

No. 23204

FEDERAL REPUBLIC OF GERMANY
and
LUXEMBOURG

Agreement concerning the waiver of legalization, the exchange of civil status certificates and the acquisition of certificates of matrimonial capacity (with protocol and annex). Signed at Bonn on 3 June 1982

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 28 December 1984.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
LUXEMBOURG

Accord concernant la renonciation à la législation, l'échange d'actes de l'état civil et la production de certificats de capacité matrimoniale (avec protocole et annexe). Signé à Bonn le 3 juin 1982

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 28 décembre 1984.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY
AND THE GRAND DUCHY OF LUXEMBOURG CONCERNING
THE WAIVER OF LEGALIZATION, THE EXCHANGE OF CIVIL
STATUS CERTIFICATES AND THE ACQUISITION OF CERTIFI-
CATES OF MATRIMONIAL CAPACITY**

The Federal Republic of Germany and the Grand Duchy of Luxembourg,
Desiring to facilitate co-operation in civil status registration,
Have agreed as follows:

SECTION I. WAIVER OF LEGALIZATION

Article 1. Certificates drawn up, issued or legalized by the civil registry official of either Contracting Party and bearing the official seal or stamp shall require no legalization for use in the other Contracting State. In addition, certificates of matrimonial capacity shall not require any consular endorsement.

SECTION II. EXCHANGE OF CIVIL STATUS CERTIFICATES

Article 2. (1) If the birth of a child of a national of either Contracting State is registered in the territory of the other Contracting State, the civil registry official shall transmit a birth certificate indicating the date and place of the marriage of the child's parents or, in the case of natural children, the date and place of the mother's birth.

(2) If a marginal note has been entered on the birth certificate,

- The German civil registry official shall transmit a legalized copy of the extract from the register of births containing the marginal note;
- The civil registry official of Luxembourg shall transmit a birth certificate containing the marginal note.

The additional information referred to in paragraph 1 of this article shall also be forwarded.

Article 3. (1) If the marriage of a national of either Contracting State is registered in the territory of the other Contracting State, the civil registry official shall transmit a marriage certificate.

(2) If the German civil registry official has made a note concerning the married couple in the family register or a marginal note on the marriage certificate, or if the civil registry official of Luxembourg has made a marginal note on the marriage certificate, with the exception of notes regarding the databank matrimonial régime,

- The German civil registry official shall transmit a legalized copy of the family register or marriage register containing the note (marginal note);
- The civil registry official of Luxembourg shall transmit a marriage certificate containing the marginal note.

¹ Came into force on 1 April 1984, i.e., the first day of the third month following the exchange of the instruments of ratification, which took place at Luxembourg on 30 January 1984, in accordance with article 14 (2).

Notwithstanding the first sentence of this article, a marriage certificate need not be transmitted if a legalized copy or a certificate has to be transmitted under article 4 or 5.

Article 4. If a divorce is recorded in a civil register in the territory of either Contracting State and if the marriage was contracted in the territory of the other Contracting State or if at least one spouse is a national of the other Contracting State,

- The German civil registry official shall transmit a legalized copy of the family register or marriage register in which the note (marginal note) was made;
- The civil registry official of Luxembourg shall transmit a marriage certificate containing the marginal note and, where appropriate, the civil registry official of the city of Luxembourg shall transmit a copy of the entry relating to the divorce.

This shall apply *mutatis mutandis* if the marriage has been declared void or annulled or if the existence or non-existence of the marriage has been established.

Article 5. (1) If the death of a national of either Contracting State has been registered in the territory of the other Contracting State, the civil registry official shall transmit a death certificate indicating the place and date of birth of the deceased and his last place of residence in the other Contracting State; if the deceased was married, the place and date of marriage shall also be given.

(2) If a marginal note has been made on the death certificate,

- The German civil registry official shall transmit a legalized copy of the entry in the register of deaths containing the marginal note;
- The civil registry official of Luxembourg shall transmit a death certificate containing the marginal note.

The additional information referred to in paragraph 1 of this article shall be transmitted.

Article 6. The civil registry official shall note on the reverse side of the marriage certificate or on an attached sheet if the couple, whose marriage certificate was transmitted in accordance with article 3, paragraph 1, have a common natural child. The full name and the place and date of the child's birth and the nationality of the parents and of the child at the time when the marriage was contracted shall be given. The civil registry official shall sign the note and affix thereto his official seal or stamp.

Article 7. The civil status documents which are exchanged in conformity with articles 2 to 6 shall not constitute proof of the nationality of the persons concerned.

Article 8. (1) Documents to be transmitted pursuant to the provisions of this section shall be sent to the consular authority of the other Contracting State having a local jurisdiction for the civil registry official who transmits them. Transmittal shall be carried out immediately in the cases covered in article 5, paragraph 1, and in all other cases by the end of the current calendar month.

(2) Plurilingual forms shall be used whenever possible for the documents to be transmitted pursuant to article 2, paragraph 1, article 3, paragraph 1, and article 5, paragraph 1.

(3) The additional information provided for in articles 2 and 5 shall be transmitted only to the extent to which it is known to the parties concerned or to the civil registry official.

(4) The exchange of civil status certificates shall be free of charge.

