



Austria

## Registering and searching for wills

→ What are the main forms of will under Austrian law?

- \* the **notarial will**, drawn up by a notary.
- \* the **holographic will**, written, dated and signed by the testator him/herself.
- \* the will drawn up by the testator or a third party and signed by the testator and three witnesses .

→ Does a register of wills exist in Austria?

**Yes**, there is a register of wills, administered by the Austrian Chamber of Notaries. It is maintained in electronic form. Furthermore, there is the Austrian Lawyers' register of wills.

### **Important note**

These questions and answers provide general information as of 1 January 2022. For specific questions, a notary should be consulted. Information pages produced by ENRWA in cooperation with the European Commission and the Notaries of Europe.





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## I. Registration of a will

### → Why should I register my will?

It is not mandatory to register all forms of will (e.g. a “personal” will can be kept at the testator's home). **However, a will that is not found is deemed to be non-existent.**

**It is therefore advisable to have the will entered in the register.** The testator can then be sure that his/her last wishes will be respected following his/her death.

### → Who can carry out the registration?

Notaries, courts or lawyers can register wills kept by them. Although it is possible to draw up a will yourself, the assistance of a notary is particularly valuable given that they are specialists in this regard.

**It is not the content of the will that is entered in the register but, rather, the information that enables the will to be found upon the death of the testator.**

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→ Where is the will kept?

Notaries, courts or lawyers are responsible for the safekeeping of the wills entrusted to them by the testators.

→ Can the testator's family members consult the register while he/she is still alive?

No, the existence of a will and its contents shall remain a secret during the entire life of the testator.

### II. Searching for wills

→ Who is entitled to search the register of wills?

Upon the death of the testator, a notary is appointed as court commissioner on the basis of a predetermined distribution order to handle the inheritance proceedings on behalf of the court. Only the court commissioner is entitled to search the register of wills. **This search is mandatory**, as it ensures that the testator's last will and testament is found.

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### → Is it necessary to present a death certificate?

There is no obligation to submit a death certificate. The requirement regarding the opening of probate proceedings for the inspection of the register of wills ensures that **the existence of the will remains secret during the testator's lifetime.**

### → How much does a search of the register cost?

The search of the Austrian register by the court commissioner is free of charge.

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