

[Home](#) > ... > [Family Matters & Inheritance](#) > [Inheritance](#) > [Information For Authorities Issuing An ECS](#) Germany >

Information for authorities issuing an ECS

 Germany

Content provided by:



European Judicial Network
(in civil and commercial matters)

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

- Land registry
- Register of marriages
- Register of births
- Register of deaths
- Register of property regimes
- Central register of wills
- Shipping register
- Register of aircraft liens
- Business register
- Insolvency notice portal

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

Register name: land registry

Content of the register

- *Data on the land (location, size, type of use)*
- *Data on the owner (name, date of birth)*
- *Data on rights in rem over the land, e.g. mortgages, easements, etc. (nature, content, rightholder)*

Registration body

The land registry is kept by the local court with territorial jurisdiction (land registry office). However, every land registry and notary provides access to all land registries throughout Germany.

Are the local registration bodies linked?

Yes, the land registries of each Land are linked through single electronic portals.

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| Can the local registers of bodies in another Member State be contacted? | Yes. <i>Access is not restricted to particular categories of persons. Access is granted to anyone with a legitimate interest.</i> |
| Access to the register | |
| Is the registration body authorised to share information with other national bodies? | Yes. |
| (a) What information can be shared? | <i>(a) All available information.</i> |
| (b) On what grounds is refusal permissible? | <i>(b) Refusal is not possible.</i> |
| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <ul style="list-style-type: none"> • <i>Name and date of birth of the deceased; where possible, place of residence</i> • <i>Land registry district in which the land is located</i> |
| Must evidence be provided? | No. |
| Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? | <p><i>A necessary legitimate interest may be demonstrated, for example, by means of a copy of the application for a European certificate of succession (ECS).</i></p> <p><i>No particular means is stipulated. Written request or application by e-mail are two possible ways.</i></p> |
| How can the requested information be retrieved? | <i>German.</i> |
| In which language must the request be made? | <i>A copy from the land registry can be provided as a hard copy or electronically. Authentication is possible.</i> |
| In what form is the information provided? | <i>German.</i> |
| In which language is the information provided? | No. |
| Is the procedure subject to a fee? | <p><i>An inheritance is entered in the land registry on the basis of an application and the presentation of one of the following documents:</i></p> <ul style="list-style-type: none"> • <i>German certificate of inheritance</i> • <i>European certificate of succession</i> • <i>notarial certificate of disposition of property upon death, together with a transcript of its opening by the probate court</i> |
| What are the conditions for registering an inheritance? | |
| What information is required for the registration body to identify the registered land in order to record a change of ownership as a result of the succession? | <p><i>Land registry district, land registry sheet number or cadastral number.</i></p> <p><i>The land registry conveys authenticity. This means that the content of the land registry is considered to be correct unless the opposite is known or an objection is entered in the land registry.</i></p> |
| What is the legal significance of the content of the land register/registry? | |
| Register name: register of marriages [1] | |
| | <p><i>Date and place of marriage, forenames and surnames of the spouses, their place and date of birth, gender, religious affiliation (if desired), forenames and surnames of the spouses after marriage.</i></p> <p><i>Where relevant: death of the first deceased spouse; declaration of death or judicial declaration of the death of a spouse and the annulment of such decisions, and dissolution of the marriage through marriage of the other spouse; annulment of the marriage or divorce; declaration of non-existence of the marriage; any change in the names of the spouses; any other change in the civil status; change of religious affiliation (if desired) and rectification of an entry.</i></p> |
| Content of the register | <i>The civil registry office where the marriage was contracted is competent. Contact information should be available on the relevant homepage.</i> |
| Registration body | <i>The civil registry offices are part of the administration of the Länder.</i> |
| Are there local registers? | <i>The civil registry offices in each Land and nationwide can exchange messages.</i> |
| Are the local registration bodies linked? | |
| Can the local registers of bodies in another Member State be contacted? | <i>Any civil registry office can be contacted.</i> |
| Access to the register | <i>Information can be provided under existing international treaties.</i> |

