THE EUROPEAN NETWORK OF REGISTERS OF WILLS
ASSOCIATION (ENRWA)

“INTERCONNECTING EUROPEAN REGISTERS
OF WILLS” PROJECT

Final Report

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The European Network of Registers of Wills Association, ENRWA (1), implemented the “Interconnecting European Registers of Wills” (IRTE) project (2) between October 2010 and September 2012.

1. The Association

ENRWA is an international not-for-profit association incorporated under Belgian law. Its object in particular is to set up a European network between managers of national registers of wills. It was set up in 2005, on the initiative of European Notariats, and currently has 16 members and 2 partners.

1. Map of ENRWA members and partners
States which have registers of wills, which are members or partners of ENRWA, can interconnect their registers, in accordance with the Basel Convention of 16 May 1972 on the establishment of a scheme of registration of wills. The interconnected registers form a network called ENRW (European Network of Registers of Wills). ENRW enables civil law notaries and legal professionals with responsibility for settling successions to search a foreign register via their own national register. Information is exchanged between registers, which means that a foreign network receiving a request for information sends its reply to the legal professional with responsibility for settling the succession via the latter’s national register. Thus, thanks to ENRWA, European citizens can find the testamentary dispositions of a deceased person regardless of the State where the said person’s will is deposited.

ENRWA has developed two applications for the creation of a network of European registers: ENRW and RERT Light. ENRW is an application which enables registers of wills to be interconnected automatically, and directly, that is to say directly between legal professionals and a foreign register (via the national register). RERT Light is an effective tool for registers of wills which are not computerized or not centralized. Via a correspondent designated by the manager of the register of wills, the register may request information from other European registers and/or reply to a search request. RERT Light represents a first step towards automated interconnection via ENRW.

2. The context of the “Interconnecting European Registers of Wills” project

The IRTE project, which was implemented between October 2010 and September 2012, received co-financing from the European Commission in the framework of the “Civil Justice 2007-2013” programme. Before implementing this project, ENRWA had obtained, in 2008, initial European co-financing for the implementation of the “Europe Wills” project. The earlier project had enabled ENRWA to gain a better understanding of will registration and
search systems across the whole of the European Union. In order to obtain a detailed overview of the situation in each country ENRWA had set up a network of legal experts, with specialist knowledge of registers of wills. Their work revealed that certain registers could be interconnected rapidly and complied with the principles of the Basel Convention.

The “Europe Wills” project had also underscored the challenges that still had to be met in order to ensure effective interconnection of numerous European registers\(^1\). Thus, the conclusions of the project had highlighted various types of obstacles to be overcome:

- **structural**: some countries did not have a register or their register was not computerized;

- **legislative**: certain laws provided access to the national register solely to the civil law notary with responsibility for settling the succession. Therefore, foreign legal professionals could not consult the register;

- **financial**: the unfavourable economic context was an obstacle to the creation or modernisation of registers. Therefore, the interconnection work sometimes represented a significant financial burden;

- **technical**: some registers did not necessarily have the technical infrastructure needed to carry out the work.

The IRTE project focused on overcoming the technical and financial obstacles with the aim of developing a large network of interconnected registers of wills. Accordingly, the project consisted, on the one hand, in proposing technical and financial assistance to managers of registers of wills that wanted to interconnect to the network via ENRW and, on the other hand, in translating the RERT Light data input screens into the different languages of the European Union in order to enable the contact points to transmit and receive information in their language.

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\(^1\) The results of this project are presented in detail on the ENRWA website: [www.enrwa.eu](http://www.enrwa.eu).
Development of the European Network of Registers of Wills is intended to contribute to the creation of the Europeans judicial area for citizens in succession matters and to promote, from a practical point of view, the mutual recognition of wills, by making it possible for legal professionals, and also European citizens, to search for wills throughout the whole of the European Union.

Thanks to the support of the European Commission, this objective has been largely achieved, since between October 2010 and September 2012, the number of interconnected registers of wills increased from 2 to 10. Co-financing of the European Commission has therefore proved to be decisive in the practical extension of this network.

