

No. 22122

**BELGIUM
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement abolishing the requirement of legalization of
public documents. Signed at Brussels on 13 May 1975**

Authentic texts: French, Dutch and German.

Registered by Belgium on 30 July 1983.

**BELGIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord sur la suppression de la légalisation des actes publics.
Signé à Bruxelles le 13 mai 1975**

Textes authentiques : français, néerlandais et allemand.

Enregistré par la Belgique le 30 juillet 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND THE
FEDERAL REPUBLIC OF GERMANY ABOLISHING THE REQUIRE-
MENT OF LEGALIZATION OF PUBLIC DOCUMENTS

The Kingdom of Belgium and the Federal Republic of Germany,

In a spirit of close co-operation,

Desiring to facilitate the use in each State of the public documents executed in the other State,

Have agreed as follows:

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

Article 2. For the purposes of this Agreement 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. Documents issued by diplomatic agents or consular officials of either State, whether the diplomatic mission or consular post is situated in the other State or in a third State;
5. Protests of cheques, bills or other negotiable instruments even when drawn up by post-office employees.

Article 3. (1) For the purposes of this Agreement, the following are deemed to be public documents even if they do not bear an official seal or stamp:

- (a) Documents issued in either State by a person or body authorized under the legislation of that State to execute public documents in cases of the same nature as that to which the document relates, and
- (b) Documents certified by the competent authority of that State.

(2) The certificate referred to in paragraph 1 of this article shall attest to the authenticity of the signature, to the identity of such seal or stamp as the document may bear and to the competence of the person or body issuing the document to draw up public documents in the particular case.

¹ Came into force on 1 May 1981, i.e., the first day of the third month following the exchange of the instruments of ratification, which took place at Bonn on 26 February 1981, in accordance with article 12 (2).

(3) Each State shall designate the competent authority referred to in paragraph 1 of this article. Notice of such designation shall be given to the other State at the time of the exchange of the instruments of ratification. Notice shall be given through the diplomatic channel of any subsequent change in the competence of the authorities.

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 this Agreement, if they emanate from a person or body referred to in article 2.

Article 5. (1) For the purposes of this Agreement, legalization means the formality whereby the diplomatic agents or consular officials 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 1961 abolishing the requirement of legalization for foreign public documents.¹

Article 6. (1) When a public document as referred to in articles 2, 3 and 4 above is produced in either State and there are serious doubts as to 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 Belgium, to the Ministry of Foreign Affairs;

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) The requests for verification referred to in article 6 above shall, where possible, be accompanied by the original or a photocopy of the document.

(2) Requests and enclosures addressed to the competent Belgian authority shall be submitted in French or in Dutch or shall be accompanied by a translation into one of these languages. Requests and enclosures addressed to the competent German authority shall be submitted in German or shall be accompanied by a translation into that language.

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

Article 8. Translations of public documents, as referred to in articles 2, 3 and 4 above, which have been prepared, in their official capacity, by an administrative authority, a notary or a certified translator of either State and which carry a certificate attesting that they are accurate and complete may be produced in the other State without the requirement of the legalization, endorsement or certification referred to in article 3.

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

Article 9. Each State shall take the necessary steps to prevent its authorities from legalizing, endorsing or undertaking any other similar formality in respect of the public documents which are exempted therefrom under this Agreement.

Article 10. (1) This Agreement 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 two States hereby agree, in accordance with the provisions of article 3 of the The Hague Convention of 5 October 1961 abolishing the requirement of the legalization of foreign public documents, that the provisions of that Convention shall not apply in their relations.

Article 11. This Agreement shall also apply to *Land Berlin*, provided that the Federal Republic of Germany does not make a declaration to the contrary to the Government of the Kingdom of Belgium within the three months following the date of entry into force of this Agreement.

Article 12. (1) This Agreement shall be ratified; the instruments of ratification shall be exchanged at Bonn at the earliest possible date.

(2) This Agreement shall enter into force on the first day of the third month following the exchange of the instruments of ratification.

(3) Either Contracting Party may denounce this Agreement in writing at any time. Denunciation shall take effect six months after the receipt of such notification by the other Contracting Party.

DONE at Brussels, on 13 May 1975, in duplicate in the French, Dutch and German languages, the three texts being equally authentic.

For the Kingdom of Belgium:
R. VAN ELSLANDE

For the Federal Republic of Germany:
P. LIMBOURG
