

недостатак осталих критеријума. Предвидевши смернице и у најсложенијим случајевима у рециталу 24 законодавац је заузео став да се уобичајено боравиште увек мора утврдити, ма колико то тешко било, а на основу анализе рецитала 23 и 24 се може закључити да је само једно уобичајено боравиште релевантно за одређивање надлежности и меродавног права за наслеђивање.

Vojin Čekrić*

**HABITUAL RESIDENCE AS MAIN CONNECTING FACTOR
FOR DETERMINATION OF THE APPLICABLE LAW
TO THE SUCCESSION UNDER ART. 21. PAR. 1
OF THE SUCCESSION REGULATION**

Summary

In the following paper we will analyze the main connecting factor for determination of the applicable law to the succession under Art.21, par.1 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession. Firstly, we will analyze the purpose regarding introduction of the last habitual residence of the deceased as a main connecting factor, through its comparison with other relevant personal connecting factors for determination of the applicable law to the succession – nationality and domicile. Then, we will give a critical view upon the decision of creator of the Succession Regulation not to give the definition of habitual residence, but formulate broad and flexible criteria for its determination. At last, subject of particular attention will be relevant judgments of the European Court of Justice and interpretation of the Recitals 23 and 24 of the Succession Regulation, where the aforementioned criteria are set.

Key words: *Succession Regulation, applicable law to the succession, closest connection principle, habitual residence, Recitals 23 and 24.*

* PhD student, Faculty of law, University of Kragujevac.