

The importance of planning international wills: up to 100 million euros are lost every year in Spain due to unexecuted inheritances

International succession involves many regulatory complexities, creating multiple scenarios to address them, according to DAUSS Abogados

Around 100 million euros are lost annually in Spain due to unclaimed inheritances, according to Coutot-Roehrig. Each year, this problem affects thousands of legitimate heirs who, due to lack of knowledge, and especially in the case of foreign citizens, lose money or assets that are rightfully theirs.

"Sometimes, the heirs are not even aware that they are, which prevents them from enjoying an inheritance that also generates substantial tax losses", explains Uri Geigle, founding partner of [DAUSS Abogados](#), who points out that in the case of Spain, unclaimed inheritances result in a loss of up to 20 million euros for the Treasury.

The National Statistics Institute (INE) in Spain reports that around 17,600 foreigners died in the country in 2021; while in the same year over 5,200 Spanish passed away outside their borders. "Behind these numbers there are people who leave behind an inheritance that needs to be processed," says Geigle.

The complexity of dealing with foreign elements in an inheritance arises due to regulatory differences in the deceased person's nationality, residence, the location of their assets, and the heirs' residence. This creates numerous scenarios, as pointed out by Geigle.

The European Regulation 650/2012 establishes that the law applicable to a deceased person's succession is determined by the law where they had their habitual residence. Still, it opens the possibility for the deceased to choose the law of their country of origin. However, "for their will to be effective, it must be set out in a disposition mortis causa, such as a will," adds Geigle.

In addition, it is essential before going to the notary to know all the law details because "each country dictates who is entitled to inherit and who is not, so it is essential to get good advice". In any case, Geigle advises "to grant it in the country where the heirs actually reside, not seeking to pay less taxes".

About DAUSS

Founded in 2016, DAUSS is a law firm focused on advising international clients,

especially German-speaking clients. Alongside legal advice, thanks to the extensive experience gained over the years, it also provides services to entrepreneurs with the aim of optimizing market entry and investments in Spain.