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| <p>Are there restrictions on access?</p> | <p><i>Information from civil registries can be provided to family members and other persons who demonstrate a legal interest. This also applies to access for scientific purposes. In addition, public authorities and courts can use civil registries.</i></p> |
| <p>Is the registration body authorised to share information with other national bodies? What information can be shared?</p> | <p><i>Civil registry offices provide other national authorities with the data from the civil status registers that they need to carry out their tasks. Otherwise, no data transmission takes place.</i></p> |
| <p>What information does the requesting body need to provide in order to allow the registration body to search in the register?</p> | <p><i>In order to contact the competent civil registry office, the foreign authority must know where the marriage was contracted. In order to find the correct entry in the register, the forenames and surnames of the spouses, their birth names and the date of the marriage must be provided.</i></p> <p><i>The authority must demonstrate that the information from the register of marriages is necessary for the performance of the tasks for which it is competent.</i></p> |
| <p>Must evidence be provided?</p> | |
| <p>Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012?</p> | <p><i>Please refer to the answer to the previous question. It is in any case helpful to provide such evidence.</i></p> |
| <p>How can the requested information be retrieved and how is the information provided?</p> | <p><i>The request is made in writing (i.e. also electronically if a qualified electronic signature is provided) and the document is sent in hard copy. In principle, a request should be made in German, as this is the official language. The extent to which the civil registry office understands other languages cannot be known in a general sense.</i></p> |
| <p>In which language must the request be made?</p> | |
| <p>In what form is the information provided?</p> | <p><i>Certified extracts from the register, certified transcripts from the register, death certificates.</i></p> |
| <p>In which language is the information provided?</p> | <p><i>Documents are issued in German.</i></p> <p><i>The Länder are responsible for determining whether and what fees are levied.</i></p> |
| <p>Is the procedure subject to a fee?</p> | |
| <p>What is the legal significance/weight of proof of entries in the civil status registers?</p> | <p><i>Entries in the civil status registers prove civil status and the details provided to that effect (Section 54 of the Civil Status Act (Personenstandsgesetz)).</i></p> |
| <p>Register name: register of births</p> | |
| <p>Content of the register</p> | <p><i>The child's forenames and surname at birth; place, day, hour and minute of birth; gender of the child; (in principle) parents' first names and surnames, and their gender and religious affiliation (if desired). Where relevant: a paternity established/recognised after birth; a recognised maternity; a change in the civil status of the child; a change in the name of the parents or of one of the parents where the child also takes the new name; establishment of the name of the child with generally binding effect; the subsequent indication or change of the child's gender; the child's religious affiliation (if desired) and any change thereof, and rectification of an entry.</i></p> <p><i>The civil registry office in whose jurisdiction the child was born is competent. Contact information should be available on the relevant homepage.</i></p> |
| <p>Registration body</p> | |
| <p>Are there local registers?</p> | <p><i>The civil registry offices are part of the administration of the Länder.</i></p> |
| <p>Are the local registration bodies linked?</p> | <p><i>The civil registry offices in each Land and nationwide can exchange messages.</i></p> |
| <p>Can the local registers of bodies in another Member State be contacted?</p> | <p><i>Any registry office can be contacted.</i></p> |
| <p>Access to the register</p> | <p><i>Information can be provided under existing international treaties.</i></p> |

