# MINI SYMPOSION REPORT: *TAXING THE TRANSFER OF WEALTH? COMPARATIVE PERSPECTIVES ON INHERITANCE AND GIFT TAXATION* INSTITUTE FOR PUBLIC FINANCE AND TAX LAW, FACULTY OF LAW, HEIDELBERG UNIVERSITY, 2ND JULY 2026

## INTRODUCTION

On 2nd July 2026, the Institute for Public Finance and Tax Law, Faculty of Law, Heidelberg University hosted a mini symposion entitled *Taxing the Transfer of Wealth? Comparative Perspectives on Inheritance and Gift Taxation*. The event was organized with the support of the 4EU+ Alliance.

The contributions provided a comprehensive insight into the issue and brought a unique interlinking of theoretical justifications for inheritance and gift taxes, the whole issue was further placed in a European context as part of a comparison of their construction, supplemented by an insight into the development of Czech regulation and a deeper analysis of the current legislation of German tax benefits for families and family enterprises. The common object and the centrepiece of the symposion was the question of *"How legal rules affect the transfer of property between persons and generations?"*.

## KEY CONTRIBUTIONS

**Prof. Dr. Ekkehart Reimer**, Director of the Institute of Public Finance and Tax Law, Faculty of Law, Heidelberg University, opened the symposion with his speech entitled *"Justifying Taxes on Inheritance and Gifts: A Theoretical Approach"* and introduced a multi-layered model of tax justification. He set out seven layers of tax justification stipulating (1) the choice between tax and non-tax revenues of public budgets; (2) functional justification and reproductivity; (3) formal legitimacy by consent and by acceptance; (4) distributional justification between equity and ability to pay; (5) non-fiscal objectives of inheritance taxation; (6) the vertical separation of powers between Federal and State (*Länder*) level; and (7) issues of horizontal and international delimitation of taxing powers.[1] Based on this seven-layer model, Prof. Reimer analysed some features of inheritance and gift taxation in general.

[1] REIMER, E. Die sieben Stufen der Steuerrechtfertigung. In: GEHLEN, B. – SCHORKOPF, F. (eds.). *Demokratie und Wirtschaft: Eine interdisziplinäre Herausforderung*. Tübingen: Mohr Siebeck, 2013, pp. 113–141.

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Moreover, he exemplified pertaining challenges with a view to German legislation. He observed that both cornerstones in substantive-law as well as more formal (institutional) characteristics diverge significantly from common practice in other countries. Issues of distributional justice (layer 4) become visible in, and influence the legislative design of, taxation of non-market transfers of assets. While income taxation as well as the (former) Net Wealth Tax (*Vermögensteuer*) have covered market assets and their exchange *vis-à-vis* third parties, inheritance and gift taxation target the gratuitous transfer of assets, typically being an intra-family transfer.

With a view to non-fiscal objectives (layer 5), he has opened up the issue of tax competition and reported a long-lasting debate on tax privileges for business assets in Germany, admitting that in spite of several landmark decisions of the Bundesverfassungsgericht, this debate has not come to an end yet, as the sophisticated legislation is again pending before this Court.[2]

Likewise, now with a view to assignment of powers (layer 6), Prof. Reimer pointed to the ambivalent role of federalism, reflected in the mismatch between Federal law-making powers on the one hand and exclusive assignment of the entire revenue to the Länder. Even though the Länder budgets are strongly affected, existing rules in State constitutions on the design of inheritance taxes run empty. As a very significant example, he cited Article 123 of the Bavarian Constitution of 1946.[3] Under this rule, the inheritance tax shall not only generate revenue in line with the principle of ability to pay, and vary according to the degree of kinship but also prevent the accumulation of vast fortunes in the hands of few. A court case currently pending before the Federal Constitutional Court (*Bundesverfassungsgericht*) might strengthen legislative authority of the Länder, however.[4]

Finally, Prof. Reimer sketched issues on the international dimension of these taxes (layer 7). He distinguished the three different traditional approaches, viz. coordination within unified or federal systems, unilateral measures, and contractual coordination, for which he recalled the OECD model treaty of 1966 and 1982, noting the decline of the latter (inheritance tax treaties) and deplored significant double taxation in cases of cross-border families. In all, this contribution created a structured framework for assessing the different reasons for taxation, without reducing them to a single fiscal argument, but provided a comprehensive insight into the issue at hand.