Implementation of the IRTE project consisted in overcoming the previously identified interconnection obstacles (I) in order to extend the existing network (II). This roll-out is intended to provide a high value-added service not only for legal professionals but also for European citizens (III).
I. Overcoming the obstacles

The obstacles to the large-scale interconnection of European registers of will were identified during the implementation of a previous project implemented by ENRWA, namely the “Europe Wills” project. The objectives (A), stages (B) and methodology (C) of the IRTE project were designed to overcome these obstacles.
A. The objective of the IRTE project

The general objective of the “Interconnecting European Registers of Wills” (IRTE) project was to contribute to the construction of an area of justice, freedom and security in civil matters, based on mutual confidence. The project also set out to develop e-justice at the European level by using information and communication technologies for the benefit of European citizens.

More specifically, the aim of the IRTE project was to multiply the number of interconnected registers of wills within the European Union (EU), in order to ensure that the testamentary dispositions of European citizens are respected irrespective of where wills are deposited in Europe and to protect the rights of the heirs designated in the will. More and more European citizens are moving freely within the EU and an increasing number of wills are drawn up every year. Starting from the principle that a will that is not found is equivalent to a non-existent will, there is a risk that the wishes of a deceased person will not be respected or will not be discovered in time and some heirs could be wronged.

In this context, the IRTE project facilitated the effective interconnection of registers of wills by:

- eliminating the financial and technical obstacle of the cost of interconnecting via ENRW. This fully automated connection mode requires an investment by registers that want to interconnect with other registers. In the framework of the IRTE project, ENRWA financed a large part of the interconnection work. In addition, ENRWA provided its interconnection technical expertise to registers during the work phase;

- translating the RERT Light search request and reply display screens. Initially, this interconnection tool existed only in French and English, which was an obstacle to its widespread adoption.
Thanks to these actions, the IRTE project helped to accelerate the integration of European registers into the European Network of Registers of Wills (ENRW). Legal professionals with responsibility for settling successions in the European Union are thus in a position to transmit search requests and respond to similar requests from their foreign counterparts rapidly. It is therefore easier and quicker for European citizens to obtain information on the existence of wills of relatives in a large number of European States.

B. The stages of the IRTE project

The IRTE project involved 7 stages, the details of which are set out in the table below.

<table>
<thead>
<tr>
<th>Project stages</th>
<th>Explanations</th>
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<tbody>
<tr>
<td>1. Communication about the project and contact with the managers of registers of wills</td>
<td>The first stage involved informing the computerized registers that the European project had been awarded to ENRWA and presenting them with the possibility of obtaining financing for part of the overall cost of the interconnection of their register. ENRWA proposed to cover the actual interconnection cost, while the register would bear the cost of work needed to adapt the register. The network of experts of registers of wills set up by ENRWA during the implementation of the “Europe Wills” project facilitated the wide-scale dissemination of information.</td>
</tr>
<tr>
<td>2. Interconnection of registers of wills via RERT Light</td>
<td>In order to enable European citizens to be able to trace wills in other European States as quickly as possible, it was decided to implement the interconnection of European registers of wills in two phases. First, the registers would be connected via RERT Light then they would be fully integrated via ENRW. During the second phase, the search and search reply screens of RERT Light were translated into the different languages of the European Union, which enabled the Bulgarian, Hungarian and Romanian registers to be interconnected.</td>
</tr>
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</table>
3. Analysis of the situation of registers and verification of the feasibility of interconnection via ENRW

During this stage, an in-depth examination of the technical status of the registers of wills was carried out: first of all, a legal and technical questionnaire was sent to the registers that had applied to be interconnected via ENRW. Then, a work session was organised with these registers, with the aim of clarifying the operational details of the registers and the arrangements for the co-financing of the work by ENRWA. The work sessions were also used to check that feasibility of the planned interconnection within the time allotted under the project, taking into account the technical development of the register and any legislative constraint in the country. Finally, the political will to interconnect rapidly was taken into consideration.

4. Identifying the registers to be supported by ENRWA for their interconnection via ENRW

In order to decide which registers would receive financial support from ENRWA and the amount of financing, members of the steering committee first of all checked whether the register satisfied the allocation criteria. They then analysed the answers to the questionnaire and estimates submitted by the registers. The registers selected by the steering committee were the Bulgarian, Lithuanian, Dutch and Polish registers.

5. Monitoring the ENRW interconnection work

A work schedule was submitted by the technical teams of every register selected. These schedules were transmitted in turn to the team with responsibility for providing technical support during the ENRW interconnection phase. Throughout this stage, progress was reviewed at regular intervals with the ENRW project coordinator so that he was fully up-to-date with progress of the work.

