

General Terms and Conditions

(V4.0 – 23/08/2022)

1 Scope

The Swiss Notary Association (SNV) operates a register of testaments through its company Schweizerisches Zentrales Testamentenregister GmbH (ZTR – Swiss Register of Testaments).

The following provisions apply to the ZTR and the eZTR web application.

2 ZTR area of business

2.1 Registration of dispositions

The depository location of dispositions that come into force upon a person's death (holographic and publicly certified wills, contracts of inheritance, marital agreements, contracts relating to registered partnerships, gifts, usufruct etc.) can be recorded in the Register of Testaments. Advance care directives can also be registered.

Depositing dispositions (documents) with an authorised depository (notary or lawyer in Switzerland or a Swiss administrative unit/authority) is mandatory. ZTR is not a depository for dispositions and has no knowledge of the content of these.

2.2 Searching for dispositions

In the event of a death, it is possible to search the Register of Testaments to see whether the deceased has registered a disposition and, if they have, where this has been deposited.

3 Authorised notifiers and depositories

3.1 Authorised notifiers

Only the following persons and bodies may register dispositions:

- Notaries or other persons authorised in Switzerland to publicly certify testamentary dispositions
- Switzerland-based lawyers registered in a register of lawyers
- Swiss authorities or administrative units that deposit dispositions under cantonal or federal law

3.2 Authorised depositories

Only the following persons and bodies may be registered as a depository:

- Notaries or other persons qualified to publicly certify testamentary dispositions in Switzerland
- Switzerland-based lawyers registered in a register of lawyers
- Swiss authorities or administrative units that deposit dispositions under cantonal or federal law

3.3 ZTR review of authorisation

ZTR reviews the authorisation of the above-mentioned persons and bodies to register and deposit dispositions. As far as possible, it does so autonomously. Should more information be required, ZTR will confer with the notifier and/or depository. The person or body in question will be informed if their authorised status is rejected. Authorised status will be confirmed when first registering a disposition in the Register of Testaments.

3.4 Succession of an authorised depository (office succession)

In the event of a depository leaving the professional, consolidations such as mergers, or other similar instances, the depository or its successor must, as appropriate, inform ZTR who will deposit the previously registered disposition in future and, where necessary, where this will be deposited.

The succession will be noted in the Register of Testaments and on supporting documents, provided that ZTR has been informed of it.

4 Registration of dispositions

4.1 Authorised notifiers and depositories

Only authorised notifiers and depositories (cf. Section 3) may register dispositions in the Register of Testaments.

4.2 Required information

The following information is required to register a disposition:

4.2.1 Details of the disposition:

- Notifier pursuant to Section 3.1.
- Depository pursuant to Section 3.2.
- Type of disposition (as at the date of publication these are: holographic wills, publicly certified wills, marital agreements, contracts of inheritance, joint contracts of marriage and inheritance, registered partnerships, other holographic or publicly certified dispositions, and publicly certified or holographic advance care directives)
- Date of the disposition (day/month/year)

4.2.2 Details of the person making the disposition:

- Surname
- Forename(s)
- Maiden name
- Date of birth (day/month/year)
- Place(s) of origin in Switzerland (in the case of Swiss citizens)
- Nationality, country of birth and, if known, place of birth (in the case of foreign citizens)
- Current home address

4.3 Process of registration in the Register of Testaments

Registration is completed:

- via the **eZTR web application** (preferable)
- using a form that can be sent in Word format via email to ZTR.

The information is registered in accordance with the details provided by the registering person and is stored in the Register of Testaments.

ZTR confirms registration by means of a registration certificate that, depending on the registration method, is issued either via the eZTR web application or in hard copy.

If, during the registration process, ZTR determines that information is missing or erroneous, it will request that the registering person provide the missing information or rectify the inaccurate information. Any information that is rectified or retroactively provided will be recorded in the Register of Testaments, with a certificate of amendment being issued via the eZTR web application or in hard copy to confirm that this information is recorded.

In all cases, the recipient of the registration certificate or certificate of amendment is obliged to review the information on the certificate and to inform ZTR of any errors within 10 days.

5 Amendments

5.1 Changes to personal information

The notifier/depository is to inform ZTR of any changes to the information of the registering person. The information will be amended and a certificate of amendment will be issued free of charge via the eZTR web application or in hard copy to confirm that this change is recorded.