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| In the event of access restrictions, who is entitled to access? | <i>Information from civil registries can be provided to family members and other persons who demonstrate a legal interest. This also applies to access for scientific purposes. In addition, public authorities and courts can use civil registries.</i> |
| Is the registration body authorised to share information with other national bodies? What information can be shared? | <i>Civil registry offices provide other national authorities with the data from the civil status registers that they need to carry out their tasks. Otherwise, no data transmission takes place.</i> |
| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <i>In order to contact the competent civil registry office, the foreign authority must know the place of birth. In order to find the correct entry in the register, the forenames and surname(s) of the child and the parents and the date of the birth must be provided. The authority must demonstrate that the information from the register of births is necessary for the performance of the tasks for which it is competent.</i> |
| Must evidence be provided? | |
| Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? | <i>Please refer to the answer to the previous question. It is in any case helpful to provide such evidence.</i> |
| How can the requested information be retrieved? | <i>The request is made in writing (i.e. also electronically if a qualified electronic signature is provided) and the document is sent in paper form. In principle, a request should be made in German, as this is the official language. The extent to which the Civil Registry Office understands other languages cannot be known in a general sense.</i> |
| In which language must the request be made? | |
| In what form is the information provided? | <i>Certified extracts from the register, certified transcripts from the register, death certificates.</i> |
| In which language is the information provided? | <i>Documents are issued in German. The Länder are responsible for determining whether and what fees are levied.</i> |
| Is the procedure subject to a fee? | |
| What is the legal significance/weight of proof of entries in the civil status registers? | <i>Entries in the civil status registers prove civil status and the details provided to that effect (Section 54 of the Civil Status Act).</i> |
| Register name: register of deaths | |
| Content of the register | <i>The deceased's first name and surname, place and date of birth, gender, religious affiliation (if desired), last residence, marital status; details of spouse; place, day, hour and minute of death. The civil registry office in whose jurisdiction the death of a person occurred is competent.</i> |
| Registration body | |
| Are there local registers? | <i>The civil registry offices are part of the administration of the Länder. The civil registry offices in each federal state and nationwide can exchange messages.</i> |
| Are the local registration bodies linked? | |
| Can the local registers of bodies in another Member State be contacted? | <i>Any registry office can be contacted.</i> |
| Access to the register | <i>Information can be provided under existing international treaties. Information from civil registries can be provided to family members and other persons who demonstrate a legal interest. This also applies to access for scientific purposes. In addition, public authorities and courts can use civil registries.</i> |
| Are there restrictions on access? | |
| Is the registration body authorised to share information with other national bodies? | <i>Civil registry offices provide other national authorities with the data from the civil status registers that they need to carry out their tasks. Otherwise, no data transmission takes place.</i> |
| What information can be shared? | |
| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <i>In order to contact the competent civil registry office, the foreign authority must know the place of death. In order to find the death record in the register, it is helpful to provide first names, surnames and dates of death and, if necessary, date of birth. ID number does not (yet) exist in Germany.</i> |