6. Finalisation of the project

When the registers considered that they had completed their interconnection work, a series of final tests was carried out to validate their work. Following these tests, a final meeting was organised to officialise the opening of the interconnection and to gather relevant information for future work and future upgrades of the registers.

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2 See below: Selecting the registers participating in the IRTE project.
7. Dissemination of the results of the project

The results of the project were presented to representatives of EU Member States, European institutions, Notariats of European Union and other legal professionals with responsibility for settling successions at the closing conference, held on 14 September 2012 in Brussels.

This final project report will be transmitted to the European Commission at the end of the project and posted on the ENRWA website (www.enrwa.eu). The latter has been updated in order to improve its readability, by creating a dedicated section for European citizens and another one for legal practitioners.

C. The methodology of the IRTE project

To implement the IRTE project, ENRWA set up a dedicated project team, consisting of:

→ a **steering committee** composed of two civil law notary members, administrators of ENRWA, and the Director of ENRWA. Throughout the IRTE project, 12 steering committee meetings were held. The steering committee supervised the implementation of the project and made budgetary and technical adjustments where necessary. The members of the steering committee also validated the progress reports drawn up throughout the project and ensured that deadlines were met;

→ a **project coordinator** with responsibility for coordinating general implementation of the project and carrying out the actions decided by members of the steering committee;

→ a **project assistant** who assisted the project coordinator;

→ an **external consultant**, specialised in project and programme monitoring and coordination, financed by the European Commission. This consultant was consulted
regularly throughout the project so that he could contribute his project monitoring experience and answer any questions within his area of expertise;

→ a team of 3 technical consultants made up of a team leader, a network expert and a web services expert. This team provided the necessary support for the registers during their ENRW interconnection work.

Furthermore, during the first stage of the project\(^3\), ENRWA relied on the support of the network of legal experts, specialised in issues relating to wills, set up during the implementation of the “Europe Wills” project\(^4\). This network enabled ENRWA to contact representatives of the various registers existing in Europe in order to inform them of the European co-financing obtained by ENRWA and to ascertain their interest in interconnecting their registers. ENRWA also benefited for this project from the support of the Belgian and French Notariats and of the Council of the Notariats of the European Union (CNUE). This support was indispensable given that many registers of wills are managed by Notariats\(^5\).

Finally, in order to ensure that the work was completed on schedule and that the commitments of the partners were respected, ENRWA applied the principle of co-financing with its partners, whereby the registers had to finance the cost of the work needed to adapt their register, while the cost of the interconnection work was borne, in full or part, by ENRWA. This method helped to ensure that the national registers were involved in implementation of the work.

This methodology enabled the IRTE project to be implemented efficiently, leading to a significant extension of the European Network of Registers of Wills (ENRW).

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\(^3\) See above: The Stages of the IRTE project.

\(^4\) See Introduction.

\(^5\) The majority of computerized registers of wills are managed by the Notariat, see map n° 3: List of computerized registers in September 2012.
II. Extending the network

The IRTE project was implemented over a two-year period, from October 2010 to September 2012. This project enabled the European Network of Registers of Wills to be extended since, thanks to the European Commission’s co-financing, the Bulgarian, Hungarian, Lithuanian, Dutch, Polish and Romanian registers were able to connect to the existing network consisting of the Belgian, Estonian and French registers and the St Petersburg register, which provides access to the information contained in the Russian register. 10 registers are therefore now interconnected, compared to 2 in 2010. Construction of this network was made possible by implementation according to the scheduled phases of the IRTE project. Thus, on the basis of the applications received, ENRWA began by determining which registers would benefit from technical and financial support (A). Next, it was necessary to establish a legal framework for the relationships between the various registers and ENRWA (B). Finally, ENRWA and its technical teams provided assistance to the technicians tasked with carrying the interconnection work at the registers selected to interconnect via ENRW (C).
A. Selecting the registers participating in the IRTE project

In order to decide which registers would participate in the IRTE project, ENRWA used a cumulative list of criteria which had to be satisfied by the candidate registers. These were:

→ an advanced level of development: the development status of each register was assessed via the answers to the legal and technical questionnaire and also during the first work session;

→ a commitment to making the necessary technical investments within the time allotted for implementation of the project for the registers wanting to interconnect via ENRW;

→ the manager of the register must be a member of ENRWA or sign a partnership agreement⁶;

→ signature to or ratification of the Basel Convention or adherence to the Code of Conduct drawn up by ENRWA⁷.

