania (adopted 18 September 2003, No IX-1737, as amended).

⁸ Article 31¹² of the Law on the Implementation of European Union and International Legal Acts Regulating Civil Procedure of the Republic of Lithuania (adopted 1 January 2004, No IX-1606, as amended)

⁹ See Supreme Court decision of 18 April 2008 in civil case No 3K- 3-240/2008.

State of digitalisation of the succession proceedings

Please explain briefly also the state of digitalisation of cross-border succession proceedings¹⁰ in your Member State. May parties or their representatives communicate with competent authorities by means of electronic communication? May they file applications / claims by means of electronic communication? Is service of documents by means of electronic communication possible? Do documents send electronically have legal effects?

In 2021 Lithuanian legislator amended the Notarial law act and introduced a possibility to perform certain notarial activities remotely¹¹. Amended Article 28 par 3 provides that the place of performance of notarial acts performed remotely by a notary using information technology means shall be deemed to be the location of the notary's office. A notary may perform notarial acts remotely also for persons located abroad. Article 28¹ specifies that notaries may perform notarial acts remotely, except for the certification of wills, certifications that a natural person is alive and resides in a specific location, and acceptance for safekeeping wills equivalent to official wills and personal wills. When a person requests a notarial act to be performed remotely, the notary decides on the method of performing the notarial act. In order to ensure the protection of the legitimate interests of the person or the implementation of the provisions regulating the performance of notarial acts, the notary may refuse to perform a notarial act remotely, even if he or she is able to ensure the conditions specified in Notarial Law. The refusal to perform a notarial act remotely shall not be subject to appeal.

Notaries may perform notarial acts remotely if they ensure compliance with the legal acts regulating the identification of persons, requirements for establishing a person's identity, can explain the meaning and consequences of notarial acts remotely, and can ascertain the person's will, which is confirmed by a qualified electronic signature.

In electronic documents certified by a notary, the notary shall make a certification entry and sign them with a qualified electronic signature. In electronic documents attested and issued by a notary, the notary shall make an attestation entry and sign them with a qualified electronic signature. Other electronic documents issued by a notary that do not require a certification or attestation entry shall be signed by the notary with a qualified electronic signature. In the cases specified in this section, the notary's seal shall not be affixed. Electronic document issued by a notary has the same value and effect as traditional paper document.

¹⁰ See Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation PE/50/2023/REV/1 OJ L, 2023/2844, 27.12.2023.

¹¹ Law amending Articles 28, 36 and 50 and supplementing Article 281 of the Law on Notaries of the Republic of Lithuania (23 March 2021 No XIV-204).

Methodology of the research

Please explain briefly how the research for the purpose of the National Report was made. How was the case law collected? Is it publicly available? How many decisions/cases were identified? What kind of effects, if any, country specific framework had for data collection?

The relevant case law was collected using two main databases:

<https://liteko.teismai.lt/viesasprendimupaieska/detalipaieska.aspx>

and paid database: www.infolex.lt.

In each database, a search was conducted for each article of the SR in relation to all recorded decisions pertaining to it. The search results were entered into an overview spreadsheet that includes basic information for each judgement and allows for sorting based on several parameters. Additionally, an initial classification of the decisions based on their importance was made. Each decision was evaluated thoroughly, including a close reading of the text and any available case notes.

Thirty-one case mentioning the regulation were found. Twenty-three of them provided important considerations for the further analysis. In six cases that were not considered in further analysis the Regulation was only mentioned as inapplicable because the deceased person died before the Regulation entered into force or the country involved was not an EU member state. In other two cases – the decisions were in the same matter only one was of the court of the first instance and the other was of the court of the second instance. In those cases only final decisions were introduced in the summaries.

It should be emphasized that Lithuania has no databases for authentic instruments and ECSs. As a result, study into these issues was limited to "indirect" methods such as reported court decisions. Nonetheless, analysing court rulings provides insight into Lithuanian practice, particularly on the ECS.

Questions

General

1. Were there any doubts in your MS as to the scope of application¹² (substantive— Article 1(1), temporal – Article 83(1), territorial – Recitals (82), (83)) Succession Regulation?

Lithuanian scholars haven't paid specific attention to the analysis of the scope of the regulation. In several general publications only general information regarding substantive scope of the Regulation has been provided.¹³

In one of the cases the claimant (A. S.) challenged a certificate under which the State of Lithuania took over inheritance (escheat) of a share of a land plot located in Lithuania belonging to the claimant's deceased father. He asked the court to annul the certificate of transfer of inheritance to the State and to recognise his ownership right to that inherited property.¹⁴

The first-instance court refused to accept the claim for lack of jurisdiction, holding that because the deceased had his habitual residence in Poland, jurisdiction lay with Polish courts under Article 4 of the Regulation (EU) No 650/2012.

The Lithuanian Court of Appeal set aside the order refusing to accept the claim. It held that this dispute — contesting the State's takeover of immovable property located in Lithuania and decisions of Lithuanian authorities — does not fall within Regulation 650/2012 and falls under the exclusive jurisdiction of Lithuanian courts (*lex rei sitae* and bilateral treaty with Poland¹⁵).

In the other case the court were deciding whether the case is related to succession or to matrimonial property issues. The claimant (J. B.) brought a claim against A. B. seeking a declaration that the assets of her deceased mother — namely the money obtained before marriage and the money received after the mother's death — constituted the mother's personal (separate) property, and therefore should not be treated as part of the marital/common property regime.

The defendant argued that the claim was not within the jurisdiction of Lithuanian courts because he resides in Germany, so — under Regulation (EU) No 1215/2012 (Brussels I Recast) — proceedings should be brought before German courts. The first-instance court left the claim unexamined for lack of jurisdiction.

The Court of Appeal held that the first-instance court's decision was correct and should remain in force. Although the claim was connected with inheritance, the court observed that the actual subject-matter of the dispute was the legal classification of funds belonging to the deceased spouse, that is, whether those funds formed part of the marital property regime or constituted her separate property. Questions of matrimonial property regimes fall outside the material scope of Regulation (EU) No 650/2012 on succession, as expressly indicated in recital 12 of that

¹² See case C-98/24 *Koda* (pending), case C-618/24, *Isergartler* (pending).

¹³ Bronušienė S, 'Taikytina teisė tarptautinio paveldėjimo byloje' (2018) 107 **Teisė** 81–110, <https://www.lituanistika.lt/content/81776> accessed 24 October 2025. P 88; Augytė-Kamarauskienė L, Bradaitė S, Čaplinskienė E, Čiomas J, Davidonienė G, Majūtė V, Statkevičius M & Šaltauskienė S (eds), *Paveldėjimo teisė* (Vilnius: Lietuvos notarų rūmai / Versus 2018) 544 pp (446–447).

