

**No. 14540**

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**FEDERAL REPUBLIC OF GERMANY  
and  
ITALY**

**Convention on exemption from the requirement of legalization of documents. Signed at Rome on 7 June 1969**

*Authentic texts: German and Italian.*

*Registered by the Federal Republic of Germany on 16 January 1976.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
ITALIE**

**Convention relative à la dispense de la légalisation des actes.  
Signée à Rome le 7 juin 1969**

*Textes authentiques : allemand et italien.*

*Enregistrée par la République fédérale d'Allemagne le 16 janvier 1976.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE ITALIAN REPUBLIC ON EXEMPTION FROM THE REQUIREMENT OF LEGALIZATION OF DOCUMENTS

The President of the Federal Republic of Germany and the President of the Italian Republic,

Considering the close mutual relations between the two States,

Desiring to facilitate the use of documents issued in their respective States,

Have decided to conclude a convention for that purpose and to that end have appointed as their plenipotentiaries:

The President of the Federal Republic of Germany: Rolf Lahr, Ambassador in Rome, and Dr. Erwin Saage, Ministerial Director in the Federal Ministry of Justice;

The President of the Italian Republic: Dr. Adolfo Maresca, Envoy Extraordinary and Minister Plenipotentiary, Head of the International Law Department of the Ministry of Foreign Affairs;

Who, having exchanged their full powers, found to be in good and due form, have agreed as follows:

*Article 1.* (1) Public documents issued in one of the Contracting States and bearing the official seal or stamp may be used in the other Contracting State without the requirement for diplomatic, consular or domestic legalization or other formality of a similar nature.

(2) For the purposes of paragraph (1), the following shall be deemed to be public documents:

1. documents of a judicial authority, including those issued by a clerk of the court or a *Rechtspfleger*;
2. documents of an administrative authority;
3. documents issued by a public agency if such documents are deemed to be public under national law;
4. documents drawn up by a notary;
5. documents issued by judicial officers;
6. protests of bills of exchange and cheques even when issued by a German postal official or an Italian commune secretary or other person competent under national law.

(3) The provisions of paragraph (1) shall also apply to documents issued by diplomatic missions and consular offices of one of the Contracting States, whether situated in the other Contracting State or in a third State.

(4) The judicial and administrative authorities referred to in paragraph (2) shall include the *Staatsanwaltschaft* and the *Pubblico Ministero* in the Contracting

<sup>1</sup> Came into force on 5 May 1975, i.e., three months after the date of the exchange of the instruments of ratification, which took place at Bonn on 5 February 1975, in accordance with article 8 (1) and (2).

States and in the Federal Republic of Germany, the Representative of the Public Interest (*Vertreter des öffentlichen Interesses*).

*Article 2.* Documents other than those mentioned in article 1, paragraph (2), which are deemed to be public under national law may be used in the other Contracting State without diplomatic or consular legalization if they are legalized by the competent authority designated in accordance with article 5 by the Contracting State in which the document was issued.

*Article 3.* The authentication of a private document by a judicial or administrative authority or by a notary of a Contracting State shall not be subject to the requirement of diplomatic, consular or domestic legalization or any formality of a similar nature if the document is to be used in the other Contracting State.

*Article 4.* (1) If a public document, issued in one of the Contracting States or by a diplomatic mission or consular office of that State, to which the exemptions provided for in articles 1 and 2 apply, is submitted to a judicial or administrative authority in the other Contracting State, that judicial or administrative authority may, in the event of serious and well-founded doubt concerning the authenticity of the document, request information directly from the competent authority designated in accordance with article 5 of the State in which the document was issued; the same power shall apply in relation to the authentication referred to in article 3.

(2) The request for information and any accompanying documents shall be drawn up in the language of the authority to which the request is made or be accompanied by a translation in that language. The authority to which the request is made shall transmit the information directly to the judicial or administrative authority which made the request. There shall be no fees or charges for such information.

*Article 5.* (1) Each Contracting State shall designate:

1. the competent authorities for the domestic legalization referred to in article 2;
2. the authorities competent to provide the information referred to in article 4, paragraph (1).

(2) The Contracting States shall notify each other of the designation of these authorities at the time of the exchange of instruments of ratification and shall give notice to each other of any subsequent changes.

*Article 6.* (1) This Convention shall not affect the provisions of other bilateral agreements concerning the legalization of documents on specific subjects.

(2) This Convention shall likewise not affect the provisions of multilateral agreements which provide for more extensive exemptions than those laid down herein. In other cases, the provisions of this Convention shall prevail over those of multilateral agreements, unless the latter exclude the power of derogation.

*Article 7.* This Convention shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany otherwise notifies the Government of the Italian Republic within three months of the date of entry into force of the Convention.

*Article 8.* (1) This Convention shall be subject to ratification. The exchange of instruments of ratification shall take place as soon as possible at Bonn.

(2) This Convention shall enter into force three months after the exchange of instruments of ratification.

(3) Either Contracting State may at any time denounce this Convention by giving notice in writing to the other Contracting State. The denunciation shall enter into force six months after such notice.

IN WITNESS WHEREOF the undersigned plenipotentiaries have affixed to this Convention their signatures and seals.

DONE at Rome on 7 June 1969 in four copies, two in German and two in Italian, all copies being equally authentic.

For the Federal Republic of Germany:

LAHR

SAAGE

For the Italian Republic:

ADOLFO MARESCA

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