

No. 17865

MULTILATERAL

**Convention on the establishment of a scheme of registration
of wills. Concluded at Basel on 16 May 1972**

Authentic texts: English and French.

*Registered by the Secretary General of the Council of Europe, acting on
behalf of the Parties, on 27 June 1979.*

MULTILATÉRAL

**Convention relative à l'établissement d'un système d'ins-
cription des testaments. Conclue à Bâle le 16 mai 1972**

Textes authentiques : anglais et français.

*Enregistrée par le Secrétaire général du Conseil de l'Europe, agissant
au nom des Parties, le 27 juin 1979.*

CONVENTION ON THE ESTABLISHMENT OF A SCHEME OF REGISTRATION OF WILLS

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members;

Wishing to provide for a registration scheme enabling a testator to register his will in order to reduce the risk of the will remaining unknown or being found belatedly, and to facilitate the discovery of the existence of this will after the death of the testator;

Convinced that such a system would facilitate in particular the finding of wills made abroad,

Have agreed as follows:

Article 1. The Contracting States undertake to establish, in accordance with the provisions of this Convention, a scheme of registration of wills, with a view to facilitating, after the death of the testator, the discovery of the existence of the will.

Article 2. In order to implement the provisions of this Convention, each Contracting State shall establish or appoint one or more bodies responsible for the registration provided for by the Convention and for answering requests for information made in accordance with article 8, paragraph 2.

Article 3. 1. With a view to facilitating international co-operation, each Contracting State shall appoint a national body which shall, without any intermediary:

(a) Arrange for registration in other Contracting States as provided for in article 6;

¹ Came into force on 20 March 1976 for the following States of the Council of Europe, i.e., three months after the date of deposit with the Secretary General of the Council of Europe of the third instrument of ratification or acceptance, in accordance with article 12 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
France*	20 September 1974
(With a declaration of application to European and Oversea Departments of the Republic.)	
Cyprus	20 January 1975
Turkey**	19 December 1975

Subsequently, the Convention entered into force in respect of the following States as indicated hereafter, i.e., three months after the date of the deposit of their instrument of ratification or acceptance with the Secretary General of the Council of Europe, in accordance with article 12 (3):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>	<i>Date of entry into force</i>
Belgium*	8 February 1977	9 May 1977
Netherlands	12 December 1977	13 March 1978
(With declaration of application to the Kingdom in Europe and the Netherlands Antilles.)		

* See p. 254 of this volume for the designation of authorities.

** See p. 255 of this volume for the text of the reservation made upon ratification.

(b) Receive requests for information arriving from the national bodies of other Contracting States, and answer them under the conditions set out in article 8.

2. Each Contracting State shall communicate to the Secretary General of the Council of Europe the name and address of the national body appointed in accordance with the preceding paragraph.

Article 4. 1. The following shall be registered in a Contracting State:

(a) Formal wills declared to a notary, a public authority or any person authorised by the law of that State to record them, as well as other wills deposited with an authority or a person authorised by law to accept such deposit, with a formal act of deposit having been established;

(b) Holographic wills which have been deposited with a notary, a public authority or any person authorised by the law of that State to accept them, without a formal act of deposit having been established, subject to that law permitting such deposit. The testator may oppose registration if the said law does not prohibit such opposition.

2. Withdrawals, revocations and other modifications of the wills registered according to this article shall also be registered if they are established in a form which would make registration compulsory according to the preceding paragraph.

3. Any Contracting State may exclude from the application of the present article wills deposited with authorities of the armed forces.

Article 5. 1. Registration shall be made at the request of the notary, the public authority or the person referred to in article 4, paragraph 1.

2. Any Contracting State may, however, in special cases determined and under the conditions specified by its national law, provide for the request for registration to be made by the testator.

Article 6. 1. Registration shall not be subject to conditions of nationality or residence of the testator.

2. At the request of the testator, the notary, public authority or person referred to in article 4 may request registration not only in the State where the will is made or deposited, but also, through the intermediary of the national bodies, in other Contracting States.

Article 7. 1. The request for registration shall contain the following information at least:

(a) Family name and first name(s) of testator or author of deed (and maiden name, where applicable);

(b) Date and place (or, if this is not known, country) of birth;

(c) Address or domicile, as declared;

(d) Nature and date of deed of which registration is requested;

(e) Name and address of the notary, public authority or person who received the deed or with whom it is deposited.

