

Acknowledgement of receipt of a multiple complaint on an alleged breach by France of EU rules on succession (Regulation (EU) No 650/2012)

Reference number: CHAP(2022)03325

The European Commission has received several complaints regarding Article 913(3) of the French Civil Code. That provision was introduced under Law No 2021-1109 of 24 August 2021 strengthening respect for the principles of the Republic, and reads as follows;

‘Where the deceased or at least one of the children of the deceased is, at the time of death, a national of, or habitually resident in a Member State of the European Union, and where foreign law applicable to succession does not allow any reservation mechanism protecting children, each child or his or her heirs or successors, may claim compensation on property situated in France as at the date of death, so as to be re-established in the reserved rights granted to them under French law, within the limit of those rights’.

The complainants argue that Article 913(3) of the Civil Code is in breach of Regulation (EU) No 650/2012<sup>1</sup>, in particular the possibility for persons to choose the law of their country as the law governing their succession as a whole.

The Commission has entered these complaints in the central registry of complaints under reference number CHAP(2022)03325. Further information on your complaint can be submitted to this [email address](#). Please quote the above-mentioned reference number.

Given the significant number of complaints it received on this subject, the Commission, with a view to responding swiftly and informing those concerned as well as potentially wider public interest in the issue raised by the complainants, is publishing this acknowledgment of receipt on the [dedicated page of the Europa website](#). The complainants will be informed, through the same channel, of the results of the Commission’s examination of these complaints and of the follow-up that the Commission may decide to take.

The Commission will consider the complaint in the light of the applicable European Union law and in line with the enforcement priorities set in the [Commission Communication ‘EU law: Better results through better application’](#)<sup>2</sup>.

Please note that, if the Commission decides to act following your complaint, including by launching a formal infringement procedure, its general aim is to ensure that Member State laws are compliant with EU law and correctly applied. The submission of a complaint to the Commission may thus not resolve your specific and individual situation. In order to obtain redress, including compensation if warranted, you should take action at national level in the Member State concerned. Submitting a complaint to the Commission does not suspend the time limits for starting legal action under national law. The Commission may also, in the exercise of its discretion, decide not to open formal infringement procedures, even if it considers that a breach of EU law has occurred.

The Commission will by default treat your complaint in a confidential manner. Only in case a complainant opted for non-confidential treatment in the complaint form, the

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<sup>1</sup> 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.

<sup>2</sup> C(2016)8600.

Commission departments may disclose the identity and any of the information submitted by that complainant to the authorities of the Member State against which you have made your complaint. Disclosure of the complainant's identity by the Commission may in some cases be indispensable to the handling of the complaint.

A [specific privacy policy statement](#) applies in relation to the handling of complaints.