¹⁴ See case A. S. v Republic of Lithuania (Lithuanian Court of Appeal, 5 November 2020) e2-1489-450/2020.

¹⁵ Republic of Lithuania and Republic of Poland, *Treaty on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters* (signed 26 January 1993, Vilnius) art 41.

Regulation. Consequently, jurisdiction had to be determined under Regulation (EU) No 1215/2012.¹⁶

2. Are there any challenges caused by the fact that Ireland and Denmark (and the UK – before its withdrawal from the EU) are not applying the Succession Regulation?

Lithuanian Court of Appeals applied the Succession Regulation towards the recognition of judgement from the UK. In of the cases¹⁷, an applicant (J. S.) applied to the Lithuanian Court of Appeal seeking recognition and enforcement in Lithuania of a judgment of a United Kingdom court. By that UK judgment, she had been declared the sole heir of her deceased brother's estate.

The Lithuanian Court of Appeal refused to accept the application. It held that inheritance judgments from EU Member States are governed by Regulation (EU) No 650/2012 and that, under Article 39(1) of that Regulation, decisions on succession given in one Member State are recognised in all other Member States automatically, without any special procedure.

The Court concluded that since the Regulation applies to succession matters (Article 1) and it still applied to this case *ratione temporis*, therefore, no formal recognition procedure before the Court of Appeal was required. The decision stated that Lithuanian authorities — including notaries and state registers — must give effect to the UK judgment without a separate *exequatur*.

3. Are there any international agreements binding your MS, the application of which Succession Regulation ‘shall not affect’ (Article 75(1), Succession Regulation)? Were there any challenges caused by the interplay between international agreements and the Succession Regulation (Article 75(1), Article 75(3) Succession Regulation)¹⁸? Please outline the main problematic issues briefly.

Lithuania is not a party to any multilateral conventions that could be affected by the application of the Succession Regulation. In particular, Lithuania is not a party to the Hague Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions. However, there are several bilateral conventions, which regulate jurisdiction and law applicable to succession. These are the bilateral treaties with Ukraine, Uzbekistan, Kazakhstan, Moldova, Armenia, Azerbaijan and Belarus.¹⁹

¹⁶ See case J B v A B (Vilnius Regional Court (Civil Division), 17 May 2022) e2S-1297-656/2022.

¹⁷ See case J S (Application for recognition of UK succession judgment) (Lithuanian Court of Appeal, 20 November 2019) 2T-102-943/2019.

¹⁸ See case C-21/22 *OP* ECLI:EU:C:2023:766.

¹⁹ Republic of Lithuania and Republic of Ukraine, *Treaty on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters* (Vilnius, 7 July 1993) entered into force 20 November 1994; Republic of Lithuania and Republic of Uzbekistan, *Treaty on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters* (Tashkent, 20 February 1997) entered into force 10 July 1998; Republic of Lithuania and Republic of Kazakhstan, *Protocol to the Treaty on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters between the Republic of Lithuania and the Republic of Kazakhstan* (Almaty, 7 March 1997) entered into force 8 April 1999; Republic of Lithuania and Republic of Moldova, *Treaty on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters* (Vilnius, 9 February 1993) entered into force 18 February 1995; Republic of Lithuania and Republic of Armenia, *Treaty on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters* (Yerevan, 15 September 2003) entered into force 8 July 2005; Republic of Lithuania and Republic of Azerbaijan, *Treaty on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters* (Vilnius, 23 October 2001) entered into force 22 November 2002; Republic of Lithuania and Republic of Belarus, *Treaty on Legal Assistance*

4. Were there instances in your MS where the notion of ‘habitual residence of the deceased at the time of death’²⁰ was interpreted for the purpose of the application of the Succession Regulation? What factors were considered? Are there any factors to which more weight is given than to the others? Is this expression understood the same way as for the purpose of establishing jurisdiction and designating applicable law? Please outline the main problematic issues briefly?

The notion of ‘habitual residence of the deceased at the time of death’ (lit. *įprastinė gyvenamoji vieta*) is the central connecting factor in the application of the EU Succession Regulation and is the most often issues raised in cases related to the application of the Succession Regulation. These cases typically involve individuals who were citizens of Lithuania but who had declared their departure²¹ or had lived and worked in another EU Member State (such as Germany, Slovakia, Spain, Sweden, or Austria) but retained significant ties to Lithuania. To determine the habitual residence, the competent authority (the court, in cases of dispute) must evaluate all the circumstances of the deceased's life for several years before death and at the time of death. This comprehensive assessment considers all relevant factual aspects, particularly those laid out in the Regulation's preamble.

The main factors consistently in Lithuanian case-law considered include:

1. Duration and regularity of presence: The length and consistency of the deceased’s stay in the respective state(s).²²

2. Circumstances and reasons for presence: Why the deceased was in a particular state (e.g., for work or economic reasons versus establishing a permanent home). Often, individuals left for professional or economic reasons while maintaining stable ties to their state of origin.²³

3. Center of interests: The location reflecting the deceased’s close and stable connection. This includes:

- Social and family interests: Where the centre of the family and social life interests remained. For instance, retaining close ties with relatives in Lithuania, or the deceased's child/spouse residing there.²⁴

and Legal Relations in Civil, Family and Criminal Matters (Vilnius, 20 October 1992) entered into force 11 July 1993.

²⁰ See case C-80/19 *EE*, ECLI:EU:C:2020:569.

²¹ Lithuanian citizens are required to officially declare departure from Lithuania if they move to live abroad for more than 6 months in order not to pay a compulsory health insurance.

²² See cases VĮ Turto bankas (application for determination of place of opening of succession) (Kaunas District Court, Kėdainiai Division, 26 June 2025) civil case No e2YT-13191-1190/2025; Č T (application for determination of place of opening of succession and acceptance of inheritance) (Vilnius City District Court, 2 October 2024) civil case No e2YT-20747-1171/2024.

²³ See case VĮ Turto bankas (application for determination of place of opening of succession) (Kaunas District Court, Kėdainiai Division, 26 June 2025) civil case No e2YT-13191-1190/2025.

²⁴ See case L K (application for determination of place of opening of succession and extension of time to accept inheritance) (Kaunas District Court, Kėdainiai Division, 24 April 2024) civil case No e2YT-8223-1106/2024

- Economic Interests: The location of their main property or the predominant place of their economic interests. In several cases, the deceased maintained ownership of a sole piece of real estate in Lithuania²⁵.

4. Citizenship and property location: If the deceased lived in several countries or travelled constantly without establishing a permanent residence, their citizenship or the location of their principal assets could serve as a special factor in the overall assessment.²⁶ Worth noting that in majority of the analysed cases deceased persons were Lithuanian citizens. However, the courts were not considering this as the main factor proving habitual residence in Lithuania.

