

**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.

**TEMPLATE**  
**SUMMARY OF A DOMESTIC JUDGEMENT**

Deliverable No 2.2.



**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 4: 28.04.2025

Dissemination Level: PUB

## Basic information about EUSuccess

|                        |                                                                                               |
|------------------------|-----------------------------------------------------------------------------------------------|
| Project number:        | 101190611                                                                                     |
| Project name:          | EU Succession Regulation: First Decade of Application, Strengths, Challenges, Future Outlooks |
| Project acronym:       | EUSuccess                                                                                     |
| Call:                  | JUST-2024-JCOO                                                                                |
| Project starting date: | 1 January 2025                                                                                |
| Project end date:      | 31 December 2026                                                                              |
| Project duration:      | 24 months                                                                                     |

EUSuccess project is focused on the assessment of the practical functioning of the Succession Regulation in the first 10 years of its application and the future challenges it might face as a result of the impact of the Digital Justice Regulation. EUSuccess is divided into 5 Work Packages. WP2: Research and Analysis includes the research into domestic case-law on the Succession Regulation in the following MS: Poland, Italy, Germany, Spain, Lithuania, Finland and Greece. Within this WP summaries in English of value-added domestic judgments on Succession Regulation identified during the research will be prepared in order to be uploaded to the EUSuccess database. WP4: Dissemination and Communication encompasses the creation of the EUSuccess database of value-added domestic judgments on the Succession Regulation.

## EUSuccess Database

The creation of EUSuccess database of domestic case law on the Succession Regulation requires the following consecutive steps included in the Grant Agreement: (1) Preparation of the template of the summary of a domestic judgement; (2) Preparation of the summaries based on agreed template; and (3) Creation of the database and uploading of summaries. This Deliverable 2.2. concerns the template of the summary of a domestic judgement described in the Grant Agreement as follows:

### Deliverable D2.2 – D2.2 Template – Summary of a domestic judgment

|                           |                                                |                            |             |
|---------------------------|------------------------------------------------|----------------------------|-------------|
| <b>Deliverable Number</b> | D2.2                                           | <b>Lead Beneficiary</b>    | 2 - UNINS   |
| <b>Deliverable Name</b>   | D2.2 Template – Summary of a domestic judgment |                            |             |
| <b>Type</b>               | R — Document, report                           | <b>Dissemination Level</b> | PU - Public |
| <b>Due Date (month)</b>   | 4                                              | <b>Work Package No</b>     | WP2         |

|                                                                                                      |
|------------------------------------------------------------------------------------------------------|
| <b>Description</b>                                                                                   |
| PDF format, in English, 2 pages, distributed among EUSuccess Team Members, uploaded to the EC Portal |

## Template – Summary of a domestic judgement

Template for the summary of a domestic judgement is presented in the Annexes:

- **Annex I** is a template designed for the national teams for the purpose of preparation of the summaries.
- **Annex II** is a temple of the summary as planned to be generated for printout by the user of the EUSuccess database. An example of a Polish judgment is used.

# Annex I

**Cite as:** Name of the court in domestic language and in English, date and ECLI or national case number, EUSuccess Summary Number by author of the summary.

1. (Name of the court in domestic language and case number) .....
2. (Name of the court in English and case number) .....
3. (Date of the decision) .....
4. (ECLI Number – if available) .....
5. (EUSuccess Number): .....
6. (Member State) .....
7. (Instance) .....
8. (Article of the Succession Regulation) .....
9. (Keyword) .....
10. (TSUE decision mentioned) .....
11. Author of the summary: .....
12. Full text available under the LINK (accessed .....)

## Summary

*[Times New Roman 12pt, single spaced, approx. 2300 signs, including spaces, with a blurb of 1-2 sentences at the beginning]*



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.

JUST-2024-JCOO call (project number: 101190611).

## Annex II

**Cite as:** Postanowienie Sądu Najwyższego (Order of the Supreme Court), 17 May 2024, I CSK 1778/23, EUSuccess Summary: PL/2022/2 by Anna Nowak.

1. (Court in domestic language and case number) Sąd Najwyższy, I CSK 1778/23
2. (Court in English and case number) Supreme Court, I CSK 1778/23
3. (Date of the decision) 17 May 2024
4. (ECLI Number) N/A
5. (EUSuccess Summary Number) PL/2022/2
6. (Member State) Poland
7. (Instance) III
8. (Article of the Succession Regulation) Article 4, Article 21 Paragraph 1,
9. (Keyword) Habitual residence, Jurisdiction
10. (TSUE decision mentioned) N/A
11. Author of the summary: Anna Nowak
12. Full text available under the [LINK](#) (accessed 25 April 2025)

### Summary

The court declared lack of jurisdiction, as the habitual residence of the deceased at the time of death was in another EU Member State.

The case was referred to the Supreme Court in proceedings between A.K. and B. P. regarding the confirmation of inheritance acquisition. The applicant highlighted the imprecision of the findings related to the deceased's habitual residence at the time of death, arguing that the deceased's nationality and the location of their assets should have been considered. Furthermore, it was contended that the deceased's primary center of interests was in Poland, notwithstanding their physical residence in Austria.

The Supreme Court found that the courts of lower instance conducted a thorough analysis of the evidence presented, including testimony establishing that the deceased had been permanently residing in Austria. The findings revealed that the deceased, a pensioner, was a beneficiary of the Austrian social security system, received medical treatment in Austria, and resided there permanently following periodic holiday visits. These factors were deemed conclusive in demonstrating a substantial weakening of ties to Poland. This included also selling of immovable property in Poland before moving to Austria, even though the deceased kept right of residing in this property. Consequently, the courts determined that pursuant to Article 4 of the Succession Regulation the place of habitual residence of the deceased at the time of death was in Austria, therefore the Supreme Court confirmed lack of jurisdiction of Polish courts.



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.

JUST-2024-JCOO call (project number: 101190611).