In the following presentation, **JUDr. Miroslava Večeř, Ph.D., LL.M.**, Assistant Professor, Faculty of Law, Charles University, entitled: *"Taxing Wealth Transfers: A Comparative European Perspective"* followed up with a European comparison in which it made the same family assets subject to different tax constructions within the legal orders of various European states. It shifted focus from the rates themselves to the importance

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[2] Cases No. 1 BvF 1/23 and 1 BvR 804/22. These cases have been heard on October 12 and 13, 2026.

[3] Article 123(3) of the Constitution of the Free State of Bavaria (Verfassung des Freistaates Bayern), as republished on 15 December 1998 (GVBl., pp. 991, 992; BayRS 100-1-I) (Verfassung des Freistaates Bayernin der Fassung der Bekanntmachung vom 15. Dezember 1998 [GVBl. S. 991, 992] BayRS 100-1-I. In: *Bayern.Recht* [online]. [cit. 2026-09-13]. Available at: https://www.gesetze-bayern.de/Content/Document/BayVerf-123?).

[4] Case no. 1 BvF 1/23.

of the exemption, the tax base and the timing of the transfer. For the comparative test, it defined six elements: (a) the taxpayer's taxable facts; (b) the taxable amount; (c) the relative classes; (d) the tax-free amounts; (e) the rates; (f) the discounts and addition of acquisitions. It identified some important elements, pointing to the fact that the difference in inheritance tax may arise already from the approach to estate tax and whether the estate as a whole is taxed or whether the property received by the individual heir is taxed, i.e., on an individual basis. Other variables are valuations, debts, deductions, but also, in some cases, special protection for housing or business. Referring to sources in the OECD[5] it distinguished the estate tax, the acquisition tax by the individual heir, the gift tax and the tax tracking the totality of acquisitions free of charge over a lifetime. Asst. Prof. Večeř described the first model as administratively simpler, but one that is less tied to the status of the recipient. The second model is directly linked to equality of opportunity. Gift tax acted as a complement to inheritance tax, while the lifelong model brought the potential for higher progression, but at the cost of more demanding administration.

The European wide analysis, provided by Asst. Prof. Večeř showed that there exists a considerable diversity of routes in the European states, generally towards a low tax burden in area of inheritance and gift taxation. The comparative part of the contribution showed that the legislation on the taxation of inheritances and gifts within European states could be characterised by several interlocking approaches. Some states do not apply separate inheritance or gift taxes (for the Czech legislation, see more closely below, the contribution of Professor Boháč),[6] other European states approaches adjustments emphasize the benefit of tax-free transfers within the family as a relationship-based exemptions, or substantial personal allowances combined with comparatively low proportional rates.[7] The third group consists of states that apply progressive taxation of

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5 OECD. *Inheritance Taxation in OECD Countries* [online]. OECD Tax Policy Studies, No. 28. Paris: OECD Publishing, 2021, especially Chapter 4 [cit. 2026-09-13]. Available at: https://doi.org/10.1787/e2879a7d-en.

6 See Sweden: Lag om arvsskatt och gåvoskatt [Act (1941:416) on Inheritance and Gift Tax], repealed by Act (2004:1341) with effect from 1 January 2005 (Lag om arvsskatt och gåvoskatt [The Inheritance and Gift Tax Act]. In: *Sveriges Rigsdag* [The Swedish Parliament] [online]. [cit. 2026-09-13]. Available at: https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-1941416-om-arvsskatt-och-gavoskatt_sfs-1941-416/); Czech Republic: Zákonné opatření Senátu č. 344/2013 Sb. [Senate Statutory Measure No. 344/2013 Coll.]. In: *e-Sbírka* [e-Collection] [online]. [cit. 2026-09-13]. Available at: https://e-sbirka.gov.cz/sb/2013/344; Zákon České národní rady č. 586/1992 Sb. [Act No. 586/1992 Coll. of the Czech National Council]. In: *e-Sbírka* [e-Collection] [online]. As amended, especially sections 4a(a) and 10(3)(c) [cit. 2026-09-13]. Available at: https://e-sbirka.gov.cz/sb/1992/586.

