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Information for authorities issuing an ECS



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European Judicial Network
(in civil and commercial matters)

1 The kinds of registers that exist in the Member State, containing information relevant to successions

The *Grundbuch* (land register) is a public register kept by the district courts in which parcels of land and the rights *in rem* to them (e.g. ownership, lien) are recorded.

The *Zentrale Melderegister* (ZMR, Central Register of Residents) is a public register of the names of everyone who is registered in Austria, along with details of their principal residence and – where applicable – of their secondary residence(s). The ZMR contains data on the identity (name, gender, date of birth, number in the register, nationality, etc.) and residence data of individuals.

The *Zentrale Testamentsregister* (ZTR, Central Register of Wills) is used to record the deposit of succession-related documents with certain depositaries, and therefore to ensure their retrievability in probate proceedings.

In the *Testamentsregister* (Register of Wills) of Austrian lawyers, lawyers and law firms can register wills, other testamentary depositions, agreements pursuant to Section 14(5) of the *Wohnungseigentumsgesetz* (Condominium Act, condominium ownership in the event of death) and renunciations of inheritance.

The *Firmenbuch* (business register) is a public register kept by the regional courts (*Landesgerichte*). In Vienna it is kept by the *Handelsgericht Wien* (Vienna Commercial Court) and in Graz it is kept by the *Landesgericht für Zivilrechtssachen Graz* (Graz Regional Court for Civil Law Matters). Its purpose is to record and publish facts which are to be registered in accordance with commercial law.

The *Ediktsdatei* (Legal Notices Database) was initially limited to notices concerning insolvency, but other business areas have been added each year, such as notices published by the district courts concerning judicial enforcement proceedings.

2 Information contained in each of the registers of the Member State, as listed under point 1

Information on the data recorded in the respective registers, the contact details of the registers, the basic structure of the registers (e.g. whether the databases are regional or nationwide) or the access rights and possibilities can be consulted on line under the following links, in some cases also in English:

Grundbuch (land register):

https://www.oesterreich.gv.at/de/themen/bauen_und_wohnen/grundstueckskauf_und_grundbuch/grundbuch

<https://www.justiz.gv.at/home/e-justice/grundbuch~8ab4a8a422985de30122a90f642f6204.de.html>

Zentrales Melderegister (ZMR, Central Register of Residents):

<https://www.bmi.gv.at/413/Buergerinnen/start.aspx>

Zentrales Testamentsregister (ZTR, Central Register of Wills):

Information can be consulted on the website of the Austrian Chamber of Notaries (notar.at) by entering the word 'Testamentsregister' in the search field of the homepage.

Testamentsregister der österreichischen Rechtsanwälte (Register of Wills of Austrian Lawyers):

<https://www.rechtsanwaelte.at/buergerservice/servicecorner/testamentsregister/>

Firmenbuch (Business Register):

<https://www.justiz.gv.at/home/e-justice/firmenbuch~36f.de.html>

<https://www.justiz.gv.at/home/e-justice/firmenbuch/firmenbuchabfrage~2c9484852308c2a601240b693e1c0860.de.html>

Ediktsdatei (Legal Notices Database)

<https://www.justiz.gv.at/home/e-justice/ediktsdatei~8ab4a8a422985de30122a90efd5761fd.de.html>

3 The availability of information on bank accounts

The *zentrale Kontenregister* (Central Register of Accounts) is a database kept by the Federal Ministry of Finance (Bundesministerium für Finanzen) in which account master data for each account with a domestic bank are recorded. Account master data include, for example, the account number, the name and date of birth of the account holder, or the dates of opening and closure of the account. On the other hand, 'movement data' such as account balances or transactions are not stored.

In addition to public prosecutors' offices and criminal courts, the Central Register of Accounts can be examined only by the fiscal police, the tax authorities and the Federal Finance Court (*Bundesfinanzgericht*). The inheritance authorities have no right of inspection.

Only the account holders themselves are entitled to access information on the data stored on them. The right of access is regarded as a highly personal right, which expires on the death of the account holder.

More information on the Central Register of Accounts is available

at: <https://www.bmf.gv.at/themen/betrugsbekampfung/kontenregister-konteneinschau.html>

4 The availability of a register of intellectual property rights

The right of the author to work which they have created comes into existence with the creation of the work. No entry in a register is required.

Registers of industrial property rights (patents, designs, trademarks) are kept by the Austrian Patent Office: <https://www.patentamt.at/>

5 Other registers with information relevant to successions

In Austria, other registers are kept, in addition to those mentioned above, which may also be of interest in the present context:

The *Zentrale Personenstandsregister* (ZPR, Central Register of Births, Deaths and Marriages) is a register used by all Austrian registry offices which, together with the *Zentrale Staatsbürgerschaftsregister* (ZSR, Central Citizenship Register), rolled out nationwide on 1 November 2014. The ZPR is a central record of data on civil status (births, marriages, registered partnerships, deaths) and related matters (e.g. names). It replaces the

Personenstandsbücher (civil status records).

The *Zentrale Staatsbürgerschaftsregister* (ZSR, Central Citizenship Register) records the acquisition of Austrian citizenship (by descent or naturalisation) and loss thereof. It also shows the citizenship certificates issued. Together with the *Zentralen Personenstandsregister* (ZPR, Central Register of Births, Deaths and Marriages), it was rolled out nationwide on 1 November 2014.

Zentrales Kraftfahrzeugregister (KZR, Central Vehicle Register): The central registration records cover, among other things, natural persons who have a vehicle registration in Austria pursuant to the *Kraftfahrgesetz* (Motor Vehicles Act). These data concern: the vehicle owner (identification, address) and the vehicle (number, registration, technical data).

The *Zentrale Waffenregister* (ZWR, Central Weapons Register) is a computerised record, in which firearms of all categories are registered.

6 The availability of information on closed wills and wills not subject to registration

With the consent of its author, a testamentary deposition may be kept by any person or authority.

The depositary must not open the testamentary deposition, but rather submit it to the probate court.

Anyone who claims to have a legal interest in it, particularly because they claim to be a beneficiary of the testamentary deposition, may request that it be opened.

Under Austrian law, there is no solemn or formal reading of the will, but only the drawing up of an acceptance record without the presence of the parties. Section 152(1) of the *Außerstreitgesetz* (Act on Non-Contentious Proceedings):

'(1) The court commissioner shall accept deeds relating to testamentary instructions (wills, other testamentary depositions) and their revocation, agreements on legacy, succession and reserved shares and their revocation or other declarations in the event of death, and shall cite in an acceptance record all circumstances of relevance to the assessment of their authenticity and validity, such as whether the document was sealed and whether it had any external defects.'

Once the record has been drawn up, the court commissioner shall send an uncertified copy of the accepted documents to parties to the proceedings and to all persons who, on the basis of the file, would be summoned under the law on succession. According to the wording of the law, these must therefore in any case be sent to testamentary heirs, persons entitled to reserved shares and other legal heirs.

■ Last update: 09/02/2026

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