5.2 Notifications of death

The notifier/depository will inform the ZTR of the death of the registered person, including the exact date of death (day/month/year) and the place of death. ZTR will confirm the amendment.

A notification of death will not trigger an inquiry in the Register of Testaments. A letter will be enclosed with the certificate of amendment that recommends searching the Register of Testaments for any other registered testamentary dispositions. Please note that this does not apply to depositories in cantons where inquiries for further dispositions are mandatory.

5.3 Deletion

Dispositions entered in the Register of Testaments can only be deleted by the depository. Notification of deletion is communicated via the eZTR web application or in hard copy. In each case, confirmation must be provided that the person making the disposition is still alive.

Deletion is no longer possible once ZTR has received notification that a person who has made a disposition has died.

6 Searching for dispositions

It is possible to carry out a search in the Register of Testaments for dispositions of living and deceased persons.

6.1 Searches for dispositions of deceased persons

Any person, administrative unit or authority in Switzerland or abroad may – upon providing an official death certificate – obtain information about whether a disposition for the deceased person is registered in the Register of Testaments and, if so, where this is deposited.

6.1.1 Required details and documents

In order to carry out an inquiry, ZTR requires the following details and documents in all cases:

Details of the requester: Surname, first name and full address (for postal delivery and invoicing)

Details of the deceased person:

ZTR will request details in order to identify the deceased person. These details will be taken from the official death certificate and additional details from the requester of the inquiry:

- Surname
- All forenames
- Maiden name
- Previous family name (if applicable)
- Full date of birth (or at least the year of birth)
- Place(s) of origin in Switzerland (in the case of Swiss citizens)
- Nationality and place and country of birth (in the case of foreign citizens)
- Last address or place of residence (if known)

Official death certificate:

The official death certificate must have been issued by a competent register authority. The following are acceptable:

- An extract for the deceased person with registration of death from the Swiss Civil Register Infostar (Infostar forms 2.2.1, 2.2.2, 2.80, 7.3 or 7.4), or
- An extract from a foreign civil register.

ZTR accepts clearly legible death certificates in German, French, Italian, English, Spanish, Portuguese and Dutch.

Death certificates in any other language must be translated into one of the four languages used in the register (German, French, Italian or English).

6.1.2 Submission of request

The details and official death certificate can be submitted to ZTR via the eZTR web application, by email or by post.

6.1.3 Invoicing and advance payment

Inquiry requests from notaries and lawyers in Switzerland and from Swiss administrative units and authorities are invoiced on a monthly basis.

In all other cases, ZTR requires that the costs be paid in advance. Once the inquiry request has been received, ZTR will create and send the invoice to be settled. The request will be carried out once the exact invoice amount has been received in ZTR's bank account.

6.1.4 Inquiry results

When ZTR carries out an inquiry, its search will always combine all known surnames and forenames.

Negative inquiry result: ZTR will issue a negative inquiry result if the search result is conclusively negative.

Positive inquiry result: ZTR will issue a positive inquiry result if the search brings up a conclusive positive result, i.e. the identity of the deceased person conclusively matches the identity of a person who has provided a disposition.

In the event of a positive inquiry result, ZTR will also contact any other depositories (and notifiers, depending on the circumstances), insofar as they are affected by the inquiry.

Identity check: In case of doubt as to whether the information provided about the deceased person matches the information of a registered person who has provided a disposition, the depository of the unclearly assigned disposition will be contacted to request confirmation of the identity, with a short time limit specified for response.

- If ZTR does not receive a response to this request within the specified time limit, this disposition will not be included in the inquiry result. The depository that did not respond to ZTR or notified an unclear response will receive a copy of the inquiry result once this is issued.
- If ZTR receives a positive response, it will supplement the information in the disposition recorded in the Register of Testaments and will issue a positive inquiry result that includes the supplemented disposition.

6.1.5 Notification of inquiry result

The inquiry result will be either notified via the eZTR web application or in hard copy, depending on how the initial request was submitted. For data protection reasons, inquiry results are not notified by email.

6.1.6 Inquiry results for foreign countries

Certain countries require certified inquiry results. Upon request of the person requesting the inquiry, ZTR will engage a notary to certify the inquiry result and obtain an apostille for this. The associated costs will also be invoiced by the notary in advance.