5. Manifested intent: Whether the deceased explicitly or implicitly demonstrated an intent to return or maintain ties, such as by leaving personal belongings, regularly returning for healthcare/visits, or drafting a testament in the country of origin.²⁷

The analysed case-law reveals that the determination of habitual residence is a rather holistic assessment based on all circumstances, reflecting the closest and most stable connection with Lithuania, rather than relying on a single formal criterion (e.g. Lithuanian citizenship, which might have been convenient both for the courts and the parties). The following conclusions can be drawn from the judicial decisions:

- Formal declaration of residence/departure (e.g., in the Residents Register) is not decisive. Notaries frequently rely on declarations of departure when denying jurisdiction, but courts frequently overturn these decisions by finding that the deceased maintained a closer connection with Lithuania.²⁸
- When a person moves abroad primarily for economic or professional reasons, maintaining a stable and close connection with the state of origin, particularly through family and social life interests, often leads courts to conclude that the habitual residence remains the state of origin (Lithuania).²⁹
- The argument regarding the location of the main property (real estate) in Lithuania is frequently used to establish the "prevailing location of economic interests," especially when there is no other property abroad.³⁰

²⁵ See cases G A v Notary L K (appeal on refusal to perform notarial act) (Kaunas Regional Court (Civil Division), 19 December 2023) civil case No e2S-1573-921/2023; VĮ Turto bankas (application for determination of place of opening of succession) (Kaunas District Court, Kėdainiai Division, 26 June 2025) civil case No e2YT-13191-1190/2025.

²⁶ See case Č T (application for determination of place of opening of succession and acceptance of inheritance) (Vilnius City District Court, 2 October 2024) civil case No e2YT-20747-1171/2024.

²⁷ See cases E R (application for extension of time to accept inheritance and determination of place of opening of succession) (Alytus District Court, Lazdijai Division, 20 September 2019) civil case No 2YT-4488-743/2019; E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

²⁸ See cases L K (application for determination of place of opening of succession and extension of time to accept inheritance) (Kaunas District Court, Kėdainiai Division, 24 April 2024) civil case No e2YT-8223-1106/2024; I L (application to establish place of opening of succession) (Kaunas District Court, Kaunas Division, 3 October 2019) civil case No e2YT-14387-752/2019.

²⁹ See case J M (succession — complaint against notary's refusal and application to establish place of opening of succession) (Lithuanian Supreme Court (Civil Division), 10 February 2021) civil case No e3K-3-1-378/2021.

³⁰ See cases G A v Notary L K (appeal on refusal to perform notarial act) (Kaunas Regional Court (Civil Division), 19 December 2023) civil case No e2S-1573-921/2023; E R (application for extension of time to accept inheritance and determination of place of opening of succession) (Alytus District Court, Lazdijai Division, 20 September 2019) civil case No 2YT-4488-743/2019; E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

- Ultimately, the centre of the individual's life is prioritized over formal declarations.³¹

5. Are there any other decisions / doubts / challenges, which do not fit within any of the above questions, but are related to the application of the Succession Regulation, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.

Jurisdiction

6. Are you aware of any doubts / challenges to the application of the rules on jurisdiction of the Succession Regulation in your MS³²? Are there any voices suggesting any amendments to these rules?

Based on the analysed case-law and literature, it is definitely possible to identify significant doubts and challenges regarding the application of the jurisdiction rules of the Succession Regulation in Lithuania.³³ These challenges often lead to legal disputes and litigation. There are also voices suggesting an amendment to these rules, specifically concerning the role of Lithuanian notaries.

The central challenge concerns determining jurisdiction (Article 4 of the Regulation) based on the deceased's "habitual residence at the time of death" in cases involving citizens or former residents of Lithuania, who had moved to other EU Member States for economic or professional reasons.³⁴ The most significant systemic challenge concerns the intersection of the Regulation's jurisdiction rules with the national role of the notary public. Lithuanian notaries frequently refuse to initiate succession proceedings (refusal to perform a notarial act) when the deceased had declared their departure or residency abroad, even if significant assets and family ties remained in Lithuania. Notaries typically conclude that jurisdiction belongs to the courts of the Member State where the deceased resided (e.g., Germany, Slovakia, Sweden, or Austria), based on the general rule of habitual residence (Regulation Art. 4).³⁵

Worth noting that Lithuanian notaries can only legally certify undisputed facts. If the deceased's habitual residence is unclear or subject to interpretation (i.e., whether close ties with Lithuania outweigh residence abroad), a factual dispute arises that the notary believes is outside their competence to resolve and therefore. This refusal forces heirs to appeal the notary's decision to a court and typically ask the court to establish the juridical fact that the place of opening the succession (habitual residence) is in Lithuania. In many cases, courts overturn the notary's refusal by applying the qualitative criteria established in the Regulation (Preamble 23 and 24) to find a "closer and more stable connection" with Lithuania (the state of origin), especially when property or family interests remain there, overriding the formal declaration of residence abroad.³⁶

³¹ See case Č T (application for determination of place of opening of succession and acceptance of inheritance) (Vilnius City District Court, 2 October 2024) civil case No e2YT-20747-1171/2024.

³² See case C-20/17 *Oberle* ECLI:EU:C:2018:485.

³³ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

³⁴ See case L K (application for determination of place of opening of succession and extension of time to accept inheritance) (Kaunas District Court, Kėdainiai Division, 24 April 2024) civil case No e2YT-8223-1106/2024.

³⁵ See case I L (application to establish place of opening of succession) (Kaunas District Court, Kaunas Division, 3 October 2019) civil case No e2YT-14387-752/2019.

³⁶ See case J M (succession — complaint against notary's refusal and application to establish place of opening of succession) (Lithuanian Supreme Court (Civil Division), 10 February 2021) civil case No e3K-3-1-378/2021.

A significant doctrinal challenge was defining whether Lithuanian notaries act as a "court" (lit. *teismas*) under Article 3(2) of the Regulation. This question was referred to the European Court of Justice (ECJ) by the Lithuanian Supreme Court in case C-80/19.³⁷ The ECJ ruled that Lithuanian notaries, in issuing a national certificate of succession, do not perform judicial functions. Therefore, notaries are not automatically bound by the general jurisdiction rules set out in the Regulation (Article 4).