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| Must evidence be provided? | <i>The authority must demonstrate that the information from the register of deaths is necessary for the performance of the tasks for which it is responsible.</i> |
| Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? | <i>Please refer to the answer to the previous question. It is in any case helpful to provide such evidence.</i> |
| How can the requested information be retrieved and how is the information provided? | <i>The request is made in writing (i.e. also electronically if a qualified electronic signature is provided) and the document is sent in paper form.</i> |
| In which language must the request be made? | <i>In principle, a request should be made in German, as this is the official language. The extent to which the Civil Registry Office understands other languages cannot be known in a general sense. Certified extracts from the register, certified transcripts from the register, death certificates.</i> |
| In what form is the information provided? | |
| In which language is the information provided? | <i>Documents are issued in German.</i> |
| Is the procedure subject to a fee? | <i>The Länder are responsible for determining whether and what fees are levied.</i> |
| What is the legal significance/weight of proof of registrations in the civil status registers? | <i>The registrations in the civil status registers prove civil status and the details provided to that effect (Section 54 of the Civil Status Act).</i> |
| Register name:register of property regimes | |
| | <i>Only the facts described by law as requiring registration and those described by case-law as capable of being registered are eligible for registration. These are, in particular:</i> |
| | <ul style="list-style-type: none"> <i>• the exclusion or annulment of the statutory property regime of a community of accrued gains by means of a marriage contract (Section 1414, second sentence, of the Civil Code (Bürgerliches Gesetzbuch, BGB)) and an agreement on a contractual property regime (Sections 1408, 1409, 1415 and 1414, second sentence, BGB);</i> <i>• a foreign legal property regime if one of the spouses has their habitual residence in Germany or operates a business there, and modifications made to this;</i> <i>• the restriction and exclusion of the spouse's right under Section 1357 BGB (agency implied in fact) and the removal of such a restriction or exclusion. Under Sections 6 and 7 of the Life Partnership Act (Lebenspartnerschaftsgesetz, LPartG), the provisions apply mutatis mutandis to life partners.</i> |
| Content of the register | <i>There is no national register. The local courts are responsible for keeping the register. Registration is carried out with the local court in whose district one of the spouses is habitually resident (Section 1558(1) BGB). Contact details can be obtained from the homepage of the Ministry of Justice of the Land concerned.</i> |
| Registration body | |
| Are the local registration bodies linked? | <i>No.</i> |
| Can the local registers of bodies in another Member State be contacted? | <i>Yes. The register of property regimes is a public register to which everyone, including foreign authorities, has access (Section 1563(1) BGB).</i> |
| Are there any restrictions on access? | <i>No: see answer to the previous question.</i> |
| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <i>To have access to the register of property regimes, it is sufficient to indicate the person's name and address, together with the date of birth if this is needed to identify the registered person in a particular case.</i> |
| How can the requested information be retrieved? | <i>The register of property regimes is kept on paper. Applications must be made in writing to the competent court. The application may be sent by fax.</i> |

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| In which language must the request be made? | <i>The language of the court is German, so applications should in principle be submitted to the competent court in German.</i> |
| In what form is the information provided? | <i>The information is routinely provided by direct access to the register. A copy of the registration is sent upon request and certified if necessary.</i> |
| In which language is the information provided? | <i>German.</i> |
| Is the procedure subject to a fee? | <i>Direct on-site access to the register is free of charge. A fee is charged for the provision of a copy (currently EUR 10 per copy, or EUR 20 for a certified copy). The fee may be waived for a request under Article 66(5) of the EU Succession Regulation (Regulation (EU) No 650/2012). As a general rule, an invoice is issued for the fees levied. Payment can be made by transfer. The federal states' cash policies determine which other means of payment are available. Entries in the register of property regimes have no constitutive effect. However, such entries have the effect of requiring third parties to accept the facts registered against them, even if the facts are not known to them, since entry in the register gives them the opportunity to become aware of them. If a fact is not registered, the third party must accept it only if it is known to them (Section 1412 BGB).</i> |
| What is the legal significance/weight of proof of registrations in the register of property regimes? | <i>Entries in the register of property regimes have no constitutive effect. However, such entries have the effect of requiring third parties to accept the facts registered against them, even if the facts are not known to them, since entry in the register gives them the opportunity to become aware of them. If a fact is not registered, the third party must accept it only if it is known to them (Section 1412 BGB).</i> |
| Register name: central register of wills | |
| Content of the register | <i>The central register of wills contains safe custody information on documents concerning succession drawn up by a notary or held in judicial custody. Safe custody information is information necessary to find documents concerning succession (Section 78d(1) and (2) of the Federal Notary Code (Bundesnotarordnung, BNotO). It does not cover the content of such documents. Civil status data on illegitimate or individually adopted children of the testator for the period 1970-2008 (Section 78d(1), first sentence, point 2 BNotO in conjunction with Section 9 of the Transfer of Wills Register Act (Testamentsverzeichnis-Überführungsgesetz, TVÜG) are also included.</i> |
| Registration body | <i>Postal address: Zentrales Testamentsregister DE - 10874 Berlin Email: info@testamentsregister.de Telephone: (+49) 800 35 50 700 Fax: (+49) 30 38 38 66 88</i> |
| Are there local registers? | <i>No</i> |
| Access to the register | <i>The register is not open to the public. Under Section 78f BNotO, notaries receive, upon request, information about safe custody and courts receive information about the complete data of the deceased recorded in the register. The information is provided only to the extent necessary for the performance of the duties of the courts and notaries. Information can, in principle, be obtained during the testator's lifetime only with their consent.</i> |
| Are there restrictions on access? | <i>There are no arrangements for providing information to other bodies. The employees of the Federal Chamber of Notaries are also bound by a duty of confidentiality, in accordance with Sections 81a and 69a BNotO. The content of documents concerning succession is not recorded in the central register of wills and cannot therefore be made available by it.</i> |
| Can the content of a will be communicated by the registry office to a foreign body in another Member State? If not, what possibilities are available to obtain the information contained therein? | <i>Wills and testamentary contracts kept in safe custody are opened after the death of the testator (Sections 348 et seq. of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit, FamFG)). If there is a legal interest, a copy of the wills and inheritance contracts opened can be provided by applying to the court (Section 357 FamFG). The legal interest must be demonstrated. In particular, (statutory) heirs or other persons whose rights and obligations are affected by the will generally have a legal interest.</i> |

