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Restrictions on successions – special rules

Romania

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 immoveable property, certain enterprises or other special categories of assets located in this Member State?

Yes.

Romanian law sets out special provisions concerning acquisition of the right of ownership of land situated in Romania.

For instance, the Romanian Constitution and the relevant legal rules provide that foreigners and stateless persons may acquire the right of private ownership of land only under the conditions arising from the accession of Romania to the European Union and from other international treaties to which Romania is party, on a reciprocal basis and under the conditions laid down by law, or through legal inheritance. Such persons cannot acquire the right of ownership of land by testamentary inheritance.

Furthermore, there are special regulatory provisions governing certain categories of goods. These apply irrespective of the beneficiary's citizenship or of whether the inheritance is legal or testamentary. For example, copyright is transmitted by inheritance under civil legislation for a period of 70 years, regardless of the date on which the work was legally published.

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?

Yes.

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

Explicit legal provision has been made for the prohibition.

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