



Romania

## Registering and searching for wills

→ What are the principal forms of will in Romania?

- \* the **authentic will**, drawn up by a civil law notary.
- \* the **holographic will**, written, dated and signed by the testator himself.

→ Does a register of wills exist in Romania?

**Yes**, there is a register of wills - the National Notarial Register for Authentic Wills and Donations - RNNEL. Only authentic wills may be registered in this register. The register is computerized and all formalities for the search and registration of wills by civil law notaries may be performed electronically.

**N.B.**

These questions and answers constitute a general source of information, up to date as of 1<sup>st</sup> January 2022. In the event of a particular difficulty, consult a civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





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## I. The registration of a will

### → Why register a will?

Only authentic wills may be recorded in the Romanian register of wills. Since 2007, all civil law notaries that authenticate a will are under obligation to register that will in the special register. In order to ensure that a will made by the testator is found and taken into account by the legal professional/authority settling the succession or by the beneficiaries of that will, it is advisable that the will be duly authenticated and registered by a civil law notary. The testator shall thus make sure that his last wishes will be respected after his death.

### → Who can carry out the registration?

The civil law notary carries out the registration of authentic wills. **It is not the content of the will which is registered in the register but the information which enables the will to be found.**

### → Who keeps the will?

An authentic will is kept by the civil law notary that authenticated that will. In certain cases, where the archives of that notary are taken over by a different civil law notary or by the relevant Chamber of Notaries, the authentic will shall be held by that notary/Chamber. The civil law notary may also keep holographic wills confided to him by the testator. However, holographic wills **N.B.**

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are not subject to registration and it is possible that the notary/authority settling the succession may not have knowledge of the existence of such wills.

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

No, the existence of a will and its content shall remain a secret during the entire life of the testator. Only the testator himself may query the register of wills, and not any other member of his family.

→ How much does it cost to register a will?

If the registration is done by the civil law notary that authenticated the will, the registration will cost about **2 €**.

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## II. The search for the wills

### → Who may query the register of wills?

Upon the death of the testator the civil law notary in charge of the succession proceedings must query the register of wills. **This query is obligatory as it ensures** that the last wishes of the testator are respected. The heirs must also disclose the wills of which they are aware. The register may also be queried by other legal professionals responsible for settling the succession, by public authorities, by the heirs, beneficiaries of the will, by their representatives or by persons demonstrating a legitimate interest. While the testator is still alive, only the testator himself may query the register of wills.

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

Yes, a death certificate must be provided in order to query the register. This measure ensures that the existence of the will remains secret throughout the testator's life. However, if the testator died after 01.01.2012, the proof of death may also be made with the certificate duly obtained from the National Register for the Evidence of Death Certificates (RNEAD).

### → How much does a search cost?

When the search is conducted by the civil law notary settling a succession, this search will cost approximately **3 €**.

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