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| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <p><i>Information on the testator which is mandatory:</i></p> <ul style="list-style-type: none"> • <i>surname and first name(s)</i> • <i>name at birth, date and place of birth.</i> <p><i>In addition, the existence of authorisation to submit a request under Article 66(5) of the European Succession Regulation must be ensured with a seal and a signature.</i></p> <p><i>No. The requesting body must, however, confirm in its application that it is a competent body under Article 64 of the European Succession Regulation and that it has launched a procedure for the issue of a European certificate of succession under Article 62 ff. of the European Succession Regulation concerning the estate of the deceased. The application must bear a signature and the requesting body's seal.</i></p> |
| Must evidence be provided? | <i>seal.</i> |
| Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? | <i>No, but see the answer to the previous question.</i> |
| How can the requested information be retrieved? | <i>Requests for and provision of information from and to foreign bodies are made in writing (in paper form).</i> |
| In which language must the request be made? | <i>The registration authority provides a form in German and English.</i> |
| In what form is the information provided? | <i>In writing.</i> |
| In which language is the information provided? | <i>Information is provided in German. An explanatory text in English is provided.</i> |
| Is the procedure subject to a fee? | <i>The information is free of charge.</i> |
| What is the legal significance of the central register of wills? | <i>The purpose of the register is to ensure that information is located in a timely fashion and that documents concerning succession which are drawn up before the notary or held by the court are taken into account.</i> |

Register name: shipping register

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| Content of the register | <ul style="list-style-type: none"> • <i>Data on the vessel (name, genus, place or port of origin, etc.)</i> • <i>Data on the owner</i> • <i>Data on rights in rem on the vessel, e.g. ship mortgages</i> <p><i>The shipping register is kept by the local court with territorial jurisdiction (court of registration). However, every court of registration and notary provides access to all shipping registers throughout Germany.</i></p> |
| Registration body | |
| Can the local registers of bodies in another Member State be contacted? | <i>Yes.</i> |
| Access to the register | <i>Publicly available.</i> |
| Is the registration body authorised to share information with other national bodies? | <i>Yes. All information available in the register can be made available without restriction.</i> |
| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <ul style="list-style-type: none"> • <i>Name and date of birth of the deceased; where possible, place of residence</i> • <i>Registry district in which the home port or place is situated</i> |
| Must evidence be provided? | <i>No.</i> |
| Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? | <i>No.</i> |
| How can the requested information be retrieved? | <i>No particular means is stipulated. Written request or application by e-mail are two possible ways.</i> |
| In which language must the request be made? | <i>German.</i> |
| In what form is the information provided? | <i>A copy from the shipping register can be provided as a hard copy or electronically. Authentication is possible.</i> |
| In which language is the information provided? | <i>German.</i> |