Following the communication of these criteria, five registers expressed an interest in interconnecting via ENRW and two opted for an interconnection via RERT Light.

The registers interested in interconnecting via ENRW were the Bulgarian, Lithuanian, Dutch, Polish and Romanian registers. Subsequently, however, the Romanian register opted for the RERT Light solution. As this solution is easier to implement, it was possible to interconnect the Romanian register from March 2012.

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⁶ See below: The creation of a Partnership Agreement.

⁷ See below: The creation of a Code of Conduct.
The registers interested in interconnecting via RERT Light were the Hungarian and Slovenian registers. Screen translation work was carried out and the Hungarian register was able to join the network in March 2012, while the Slovenian register is due to be interconnected by the end of the year.

Moreover, in order to make the European will search service available as quickly as possible to European citizens, the ENRW interconnection candidate registers were offered the possibility to interconnect via RERT Light during the work period. The Bulgarian register was interested in this solution and was interconnected via RERT Light in March 2012, before being interconnected via ENRW in September. The other registers decided not to opt for this solution, preferring to focus fully on the ENRW interconnection work.

Finally, further to a contact initiated before the launch of the project, representatives of the Estonian register re-contacted ENRWA in order to interconnect their register via ENRW. As this register had its own financing sources it had not wanted to apply for ENRWA financing. It was possible to interconnect this register at the same time as the other candidate registers and it therefore joined the network in September 2012.

B. The legal framework for the relationships between the national registers and ENRWA

In principle, as a prerequisite to the initiation of exchanges between a national register of wills and ENRW, the register in question must be a member of ENRWA and sign an ENRW or RERT Light user agreement. In addition, since the register’s operating principles must comply with the Basel Convention of 16 May 1972 on the establishment of a scheme of registration of wills it is preferable for the State where the register is located to have signed or ratified this Convention. In order to respect the legal diversity of the registers of wills, ENRWA has examined every national situation and has developed two solutions to meet their needs: creation of a partnership agreement for the registers that cannot be members
of the association (1) and creation of a Code of Conduct in order to compensate for the absence of signature and/or ratification of the Basel Convention (2).

1. The creation of a Partnership Agreement

Registers of wills in Europe are mainly managed either by the Notariat of the State in question, or by the State, more precisely by a body or service under the responsibility of a ministry, generally the Justice Ministry. In the latter case, it may be difficult for the body in question to become a member of an association given its status. That is why ENRWA has developed a partnership agreement, the content of which is based on the main rights and obligations contained in the statutes and rules of internal procedure of ENRWA. This solution proved appropriate for the Estonian and Lithuanian registers, which are both managed by a body under the responsibility of the Justice Ministry. This approach is based on the principle of respecting national specificities to which ENRWA is particularly attached.

2. The creation of a Code of Conduct

Some registers of wills that were interconnection candidates are established in a State that had neither signed nor ratified the Basel Convention of 16 May 1972 on the establishment of a scheme of registration of wills. However, these registers complied with its principles. Therefore, in order to avoid making the interconnection of a register contingent upon parliamentary or governmental negotiations which can be long and difficult, ENRWA has drawn up a Code of Conduct, based on the principles of the Convention. It is compulsory to adhere to this Code of Conduct for all the registers based in a State not bound by the Basel Convention and optional for the registers from a State that has signed or ratified it.
C. Technical support provided to registers

1. The organisation of the interconnection work

The interconnection work was different according to the connection mode chosen.

→ When the register wanted to connect via RERT Light, its representatives had to designate one or two contact persons to whom ENRWA assigned login credentials (user name and password). They were then able to access a demonstration platform, on which the information was totally fictive, and test the use of the tool with other registers of wills. When they considered that they were ready, they were given access to the so-called “production” platform where “live data” were exchanged. In order to avoid any user confusion, a new password was generated. Moreover, also to avoid user confusion, the interface of the demonstration area was coloured red, compared with blue for the live data interface.

