

No. 14993

**DENMARK, FINLAND, ICELAND,
NORWAY and SWEDEN**

Agreement amending the Nordic Convention of 19 November 1934 regarding inheritance and the settlement of the devolution of property. Signed at Copenhagen on 9 December 1975

Authentic texts: Danish, Swedish (for Sweden), Norwegian, Icelandic, Swedish (for Finland) and Finnish.

Registered by Denmark on 24 August 1976.

**DANEMARK, FINLANDE, ISLANDE,
NORVÈGE et SUÈDE**

Accord portant modification de la Convention nordique du 19 novembre 1934 relative à l'héritage et à la liquidation des successions. Signé à Copenhague le 9 décembre 1975

Textes authentiques : danois, suédois (pour la Suède), norvégien, islandais, suédois (pour la Finlande) et finnois.

Enregistré par le Danemark le 24 août 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN DENMARK, FINLAND, ICELAND,
NORWAY AND SWEDEN AMENDING THE NORDIC CONVEN-
TION OF 19 NOVEMBER 1934² REGARDING INHERITANCE AND
THE SETTLEMENT OF THE DEVOLUTION OF PROPERTY

The Governments of Denmark, Finland, Iceland, Norway and Sweden have agreed that the Nordic Convention of 19 November 1934² regarding inheritance and the settlement of the devolution of property shall be amended as follows:

Article 4 shall be deleted and articles 1, 2, 5, 7, 8, 11 and 28 shall read as follows:

Article 1

If a national of one of the Contracting States was, at the time of his death, resident in another Contracting State, the right of inheritance shall be determined by the laws of the State in which he had his residence. Nevertheless, should the deceased, at the time of his death, not have been resident for five years in that State, the laws of the State of which he was a national shall apply if an heir or a legatee whose rights are based on those laws so requests. This request shall not be admissible if, according to the laws of the country of which the deceased was a national, the estate passes to the State.

Any request for the application of the law of the country of which the deceased was a national must be made within a period of six months after the death. Nevertheless, if the settlement of the devolution has not been completed at the expiration of the said period, such request may be submitted at any time prior to the completion of the settlement. When the latter has been completed, no such request by any of the persons entitled to share in the estate shall be admitted.

The provisions of the first and second paragraphs in respect of the right of inheritance shall apply also to the surviving spouse's right to retain sole ownership of the estate if the deceased has not left any heirs in the direct line and to such right as the heirs and surviving spouse may have to a maintenance and education allowance chargeable to the estate. The same shall apply to the right of the surviving spouse to withdraw assets, not exceeding certain value from the estate.

Article 2

If the deceased was resident in a State according to the law of which the surviving spouse has the right to remain in joint ownership with the heirs in the direct line,

¹ Came into force on 1 July 1976, after all the Parties had either signed it definitively or deposited their instruments of ratification with the Government of Denmark, in accordance with article 28. Definitive signatures were affixed and instruments of ratification were deposited as follows:

<i>State</i>	<i>Date of definitive signature(s) or date of deposit of the instrument of ratification</i>
Denmark	9 December 1975 <i>s</i>
Iceland	9 December 1975 <i>s</i>
Norway	9 December 1975 <i>s</i>
Sweden	9 December 1975 <i>s</i>
Finland	8 June 1976

² League of Nations, *Treaty Series*, vol. CLXIV, p. 243.

that law shall apply even if the deceased was a national of another Contracting State. Nevertheless, should the deceased at the time of his death not have been resident for five years in the former State, the partition of the estate may be applied for, either immediately or subsequently, by any heir in the direct line if, according to the law of the State of which the deceased was a national, such heir enjoys that right. The heir will not possess this right if the surviving spouse was, at the time of the marriage, a national of the State in which the deceased was resident.

Article 5

The provisions of articles 2 and 3 relating to the right to retain in joint ownership with the heirs in the direct line shall apply, *mutatis mutandis*, to the right to remain in joint ownership with an adoptive child or with the heirs in the direct line of such child.

Article 7

The partition of the estate of a married couple on the death of either or both of the spouses shall, in the absence of any provisions to the contrary in virtue of article 1, third paragraph, be effected in conformity with the rules laid down in articles 3 and 6 of the Convention of 6 February 1931¹ on the settlement of the property of married persons.