2. This information must be contained in the register, in the form stipulated by each Contracting State.

3. The duration of registration may be determined by each Contracting State.

Article 8. 1. Registration shall be secret during the lifetime of the testator.

2. On the death of the testator, any person may obtain the information mentioned in article 7 on presentation of an extract of the death certificate or of any other satisfactory proof of death.

3. If the will has been made jointly by two or more persons, the provisions of paragraph 2 of this article shall apply, notwithstanding the provisions of paragraph 1, on the death of any of the testators.

Article 9. Services between Contracting States pursuant to this Convention shall be rendered free of charge.

Article 10. This Convention shall not affect provisions which, in each Contracting State, relate to the validity of wills and other deeds referred to in this Convention.

Article 11. Each Contracting State shall have the option to extend, under the conditions to be established by that State, the registration system provided for by this Convention to any other will not referred to in article 4 or any other deed affecting the devolution of an estate. In this case, in particular the provisions of article 6, paragraph 2, shall apply.

Article 12. 1. This Convention shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

2. This Convention shall enter into force three months after the date of deposit of the third instrument of ratification or acceptance.

3. In respect of a signatory State ratifying or accepting subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.

Article 13. 1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto.

2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 14. 1. Any Contracting State may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Convention shall apply.

2. Any Contracting State may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in article 16 of this Convention.

Article 15. No reservation shall be made to the provisions of this Convention.

Article 16. 1. This Convention shall remain in force indefinitely.

2. Any Contracting State may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

3. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 17. The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention of:

- (a) Any signature;
- (b) Any deposit of an instrument of ratification, acceptance or accession;
- (c) Any date of entry into force of this Convention in accordance with article 12 thereof;
- (d) Any communication received in pursuance of the provisions of paragraph 2 of article 3 and of paragraphs 2 and 3 of article 14;
- (e) Any notification received in pursuance of the provisions of article 16 and the date on which denunciation takes effect.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Basel, this 16th day of May 1972, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

For the Government
of the Republic of Austria:

For the Government
of the Kingdom of Belgium:

For the Government
of the Republic of Cyprus:

For the Government
of the Kingdom of Denmark:

For the Government
of the French Republic:

For the Government
of the Federal Republic of Germany:

For the Government
of the Icelandic Republic:

For the Government
of Ireland:

For the Government
of the Italian Republic:

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Bâle, le 16 mai 1972, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire Général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des Etats signataires et adhérents.

Pour le Gouvernement
de la République d'Autriche :

Pour le Gouvernement
du Royaume de Belgique :

Pour le Gouvernement
de la République de Chypre :

Pour le Gouvernement
du Royaume de Danemark :

Pour le Gouvernement
de la République française :

Pour le Gouvernement de la
République fédérale d'Allemagne :

Pour le Gouvernement
de la République islandaise :

Pour le Gouvernement
d'Irlande :

Pour le Gouvernement
de la République italienne :

A. VRANCKX

Strasbourg, 27 June 1974

POLYS MODINOS

K. AXEL NIELSEN

R. PLEVEN

GERHARD JAHN

GUIDO GONELLA

For the Government of the
Grand Duchy of Luxembourg:

Pour le Gouvernement du
Grand-Duché de Luxembourg :

E. SCHAUS

For the Government
of Malta:

Pour le Gouvernement
de Malte :

For the Government
of the Kingdom of the Netherlands:

Pour le Gouvernement
du Royaume des Pays-Bas :

VAN AGT

For the Government
of the Kingdom of Norway:

Pour le Gouvernement
du Royaume de Norvège :

For the Government
of the Kingdom of Sweden:

Pour le Gouvernement
du Royaume de Suède :

For the Government
of the Swiss Confederation:

Pour le Gouvernement
de la Confédération suisse :

For the Government
of the Turkish Republic:

Pour le Gouvernement
de la République turque :

Strasbourg, le 18 avril 1974

R. GÜMRÜKÇÜOĞLU

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

Pour le Gouvernement
du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

HAILSHAM OF ST. MARYLEBONE

For the Government
of the Portuguese Republic:

Pour le Gouvernement
de la République portugaise :

