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Restrictions on successions – special rules

 Latvia

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European Judicial Network
(in civil and commercial matters)

1 Under the law of this Member State, do special rules impose, for economic, family or social considerations, restrictions concerning or affecting the succession in respect of immovable property, certain enterprises or other special categories of assets located in this Member State?

Article 382 of the [Civil Law](#) (*Civillikums*) provides that the estate of a deceased person comprises everything that they possessed at the actual time of death. Therefore the heirs may inherit everything that the deceased person possessed; the only exception to this rule being Article 701, which provides that obligations and rights of a strictly personal nature may not be transferred to the heirs. The general law of succession therefore merely provides that heirs do not inherit rights whose existence is closely related to deceased themselves - this restriction does not, for example, cover the right of ownership of immovable property.

However, there is no automatic transfer to the heir of the right to be a partner in a civil-law partnership (Article 2262(4) of the Civil Law), in a general partnership (unless permitted under the partnership agreement or agreed by all members of the partnership ([Article 104 of the Commercial Law](#) (*Komerclikums*))), the right to be a limited partner in a limited partnership (unless permitted by the partnership agreement ([Article 133 of the Commerce Law](#))), the right to shares in a limited liability company (unless permitted by its articles of association ([Article 191 of the Commercial Law](#))), and the right to membership of an association, unless the law provides otherwise ([Article 29\(4\) of the Law on associations and foundations](#) (*Biedrību un nodibinājumu likums*)).

If the heir does not become a partner, they are entitled, commensurate with their share of the inheritance, to receive what would have been due to the deceased partner in the final settlement, if the partnership had been wound up upon the opening of the succession or, if the heir cannot own shares in a limited liability company, they will be compensated in line with what the deceased shareholder would have received if the company had been wound up upon the opening of the succession.

Similarly, there are restrictions in Latvia on transactions involving the ownership of land and agricultural land. These restrictions were laid down in the [Law on the privatisation of land in rural areas](#) (*Likums par zemes privatizāciju lauku apvidos*) and the [Law on land reform in the cities of the Republic of Latvia](#) (*Likums par zemes reformu Latvijas Republikas pilsētās*). However, these restrictions do not apply to successions.

2 Under the law of this Member State, do these special rules apply to the succession in respect of the above-mentioned assets irrespective of the

law applicable to the succession?

The special rules referred to above apply irrespective of the national law applicable to the estate of a deceased person.

3 Under the law of this Member State, do special procedures exist to ensure compliance with the above-mentioned special rules?

No special procedures exist.

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