7 See Croatia: Local Taxes Act (Zakon o lokalnim porezima). In: *Narodne novine* [Official Gazette] [online]. Nos. 115/2016, 101/2017, 114/2022, 114/2023 and 152/2024, especially articles 8 and 9 [cit. 2026-09-13]. Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2016_12_115_2524.html; Italy: Testo unico delle disposizioni concernenti l'imposta sulle successioni e donazioni: Testo unico del 31/10/1990 n. 346 [Consolidated Act on Inheritance and Gift Tax: Consolidated Act No. 346 of 31 October 1990]. In: *Documentazione Economica e Finanziaria* [Economic and Financial Documentation] [online]. As amended, especially articles 7 and 56 [cit. 2026-09-13]. Available at: https://def.finanze.it/DocTribFrontend/getAttoNormativoDetail.do?ACTION=getSommario&id=%7B16F04D59-E306-4C1E-A7E6-66CB9754E158%7D.

inheritances and gifts on the part of the acquirer, with the resulting tax burden significantly affecting differentiated tax-free amounts and special tax credits.[8] In some European countries, on the other hand, the importance of regional differences dominates.[9] Asst. Prof. Večeř summed up the findings of the comparison, stressing that the resulting tax burden on family transfers could not be assessed and viewed solely on the basis of the level of rates. It is crucial to also reflect the interaction of the rules for defining the tax base, the relationship of kinship between the parties involved, but the availability of exemptions and reliefs as well as the relevant territorial arrangements also play an important role.

Asst. Prof. Večeř provided further an illustrative comparison analysed an example of the transfer of one million euros in money from a parent to one adult child and provided a comparative view of this situation across selected European jurisdictions. It treated the same amount as a gift in life and as an inheritance, while maintaining the family relationship, type of property and assumption of domestic residence for the purposes of this analysis but excluded special relief for real estate and businesses as well as cross-border complications. The analysis showed that the same economic value can lead to a significantly different burden. The comparison revealed some insights, in particular that abolishing the tax is not the only way to impose a low burden, but similarly instruments such as high limits, exemptions or regional rebates can act. Another interesting finding was that the protection of a surviving partner tends to be stronger than that of a child. In terms of progression it has been identified, it is particularly significant for large transfers. Annual limits, census of donations and reverse inclusion of transfers made before death influence the incentive to donate in life. The conclusion opened up questions about whether inheritance tax should primarily serve equality of opportunity or revenue, gave a reflection on where the protection of the family business ends and the tax privilege begins, and whether it is appropriate to monitor free-of-charge acquisitions cumulatively over a lifetime.

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[8] See Germany: Erbschaftsteuer- und Schenkungsteuergesetz – ErbStG [Inheritance and Gift Tax Act]. In: *Bundesministerium der Justiz und für Verbraucherschutz* [Federal Ministry of Justice and Consumer Protection] [online]. As amended, especially sections 13, 13a, 13b, 15, 16 and 19 [cit. 2026-09-13]. Available at: https://www.gesetze-im-internet.de/erbstg_1974/BJNR109330974.html; Finland: Perintö- ja lahjaverolaki nro 378/1940 [Inheritance and Gift Tax Act No. 378/1940]. In: *FINLEX* [online]. As amended, including by Act No. 1349/2025, especially sections 11–14, 19 and 19a [cit. 2026-09-13]. Available at: https://www.finlex.fi/fi/lainsaadanto/1940/378 and https://www.finlex.fi/fi/lainsaadanto/saadoskokoelma/2025/1349.

[9] Belgium (Flemish Region): Vlaamse Codex Fiscaliteit van 13 december 2013 [Tax Code of 13 December 2013] [online]. As amended, especially articles 2.7.4.1.1 and 2.8.4.1.1 [cit. 2026-09-13]. Available at: https://codex.vlaanderen.be/Portals/Codex/documenten/1023499.html; Spain: Ley 22/2009, de 18 de diciembre [Law No. 22/2009 of 18 December 2009]. In: *Agencia Estatal Boletín Oficial del Estado* [State Agency for the Official State Gazette] [online]. Especially article 48 on the legislative powers of the Autonomous Communities in relation to inheritance and gift taxation [cit. 2026-09-13]. Available at: https://www.boe.es/buscar/act.php?id=BOE-A-2009-20375#a48; Decreto Legislativo 1/2010, de 21 de octubre [Legislative Decree 1/2010, of 21 October]. In: *Agencia Estatal Boletín Oficial del Estado* [State Agency for the Official State Gazette] [online]. As amended, especially articles 21–25 [online]. [cit. 2026-09-13]. Available at: https://www.boe.es/buscar/act.php?id=BOCM-m-2010-90068#a25.

