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Adapting rights in rem

 Latvia

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European Judicial Network
(in civil and commercial
matters)

1 Which are the rights in rem that could arise from a succession under the law of this Member State?

[Article 382 of the Latvian Civil Law \(Civillikums\)](#) provides that the estate of a deceased person includes all rights and obligations of the deceased person, including rights in rem (except those rights that are purely personal in nature, such as personal servitudes), and these rights pass to the heirs without any special limitations in the event of succession. Succession does not in itself create new rights in rem, but only gives heirs the right to acquire the rights in rem that belonged to the deceased.

2 Are these rights in rem recorded in a register of rights in immovable or movable property and, if so, is such recording compulsory? In which register(s) are they recorded and what are the registration requirements and procedure?

Immovable property and the rights attached to it are entered in the [Land Register \(Zemesgrāmata\)](#), whilst movable property to be registered is entered in special registers such as the register of vehicles or ships.

Immovable properties and related rights are entered in the Land Register. The registration of immovable property and the corroboration of rights in rem is mandatory ([Article 1 of the Law on land registers \(Zemesgrāmatu likums\)](#)). In order to make an immovable property entry in the Land Register, a person needs to submit a corroboration request. A corroboration request must be accompanied by documents proving entitlement to the rights to be granted, along with information on the payment of fees, where the corroboration request does not contain information on the payment made and the purpose of the payment does not indicate the identification code of the requesting party, the registration number, the land registry number of the immovable property or the land registry portfolio number.

In accordance with [Article 19 of the Law on the entry of immovable property in land registers \(Par nekustamā īpašuma ierakstīšanu zemesgrāmatās likums\)](#), small buildings (other than garages), fences, linear engineering structures (other than transport structures), transport structures (aqueducts, hydraulic engineering structures used for irrigation and crop growing, tracks and engineering structures forming part of the railway infrastructure) and engineering structures with an area of less than 50 square metres or a height of less than 10 metres shall not be entered in the land register as independent property objects.

In order to enter the property owner in the various other special registers in which the rights relating to objects to be inherited are registered, the heir submits to the relevant register the necessary information and documents concerning the inheritance of an asset or right.

3 Which effects are linked to the registration of the rights in rem?

All rights in rem pass to heirs by virtue of the law and are not subject to entry in the registers, whilst registration of these acquired rights is the basis for the good faith of third parties and is necessary for certain future transactions.

4 Are there specific rules and procedures in place for the adaptation of a right in rem to which a person is entitled under the law applicable to the successions in case the law of the Member State in which the right is invoked does not know such right in rem?

If the succession case is essentially conducted in Latvia and foreign law is applied, resulting in the succession of a legal institution not recognised in Latvia, the notary conducting the cross-border succession case proceeds with the adaptation of succession rights in rem.

Pursuant to [Article 324.⁷ of the Law on notaries \(Notariāta likums\)](#), a sworn notary who is or has been conducting the cross-border succession proceedings in question may proceed with the adaptation of succession rights *in rem* within the meaning of Article 31 of Regulation No 650/2012 by drawing up a succession certificate or a European Certificate of Succession or by drawing up supplements to the succession certificate or the European Certificate of Succession.

By the same token, adaptation of succession rights may also be made in accordance with Chapter 78.¹ of the Latvian Law on civil procedure (*Civilprocesa likums*) - 'Adaptation of the rights and obligations laid down in a ruling of foreign court for enforcement thereof in Latvia', [Articles 651.¹- 651.⁷](#)) at the request of the individual concerned.

If a ruling by a foreign court, in full or in part, does not have any legal consequences in Latvia as it establishes rights and obligations that are not recognised under Latvian legislation, adaptation of the rights and obligations laid down in that ruling by a foreign court is made for enforcement in Latvia. This adaptation is made only in the cases provided for in the legal norms of European Union legislation or international agreements binding upon the Republic of Latvia. The rights and obligations laid down in a ruling by a foreign court shall be adapted for enforcement in Latvia as far as possible by adjusting them to the legal institutions which are recognised under Latvian legislation and which have equal legal consequences, objectives and purposes. The adaptation of rights and obligations laid down in a ruling by a foreign court may not give rise to legal consequences which exceed the legal consequences provided for in the legislation of the foreign country in question.

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