→ When the register chose to connect via ENRW, the work involved was more substantial. The registers had to check that their national system was capable of transmitting and receiving messages on the platform. In general, several adjustments were necessary. To that end and in order to simulate the transmission and receipt of flows between two registers, the registers had access to a demonstration platform and to a false RERT Light account. This method enabled the teams working within each foreign register to carry out their work autonomously. At the same time, they were able to call on the ENRWA technical teams for technical support when necessary. Once the interconnection work was completed, a series of final tests was carried out between ENRWA and the various registers. These tests were intended to simulate various search and reply hypotheses with a view to validating the interconnection of each register: once all the tests had been carried out successfully, ENRWA validated the register’s interconnection work and granted it access to the “production” platform.
2. Mutual adaptation

The foreign registers of wills had to adapt some of their operating rules to the platform. At the same time, however, some adaptations were also made to the platform to take account of the needs of foreign registers.

• The structure of the registers of wills

Some of the interfaces of the registers of wills that were interconnection candidates were not completely suitable. For example, the interface of the Bulgarian register did not have enough fields for it to be interconnected to ENRW, since a variety of information was included, in the form of free text, in a bigger field. To overcome this obstacle, a dedicated interface for international searches was developed, accessible to all civil law notaries, alongside the national interface.

Furthermore, the compulsory fields vary among registers. Although all the information specified in the Basel Convention\(^8\) is required, some registers have added supplementary fields. For example, in France, the testator’s gender must be indicated. Other registers, such as the Bulgarian, Estonian, Dutch and Polish registers require the testator’s national identification number to be entered in order to search their national register. In general, whenever such a number can be used, the search is chiefly carried out on that basis, which sometimes leads to difficulties at the European level since each State has specific identification numbers\(^9\). It is necessary to raise awareness among legal professionals with

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\(^8\) Article 7 of the Basel Convention refers to the family name and first name(s) of the testator, his or her place and date of birth, address or domicile, as declared, the nature and date of the deed of which registration is requested, the name and address of the of the notary, public authority or person who received the deed or with whom it is deposited.

\(^9\) Some registers have decided not to request this number for foreign register searches. That is the case in particular of the Estonian register.
responsibility for settling a succession about the need to provide as much information as possible in the event of searches of other European registers of wills. Finally, the structure of certain registers will lead to certain changes being made to the exchange platform in the near future. For example, Polish post codes include a hyphen in the middle of a series of figures (XX-XXX). For the moment, however, the platform does not accept this format. After investigation, it transpires that all the member registers of the network accept it, even if they do not use it for their national needs. ENRWA will therefore change the platform to bring it into line with the structure of its partners.

- The management of different European languages

The European Union has 23 official languages. In some cases they include specific diacritical marks or use a non-Latin alphabet. The character sets used by the exchange platform must take such specific characteristics into account so that all the interconnected registers of wills can transmit and receive requests for information in their national language with all its characteristics.

Initially, the IT standard used was ISO 8859-1. However, this rapidly proved to be inadequate to take account in particular of Polish and Lithuanian characters. The broader UTF-8 standard was then adopted. Moreover, the Bulgarian register uses Cyrillic script. An official correspondence exists between the Cyrillic and Latin alphabets and, accordingly, some Bulgarian ID cards contain the surnames and given names of the card holder in both scripts. Technical teams working on the interconnection of the Bulgarian register therefore developed a transliteration tool, which is integrated in their foreign register search interface and enables characters to be converted automatically.

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10 See below: The specificity of the management rules of foreign registers.

11 A diacritical mark is a mark accompanying a letter, such as in particular accents and ligatures.
The specificity of the management rules of foreign registers

The operating rules of registers are far from being identical, although they all respect the Basel Convention. For example, in the Netherlands, the country of birth is not necessarily indicated in the search if the deceased person was born in the Netherlands. However, it is a compulsory field in the ENRW exchange platform. This problem was easily solved by the creation of an “Unknown” country. For other registers, this information is essential to carry out a will search. For example, the French register attaches considerable importance to this information because of the absence of a national identification number usable by it. Users of the exchange platform are not currently aware of all these specificities which are particularly useful when searching foreign registers. Numerous optional fields can be completed alongside the compulsory fields. As a result of its work, ENRWA has developed precise knowledge of the way in which the different registers function. A user guide listing the main national specificities will therefore be produced in order to enable users to optimise their searches in the various foreign registers interconnected to the network.
III. Providing a high value-added service

The “Interconnecting European Registers of Wills” (IRTE) project was aimed at managers of registers of wills in a position to interconnect via ENRW or RERT Light. The implementation of this project has made it possible to extend the European Network of Registers of Wills (ENRW), a network which enables European citizens to trace the wills of relatives irrespective of the European country where the wills are deposited and therefore to protect the rights of the heirs designated in the will. It therefore provides a high value-added service not only for European citizens but also for legal professionals with responsibility for settling successions, while respecting the legal, technical and linguistic rules of national registers.