Courts and litigants frequently voice concerns that strictly following the "habitual residence" rule often leads to consequences contrary to the spirit and purpose of the Regulation, which aims to facilitate quick and efficient cross-border succession. Forcing Lithuanian heirs to resolve succession in the state of the deceased's temporary residence (e.g., Germany or Sweden), even if all property and all agreeing heirs are in Lithuania, imposes disproportionate costs and difficulties (e.g., travel, language barriers, need for foreign legal proceedings).³⁸

Courts aim for an interpretation that aligns with the goal of facilitating the rights of heirs., for instance, in one case, a notary's refusal meant the surviving spouse (who had a disability) or her daughter would have to travel to Germany to apply for term renewal and open the succession case, incurring disproportionate expenses and formal procedures (translation, apostilles).³⁹

The Lithuanian Supreme Court, after confirming that notaries are generally not considered "courts" under the Regulation and are thus not strictly bound by the general jurisdiction rules, noted that national legislators could introduce an amendment to ensure uniform application. Specifically, the Lithuanian Supreme Court stated that, "Known that, in order to entrench a uniform resolution of cross-border succession cases, the legislator could introduce a provision obliging Lithuanian notaries to follow the jurisdiction rules set out in Regulation 650/2012 in cases of this nature."⁴⁰ This statement constitutes a legal opinion suggesting a legislative amendment to require notaries to adhere to the Regulation's jurisdiction rules (Article 4) in cross-border cases, potentially streamlining the process and reducing the instances where courts must step in to resolve jurisdictional uncertainty. However, no legislative steps have yet been taken.

7. Were there instances in your MS where the court or another authority established its jurisdiction based on Article 10(1) Succession Regulation⁴¹, namely on the basis of location of assets and nationality or previous habitual residence? What were the assets and what was their value? Were there any doubts or challenges to the application of these provisions in practice?

While the outcomes of some cases, where the assets of the deceased are considered, functionally align with the goal of Article 10 (jurisdiction based on assets/nationality when habitual residence abroad fails), the courts primarily interpret the scope of Article 4 broadly, relying on

³⁷ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

³⁸ See case Č T (application for determination of place of opening of succession and acceptance of inheritance) (Vilnius City District Court, 2 October 2024) civil case No e2YT-20747-1171/2024; A M v Notary Renata Jaskutėlienė (appeal on refusal to commence inheritance proceedings) (Vilnius Regional Court (Civil Division), 7 October 2021) civil case No e2S-2624-467/2021.

³⁹ See case A M v Notary Renata Jaskutėlienė (appeal on refusal to commence inheritance proceedings) (Vilnius Regional Court (Civil Division), 7 October 2021) civil case No e2S-2624-467/2021.

⁴⁰ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

⁴¹ See case C-645/20 VA, ZA, ECLI:EU:C:2022:267, case C-55/23 *Jurtukala* ECLI:EU:C:2023:599, case 291/23 *Hantoch*, ECLI:EU:C:2024:938.

Recitals 23 and 24 of the Succession Regulation to justify jurisdiction based on the centre of interests/assets in the country of origin. Article 10(1) applies specifically when the habitual residence is not in a Member State (or where the deceased died outside the EU). In one instance (L. G.)⁴², Article 10(1) was specifically cited in a brief description of the jurisdictional rules, noting that if habitual residence is not in an EU Member State, jurisdiction lies where the assets are located, provided the deceased held the nationality of that state.

8. Were there instances in your MS where the court or another authority established its jurisdiction based on Article 10(2) Succession Regulation, namely on the basis of the location of assets / asset? What were the assets / asset and what was their / its value? Were there any doubts or challenges to the application of this provision in practice?

Based on the case-law, it is not possible to definitively state that a court or authority in Lithuania explicitly established its jurisdiction strictly based on Article 10(2) of the EU Succession Regulation.

9. Were there instances in your MS where the court exercised jurisdiction or declined jurisdiction based on one of the mechanisms provided for in Articles 5 – 9 Succession Regulation?⁴³ If yes, could you please explain which mechanism was used and whether there were any doubts or challenges to their application in practice?

Article 5 allows parties to agree on the jurisdiction of courts in a Member State whose law the deceased chose to govern the succession (choice of law under Article 22). In the context of the Lithuanian cases, the courts analysed whether a deceased person's actions constituted a choice of law (Article 22), which then influenced jurisdiction.

In case E.E. the deceased (E. E.), a Lithuanian citizen residing in Germany, had executed a will in Lithuania before the Regulation came into force.⁴⁴ The Supreme Court determined that even though the deceased did not explicitly select Lithuanian law in the will, due to transitional provisions (Article 83(4)), executing the will in Lithuania according to Lithuanian law constituted a choice of law for the succession (Article 22), as Lithuania was the state of her nationality. Once Lithuanian law was deemed the applicable law via this tacit choice, the jurisdiction rule in Article 5(1) became potentially applicable, allowing the parties to agree that Lithuanian courts should have exclusive jurisdiction.

In E.E. case the jurisdiction of Lithuanian courts was ultimately confirmed based on the principle of acceptance of jurisdiction by the interested parties⁴⁵. The deceased's surviving spouse (a German citizen) explicitly agreed to the Lithuanian proceedings, waived claims to the inheritance, and consented to Lithuanian court jurisdiction. The heir (the deceased's son) actively participated in the Lithuanian court process to challenge the notary's refusal. The court concluded that these actions demonstrated that the parties clearly accepted the jurisdiction of the Lithuanian court (lit. *Reglamento 650/2012 7 straipsnio c punktu šalys aiškiai pripažino*

⁴² See case A M and J M (application to renew the term for acceptance of inheritance and request for declaration of enforceability) (Klaipėda District Court, Klaipėda City Division, 5 October 2020) civil case No e2YT-9321-991/2020.

⁴³ See case C-422/20 RK ECLI:EU:C:2021:718.

⁴⁴ See case E E v Notary Virginija Jarienė (Lithuanian Supreme Court (Civil Division), 17 January 2019) civil case No e3K-3-90-378/2019.

⁴⁵ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020..

Lietuvos teismo, į kurį buvo kreiptasi, jurisdikciją). This was sufficient to justify jurisdiction in the state where the property was located and where the law was deemed applicable.

Article 9 of the Succession Regulation was not applied in Lithuanian courts' practice.

10. Were there cases in your MS where the court exercised jurisdiction based on Article 11 Succession Regulation on *forum necessitatis*? If yes, what were the reasons justifying the need of exercising jurisdiction? What circumstances were considered to justify the sufficient connection with your MS?

Based on the analysed case-law, there is no direct mention or citation of Article 11 of the Succession Regulation.

11. Were there cases in your MS where the court limited its jurisdiction based on Article 12 Succession Regulation? If yes, please explain which third state was considered and how the need of limiting jurisdiction was justified?

While the case-law demonstrates that Lithuanian courts encounter issues with international succession involving non-EU territories (like the UK, Ukraine, and Australia), there is no evidence of a Lithuanian court specifically invoking or applying Article 12 of the Succession Regulation.

12. Are courts in your MS competent to receive a declaration mentioned in Article 13 Succession Regulation (namely, 'a declaration concerning the acceptance or waiver of the succession, of a legacy or of a reserved share, or a declaration designed to limit the liability of the person concerned in respect of the liabilities under the succession')? Are any other authorities competent to receive such declarations (for example, notaries)? Are you aware of any challenges related to making such declarations in your MS⁴⁶ is cases where jurisdiction in succession matters was with the courts of another MS?

