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Succession

Austria



Austria

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The courts with competence to deal with applications under Article 45(1) are the District Courts (*Bezirksgerichte*).

The competent court to deal with appeals against decisions on such applications under Article 50(2) is the higher Regional Court (*Landesgericht*), via the District Court that issued the decision.

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Appeals against points of law (*Revisionsrekurs*) are made to the Supreme Court (*Oberster Gerichtshof*) via the District Court that issued the decision as the court of first instance.

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

The European Certificate of Succession is issued by the District Court (by the court commissioner - *Gerichtskommissär*, i.e. a notary acting as a judicial authority).

Article 78 (d) - the redress procedures referred to in Article 72

The District Court judge also rules on complaints from parties who believe that the certificate of succession issued contains errors. An appeal against the judge's decision can be lodged, within 14 days of notification, at the higher Regional Court via the District Court that issued the decision as the court of first instance.

If the court commissioner has doubts whether the Certificate of Succession can be issued as requested, he or she will refer the application to the judge; the judge will then decide whether and how the court commissioner should issue the certificate.

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

In Austria, there are no other authorities or legal professions with jurisdiction in this area within the meaning of Article 3(2).

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