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| Is the procedure subject to a fee? | No. <i>An inheritance is entered in the shipping register on the basis of an application and the presentation of one of the following documents:</i> |
| What are the conditions for registering an inheritance? | <ul style="list-style-type: none"> • German certificate of inheritance • European Certificate of Succession • notarial certificate of disposition of property upon death, together with a transcript of its opening by the probate court |
| What information is required for the registration body to identify the registered ship in order to record a change of ownership as a result of the succession? | <i>Shipping register, register entry number.</i> |
| What is the legal significance of the content of the register? | <i>The shipping register conveys authenticity. This means that the content of the shipping register is considered to be correct unless the opposite is known or an objection is entered in the shipping register.</i> |
| Register name: register of aircraft liens | |
| Content of the register | <ul style="list-style-type: none"> • Data on the aircraft (aircraft registration number, type, etc.) • Data on the owner • Data on register liens |
| Registration body | <i>The register of aircraft liens is kept by the Local Court of Braunschweig.</i> |
| Are there local registers? | No. |
| Can the local registers of bodies in another Member State be contacted? | Yes. |
| Access to the register | <i>Publicly available.</i> |
| Is the registration body authorised to share information with other national bodies? | <i>Yes. All information available in the register can be made available without restrictions.</i> |
| What information does the requesting body need to provide in order to allow the registration body to search in the register? | <ul style="list-style-type: none"> • Name and date of birth of the deceased; where possible, place of residence. |
| Must evidence be provided? | No. |
| Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? | No. <i>No particular means is stipulated. Written request or application by e-mail are two possible ways.</i> |
| How can the requested information be retrieved? | <i>German.</i> |
| In which language must the request be made? | <i>A copy from the register of aircraft liens can be provided as a hard copy or electronically. Authentication is possible.</i> |
| In what form is the information provided? | <i>German.</i> |
| In which language is the information provided? | No. |
| Is the procedure subject to a fee? | <i>An inheritance is entered in the register of aircraft liens on the basis of an application and the presentation of one of the following documents:</i> |
| What are the conditions for registering an inheritance? | <ul style="list-style-type: none"> • German certificate of inheritance • European Certificate of Succession • notarial certificate of disposition of property upon death, together with a transcript of its opening by the probate court |
| What information is required for the registration body to identify the registered aircraft or right of lien in order to record a change of ownership as a result of the succession? | <i>Register entry number.</i> |

The register of liens on aircraft conveys authenticity with regard to the registered liens. As a result, it is presumed that the registered person has the right to a registered lien and that a cancelled lien no longer exists.

What is the legal significance of the content of the register?

Register name: business register

Content of the register *Data from the commercial register portal – including all German commercial, cooperative and partnership registers and register notices – information on insolvencies, accounting/financial reports and capital market information can be accessed from the business register. More information can be found via this link:*

https://e-justice.europa.eu/content_business_registers_in_member_states-106-de-de.do?member=1

The business register is kept on behalf of the Federal Ministry of Justice and Consumer Protection by:

Bundesanzeiger Verlag GmbH

Registration body *Amsterdamer Straße 192, 50735 Cologne*

www.Unternehmensregister.de.

Are there local registers?

The commercial, cooperative, partnership and association registers are kept by the registration courts in each Land.

Are the local registration bodies linked?

Yes: information can be accessed via the commercial register portal (<http://www.handelsregister.de>) and the business register (<http://www.unternehmensregister.de/>).

Can the local registers of bodies in another Member State be contacted?

Yes, all EU Member States' business registers are linked through the Business Registers Interconnection System (BRIS).

Access to the register: What information does the requesting body need to provide in order to allow the registration body to search in the register?

Information is publicly available to everyone. Retrievals are subject to a fee.

Searches can be made by company (name of company), registered office, legal form, court of registration, type of register and registration number.

How can the requested information be retrieved?

The consultation can be carried out via the internet, through either the business register or the commercial register portal.

In which language does the information appear?

The information from the register itself is reproduced mainly in German, although more information is available in the business register in English, French, Italian, and Spanish. Where information is made available in different language versions, the German version prevails in each case, particularly for the interpretation of the wording.