6.2 Inquiries into dispositions of living persons

6.2.1 Living persons capable of judgement

A person may request information about their own registered dispositions and advance care directives and where these are deposited. Such a request must be made in writing, and the signature of the person submitting the request must

be notarised or officially certified. This inquiry will only be carried out following advance payment of the relevant costs.

If an authorised representative (notary or lawyer in Switzerland) is representing the person submitting the request, the notarised or officially certified signature of this representative must be on the power of attorney. In this case, the costs do not have to be paid in advance.

6.2.2 Living persons incapable of judgement

In the case of persons incapable of judgement, the search will be restricted to advance care directives. In this case, the inquiry results will include only advance care directives that may be in place and will not include dispositions that come into force upon a person's death.

The applicant must provide proof of legitimate interest (supporting documents from the child and adult protection authority (CAPA) or other similar documentation). ZTR reserves the right to check with the competent CAPA or the person authorised in the advance care directive before sharing any information.

The provisions of Section 6.1 apply *mutatis mutandis*.

7 eZTR web application – user account

7.1 Master account

Notaries and lawyers in Switzerland and Swiss administrative units and authorities (authorised notifiers/depositories) can request a master account via the official ZTR website (www.ztr.ch). ZTR will grant access after confirming that the applicant is an authorised notifier and/or depository as defined by ZTR. As soon as the master account has been activated, the employees and any of their colleagues will be granted access to the data in the master account.

If colleagues with their own master account want to authorise each other to view their data (registered dispositions, requests, invoices etc.), this access must be given via the master account of the party with the right to grant such access. Once ZTR has reviewed the request, the access will be granted and the data can be viewed. The person also has the right to share other requests (registrations, amendments and inquiries).

7.2 Employee account

By sharing access, the master account can also be used to request an individual employee account. In the process, these persons will be granted access to the data in the master account. All persons with an employee account can view data and can share requests (registrations, amendments and inquiries) with the notifier to whom they have granted access rights.

The notifier/depository must inform ZTR of any changes to access permissions without delay so that ZTR can review the relevant user accounts and amend or delete these as appropriate.

8 Invoicing and prices

8.1 Invoice recipient

The only persons permitted to receive invoices are authorised notifiers (notaries, lawyers, authorities, administrative units). The notifier selected in the eZTR web application will receive the register certificates, the inquiry results and any invoices from ZTR.

8.2 Monthly invoicing and itemised statement of costs

Since 1 December 2015, ZTR has issued monthly invoices for services rendered. ZTR's price list is available online for customer reference.

When using the eZTR web application, it is possible to obtain an itemised statement of costs; the cost for the request is shown directly on the relevant certificates or results.

8.3 Delivery method

As a rule, if the eZTR web application is used, no monthly invoices will be sent by post. The eZTR web application can be used to view and print invoices. If you would prefer that monthly invoices be sent to you by post, the settings on the master account must be adjusted accordingly.

8.4 Payment period

Invoices must be paid within 30 days of the invoice issue date.

8.5 Late payment interest and reminder fees

In the event of late payments, ZTR reserves the right to demand late payment interest of 5% per annum and additional reminder fees of CHF 15.00 from the second reminder.

9 Maintenance and operation

If maintenance work must be carried out on the Register of Testaments and/or the eZTR web application, this will be performed outside of normal business hours as far as possible.

10 Data protection and temporal data storage

ZTR ensures that data protection for the Register of Testaments and eZTR web application is continuously updated.

For data protection purposes, all entries and amendments within the Register of Testaments are stored in a temporal database. This also applies for all access to the eZTR web application.

11 Liability

To the extent possible and permissible by law, Schweizerisches Zentrales Testamentenregister GmbH (ZTR) and the Swiss Notary Association (SNV) reject any liability in connection with the operation of the Register of Testaments and the eZTR web application. The liability of Schweizerisches Zentrales Testamentenregister GmbH (ZTR) and the Swiss Notary Association (SNV) is limited to the reimbursement of the registration fee in all cases.

By using the Register of Testaments, every registering person acknowledges that this liability exclusion clause is binding in relation to them.

12 Obligatory application of the General Terms and Conditions

Every user (notifier/depository) that uses the services of the Register of Testaments or the eZTR web application expressly acknowledges these General Terms and Conditions and their obligatory application.

Muri bei Bern, Switzerland, 17 August 2022