In Lithuania, notaries are the primary authorities designated under national law to receive declarations related to the acceptance or waiver of the inheritance.⁴⁷ An heir is considered to have accepted the inheritance when they submit a declaration concerning the acceptance of the inheritance to the notary at the place where the inheritance opened (lit. *padavė palikimo atsiradimo vietos notarui pareiškimą dėl palikimo priėmimo*). The inheritance case (paveldėjimo byla) is started upon receiving the heir's declaration of acceptance of the inheritance (lit. *įpėdinio pareiškimą dėl palikimo priėmimo*).

Courts generally do not receive the initial declaration of acceptance or waiver, but they play a crucial, indirect role. Establishing the habitual residence: if the place where the succession opened (lit. *palikimo atsiradimo vieta*) is disputed—which is common in cross-border cases involving the Regulation—heirs must appeal to the court to establish the juridical fact of the place of opening succession in Lithuania. Once the court establishes this fact, the heir can then submit the declaration to the competent notary.

Courts are also competent to renew the three-month deadline for the heir to submit the declaration to the notary, provided the deadline was missed for important reasons.

While formal declarations are given to notaries, courts interpret actions by interested parties—such as explicit consent to Lithuanian jurisdiction or the waiver of claims—which may function

⁴⁶ See case C-57/24 *Ławida* ECLI:EU:C:2025:217.

⁴⁷ Article 5.50 of the Civil Code of the Republic of Lithuania (18 July 2000 No VIII-1864, in force 1 July 2001).

as tacit acceptance or waiver of rights in the context of litigation. For example, a surviving spouse's clear statement of refusal of any claims to the inheritance in court documents regarding Lithuanian assets was highly relevant to establishing jurisdiction via party consent.⁴⁸

Challenges Related to Making Such Declarations. Significant challenges arise when jurisdiction in succession matters lies with the courts of another Member State (MS) or is disputed under the Regulation. The primary challenge is that Lithuanian notaries often refuse to accept the declaration of acceptance if the deceased's habitual residence (the key factor for jurisdiction under Regulation Article 4) appears to be in another MS (e.g., Germany or Slovakia), even if the assets are in Lithuania.⁴⁹

13. Are you aware of any challenges in your MS when it comes to accepting a declaration mentioned in Article 13 Succession Regulation (namely, ‘a declaration concerning the acceptance or waiver of the succession, of a legacy or of a reserved share, or a declaration designed to limit the liability of the person concerned in respect of the liabilities under the succession’) made in other MSs?

Certain challenges arises when the succession proceedings, including the acceptance of the inheritance, take place abroad.

If an heir accepted the inheritance in a foreign MS, they are considered to have accepted it universally, including assets in Lithuania, due to the universal nature of inheritance under Lithuanian law. However, to register immovable property in Lithuania, Lithuanian authorities require proof of this acceptance and property ownership.⁵⁰

When an heir provides an ECS issued by another MS (e.g., Germany) to prove their status as heir and their acceptance of the inheritance, Lithuanian registration authorities (like the Registry Centre) often refuse to register the inherited property.⁵¹ This refusal is based on the fact that foreign documents (including the ECS, particularly those from states applying universal succession like Germany) may not list the specific identifying data (e.g., cadastral number) required by Lithuanian national registration law.⁵²

For example, in one case, the German court refused to list specific property objects in the ECS due to the principle of universal succession, which the applicant stated led to a situation where they could not exercise their ownership rights in Lithuania.⁵³

Even though the Regulation abolishes the need for legalization (like the Apostille) for documents like the ECS, a bank requested that the ECS issued by a German court be apostilled, which the heir noted contradicted the very essence of the document.⁵⁴

⁴⁸ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

⁴⁹ See case J M (succession — complaint against notary's refusal and application to establish place of opening of succession) (Lithuanian Supreme Court (Civil Division), 10 February 2021) civil case No e3K-3-1-378/2021.

⁵⁰ See case M Ž and G K (application to renew time to accept inheritance) (Klaipėda Regional Court (Civil Division), 15 May 2024) civil case No e2S-531-524/2024.

⁵¹ See case V Ž (application to establish fact of acceptance of inheritance and list inherited immovable property) (Utena District Court, Utena Division, 7 January 2021) civil case No e2YT-219-1055/2021.

⁵² See case R J R v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, Great Chamber, 24 May 2023) administrative case No A-2610-552/2023.

⁵³ See case V M v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, 15 May 2024) administrative case No eA-779-442/2024.

⁵⁴ See case V Ž (application to establish fact of acceptance of inheritance and list inherited immovable property) (Utena District Court, Utena Division, 7 January 2021) civil case No e2YT-219-1055/2021.

14. Are there any other decisions / doubts / challenges, which do not fit within any of the above questions, but are related to jurisdictional rules of the Succession Regulation, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.

Applicable law

15. Are you aware of any doubts / challenges to the application of the rules on applicable law of the Succession Regulation in your MS? Are there any voices suggesting any amendments to these rules?

Based on the case-law and literature, there are some doubts and challenges regarding the application of the rules on applicable law (primarily Article 21 and Article 22, the choice of law) of the Succession Regulation in Lithuanian practice. There is also one significant voice suggesting an amendment, though it relates more to procedural compliance than to the substantive choice-of-law rule itself.

The main challenges arise because the primary connecting factor for the applicable law is the deceased's "habitual residence" at the time of death (Article 21(1)), while many Lithuanian citizens retained ties and assets in Lithuania despite living abroad for economic reasons. The expression 'habitual residence of the deceased at the time of death' is intended to be understood the same way for the purpose of establishing jurisdiction and designating the applicable law under the Regulation, therefore, the discussion provided in the part of Jurisdiction of this National Report will not be repeated here.

A major point of tension exists between the Regulation's principle of universal succession (applying a single law to the entire estate) and Lithuanian national law concerning immovable property. Lithuanian Civil Code in Article 1.62(1) explicitly states that immovable property succession relations are governed by the law of the state where the property is located. While the Regulation generally overrides national conflict-of-law rules in cross-border cases involving EU Member States, Lithuanian courts, when interpreting the deceased's habitual residence, frequently referenced the location of the sole or principal immovable property in Lithuania to justify applying Lithuanian law or establishing local jurisdiction.⁵⁵

In one case, the heir incorrectly argued that under CK 1.48 and 1.62(1), the law of the immovable asset's location should apply. The court clarified that the applicable law is determined by the Regulation, which mandates the law of habitual residence. This demonstrates a common confusion between national property conflict rules and the Regulation's universal rule.⁵⁶

16. Were there cases where the escape clause of Article 21(2) Succession Regulation was applied? If yes, please explain which laws were considered and what circumstances of the case were considered to justify that the deceased was manifestly more closely connected with another law?