SECTION III. ACQUISITION OF CERTIFICATES OF MATRIMONIAL CAPACITY

Article 9. (1) If a national of one of the Contracting States intends to marry in the other Contracting State, he may also file an application for a certificate of matrimonial capacity with the civil registry official of the State in which the marriage is to be contracted. The said official shall transmit the application to the competent civil registry official of the national's home State; the documents required for issuing the certificate of matrimonial capacity shall be attached to the application in respect of each engaged person.

(2) The Contracting States shall notify each other of the following:

1. The regulations governing the local competence of the civil registry official in respect of issuing the certificate of matrimonial capacity;
2. The documents for the engaged couple to be attached to the application for the certificate of matrimonial capacity; and
3. Any change concerning the regulations and documents referred to in subparagraphs 1 and 2.

(3) If a required document cannot be furnished, an authenticated certificate or, if this is also unavailable, an affidavit sworn in the presence of the competent official can be substituted. The decision as to whether such a certificate or affidavit declaration is sufficient shall be subject to the discretionary opinion of the civil registry official of the national's home State.

Article 10. (1) The civil registry official of the national's home State shall transmit the certificate of matrimonial capacity to the civil registry official of the State in which the marriage is to be contracted. Certificates transmitted shall be returned simultaneously; the civil registry official shall retain the application.

(2) Should there be impediments to the issue of the certificate of matrimonial capacity, the civil registry official of the State in which the marriage is to be contracted shall be notified so that he can so inform the engaged person who submitted the application.

Article 11. (1) A printed bilingual form of the type annexed to this Agreement as a model shall be used when applying for a certificate of matrimonial capacity.

(2) Should it be necessary to annex the form owing to a change in the laws of either Contracting State, such amendments shall be made by mutual agreement between the Contracting States through an exchange of notes.

Article 12. (1) Certificates of matrimonial capacity shall be issued free of charge.

(2) Applicants shall not be required to defray the costs arising from the correspondence between the civil registry officials under articles 9 and 10.

SECTION IV. FINAL PROVISIONS

Article 13. This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Grand Duchy of Luxembourg within three months of the entry into force of the Agreement.

Article 14. (1) This Agreement is subject to ratification; the instruments of ratification shall be exchanged as soon as possible at Luxembourg.

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

(3) With the entry into force of this Agreement, the Agreement concluded of 7 December 1962 between the Federal Republic of Germany and the Grand Duchy of Luxembourg concerning the waiver of legalization, the exchange of civil status certificates and the acquisition of certificates of matrimonial competence shall be rescinded.

Article 15. This Agreement has been concluded for five years from the date of its entry into force. If it is not denounced six months before the expiry of the period of validity, it shall remain in force a further year.

IN WITNESS WHEREOF the Plenipotentiaries of the two Contracting States have signed this Agreement and have thereto affixed their seals.

DONE at Bonn on 3 June 1982, in duplicate in the German and French languages, both texts being equally authentic.

For the Federal Republic of Germany:

B. VON STADEN

For the Grand Duchy of Luxembourg:

G. HEISBOURG

PROTOCOL

At the time of the signature of the Agreement between the Federal Republic of Germany and the Grand Duchy of Luxembourg, concerning the waiver of legalization, the exchange of civil status certificates and the acquisition of certificates of matrimonial capacity the Plenipotentiaries of the two Contracting States agreed to the following provision, which shall be considered an integral part of the Agreement:

The laws of a Contracting State shall determine who is a national of that Contracting State. For the purposes of this Agreement, proof of nationality shall, normally, be determined

- (a) In the case of the Federal Republic of Germany: by a passport of the Federal Republic of Germany, by an identity card of the Federal Republic of Germany or by a temporary identity card of Berlin;
- (b) In the case of the Grand Duchy of Luxembourg: by a passport or an identity card of the Grand Duchy of Luxembourg.

ANNEX

APPLICATION FOR A CERTIFICATE OF MATRIMONIAL CAPACITY

The engaged persons whose names appear below wish to marry in the Federal Republic of Germany/Grand Duchy of Luxembourg*

To this end
(Applicant's name)

Hereby applies for a certificate of matrimonial capacity.
For this purpose the engaged persons submit the following information:

	<i>Man</i>	<i>Woman</i>
1. Surname (where applicable, surname at birth and previous surnames)	_____	_____
2. Given names	_____	_____
3. Occupation	_____	_____
4. Nationality	_____	_____
5. Date and place of birth	_____	_____
6. (a) Domicile or residence (city, street, house number)	_____	_____
(b) Last usual residence in the Federal Republic of Germany/Grand Duchy of Luxembourg (city, street, house number)	_____	_____
7. Civil status (single, widowed, divorced)	_____	_____
8. Previous marriages and reasons for their dissolution (death, divorce, etc.)	_____	_____

We are not related by kinship or marriage. We are related by kinship or marriage as follows:*

Additional information for German engaged persons:**

- (a) If an engaged person is under guardianship:
Name of the engaged person and name and address of the guardian:
.....
.....
- (b) If there are children in respect of whom a settlement certificate is required in conformity with section 9 of the German Marriage Act:
Name of the engaged person and surname, given names, date and place of birth of the children:
.....
.....

The certificate is attached/will be submitted*

* Delete where not applicable.
** Information to be provided only in applications for German certificates of matrimonial capacity.

The following documents are attached:*

For the man:

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.....
.....

For the woman:

.....
.....
.....
.....

....., 19...

Signatures

.....
.....

Civil Registry Official

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* These documents are to be returned with the certificate of matrimonial capacity.