In what form is the information provided? *Data can be accessed online. Information from the register is provided in the form of printouts. A certified copy (official printout) is issued by the court upon request. Printouts can also be sent electronically to the applicant. Official printouts are transmitted electronically using a qualified electronic signature.*

Is the procedure subject to a fee? *Anyone can consult the business register and the trade register free of charge for information purposes. Registration is in principle not required to do so. However, access through the business register to original data from the registers of the courts of registration (register sheets and documents submitted) is subject to a fee. The fee for such a retrieval is the same as for direct access to the register. The person conducting the retrieval must also register for this purpose. Payment can be made by credit card or electronic direct debit.*

What are the conditions for registering changes? *Changes in the trade register are registered by the competent court of registration on the basis of a notary-certified declaration. A succession must be proved by means of 'authentic instruments'. These include a certificate of succession, a European certificate of succession or a notarial will, together with the record of opening. Entries in the register convey authenticity.*

What is the legal significance of the content of the register? *The company can counter a third party only on the basis of facts that have previously been entered and announced or those that were known to the third party beforehand (Article 15(1) of the German Commercial Code (Handelsgesetzbuch)). A third party must permit such facts to apply that have been correctly entered and announced. This does not apply to legal actions initiated within 15 days of the announcement, insofar as the third party can prove that they neither knew nor needed to know the fact (Article 15(2) of the German Commercial Code). If a fact that needed to be entered was announced incorrectly, a third party may rely on the announced fact vis-à-vis the party on whose behalf the fact was to be entered, unless they were aware of the error (Article 15(3) of the German Commercial Code).*

Register name: insolvency notice portal:

- Restrictions and prohibitions of disposal as provisional measures pending the decision on the opening of insolvency proceedings (Section 21(2), first part of point 2, of the Insolvency Code (Insolvenzordnung, InsO));
- opening of insolvency proceedings and contact details of the insolvency administrator (Section 27 InsO);
- dates for creditors' meetings (Sections 29, 74, 78, 177, 197 InsO);
- decisions on procedural measures (Sections 5(2), 35(3), 64, 235, 241, 273, 277 InsO);
- information on the amount available for distribution to creditors (Section 188 InsO);
- termination of proceedings (Sections 34(3), 200, 258 InsO) or discontinuations (Sections 207, 211, 212, 213 InsO);
- existence of a monitored insolvency plan (Section 267 InsO) and termination of monitoring (Section 268 InsO);
- decisions in the residual debt discharge procedure (Sections 287a, 290, 296, 297, 300, 303 InsO);
- refusal by a court to open proceedings for insufficiency of assets (Section 26 InsO);
- information on foreign insolvency proceedings with domestic implications (Section 345 InsO).

The information is in each case linked to the debtor's full name, date of birth and residential address or address of the debtor's commercial establishment (second sentence of Section 9(1), Section 27(2)(1) InsO).

Content of the register
Registration body

Insolvency notice portal <http://www.insolvenzbekanntmachungen.de/>

Information is publicly available, but from two weeks following publication, certain search criteria must be entered. In addition, there are time limits for cancellation, usually six months after the proceedings have been annulled or definitively discontinued.

Access to the register

There are no restrictions on access for specific categories of persons, only various time-based access restrictions, which apply equally to all categories of persons (see above).

Are there restrictions on access?

