

No. 14051

**FRANCE
and
FEDERAL REPUBLIC OF GERMANY**

**Convention abolishing the requirement of legalization for
public documents. Signed at Bonn on 13 September
1971**

Authentic texts: French and German.

Registered by France on 27 May 1975.

**FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Convention sur la suppression de la légalisation des actes
publics. Signée à Bonn le 13 septembre 1971**

Textes authentiques : français et allemand.

Enregistrée par la France le 27 mai 1975.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND THE FEDERAL
REPUBLIC OF GERMANY ABOLISHING THE REQUIREMENT OF
LEGALIZATION FOR PUBLIC DOCUMENTS

The President of the French Republic and the President of the Federal Republic of Germany

Desiring, in a spirit of close co-operation, to simplify the use in each State of the public documents published by the other State,

Have decided to conclude a convention to this effect and have designated as their plenipotentiaries:

The President of the French Republic: Mr. René Pleven, Keeper of the Seals, Minister of Justice,

The President of the Federal Republic of Germany: Mr. Gerhard Jahn, Federal Minister of Justice.

The plenipotentiaries, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1. Public documents executed in either State and bearing an official seal or stamp shall not require legalization, endorsement, authentication or certification or any other similar formality for use in the other State.

Article 2. For the purposes of the present Convention, the following are deemed to be public documents:

1. Documents emanating from a court or tribunal or from a public prosecutor connected with such court or tribunal, and, in the case of the Federal Republic of Germany, those emanating from a representative of the public interest (*Vertreter des öffentlichen Interesses*);

Documents executed by a clerk of a court or, in the case of the Federal Republic of Germany, by an official having certain judicial functions (*Rechtspfleger*);

Documents executed by a process-server (*huissier de justice*);

2. Documents issued by an administrative authority;

3. Notarial acts;

4. In the case of the Federal Republic of Germany, protests of cheques or bills even if drawn up by post-office employees.

Article 3. (1) Documents issued in either State by a person, body or authority empowered under the legislation of that State to execute public documents in cases of the same nature as that to which the document produced relates shall likewise be deemed to be public documents for the purposes of the present Convention.

(2) This provision shall be applicable even if such documents do not bear an official seal or stamp.

¹ Came into force on 1 April 1975, i.e., the first day of the third month that followed the exchange of the instruments of ratification, which took place at Paris on 9 January 1975, in accordance with article 13 (1) and (2).

Article 4. Official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date, official and notarial certifications of signatures and certifications of true copies, shall constitute public documents for the purposes of either article 2 or article 3 of the present Convention depending on the capacity of the person, body or authority executing them.

Article 5. (1) For the purposes of the present Convention, legalization means the formality by which the diplomatic or consular agents of the State in whose territory a document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

(2) Endorsement means the formality referred to in articles 3, 4 and 5 of The Hague Convention of 5 October 1961¹ abolishing the requirement of legalisation for foreign public documents.

Article 6. (1) When a public document as referred to in articles 2, 3 and 4 is produced in either State and there are serious reasons for doubting the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears, a request for verification may be addressed directly:

— in the French Republic, to the Ministry of Justice,

— in the Federal Republic of Germany, to the Bundesverwaltungsamt at Cologne.

(2) These authorities shall transmit the reply of the competent person, body or authority.

Article 7. (1) When a document as referred to in article 3 and, where appropriate, in article 4 of the present Convention is produced in either State and there is serious doubt that it constitutes a public document, a request for information may be addressed directly to the authorities mentioned in the preceding article for the purpose of ascertaining whether the person, body or authority from which the document emanates has been empowered, under the relevant domestic legislation, to execute public documents in cases of the same nature as that to which the document produced relates.

(2) The Ministry of Justice in the French Republic or the Bundesverwaltungsamt in the Federal Republic of Germany shall transmit the reply of the competent authority.

Article 8. (1) The requests for verifications and information referred to in articles 6 and 7 of the present Convention shall, where possible, be accompanied by the original or a photocopy of the document.

(2) The request and the enclosures shall be in the language of the State to which the request is addressed or shall be accompanied by a translation into the language of that State.

(3) Fulfilment of such requests shall not entail the payment of any charge or fee.

Article 9. (1) Translations of public documents signed by persons in their private capacity or of documents of any kind produced in either State may be certified by a sworn translator in either State.

(2) Such translations, certified and bearing the seal or stamp of the translator, may be used without the requirement of legalization, endorsement, authentication or certification or any other similar formality.

¹ United Nations, *Treaty Series*, vol. 527, p. 189.

Article 10. Each State shall take the necessary steps to prevent the performance by its authorities of legalizations, endorsements, authentications or certifications or any other similar formality in respect of the public documents which are exempted therefrom under the present Convention.

Article 11. (1) The present Convention shall in no way affect the provisions of other multilateral or bilateral conventions which have been or may be concluded for the same purpose in certain particular fields.

(2) The provisions of the present Convention shall prevail in relations between the two States over the provisions of The Hague Convention of 5 October 1961 abolishing the requirement of legalisation for foreign public documents.

Article 12. The present Convention shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany addresses to the Government of the French Republic a declaration to the contrary within three months from the date of entry into force of the Convention.

Article 13. (1) The present Convention shall be subject to ratification. The instruments of ratification shall be exchanged in Paris at the earliest possible date.

(2) The present Convention shall enter into force on the first day of the third month following the exchange of instruments of ratification.

(3) Either Contracting Party may denounce the present Convention in writing at any time. Such denunciation shall take effect six months after the receipt of notice thereof by the other Contracting Party.

IN WITNESS WHEREOF the plenipotentiaries have signed the present Convention.

DONE at Bonn, on 13 September 1971, in duplicate in the French and German languages, both texts being equally authentic.

For the French Republic:

[RENÉ PLEVEN]

For the Federal Republic of Germany:

[GERHARD JAHN]
