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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

In the Netherlands, the following registers are maintained in which relevant information about succession can be found:

- Land Registry
- Personal Records Database (BRP)
- Marital Property Register
- Central Wills Register
- Estate Register
- Register for European Certificate of Succession
- Chamber of Commerce / Trade Register
- Insolvency Register

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

The Land Registry contains information about ownership of parcels of land, registered ships and aircraft, as well as the rights relating to aforementioned parcels of land. Additionally, for parcels of land, the Land Registry contains information about each property object, including the cadastral designation, area, location and actual use of the land. If registered property forms part of a person's estate and a civil-law notary has issued a certificate of succession, the certificate and the beneficiaries named in it are also recorded in the Land Registry. This register is accessible to the public. The Land Registry can be contacted by telephone on 088 183 22 00 or via the website of the [Land Registry](#).

The Personal Records Database (BRP) contains information about all persons registered in the Netherlands or persons with Dutch nationality. The BRP contains relevant information about beneficiaries' registered address details and is therefore accessible only to those performing a public function, such as municipal employees and civil-law notaries. There is no centrally accessible register for the BRP. Any changes must be reported to the municipality in which the person is registered. The following information can be found in the BRP:

- Date and place of birth;
- Date and place of death;
- Family members – parents, spouse and children;
- Marital status;
- Nationality;
- Parental responsibility and guardianship, if applicable.

The MaritalPropertyRegister is maintained by the Dutch courts and contains information about matrimonial property agreements, divorces and other types of matrimonial agreements. Because Dutch courts are responsible for maintaining this register, there is no central website. To access the register, an application must be submitted to the relevant court in the district in which the marriage took place.

The Central Wills Register provides information about the person whose will it is – their name, date and place of birth – the date on which the will was drawn up and the civil-law notary before whom it was executed. This information can only be viewed after the person whose will it is has died. The register does not contain any specific information about the contents of the will, but it does contain information about the civil-law notary who holds the original deed. The [website](#) explains how to submit a written or digital application to request information from the register. The register can also be contacted by telephone on 0900 114 41 14.

The Estate Register, like the Marital Property Register, is maintained by the Dutch courts. The register contains information about the legal status and progress of arrangements relating to estates. It does not contain information or details about the estate. This register is public. The register lists:

- The civil-law notary involved in the settlement procedure;
- Which beneficiaries have accepted or rejected the estate;
- The party appointed to administer the estate.

The Register of European Certificates of Succession (ECS) is not a central register, but connects several national registers within the European Union. The issuing of a European Certificate of Succession enables beneficiaries to administer the estate more easily if the estate is located wholly or partly abroad. Because there is no central register, information can only be viewed in those national registers that are connected to the ECS network. The [website](#) of the European Network of Registers of Wills Association (ENRWA) contains a list of the connected registers.

The Dutch Chamber of Commerce Register, also known as the Trade Register, contains information about registered companies, registered shareholders and management positions. The register is mainly used to obtain information about company ownership, such as the legal form, the company's activities, the deed of incorporation and the articles of association. This type of information is important if the company or shares form part of an estate. The Trade Register can be contacted by telephone on 088 585 15 85 or by submitting a written application. Some parts of the [Trade Register](#) are public and searchable.

The Insolvency Register is also a public database and is maintained by the Dutch courts. The register lists all bankruptcy cases and cases relating to suspension of payments or debt restructuring. For each case, the register also states who the relevant trustee or administrator is, and which court and judge dealt with the case. The register is an important source for beneficiaries if the deceased person is registered as insolvent. The Insolvency Register can be found on the following website: [Central Insolvency Register](#).

The registers maintained by the judiciary are organised at regional level. Parties with permission have digital access to these regional registers. Even where restrictions to the public apply, employees of public authorities may nevertheless access the information. There is no national law to facilitate data exchange between the registers. Some sectors may exchange limited data between registers on the basis of legislation if data exchange is necessary. Civil-law notaries have the latest versions of wills. If a will has been drawn up abroad and needs to be requested, the authority of a Member State may submit an international request to the national Wills Register of the Member State in which the will was drawn up. For this, however, the Member State must be a member of the ENRWA. The Netherlands is a member of the ENRWA. Once the relevant civil-law notary has been found, the authority may contact that civil-law notary directly to request a copy of the will.