Is the registration body authorised to share information with other national bodies? *Information and notices are directly available to the public (see above). Their content is the responsibility of the competent insolvency court.*

What information does the requesting body need to provide in order to allow the registration body to search in the register? *The insolvency notice portal is directly accessible to the public (<http://www.insolvenzbekanntmachungen.de/>). A request to a public authority is not required (see above).*

Must evidence be provided? *No (see above).*

Does the requesting body have to demonstrate that the search is undertaken under Article 66(5) of Regulation (EU) 650/2012? *No (see above).*

In which language must the request be made? *German.*

In what form is the information provided? *Information can be found on the portal, either directly or in the form of a retrievable electronic copy of the decision.*

In which language is the information provided? *Information on the portal is in German only.*

Is the procedure subject to a fee? *No.*

What is the legal significance of the content of the register? *The insolvency notice portal is used to publish procedural steps in insolvency proceedings and summons to appointments. Publication on the portal is sufficient to prove service on all parties, even if the law also orders service on individuals (Section 9(3) InsO).*

Information on the civil partnership register is not shown. Since 1 October 2017, civil partnerships can no longer be concluded. Regarding civil partnerships concluded prior to that date, the information on the register of marriages provides guidance.

3 The availability of information on bank accounts

In Germany there is no authority that keeps a list of all bank accounts in Germany. The account retrieval procedure with the Federal Financial Supervisory Authority (*Bundesanstalt für Finanzdienstleistungsaufsicht, BaFin*) and the Federal Central Tax Office (*Bundeszentralamt für Steuern, BZSt*) makes it possible, subject to certain conditions, to find accounts, deposits or safe deposit boxes of persons registered with credit institutions established in Germany. Under Section 24c of the Banking Act (*Kreditwesengesetz, KWG*) and Section 93(7) and (8) of the Tax Code (*Abgabenordnung, AO*), it is primarily law enforcement authorities, tax authorities and bailiffs who are authorised to use these procedures. There is no provision for the identification of heirs.

4 The availability of a register of intellectual property rights

Is information on intellectual property rights held by a public body?

Yes: the German patent and trademark office (patents, supplementary protection certificates, utility models, topographies of microelectronic semiconductor products, indications of geographical origin, trademarks, designs).

Postal address: 80297 Munich (<https://www.dpma.de/>)

Weblinks for each register:

o Register of patents, utility models, supplementary protection certificates and topographies:

<https://register.dpma.de/DPMAregister/pat/einsteiger>

o Trademark register:

<https://register.dpma.de/DPMAreregister/marke/einsteiger>

o List of indications of geographical origin:

<https://register.dpma.de/DPMAreregister/geo/liste/doFetchGeoDataList>

o Register of registered designs:

<https://register.dpma.de/DPMAreregister/gsm/einsteiger>

o Search query for the register of out-of-commerce works:

https://www.dpma.de/dpma/wir_ueber_uns/weitere_aufgaben/verwertungsges_urheberrecht/vergriffene_werke/recherche/index.html

o Register of anonymous and pseudonymous works (not available electronically)

5 Other registers with information relevant to successions

List of debtors under Section 882b of the Code of Civil Procedure (*Zivilprozessordnung*, ZPO).

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

In Germany there is the option to draw up a holographic will (Section 2247 of the Civil Code (*Bürgerliches Gesetzbuch*, BGB)). This can be placed in the special official custody of the court but may also be held privately.

In the case of a holographic will, it is up to the testator to determine where it will be held. An entry in the central register of wills takes place only if the will is placed in special official custody.

The probate court has exclusive jurisdiction to open a disposition of property upon death. Any person or entity in possession of a will is obliged to deliver the will to the probate court without delay after becoming aware of the death of the testator (Section 2259 BGB).

As soon as the probate court is aware of the deceased's death, it opens ex officio the dispositions of property upon death presented or withdrawn from official custody, Sections 348 et seq. of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit*, FamFG).

The probate court opens, ex officio, dispositions of property upon death.

The opening of a disposition of property upon death is governed by Section 348 et seq. FamFG. In principle, jurisdiction to open dispositions of property upon death lies with the probate court at the local court of the deceased's last habitual residence (Section 343 FamFG). If a disposition of property upon death is in special official custody at another local court, the latter is responsible for opening the disposition (Section 344(6) FamFG). In this case, it must forward the disposition of property upon death to the competent probate court.

The legal heirs and those entitled under a will are notified ex officio of the opening.

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