There are no cases explicitly citing or formally applying the escape clause of Article 21(2) of the Succession Regulation.

⁵⁵ See case E R (application for extension of time to accept inheritance and determination of place of opening of succession) (Alytus District Court, Lazdijai Division, 20 September 2019) civil case No 2YT-4488-743/2019.

⁵⁶ See case A M v Notary Renata Jaskutėlienė (appeal on refusal to commence inheritance proceedings) (Vilnius Regional Court (Civil Division), 7 October 2021) civil case No e2S-2624-467/2021.

17. Were there instances of doubts as to choice of applicable law under Article 22 Succession Regulation? Were there instances where a tacit choice ('demonstrated by the terms of a disposition of property upon death') within the meaning of Article 22(2) Succession Regulation was identified?

A major challenge identified in the case-law is the initial refusal by notaries to recognize that a choice of law had been made, leading to litigation.

In the case of S. M. (died in Germany), the notary refused to commence succession proceedings. The notary argued that the applicable law for accepting the inheritance is determined by the deceased's habitual residence (Germany, per Regulation Article 21(1)), and that the deceased had not expressed the will to change the applicable law under Article 22. The first-instance court initially agreed with the notary, stating that while the deceased had executed a testament, the applicable law was not chosen in it. The court of the second instance, however, found that the deceased person made a tacit choice of law.⁵⁷

Despite the initial confusion in courts practice, Lithuanian courts, relying on a Supreme Court precedent involving the European Court of Justice (ECJ), consistently identified a tacit choice of law when a Lithuanian citizen residing abroad had executed a will in Lithuania before the Succession Regulation became fully applicable. The Lithuanian Supreme Court (following a decision by the ECJ, C-80/19) determined that since Lithuanian law (the law of the deceased's nationality) could have been legally chosen under Article 22(1), and the disposition was drafted according to Lithuanian procedure, this act constituted a tacit choice of Lithuanian law.⁵⁸

18. Were there any instances where the substantive validity of a choice of applicable law was discussed? What was the exact doubt?

There were instances where the substantive validity of a choice of applicable law was discussed, particularly concerning whether a choice had been validly made according to the requirements of Article 22 of the Succession Regulation. The central discussion regarding the substantive validity of the choice of applicable law occurred in the context of testate succession cases involving Lithuanian citizens who died while habitually residing abroad (primarily in Germany), but who had drafted a testament in Lithuania before the Regulation (ES) No. 650/2012 entered into force (August 17, 2015). The primary case addressing this doubt was E. E.⁵⁹, which was referred to the ECJ (Case C-80/19). This precedent was subsequently applied in similar cases, such as S. M.⁶⁰

The Supreme Court noted that where the choice is only tacit, the court must evaluate all circumstances to determine if such a choice was truly made and what the deceased's real intentions were. Since the deceased was a Lithuanian citizen and drafted the testament according to Lithuanian law, and Lithuanian law was a law they could have chosen under Article 22(1), the doubt was whether the act of using the national law format demonstrated the necessary intent to satisfy the substantive requirements of a choice of law.⁶¹

⁵⁷ See case A M v Notary Renata Jaskutėlienė (appeal on refusal to commence inheritance proceedings) (Vilnius Regional Court (Civil Division), 7 October 2021) civil case No e2S-2624-467/2021.

⁵⁸ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

⁵⁹ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

⁶⁰ See case A M v Notary Renata Jaskutėlienė (appeal on refusal to commence inheritance proceedings) (Vilnius Regional Court (Civil Division), 7 October 2021) civil case No e2S-2624-467/2021.

⁶¹ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

19. Were there any instances where the modification / revocation of a choice of applicable law within the meaning of Article 22(4) Succession Regulation was discussed?

There are no instances where the modification or revocation of a choice of applicable law within the specific meaning of Article 22(4) of the Succession Regulation.

20. Are there any doubts in your MS as to which matters are governed by the law applicable to succession (*lex successionis*)? Are there any doubts in delineating the scope of the law applicable to succession (*lex successionis*) and other matters⁶² (for example, law applicable to rights *in rem*, law applicable to matrimonial property regimes, legal capacity)?

There are some doubts and challenges in Lithuania regarding which matters are governed by the law applicable to succession (*lex successionis*) and, crucially, how to delineate the scope of this law from other legal regimes, particularly the law applicable to rights *in rem* (property registration) and the law applicable to matrimonial property regimes.

The core of the difficulty stems from the tension between the EU Succession Regulation's principle of universal succession (applying a single law to the entire estate)⁶³ and various Lithuanian national laws (primarily concerning property registration and matrimonial property).

The most prominent area of doubt and litigation involves distinguishing the scope of the *lex successionis* (the law chosen to govern the entire inheritance, typically German law in the sources) from the law governing the registration of property rights (*lex rei sitae*).

In numerous cases involving Lithuanian citizens residing in Germany, the applicable law was German law, which adheres to the principle of universal succession (the entire estate automatically passes to the heir without listing specific assets). When heirs presented a European Certificate of Succession (ECS), issued under German law, to the Lithuanian Registry Centre (VĮ Registrų centras) to register Lithuanian real estate (land, apartments), the Registry Centre refused registration. The Registry Centre argued that the ECS lacked the specific, mandatory data—such as unique cadastral numbers—required to identify the immovable property under the Lithuanian Real Estate Register Law.⁶⁴

21. Were there cases concerning a choice of law made prior to 17 August 2015, which triggered application of Article 83(2) Succession Regulation?

There is no specific case that formally triggers and discusses the application of Article 83(2).

22. Were there instances in which Article 83(4) Succession Regulation was applied⁶⁵ (and the law in accordance with which ‘a disposition of property upon death was made prior to 17 August 2015’ and ‘which the deceased could have chosen in accordance with this Regulation’ was found to ‘have been chosen as

⁶² See case C-218/16 *Kubicka* ECLI:EU:C:2017:755, case C-558/16 *Mankopff* ECLI:EU:C:2018:138.

⁶³ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

⁶⁴ See case R J R v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, Great Chamber, 24 May 2023) administrative case No A-2610-552/2023.

⁶⁵ See case C-80/19 *EE* ECLI:EU:C:2020:569.

the law applicable to the succession’)? How was the requirement of being made ‘in accordance’ with the given law understood?