**Prof. JUDr. Radim Boháč, Ph.D.**, dean of the Faculty of Law, Charles University Prague in his contribution entitled: *"Taxing Wealth Transfers in Czechia: Past, Present, and Future"* followed the Czech pathway from separate transfer taxes to a massive exemption of tax-free income. In his contribution, he also addressed the issue of fiscal solidarity in the context of taxing large acquisitions through no fault of his own. Professor Boháč has broken down the Czech experience in time into three phases, i.e., past, present and future. For the period 1993–2013, he recalled a separate inheritance and gift tax at progressive rates based on the value and relationship between individuals. Since 1994, inheritance tax in the Czech Republic has effectively been half that of gift tax. The exemption of the first group for inheritances in 1998 and the first two groups for both inheritances and gifts in 2008 gradually narrowed the scope of the taxes even before they were abolished.

Since 2014, gratuitous incomes, inheritances and legacies have been exempted from income tax for both natural and legal persons, and wide exemptions also apply to gifts within the family and cohabitees. However, non-exempt donations are subject to normal income taxation, at rates of 15% and 23% for natural persons and 21% for legal persons. It is therefore not a complete exclusion of all gratuitous income, but a combination of inclusion and exemption.

Professor Boháč further placed the situation in a broader context in the form of a low tax burden on property transfers. He also recalled the fact that the tax on the acquisition of real estate had been abolished in 2020, pointing in contrast to the higher taxation of labour and consumption in the Czech Republic. He did not consider the non-taxation of inheritances and gifts to be neutral, as large acquisitions by no fault of their own lead to the creation of a real ability to pay, but in this respect there is no requirement for a solidarity contribution towards people with no property background. Professor Boháč went on to point out that the benefits can also accumulate across generations.

From the point of view of *de lege ferenda*, Prof. Boháč did not associate his considerations with the taxation of every family but considered high thresholds for the protection of ordinary inheritances and gifts, the application of progressive rates for very large transfers, and a broad basis that would not be emptied by a set of exceptions. In conclusion, he pointed to liquidity protection with regard to family housing, but also business continuity and repayments. The purpose should be to make a solidarity contribution from large acquisitions free of charge, not to "punish" the acquisition of assets, so as to uphold the principle that paying taxes is an honor, not a punishment.

In a final speech entitled: *"Family Privileges – a Constituent Element of Wealth Transfers Taxes"* **Prof. Dr Andreas Piekenbrock**, Director of the Institute for Civil Law, Labour Law and Insolvency Law, Faculty of Law, Heidelberg University, brought the historical roots as well as the concrete form of family privileges in Germany closer together and analysed their impacts on the arrangement of inheritance and donation. Prof. Piekenbrock interpreted family privilege as a constituent element of the taxation of property transfers, outlining the historical line he had taken from the 1822 Prussian Stamp Duty Act (*Gesetz wegen der Stempelsteuer*), which exempted ancestors, legitimate children and – to a limited extend – the spouse, through the laws of 1873 and 1891 (Prussian Inheritance Tax Acts – Gesetze *betreffend die*

*Erbschaftsteuer*, to the 1906 Imperial Inheritance Tax Act (*Erbschaftsteuergesetz*), which left the exemption to the spouse and children. At the beginning of the 20th century, the 1919 Law on Inheritance Tax Act replaced the full exemption of the closest family with a preferential first class tax. The Inheritance Tax Act of 1925 amendment subsequently freed the spouse again if the couple had living children. This was due to the idea of avoiding double taxation in the context of the transfer of property through the spouse to the children, so the point is to tax the transfer in a generation only once.

In an overview of the German regulation, he placed the spouse, children and grandchildren in the first tax class, listed the tax-free amounts for the spouse of the child and grandchild, as well as special amounts for the grandchild whose parent had already died. He emphasised, however, that these allowances had not been increased since 2009. The claim to settle the matrimonial property gains, identified as *Zugewinnausgleich*, was distinguished from the taxable acquisition in the event of death. Furthermore, Prof. Piekenbrock provided a separate analysis of the securing non-taxable amount, *Versorgungsfreibetrag*, compensating for the loss of the dependant. For a spouse, it depends on the value of the tax-free survivor's pensions. Prof. Piekenbrock also inferred the disadvantage of younger survivors and those caring for children and the household. For children, he mentioned the safeguarding amount provided by the age of 27.