Strasbourg, le 19 septembre 1978

JOSÉ P. CUTILEIRO

DESIGNATION OF AUTHORITIES MADE IN ACCORDANCE WITH ARTICLE 3 DÉSIGNATION D'AUTORITÉS FAITE CONFORMÉMENT À L'ARTICLE 3

*BELGIUM**BELGIQUE*

Fédération royale des notaires de Belgique — CRT
Rue de la Montagne 34 — Boîte postale 11
1000 Bruxelles

[DUTCH TEXT — TEXTE NÉERLANDAIS]

Koninklijke federatie van Belgische Notarissen—CRT
Bergstraat 34—Bus 11
1000 Brussel

*FRANCE**FRANCE*

Conseil Supérieur du Notariat
31, rue du Général Foy
75008 Paris

*NETHERLANDS**PAYS-BAS*

[TRANSLATION¹ — TRADUCTION²]

Ministry of Justice, The Hague.

Ministère néerlandais de la Justice, La Haye.

This Ministry performs the tasks set out:

Ce Ministère remplit les tâches prévues :

- | | |
|---|--|
| <p>a) With regard to the Netherlands Register of Wills;</p> <p>b) With regard to the duplicate of the Antilles Register of Wills, kept by it.</p> | <p>a) En ce qui concerne le Registre néerlandais des Testaments;</p> <p>b) En ce qui concerne le double du Registre antillais des Testaments tenu par lui.</p> |
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¹ Translation supplied by the Council of Europe.

² Traduction fournie par le Conseil de l'Europe.

RESERVATION MADE
UPON RATIFICATION

TURKEY

[TRANSLATION¹ — TRADUCTION²]

The Government of Turkey, while ratifying the Convention on the Establishment of a Scheme of Registration of Wills, declares that it does not consider itself bound to carry out the provisions of the said Convention in relation to the Greek Cypriot Administration, which is not constitutionally entitled to represent alone the Republic of Cyprus.³

RÉSERVE FAITE LORS DE LA
RATIFICATION

TURQUIE

« Le Gouvernement de Turquie, tout en ratifiant la Convention relative à l'établissement d'un système d'inscription des testaments, déclare qu'il ne se considère pas engagé à exécuter les dispositions de ladite Convention envers l'Administration Chypriote Grecque, qui n'est pas habilitée constitutionnellement à représenter à elle seule la République de Chypre.¹ »

¹ Translation supplied by the Council of Europe.

² Traduction fournie par le Conseil de l'Europe.

³ When notifying the ratification of Turkey to the Governments of the member States of the Council of Europe, the Secretary General of the Council of Europe conveyed the full text of the decision taken in February 1976 by the Committee of Ministers and which is reproduced below:

“The Deputies,

“In the light of the foregoing discussion, and referring solely to the procedural aspects of the deposit of the seven instruments of ratification,

“Considered that the Secretary General should proceed, with effect from 19 December 1975 to the registration of these instruments of ratification as presented by the Permanent Representative of Turkey by letters dated 19 December 1975 and notify the Governments of member States thereof, it being understood that the registration of reservations by the Secretary General has no effect on their validity.

“The above decision will in no way affect the position of the Government of the Republic of Cyprus in the Committee of Ministers of the Council of Europe.”
(Information supplied by the Secretary General of the Council of Europe.)

¹ En notifiant aux Gouvernements des Etats membres du Conseil de l'Europe la ratification de la Turquie, le Secrétaire Général du Conseil de l'Europe a communiqué le texte intégral de la décision qui avait été prise, en février 1976, par le Comité des Ministres et dont le texte est reproduit ci-dessous :

« Les Délégués,

« A la lumière des discussions ci-dessus rapportées et en se référant aux seuls aspects procéduraux du dépôt des sept instruments de ratification,

« Estiment que le Secrétaire Général devrait procéder, avec effet au 19 décembre 1975, à l'enregistrement de ces instruments de ratification tels que présentés par le Représentant Permanent de la Turquie par lettres du 19 décembre 1975 et en donner notification aux Gouvernements des Etats membres, étant entendu que l'enregistrement de réserves par le Secrétaire Général n'a aucun effet sur leur validité.

« La décision ci-dessus n'affectera en aucune façon la position du Gouvernement de la République de Chypre au Comité des Ministres du Conseil de l'Europe. »
(Information fournie par le Secrétaire général du Conseil de l'Europe.)