Article 83(4) was applied in key Lithuanian Supreme Court cases, which dealt with transnational succession involving Lithuanian citizens who resided in another Member State (MS) but had executed a will in Lithuania before the Regulation became fully applicable. The foundational case establishing this interpretation was E. E.⁶⁶, which involved a preliminary ruling from the Court of Justice of the European Union (CJEU). This precedent was subsequently used by lower courts, such as the appellate court in the case of S. M.⁶⁷

Applying Article 83(4), the court concluded that the law of the state of nationality (Lithuanian law) was deemed to have been chosen as the applicable law to the succession.⁶⁸

23. Were there instances where Article 83(3) Succession Regulation concerning the validity of a disposition of property upon death made prior to 17 August 2015 was applied? Please elaborate?

Based on the analysed case-law, there are no instances where the courts or authorities in Lithuania explicitly cited or formally applied Article 83(3) of the Succession Regulation.

24. Were there any cases in your MS concerning the ‘substantive validity’ of a disposition of property upon death within the meaning of Article 26 Succession Regulation and Articles 24-25 Succession Regulation? Where there any doubts as to the designation of applicable law for this purpose or with respect to the notions of ‘admissibility’, ‘substantive validity’, ‘binding effects between the parties’ or ‘conditions of its dissolution’?

There is no case law in this regard.

25. Were there any doubts as to the delineation of ‘substantive validity’ and ‘formal validity’?

There is no case law in this regard.

26. Were there any challenges to the application of Article 28 on validity as to form of ‘a declaration concerning the acceptance or waiver of the succession, of a legacy or of a reserved share, or a declaration designed to limit the liability of the person making the declaration’?

There is no explicit discussion or citation of Article 28 of the Succession Regulation concerning the formal validity of a declaration of acceptance or waiver of the succession.

27. Is there an institution of an administrator whose appointment is mandatory or mandatory upon request in your MS within the meaning of Article 29 Succession Regulation? Were there instances where foreign applicable law (*lex*

⁶⁶ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

⁶⁷ See case A M v Notary Renata Jaskutėlienė (appeal on refusal to commence inheritance proceedings) (Vilnius Regional Court (Civil Division), 7 October 2021) civil case No e2S-2624-467/2021.

⁶⁸ See case E E v Notary V J (Lithuanian Supreme Court (Civil Division), 4 November 2020) civil case No e3K-3-422-378/2020.

***successionis*) interfered with the powers of administrator exercised under the law of the forum?**

Lithuanian law provides for an institution of an administrator of the estate whose appointment is mandatory upon request in certain situations. Under Article 5.55 of the Civil Code:

An heir may apply to the court for appointment of an administrator where:

- (i) the estate includes a personal enterprise or farm, or
- (ii) (ii) there is a risk that debts of the deceased exceed the value of the estate.

In such cases, the debts are then satisfied only from the estate.

The court is obliged to decide on the application: it either establishes administration and appoints an administrator by decision, or — if the statutory conditions for not establishing administration are met (e.g. estate is small and costs disproportionate) — it refuses or later revokes administration.

Thus, the institution functions as a court-appointed administration mechanism available upon request by heirs in the circumstances specified by law. The appointment is not automatic in every succession, but it is mandatory for the court to appoint an administrator when an application is made in the situations that fall within Article 5.55 and no statutory ground for refusal exists.

There were no examples in the case-law, where foreign applicable law (*lex successionis*) interfered with the powers of administrator exercised under the law of the forum.

28. Were there cases where the *renvoi* provided for in Article 34 Succession Regulation operated? If yes, please explain the laws of which states were considered? Is partial *renvoi* possible?

There is no case law in this regard.

29. Were there cases where the rule on *commorientes* of Article 32 Succession Regulation was applied? If yes, please describe.

There is no case law in this regard.

30. Were there cases where the rule on estate without claimant of Article 33 Succession Regulation was applied? If yes, please describe.

There is no case law in this regard.

31. Were there cases in your MS, in which certain provisions of the law of your MS or another state were qualified as special rules mentioned in Article 30 Succession Regulation (namely as ‘special rules which, for economic, family or social considerations, impose restrictions concerning or affecting the succession’ in respect of certain specific assets, which ‘are applicable irrespective of the law applicable to the succession’)? If yes, please describe which rules and relating to what kind of assets were considered? How did the court establish that these rules are indeed applicable irrespective of applicable law?

Based on the case-law, there is no explicit discussion or citation of Article 30 of the Succession Regulation.

32. Were there cases in your MS in which an adaptation of a foreign right *in rem* was performed in accordance with Article 31 Succession Regulation? Please provide details of such adaptation. What was the original right and what was the equivalent?

The analysed case-law do not contain any instances where the adaptation of a foreign right in rem was performed in accordance with Article 31 of the Succession Regulation.

33. Were there instances in your MS where the public policy clause of Article 35 Succession Regulation was applied or considered but not applied? If yes, please describe the context of the case and the reasoning of the court.

Based on the case-law, there are no instances where the public policy clause of Article 35 of the Succession Regulation.

34. Were there instances in your MS where ‘mechanisms designed to tackle the evasion of the law, such as fraude à la loi’ were applied as suggested in Recital (26) Succession Regulation? If yes, please explain the circumstances and outcome of this application?

There are no instances where Lithuanian courts or authorities explicitly cited or formally applied mechanisms designed to tackle the evasion of the law, such as fraude à la loi, as suggested in Recital (26) of the Succession Regulation.

35. Were there instances where the rules on territorial conflict of laws (Article 36) or inter-personal conflict of laws (Article 37) were applied in your MS? Were there any doubts / challenges to their application? Please elaborate.

Based on the analysed case-law, there are no instances where the rules on territorial conflict of laws (Article 36) or inter-personal conflict of laws (Article 37) of the Succession Regulation.

36. Does your MS comprise several territorial units each of which has its own rules of law in respect of succession within the meaning of Article 38 Succession Regulation? If yes, are domestic rules or the Succession Regulation applied to resolve conflicts of laws arising between such units? Please explain.

Lithuanian law is a unitary national legal system regarding succession.

37. Are there any other decisions / doubts / challenges, which do not fit within any of the above questions, but are related to the rules on applicable law of the Succession Regulation, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.

Authentic Instruments and Court Settlements

38. Are you aware of any doubts / challenges to the application of the rules on Authentic Instruments and Court Settlements of the Succession Regulation in your MS? Are there any voices suggesting any amendments to these rules?

There is no explicit mention of doubts or challenges regarding authentic documents and court settlements under the Regulation, nor are there formal voices explicitly suggesting amendments to the text of the Regulation's rules.

39. Are you aware of any challenges to the use of authentic instruments produced in your MS in another MS?

There are no such challenges discussed in Lithuanian literature or court practice.

40. Are you aware of any challenges to the use in your MS of authentic instruments within the meaning of Article 3(1)(i) Succession Regulation, which were produced in another MS?

There is no information in the case-law or literature regarding such challenges.

41. Were there any challenges to the enforcement in your MS of a foreign court settlement under Article 61 Succession Regulation?

There is no case-law in this regard.