The IRTE project has facilitated development of an innovative (A), permanent (B) and multilingual (C) network. Thanks to the impetus provided by European support, this network is being expanded (D). It was created for the benefit of European citizens (E) and to increase cross-border cooperation (F).
A. An innovative network

1. A successful example of large-scale interconnection

The European Network of Registers of Wills (ENRW) consisted of 10 interconnected registers at the end of September 2012. It is therefore a successful example of the large-scale interconnection of European registers. This network is immediately operational and the legal professionals with responsibility for settling successions in the 10 States in question are able, from the end of the project, to carry out online will searches in all the registers interconnected to the network.

2. A pre-existing network of reliable custodians of wills

The creation of the ENRW was facilitated by the existence of another network on which it relies, namely a network of reliable custodians of wills. In general, the safekeeping of wills is regulated in the various European Union Member States, so that even many years after being drawn up a will can still be traced easily. A testator may have drawn up a will some 30 or 40 years before his or her death. It is therefore important that, irrespective of the period of time that has elapsed, the will can be traced easily to enable the testator’s last wishes to be fully respected. A network of reliable custodians of wills, satisfying high quality standards, both as regards their long-term data safekeeping policy and the measures implemented to ensure the continuous improvement of their registration system, is therefore an essential pre-requisite for the creation of the European Network of Registers of Wills. Thus, before any exchange is initiated, ENRWA satisfies itself that the register with which it is considering working has such a network of reliable custodians.

Civil law notaries are traditionally sensitive to these questions. As custodians of authentic instruments they have long-established systems intended to ensure the security of
documents in their safekeeping. That is why many Notariats are responsible for managing registers of wills and why ENRWA collaborates with many of them. ENRWA also works with Justice Ministries, as States are also sensitive to this issue.

3. An innovative technical network

The network put in place by ENRWA is a technically innovative network in that it provides for the interconnection of registers governed by different operating rules, while maintaining high security levels. ENRWA places strong emphasis on respecting not only the national specificities of each register, but also the national procedures for settling successions, whether they are based on legal provisions or accepted practices. This is possible with the ENRW exchange platform thanks to a simple operating principle: the information exchanged between registers is, at least, that required by the Basel Convention of 16 May 1972 on the establishment of a scheme of registration of wills. The technology used also ensures that the local architecture of the various national registers of wills is very adaptable.

In addition, the exchange platform can be configured so as to allow only one-way exchanges of information. In some countries, national law provides access to the register of wills solely to the civil law notary appointed by the courts to settle the succession. In such cases the notary acts as a “judicial commissioner”\(^\text{12}\). In these States, it is not possible a fortiori for legal professionals located abroad to consult the register. In order to enable foreign registers to access the registers subject to such laws, a filter has been installed on the ENRW platform. The registers concerned cannot therefore be viewed by their counterparts. The installation of a filter has an advantage: the interconnection work has been carried out and, in the event of a change in national law, the registers in question will simply have to remove the filter to allow for two-way exchanges of information.

\(^{12}\) This situation exists in the following States: Austria, Hungary, the Czech Republic, Slovakia and Slovenia.
Finally, the ENRW platform operates in a totally secure environment which ensures that the confidentiality of the information transmitted via the network is protected by the use of electronic certificates. The protection of personal data is therefore fully guaranteed.

**B. A permanent network**

The network put in place by ENRWA is a permanent network for two reasons:

→ ENRW is a permanent network. Network interconnectivity has increased the number of exchanges thanks to the user-friendliness of this tool, as illustrated by the notable increase in search requests since the initiation of exchanges between the registers interconnected via RERT Light. For example, French notaries have initiated search requests far more readily with the Bulgarian, Romanian and Russian registers since the latter have been interconnected to the network.\(^\text{13}\)

→ The scalability of the platform enables it to adapt in line with the national registers which are connected to it. There are also plans to integrate other registers.

