

No. 13430

**FRANCE
and
YUGOSLAVIA**

**Convention concerning the applicable law and jurisdiction in
matters of personal status and family law. Signed at
Paris on 18 May 1971**

Authentic texts: French and Serbo-Croatian.

Registered by France on 9 July 1974.

**FRANCE
et
YUGOSLAVIE**

**Convention relative à la loi applicable et à la compétence en
matière de droit des personnes et de la famille. Signée à
Paris le 18 mai 1971**

Textes authentiques: français et serbo-croate.

Enregistrée par la France le 9 juillet 1974.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA CONCERNING THE APPLICABLE LAW AND JURISDICTION IN MATTERS OF PERSONAL STATUS AND FAMILY LAW

The Government of the French Republic and the Government of the Socialist Federal Republic of Yugoslavia, desiring to establish common provisions in respect of personal status and family law, have agreed as follows:

CHAPTER I. CAPACITY

Article 1. The status and legal capacity of an individual shall be governed by the law of the Contracting Party of which that person is a national.

Article 2. 1. Should measures become necessary for the legal protection of a national, whether a minor or of full legal age, of one of the Contracting Parties domiciled in the territory of the other Contracting Party, the authorities of the latter Party shall so notify the diplomatic or consular representative of the Contracting Party of which the individual to be protected is a national. The authorities of that Contracting Party shall have jurisdiction to take all measures necessary in accordance with their national law.

2. However, in an emergency or if no action has been taken within a reasonable period following the notification referred to in the preceding paragraph, the authorities of the Contracting Party in whose territory the individual to be protected is domiciled may take all provisional protective measures in accordance with their national law.

3. In the case of permanent measures for the deprivation or restoration of legal capacity, the authorities of the Contracting Party in whose territory the individual to be protected is domiciled may, if no action has been taken within a reasonable period following the notification referred to in paragraph 1 of this article, render a decision by applying the law referred to in article 1 of this Convention.

4. The Contracting Parties shall keep each other informed, through their diplomatic or consular representatives, of all legal measures taken in application of the provisions of this article.

¹ Came into force on 1 November 1972, i.e., the first day of the second month following the date of the last of the notifications (effected on 28 July and 12 September 1972) by which the Contracting Parties informed each other of the completion of the procedures required by their Constitution, in accordance with article 19.

CHAPTER II. MARRIAGE

Article 3. 1. The requirements and conditions to be fulfilled in order to be able to contract a marriage shall be governed, for each of the future spouses, by the law of the Contracting Party of which he or she is a national.

2. However, conditions concerning consanguinity and affinity shall also be governed by the law of the Contracting Party before whose authorities the marriage is solemnized.

Article 4. 1. The form of marriage shall be that prescribed by the law of the Contracting Party before whose authorities the marriage is solemnized.

2. A marriage between future spouses who are both nationals of one of the Contracting Parties may be solemnized by the consular officials of that Contracting Party.

Article 5. The personal and property effects of the marriage shall, without prejudice to the provisions of article 6 of this Convention, be governed by the national law of the spouses if it is common to both or, if it is not, by the law of the Contracting Party in whose territory they are domiciled, or had their last joint domicile.

Article 6. The legal matrimonial régime shall be determined by the national law of the spouses, when it is common to them at the time of the marriage, or by the law of the Contracting Party in whose territory their first joint domicile was situated.

Article 7. 1. Disputes between spouses concerning the personal and property effects of the marriage shall be referred to the courts of the Contracting Party in whose territory they are domiciled or had their last joint domicile.

2. Where both spouses are nationals of the same Contracting Party, the courts of that Party shall also have jurisdiction.

3. The courts of the Contracting Party in whose territory one of the spouses has had his or her habitual residence for not less than one year shall also have jurisdiction.

CHAPTER III. DIVORCE

Article 8. Without prejudice to the provisions of article 6 of this Convention, divorce, together with its personal and property effects, shall be governed by the national law of the spouses if it is common to both of them or, if it is not by the law of the Contracting Party in whose territory they have their joint domicile or had their last joint domicile.

Article 9. 1. Suits for divorce shall be referred to the courts of the Contracting Party in whose territory the spouses are domiciled at the time of the institution of proceedings, or in whose territory their last joint domicile was situated.

2. The courts of the Contracting Party in whose territory the respondent spouse has his or her domicile or habitual residence at the time of the institution of proceedings shall also have jurisdiction.

3. If both spouses are nationals of the same Contracting Party, the courts of that Contracting Party shall also have jurisdiction.

CHAPTER IV. FILIATION

Article 10. The determination of legitimate filiation and relationships between parents and legitimate children shall be governed by the law referred to in article 5 of this Convention.

Article 11. 1. The establishment of illegitimate filiation shall be governed by the law of the Contracting Party of which the child is a national at the time of birth or, if it is more favourable, by the law of the Contracting Party of which he is a national at the time of recognition or judicial decree.

2. Relationships between parents and a natural child shall be governed by the law of the Contracting Party of which the child is a national.

3. If the child's law does not authorize recognition, such recognition may be given by the father in accordance with his national law.

4. If the child's law does not provide that he should receive support, he may obtain such support in accordance with the law of the Contracting Party in whose territory he has his domicile.

Article 12. 1. Disputes concerning filiation shall be referred either to the courts of the Contracting Party of which the child is a national or to the courts of the Contracting Party in whose territory the child is domiciled.

2. Proceedings for the establishment of paternal filiation may also be instituted in the courts of the Contracting Party of which the defendant is a national, or in whose territory he is domiciled.

Article 13. 1. The conditions of adoption of a minor to be fulfilled by the adopter and the adopted child shall be governed by their respective national laws. Furthermore, the conditions established by each law must be satisfied when they concern both the adopter and the adopted child.

2. When the adoption is requested by two spouses, the conditions to be fulfilled by the adopters shall be governed by the law referred to in article 5 of this Convention.

Article 14. 1. The effects of adoption shall be governed by the national law of the adopter.

2. When the adoption is undertaken by two spouses, or by one spouse in respect of the child of the other spouse, its effects shall be determined by the law referred to in article 5 of this Convention.

Article 15. The following authorities shall be competent to pronounce the adoption and to render decisions on its conditions and effects:

- (a) The authorities of the Contracting Party in whose territory the adopter or adopters, or the adopted child, are domiciled;
- (b) The authorities of the Contracting Party of which the adopter or adopters, or the adopted child, are nationals.

Article 16. When the adopter or adopters and the adopted child are of the same nationality, the authorities of the Contracting Party of which they are nationals shall be competent to rule on the termination of the adoption.

CHAPTER V. FINAL PROVISIONS

Article 17. Any disputes arising between the Contracting Parties regarding the interpretation and application of this Convention shall be settled through diplomatic channels.

Article 18. This Convention shall apply to the whole of the territory of each of the two States.

Article 19. Each Contracting Party shall notify the other of the completion of the procedures required by its Constitution for the implementation of this Convention. The Convention shall take effect on the first day of the second month following the date of the last notification.

Article 20. 1. This Convention is concluded for an indefinite term.

2. Either Contracting Party may denounce this Convention at any time, such denunciation to take effect six months after the date of receipt of notification by the other Contracting Party.

DONE at Paris on 18 May 1971, in duplicate in the French and Serbo-Croatian languages, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

GILBERT DE CHAMBRUN

For the Government of the Socialist Federal Republic of Yugoslavia:

[Signed]

JVO VEJVODA