42. Were there any other decisions / doubts / challenges, which do not fit within any of the above questions, but are related to circulation of authentic instruments and court settlements under the Succession Regulation, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.

Recognition and Enforcement of Judgements

43. Were there cases in your MS, in which the rules on recognition and enforcement caused doubts / were analysed and discussed?

There were several cases in Lithuania, where the rules on recognition and enforcement were applied. The courts discussed the principle of automatic recognition for judgments falling under the Succession Regulation. Article 39(1) states that a court decision adopted in one Member State must be recognized in others without requiring any special procedure. Enforcement procedures (Articles 45–58) are only initiated when a party seeks execution. Litigants, accustomed to national procedural law (e.g., CPK 809–815), mistakenly approached the Lithuanian Court of Appeal seeking a formal declaration of recognition or enforceability for foreign succession judgments (such as a UK court decision or a German decision).⁶⁹ The Lithuanian Court of Appeal, in cases involving decisions from the United Kingdom (UK) and Germany, consistently refused to accept the applications, clarifying that the Regulation renders

⁶⁹ See case J S (Application for recognition of UK succession judgment) (Lithuanian Court of Appeal, 20 November 2019) 2T-102-943/2019 and I B and T Ž (application for recognition and enforcement of German succession order) (Lithuanian Court of Appeal, 28 February 2020) civil case No 2T-30-370/2020.

the national recognition process obsolete for in-scope decisions. The court noted that recognition occurs automatically and that all Lithuanian authorities (including notaries and state registers) must rely on the foreign decision, provided it falls within the scope of the Regulation.

44. Were there any cases in your MS, in which a decision on succession matters originating from another MS faced refusal of recognition / enforcement? If yes, please provide details.

There were no such cases.

45. Does the Succession Regulation have any influence on the recognition and enforcement of decisions coming from third states (for example, when it comes to the assessment of indirect jurisdiction of the foreign court)?

In one case Lithuanian court applied the Succession Regulation in order to recognize the judgement from the UK, mistakenly stating that the UK, while being the EU MS was applying the Regulation.⁷⁰

46. Are there any other decisions / doubts / challenges, which do not fit within any of the above questions, but are related to the recognition and enforcement of judgements under the Succession Regulation, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.

European Certificate of Succession

47. Where there any doubts or challenges with respect to the issuance / use of an ECS⁷¹ in your MS?

The central issue in Lithuanian courts is that if a Lithuanian citizen dies abroad, notaries refuse to open the succession case or issue a national certificate (which could be subsequently deemed an authentic instrument) because they lack jurisdiction under the Regulation, which designates the court of habitual residence (e.g., Germany) as having jurisdiction. This forces heirs to seek a court decision to establish a "juridical fact" (habitual residence in Lithuania) before local notarial processing can commence. This procedural deadlock implicitly challenges Lithuania's ability to efficiently issue succession documents (including a potential ECS, if applicable) based on disputed residence.

The most severe and litigated challenges arise when an ECS, issued by a court or authority in another Member State (e.g., Germany, France), is presented to the Lithuanian Register Centre (VĮ Registrų centras) to register inherited immovable property (land, apartments) located in Lithuania. The primary challenge is the conflict between the foreign *lex successionis* (applicable law) and Lithuanian national property registration law (Real Estate Register Law).⁷²

⁷⁰ See case J S (Application for recognition of UK succession judgment) (Lithuanian Court of Appeal, 20 November 2019) 2T-102-943/2019.

⁷¹ See case C-301/20 *UE, HC*, ECLI:EU:C:2021:528, case C-354/21 *RJR* ECLI:EU:C:2022:587, case C-187/23 *Albausy* ECLI:EU:C:2025:34, case C-240/24, *BNP Paribas Fortis* (pending), case C-873/24 *Marwanek* (pending).

⁷² See case R J R v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, Great Chamber, 24 May 2023) administrative case No A-2610-552/2023.

In several administrative cases⁷³, ECSs issued by German courts did not contain the mandatory data (such as unique cadastral numbers) required to identify the immovable property in the Lithuanian Real Estate Register. This lack of detail stemmed from the application of universal succession in German law, where the entire estate transfers without specific items enumerated.⁷⁴ The Registry Centre rejected the applications, arguing that the ECS, as the legal basis for registration, must conform to the formal requirements of the national law of the property's location.

The Lithuanian Supreme Administrative Court referred this question to the CJEU (Case R. J. R, C-354/21)⁷⁵. The CJEU confirmed that the Regulation does not harmonize national registration rules. Therefore, the Lithuanian institution responsible for registration may reject the ECS if it does not contain all data required by national law for property identification. This means the ECS, despite being a uniform EU document, fails to achieve its intended effect of facilitating smooth cross-border registration of property in Lithuania.

Further challenges arose concerning the formal validity and persistence of the ECS. In the H. de N. case⁷⁶, the Registry Centre (and subsequently the Commission) rejected the application partly because the certified copy of the ECS provided had expired. The Regulation stipulates that certified copies have a limited validity period of six months, after which a new copy or extension must be requested. This expiration was a separate, independent ground for refusal.

In the V. Ž. case⁷⁷, AB SEB bank demanded that the ECS be apostilled, a requirement the court noted "contradicts the very essence of this document". The ECS is meant to be recognized without legalization or similar formalities (Article 74).

48. Are there any statistics on ECSs made in your MSs available?

There is no available statistics in this regard.

49. Are there any statistics on 'foreign' ECSs used in your MSs available?

There is no available statistics in this regard.

50. Are there any other decisions / doubts / challenges⁷⁸, which do not fit within any of the above questions, but are related to the issuance or use of the ECS, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.

⁷³ See cases R J R v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, Great Chamber, 24 May 2023) administrative case No A-2610-552/2023; H de N v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, 31 May 2023) administrative case No eA-1195-662/2023; V M v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, 15 May 2024) administrative case No eA-779-442/2024.

⁷⁴ See case R J R v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, Great Chamber, 24 May 2023) administrative case No A-2610-552/2023.

⁷⁵ See case R J R v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, Great Chamber, 24 May 2023) administrative case No A-2610-552/2023.

⁷⁶ See case H de N v State Enterprise Registrų centras (Lithuanian Supreme Administrative Court, 31 May 2023). administrative case No eA-1195-662/2023

⁷⁷ See case V Ž (application to establish fact of acceptance of inheritance and list inherited immovable property) (Utena District Court, Utena Division, 7 January 2021) civil case No e2YT-219-1055/2021.

⁷⁸ See case C-102/18 *Brisch* ECLI:EU:C:2019:34.

Other aspects

51. Are there any other decisions / doubts / challenges, which do not fit within any of the above headings and questions, but are related to the application of the Succession Regulation, and therefore, should be signalled within the National Report?

No other specific challenges or doubts in this part were identified.