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Restrictions on successions – special rules

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European Judicial Network
(in civil and commercial matters)

 Poland

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?

Poland has special rules on succession of agricultural holdings by operation of law (covering agricultural land with an area of more than 1 ha) which apply only to successions opened before 14 February 2001. Those rules provide for the possibility of succession in respect of such a holding only if the specific conditions laid down in the Civil Code are met.

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?

Article 7 of the Act of 4 February 2011 on private international law (Dz. U. (*Dziennik Ustaw* - Journal of Laws) 2015, item 1792) states the following: *Foreign law shall not apply if the effects of its application would be contrary to the fundamental principles of the legal order of the Republic of Poland.*

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

No.

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