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Adapting rights in rem

Heirs in an EU country can benefit from inheritance rights of another EU country when the rights are adapted to closely match the rights in their country of residence.

General information

To allow heirs or legatees to benefit from rights created or transferred to them in a cross-border succession, the **Succession Regulation** provides that a right *in rem* (right in immovable or movable property) to which an heir or legatee is entitled but which is unknown in the EU country in which the right *in rem* is invoked must be adapted to the closest equivalent right *in rem* under the law of that EU country. The aims and interests pursued by the specific right *in rem* and the effects arising from it should be taken into account when adapting the right.

In that context, the **European Judicial Network in civil and commercial matters** has published some information sheets on national law which explain: the rights *in rem* that could arise from a succession

whether such rights are recorded in a register of rights in immovable or movable property

the effects arising from their registration

specific rules and procedures for adapting a right *in rem*.

To consult an information sheet on national law and procedures for adapting rights *in rem* in an EU country, please click on the corresponding national flag on this page.

Related link

EU-ADAPT - EU Adapt is an **IT tool** designed to help judges, notaries and other legal practitioners dealing with a cross-border succession to **find a closest equivalent right *in rem***. The user can enter in the tool (i) the law of the Member State applicable to the succession ('*lex successionis*'), (ii) the right *in rem* existing under the law of the Member State applicable to the succession ('right *in rem*'), and (iii) the law of the Member State in which the right *in rem* is invoked ('*lex rei sitae*'). The tool then provides guidance and suggests the corresponding right *in rem* under the law of the Member State in which the right is invoked.

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