**C. A multilingual network**

The IRTE project respects the principle of multilingualism, in accordance with the European Commission’s guidelines. Accordingly, legal professionals and citizens residing in the States where the registers of wills are interconnected via ENRW can access this network via their national interface, therefore in their own language. In order to overcome alphabet differences within the European Union, solutions have been found in agreement with the

\(^{13}\) Between March and August 2012, the Bulgarian register received 38 requests for information from French notaries, while the Romanian register received 40 requests and the Russian register received 45 requests. Prior to that, the French register of wills had not received any request to search the said registers since 2008. The possibility to request information electronic therefore contributes to an increase in exchanges between registers and facilitates searches.
representatives of the registers concerned. Thus, the Bulgarian register has put in place a transliteration system whereby search requests received in Latin script are converted automatically into Cyrillic script and vice versa. This system has been implemented using an official conversion table, already used by the State to convert surnames and given names\textsuperscript{14}.

As regards the registers interconnected via RERT Light, the IRTE project has made it possible to translate the search request and reply display screens into the languages of the European Union. Users of RERT Light therefore have easier access to this tool.

D. An expanding network

1. A network of 10 interconnected registers

European co-financing has enabled us to develop a much wider network than that which existed at the start of the project. In 2010, only the French and Belgian registers were interconnected. In September 2012, 10 European registers of wills are now interconnected, including 6 thanks to the IRTE project, namely the Bulgarian, Hungarian, Lithuanian, Dutch, Polish and Romanian registers, which have joined the Belgian, Estonian, French registers and the St Petersburg register, which provides access to the information contained in the Russian register.

\textsuperscript{14} Bulgarian ID cards show the surnames and given names of the cardholder in both scripts.
2. List of interconnected registers in September 2012

2. An incentive effect on other European registers of wills

Despite its enlargement, the existing network does not yet cover all European Union Member states. Numerous other computerized registers of wills exist. ENRWA will capitalise on the positive momentum created by the IRTE project to encourage managers of registers of wills to join the existing network, so that they can offer a wider-ranging service to their citizens. The extension of the existing network is a real asset for convincing the other registers to join it, which will contribute to its growth. A positive dynamic will therefore be created, in particular among the ENRWA members that are not yet interconnected. The Austrian, Luxembourg and Slovenian registers have moreover already indicated their intention to join the network by the end of 2012/early 2013.
3. List of computerized registers in September 2012

E. A network created for the benefit of European citizens

European citizens will benefit from the development of the European Network of Registers of Wills:

→ When testators register their will in a State that is a member of the network, they can be certain that it will be possible to trace their will in all the States where the registers are interconnected to the platform at the time of their death. As a will that cannot be found is equivalent to a non-existent will, testators are reassured that their last wishes will be respected.

Moreover, testators who have already deposited their will in their State of origin and who have subsequently taken up residence in another State, will not need to draw up
a new will unless they want to change its content, since, irrespective of the place of their death, it will be easy to trace their will thanks to ENRW.

→ When searching for the will in a national register, relatives of the deceased will be able to enlarge their search to all the interconnected registers. An electronic search can be completed very rapidly. In addition, because of the mutual confidence existing between the network’s members and partners, the process is simplified. Accordingly, relatives will not be required to prove the death of the testator to each registered searched. The mere fact that the request is initiated by a legal professional with responsibility for settling the succession in a State guarantees to the register searched that the professional has satisfied himself or herself of the death of the person concerned, in accordance with the national procedures in force in his or her own country. Foreign registers can thus be searched rapidly in accordance with the principle enshrined in both the Basel Convention and the ENRWA Code of Conduct that registration must remain secret during the lifetime of the testator.

F. A network promoting cross-border cooperation

The European institutions are working on the creation of a legal framework to improve cross-border cooperation between legal professionals. With the IRTE project, ENRWA wanted to organise a pragmatic network of cooperation between these professionals. In this way, ENRWA hopes to contribute to the construction of a European judicial area, whether via the exchange of best practices (1), by strengthening cooperation between legal professionals (2) or by creating registers of wills in the States which do not have such a register (3).

15 At the current time, a search via the platform receives a reply within not more than 4 days, compared with several weeks in the case of postal request for information.
1. The exchange of best practices between managers of registers of wills and ENRWA

The implementation of the interconnection work by registers with different operating rules has enabled ENRWA to collect considerable information on the specific functioning of each register. Thanks to the technical validation meetings, carried out after the final tests, ENRWA has gained a detailed understanding of how the registers have adapted certain rules. During the work, ENRWA also made minor adjustments to the exchange platform.