In addition to the personal tax-free amounts, Prof. Piekenbrock also introduced the advantage of a particular asset, stating the exemptions for household goods and for other movable goods and their limits. Family housing acquired by the spouse has been exempted, for children the exemption is restricted to a limit of 200 m². At the same time, he emphasised the requirement that the beneficiary occupy the property as their own home for ten years. Further he pointed out that failure to comply with this requirement results in the retroactive loss of the tax exemption. This requirement particularly affects children inheriting the family home. Thus, the protection of the family in the scheme described was not a complete exemption, but a in a combination of personal tax allowances, asset-specific exemptions and a more favourable tax rate structure.

In the final section, Prof. Piekenbrock set out how the rules incentivise specific arrangements for property transfers and further highlighted the fact that, in the death of the first spouse, a complete transfer of assets to the other may result in both taxation and non-use of the child's tax-free amount towards the deceased parent, and pointed to the transfer of part of the estate directly to the children by means of a will or their compulsory part, referred to as *Pflichtteil*. The second area analysed was life giving, where donations are in principle taxed in the same way as death acquisitions, but acquisitions in a 10-year period add up, so that after ten years the tax-free amount can be reused when transferring to children. Prof. Piekenbrock went on to mention routine real estate transfers, subject to the usufruct rights retained for the donor. He drew attention to the fact that the usufruct's value diminishing the value of the assets transferred depends, however, on the age of the beneficiary, as the right is extinguished by his death. Prof. Piekenbrock's interpretation linked the construction of family privileges with the choice of beneficiary, the timing of the transfer and the donor's continued use and enjoyment of the property.

## CONCLUSION

The Heidelberg Mini Symposion pointed to the fact that the issue of inheritance and gift taxation cannot be narrowed down to a choice between a high and a low rate. Behind the different legal constructions in the different European countries lie different ideas of justice, family protection and the division of public burdens. Meanwhile, linking theoretical starting points to the European comparison revealed that exemptions, special allowances and the timing of the transfer could be as significant to the actual burden as the tax rate itself. The Czech reform perspective and the German analysis of family benefits added to this picture of the tension between the demand for fiscal solidarity and the protection of family continuity.

The important contribution of the mini symposion, which created an academic platform for reflecting on the situation *de lege lata*, but also on the possible development *de lege ferenda*, was, above all, to define more precisely where justified family protection ends and the tax burden begins. The conclusions also showed that the transfer of property between generations is not only about what remains in the family, but also about the opportunities of those who do not inherit any property and how the approaches of the country's tax legislation work with these factors.

JUDr. Miroslava Večeř, Ph.D., LL.M.*
Charles University, Faculty of Law
vecer@prf.cuni.cz
ORCID: 0009-0003-0749-9414

Prof. Dr. Ekkehart Reimer***
Heidelberg University, Faculty of Law
reimer@uni-heidelberg.de
ORCID: 0000-0002-7999-7477

Prof. Dr. Andreas Piekenbrock**
Heidelberg University, Faculty of Law
piekenbrock@jurs.uni-heidelberg.de
ORCID: 0009-0009-9669-3254

Prof. JUDr. Radim Boháč, Ph.D.****
Charles University, Faculty of Law
bohac@prf.cuni.cz
ORCID: 0000-0003-4496-4699

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* JUDr. Miroslava Večeř, Ph.D., LL.M., is an Assistant Professor at the Department of Financial Law and Financial Science at the Faculty of Law, Charles University. Her main areas of expertise are Income Taxation, VAT, European and International Tax Law and Czech and EU Budgetary Law.

** Prof. Dr. Andreas Piekenbrock is a Director of the Institute for Civil Law, Labour Law and Insolvency Law (*Institut für Bürgerliches Recht, Arbeitsrecht und Insolvenzrecht*), Faculty of Law, Heidelberg University. His main areas of expertise are insolvency law, commercial banking law and European private Law.

*** Prof. Dr. Ekkehart Reimer is a Director of the Institute of Public Finance and Tax Law (*Institut für Finanz- und Steuerrecht*), Chair of Public Law, European and International Tax Law, Faculty of Law, Heidelberg University. His main areas of expertise are Constitutional and Administrative Law, German, European and International Tax Law.

**** Prof. JUDr. Radim Boháč, Ph.D., is a Dean of the Faculty of Law, Charles University, Head of the Department of the Financial Law and Financial Science. His main areas of expertise are Income Taxation, VAT and Budgetary Law.