To request a will, the Member State must have the deceased person's full name, place and date of birth, place of death, the last address at which the deceased person lived and a copy of the death certificate. This application is submitted to the local register. The procedure for this differs from register to register. An application may be submitted in the authority's own language. The requested information is then supplied in electronic form. Where this information has been requested via ARERT, it is supplied in English. No fee is charged for a simple request. By contrast, when issuing a copy of a will, a civil-law notary may charge a small fee for such a request. The amount of this fee and the way in which it can be paid are determined by the civil-law notary's office.

Registration of an estate in the Netherlands can be done by issuing a certificate of succession, followed by a

deed of division of the estate. Both documents are drawn up and issued by a civil-law notary and are registered in the Dutch Land Registry. The same procedure is followed for rights in rem. For a certificate of succession, the beneficiaries must sign a declaration of acceptance or rejection. After the estate has been divided in the deed of partition, the beneficiaries pay inheritance tax. This must be reported to the Tax and Customs Administration. In some cases, the civil-law notary can help the beneficiaries with this.

The legal effect of registering ownership in the Land Registry is that it indicates that the property belongs to the person concerned. Evidence of ownership may be supported by a notarial deed.

3 The availability of information on bank accounts

In the Netherlands, the list of bank accounts is maintained by the Tax and Customs Administration. The Dutch Banking Association (NVB) also has a service called the Dormant Assets Desk, which allows beneficiaries to check whether the testator had a bank account. The list of bank accounts held by the Tax and Customs Administration is not public. The Loket Slapende Tegoeden (Dormant Assets Desk) can be accessed via the website: [Loket Slapende Tegoeden](#). This Desk can only release information to the person or authority designated as testamentary executor. For this, the requesting party must have the following information:

- Copy of proof of identity or an extract from the Trade Register for the entity that executes the will;
- Copy of the death certificate;
- An extract from the Central Wills Register;
- A copy of the certificate of succession or executor's certificate;
- Other documents that may help with the search, such as a marriage certificate or a copy of the deceased person's proof of identity.

A request may be rejected if the applicant does not submit sufficient documentation. A request may be submitted via an online portal on the website. This information can only be requested in Dutch and is also supplied in Dutch. No fee is charged for submitting a request.

4 The availability of a register of intellectual property rights

There is no central register in the Netherlands in which intellectual property is registered. This task is assigned to different authorities and depends on the type of intellectual property.

The authorities responsible for this are:

1. The Netherlands Enterprise Agency (RVO) has a patent register, supplementary protection certificates and semiconductor topographies. The RVO website: <https://www.rvo.nl/contact>. RVO customer service can also be contacted via: +31 088 042 42 42.
2. The Benelux Office for Intellectual Property. Its website: <https://www.boip.int/en/contact> and telephone number +31 070 349 11 11.
3. The Board for Plant Varieties with the national variety list can be contacted via: <https://www.raadvoorplantenrassen.nl/contact>.
4. [Stichting Internet Domeinregistratie Nederland](#) (SIDN) (The Foundation for Internet Domain Registration in the Netherlands) (SIDN) contains a list of all .nl domain registrations. SIDN can be contacted by telephone on +31 26 352 55 00.

5 Other registers with information relevant to successions

Other Dutch registers that may contain relevant information are:

1. The Tax and Customs Administration: information about national tax and the deceased person's outstanding accounts;
2. Central Judicial Collection Agency (CJIB): the general collector of criminal fines and administrative fines;
3. Municipalities and water boards: for applications concerning unpaid regional taxes.

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

The Netherlands does not make information about private wills available. Only the notarial will exists, and this is not the same as a private will. However, in both cases, the contents of the will remain private.

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