The exchange of this information has enabled ENRWA to play a proactive role and make proposals to certain registers that have adaptation decisions to make. This enables registers to benefit from ENRWA’s knowledge of how other registers have resolved specific issues. Without imposing the final decision, the information communicated contributes to the development of best practices for the management of registers of wills, in a given legislative framework.

2. Enhanced legal cooperation between legal professionals with responsibility for settling successions

The IRTE project is a successful example of enhanced cooperation between legal professionals with responsibility for settling successions within the European Union. When there is a foreign element or when they consider that it is warranted by the circumstances, these legal professionals can search foreign registers of wills. The process has been considerably simplified by the creation of a European network of registers of wills and the replies are received far more rapidly by these professionals. Replies are received within a matter of minutes or a matter of days depending on the connection mode of the foreign register, compared with up to several weeks for information requests sent by post via national registers.
The interconnection of foreign registers via the European Network of Registers of Wills also helps to facilitate procedures since searches via ENRW are conducted in the same way as a national register search. As a result, legal professionals do not need to adapt to a new procedure, as it is the network which adapts to legal professionals, thereby making it easier to use the tool.

3. An incentive effect on the countries not having a register

In general, registers of wills are managed either by the Notariat or by the State. Since 2009, several States have set up computerized, centralized registers of wills, in particular following meetings with ENRWA and other European registers. That is the case in particular of Germany and Poland. These registers have been directly developed as computerized systems and they are often ready to be interconnected rapidly, because they use advanced technologies. The possibility of joining the European Network of Registers of Wills immediately has an incentive effect to the extent that the service provided to citizens is enhanced, from the creation of the register. The Polish register is a telling example in this regard since, within 3 years, it has progressed from the design stage to fully automated interconnection with its European counterparts.

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16 See map n°3. List of computerized registers in September 2012.

17 The workshops-debates organised within the framework of the “Europe Wills” project enabled representatives of European registers of wills to exchange information and opinions on the means of establishing such registers in the countries where they do not exist.
Conclusion

The IRTE project has been a success. The support of the European Commission and ENRWA’s partners has made it possible to roll out a wide network of interconnected registers, generating a positive momentum and the likelihood of further registers interconnecting to the network. This network is a good illustration of cooperation between legal professionals in order to contribute to the construction of an area of justice, freedom and security within the EU. The IRTE projects provides undeniable value-added, with immediate effect, by enabling European citizens residing in the member countries of the network to trace rapidly the wills of their relatives.

This network is part of the European regulation on cross-border successions\(^{18}\) which establishes a framework for determining the applicable law and competent jurisdiction for the succession as a whole. This text should result in notaries, specialists in the law of succession in Europe, being the legal professionals entrusted with the settlement of successions. The said legal professional must therefore possess, inter alia, all the information contained in the will(s) deposited by the deceased, even when several Member States are involved. Thus, professionals will be able to use the European Network of Registers of Wills to trace wills drawn up or deposited in another Member State. In the event of a positive reply, the professional will want to be made aware of the content of the testamentary dispositions in question.

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\(^{18}\) Regulation n°650/2012 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.
A detailed study of national practices regarding the opening of wills has not yet been carried out. That is why ENRWA has developed a new project, called “Cross-border Wills”\(^{19}\) with the objective of carrying out such a study, since it is important to understand, once a will has been traced, how the information contained in it can be disclosed to interested parties located in another European Union Member State. Each Member State has its own procedures for opening wills. The conditions governing the disclosure of the content thus revealed differ from one State to another. For legal professionals with responsibility for settling successions, the disclosure of the information contained in this document is therefore a long and difficult procedure, which does not make it easy to settle a succession within an optimal timeframe. With the “Cross-border Wills” project, ENRWA hopes to identify solutions for improving the transmission of information contained in wills and to initiate a debate on the development of an IT tool to facilitate exchanges of this information, in accordance with the national specificities of the 27 EU Member States.

\(^{19}\) ENRWA has developed this project in the framework of a call for proposals from the European Commission – “Civil Justice” 2011-2012. Following the positive answer from the European Commission, this project started the 3\(^{rd}\) December 2012.