

No. 23327

**BELGIUM
and
ROMANIA**

**Convention on the recognition of decisions concerning
divorce. Signed at Brussels on 6 November 1980**

Authentic texts: French, Dutch and Romanian.

Registered by Belgium on 16 April 1985.

**BELGIQUE
et
ROUMANIE**

**Convention sur la reconnaissance des décisions relatives au
divorce. Signée à Bruxelles le 6 novembre 1980**

Textes authentiques : français, néerlandais et roumain.

Enregistrée par la Belgique le 16 avril 1985.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND
THE SOCIALIST REPUBLIC OF ROMANIA ON THE RECOGNITION
OF DECISIONS CONCERNING DIVORCE

His Majesty the King of the Belgians and
The President of the Socialist Republic of Romania,

Desiring to contribute to the development of friendly relations between the two countries on the basis of the principles of respect for sovereignty and national independence, non-interference in internal affairs, equality of rights and mutual advantage;

Desiring to ensure, in the relationship between the two countries, recognition of decisions concerning divorce;

Have decided to conclude the present Convention and have, to that end, appointed their Plenipotentiaries:

His Majesty the King of the Belgians: Dr. Charles-Ferdinand Nothomb, Minister for Foreign Affairs;

The President of the Socialist Republic of Romania: Mr. Iulian Vacarel, Ambassador Extraordinary and Plenipotentiary of the Socialist Republic of Romania in the Kingdom of Belgium,

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

Article 1. Any decision granting divorce, rendered in one of the two Contracting States and entered in the civil register, shall, subject to the provisions of articles 2, 3 and 4, be recognized in the other as having the same authority as in the State in which it was rendered, provided that:

1. The decision is not incompatible, in the Contracting State in which recognition is invoked, with a decision having the force of *res judicata*, or rendered or recognized in that State;
2. The decision is not contrary to the public policy of the Contracting State in which recognition is sought.

Recognition within the meaning of this Convention shall apply only to such provisions of the decision as concern dissolution of the marriage bond.

Article 2. A decision by default shall be recognized only if the document instituting proceedings has been duly transmitted to or served on the defaulting party and if the defaulting party has had sufficient time to present his or her defence.

¹ Came into force on 1 September 1984, i.e., the first day of the second month following the date of the exchange of the instruments of ratification, which took place at Neptun, Romania, on 31 July 1984, in accordance with article 10 (2).

Article 3. Recognition of a decision within the meaning of article 1 shall not be refused solely on the ground that the adjudicating authority was not competent under the private international law of the Contracting State in which the decision is invoked, except where both spouses are nationals of that State.

Article 4. Recognition of a decision within the meaning of article 1 which has been rendered pursuant to a law other than that specified by the private international law of the Contracting State in which the decision is invoked, shall be refused on that ground alone only where the following two conditions apply:

1. Both spouses have been nationals of that State;
2. The result of the decision is consistent with the result to which application of the law specified in the private international law of the Contracting State in which the decision is invoked would have led.

Article 5. In the matters referred to in article 1, decisions rendered by the authorities of one of the two Contracting States and invoked in the other shall not be the subject of any review other than that concerning the conditions laid down in this Convention.

Article 6. The legislation of each Contracting State shall determine the authority which shall be competent in the matter of recognition and of the procedure to be followed.

Article 7. Decisions recognized in one of the two Contracting States pursuant to this Convention shall, without formalities, be entered in the civil and other public registers of the other State.

Under this Convention:

- Decisions rendered in Romania and recognized in Belgium shall be entered in the Belgian civil registers without the procedure of exequatur or other formality;
- Decisions rendered in Belgium and recognized in Romania shall be entered in the Romanian civil registers without the procedure of exequatur or other formality.

Article 8. This Convention shall apply only to decisions rendered subsequent to its entry into force.

Article 9. This Convention shall not impede the implementation of international conventions or rules of domestic law more favourable to the recognition of foreign decisions.

Article 10. 1. This Convention shall be ratified.

The instruments of ratification shall be exchanged at Bucharest as soon as possible.

2. This Convention shall enter into force on the first day of the second month following the date of the exchange of instruments of ratification.

3. This Convention is concluded for an unlimited period. Each of the two Contracting States may denounce it by notification in writing addressed to the other Contracting State; such denunciation shall take effect one year after the date of its dispatch.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and have hereto affixed their seals.

DONE at Brussels, on 6 November 1980, in two originals in the French, Dutch and Romanian languages, the three texts being equally authentic.

For the Kingdom of Belgium:

[Signed]

CHARLES-FERDINAND NOTHOMB

For the Socialist Republic
of Romania:

[Signed]

IULIAN VACAREL