Article 8

The last will and testament left by a person who, at the time of his or her death, was a national of one of the Contracting States and was resident in that State shall be recognized as valid in so far as its form is concerned if the form of the will meets the requirement stipulated in the laws of the place in which the will was drawn up or in which the testator was resident at the time of making the will or at the time of his death, or stipulated in the laws of the State of which the testator was a national at the time of making the will or at the time of his death. Where the will relates to immovable property, it shall be recognized as valid in so far as its form is concerned if the form of the will meets the requirements stipulated in the laws of the place in which the property is situated.

The provisions of the first paragraph shall apply *mutatis mutandis* to any amendment or revocation of a will. A revocation shall also be recognized as valid in so far as its form is concerned if the form of revocation meets the requirements stipulated in the laws according to which the revoked will, under the provisions of the first paragraph, was valid in so far as its form is concerned.

If a testator under the laws of a non-Contracting State was domiciled in that State, such domicile may be invoked instead of residence in the cases provided for in the first and second paragraphs.

Should any other question arise under the first, second or third paragraphs concerning the application of the laws of a non-Contracting State, the general rules applicable on the subject in each Contracting State shall apply.

Article 11

The provisions of the Finnish law or of the Swedish law according to which the will must, after the testator's death, be deposited in the court within a certain period (*testamentsbevakning*) shall apply also to the wills of nationals of other Contracting States if, at the time of death, they were domiciled in Finland or in Sweden. This shall

¹ League of Nations, *Treaty Series*, vol. CXXVI, p. 121.

apply also in respect of the provisions of the Finnish law or of the Swedish law according to which any heir who proposes to contest the validity of a will must institute proceedings for that purpose within a certain period after the time at which the will was brought to his knowledge (*testamentsklander*).

The provisions of the Norwegian law according to which rights under a will must be claimed or the validity of a will contested within certain time-limits shall apply also to a will left by a national of another Contracting State if at the time of death such national was domiciled in Norway.

Article 28

In matters concerning the recognition and enforcement of judgments and settlements relating to the right to take up an inheritance or a legacy and concerning the rights of the surviving spouse, the settlement of the devolution of property and the responsibility for debts left by the deceased, the laws of the State in which the recognition or enforcement is to take place shall apply.

The Contracting States can accede to this Agreement by:

- (a) Signing it without any reservation regarding ratification, or
- (b) Signing it with a reservation regarding ratification, followed by subsequent ratification.

The instruments of ratification shall be deposited with the Danish Ministry of Foreign Affairs.

The Agreement shall enter into force on the first day of January or of July following accession by all the Contracting States to the Agreement.

The provisions of article 28 as formerly worded shall, however, apply until such time as the Convention of 16 March 1932¹ between Denmark, Finland, Iceland, Norway and Sweden regarding the Recognition and Enforcement of Judgments is terminated and replaced by new rules on the subject.

If the estate-leaver has died before the entry into force of the Agreement, article 4 and articles 1, 2, 5, 7, 8 and 11 as formerly worded shall apply. Article 28 as formerly worded shall apply in respect of judgments rendered and settlements reached before the Convention of 16 March 1932 between Denmark, Finland, Iceland, Norway and Sweden regarding the recognition and enforcement of judgments is terminated and replaced by new rules on the subject.

The Danish Ministry of Justice may, after discussions with the Ministries of Justice of the other Contracting States, decide that the Convention of 19 November 1934, as subsequently amended, shall also apply to Greenland. With regard to the application of the Convention to the Faroe Islands and Greenland, the Danish Ministry of Justice may, after following the same procedure, specify such exceptions as may be required in view of the special circumstances of the Faroe Islands and Greenland.

¹ League of Nations, *Treaty Series*, vol. CXXXIX, p. 165.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed this Agreement.

DONE at Copenhagen on 9 December 1975, in one copy in each of the following languages: Danish, Finnish, Icelandic, Norwegian and Swedish, there being two Swedish texts, one for Finland and one for Sweden.

A reservation is entered to the effect that articles 4 and 5 of the Convention, as originally worded, shall continue to apply to the Faroe Islands

K. B. ANDERSEN

HUBERT DE BESCHE

PAUL KOHT

SIGURDUR BJARNASON

Subject to ratification

VELI HELENIUS
