

No. 23256

MULTILATERAL

Convention concerning the issue of certificates of non-impediment to marriage (with annex). Concluded at Munich on 5 September 1980

Authentic text: French.

Registered by Switzerland on 1 February 1985.

MULTILATÉRAL

Convention relative à la délivrance d'un certificat de capacité matrimoniale (avec annexe). Conclue à Munich le 5 septembre 1980

Texte authentique : français.

Enregistrée par la Suisse le 1^{er} février 1985.

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING THE ISSUE OF CERTIFICATES OF NON-IMPEDIMENT TO MARRIAGE

The States signatories to this Convention, members of the International Commission on Civil Status, desiring to establish common provisions concerning the issue of certificates of non-impediment to marriage to their nationals so that they may be married abroad, having in mind the recommendation concerning the right to marriage adopted by the General Assembly of the International Commission on Civil Status at Vienna on 8 September 1976, have agreed as follows:

Article 1. Each Contracting State undertakes to issue a certificate of non-impediment to marriage conforming to the model annexed to this Convention, when one of its nationals so requests in order to be married abroad, and fulfils the conditions for contracting such a marriage under the laws of the State issuing the certificate.

Article 2. For the purposes of this Convention, refugees and stateless persons whose personal status is determined by the law of a Contracting State shall be assimilated to the nationals of that State.

Article 3. All entries on the certificate shall be written in the printed Roman alphabet; they may also be written in the alphabet of the language of the authority issuing the certificate.

Article 4. 1. Dates shall be written in Arabic numerals indicating successively the day, the month and the year under the symbols Jo, Mo and An. The day and the month shall be indicated by two figures, the year by four figures. The first nine days of the month and the first nine months of the year shall be indicated by the figures 01 to 09.

2. The name of any place mentioned in the certificate shall be followed by the name of the State in which it is situated, if the State is not the one whose authority is issuing the certificate.

3. Only the following symbols shall be used:

- To indicate male, the letter M; female, the letter F;
- To indicate nationality, the letters used to designate the country of registration of motor cars;

¹ Came into force on 1 February 1985, i.e., the first day of the third month following that during which the third instrument of ratification, acceptance, approval or accession had been deposited with the Government of Switzerland, in accordance with article 12 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or approval (AA)</i>
Luxembourg*	14 June 1982
Netherlands* (For the Kingdom in Europe and the Netherlands Antilles.)	5 October 1984 A
Portugal*	20 November 1984 AA

* See p. 73 of this volume for the text of the designation of authorities made under article 8 (1) upon ratification, acceptance or approval.

- To indicate the status of refugee, the letters REF;
- To indicate the status of stateless person, the letters APA.

4. Where a previous marriage has been dissolved, mention shall be made in line 12 of the certificate of the surname and forenames of the last spouse and the date, place and cause of dissolution. To indicate the cause of dissolution, only the following symbols shall be used:

- In case of death, the letter D;
- In case of divorce, the letters DIV;
- In case of annulment, the letter A;
- In case of absence, the letters ABS.

Article 5. If the competent authority is unable to fill in all or part of a blank space, lines shall be drawn through it to render it unusable.

Article 6. 1. On the front of each certificate, the standard particulars, with the exception of the symbols referred to in article 4 concerning dates, shall be printed in at least two languages, including the official language or one of the official languages of the State where the certificate is issued, and French.

2. The meaning of the symbols must be indicated at least in the official language or one of the official languages of each State which, at the time of the signing of this Convention, is a member of the International Commission on Civil Status, as well as in English.

3. The reverse of each certificate must bear:

- A reference to the Convention in the languages indicated in paragraph 2 of this article;
- A translation of the standard particulars in the languages indicated in paragraph 2 of this article, unless these languages are used on the front;
- A summary of articles 3, 4, 5 and 9 of the Convention, at least in the official language or one of the official languages of the authority issuing the certificate.

4. Any translation must be approved by the Bureau of the International Commission on Civil Status.

Article 7. Certificates shall be dated and shall bear the signature and seal of the authority which has issued them. They shall be valid for six months as from the date of issue.

Article 8. 1. At the time of signature, ratification, acceptance, approval or accession, the Contracting States shall indicate the authorities which are competent to issue certificates.

2. Any subsequent modification shall be reported to the Swiss Federal Council.

Article 9. Any modification of the certificate by a State must be approved by the International Commission on Civil Status.

Article 10. Certificates shall be exempt from legal attestation or any equivalent formality in the territory of each of the States bound by this Convention.

Article 11. This Convention shall be ratified, accepted or approved, and the instruments of ratification, acceptance or approval shall be deposited with the Swiss Federal Council.

Article 12. 1. This Convention shall enter into force on the first day of the third month following that of the deposit of the third instrument of ratification, acceptance, approval or accession.

2. In respect of a State which ratifies, accepts, approves or accedes after its entry into force, the Convention shall take effect on the first day of the third month following that of the deposit by that State of the instrument of ratification, acceptance, approval or accession.

Article 13. Any State may accede to this Convention. The instrument of accession shall be deposited with the Swiss Federal Council.

Article 14. No reservation to this Convention shall be permitted.

Article 15. 1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, declare that this Convention will be extended to all or to one or more, of the territories for which it conducts international relations.

2. This declaration shall be notified to the Swiss Federal Council and the extension shall take effect at the time of the entry into force of the Convention for the said State or, subsequently, on the first day of the third month following that of the receipt of the notification.

3. Any declaration of extension may be withdrawn by notification addressed to the Swiss Federal Council, and the Convention shall cease to be applicable to the designated territory on the first day of the third month following that of the receipt of the said notification.

Article 16. 1. This Convention shall remain in force indefinitely.

2. Any State Party to this Convention shall, however, have the option of denouncing it at any time after the expiry of a period of one year from the date on which the Convention entered into force for that State. The denunciation shall be notified to the Swiss Federal Council and shall take effect on the first day of the sixth month following that of the receipt of such notification. The Convention shall remain in force between the other States.

Article 17. 1. The Swiss Federal Council shall notify the States members of the International Commission on Civil Status and any other State which has acceded to this Convention of:

- (a) The deposit of any instrument of ratification, acceptance, approval or accession;
- (b) Any date of entry into force of the Convention;
- (c) Any declaration concerning the territorial extension of the Convention or withdrawal thereof, with the date on which it will take effect;
- (d) Any denunciation of the Convention and the date on which it will take effect;
- (e) Any declaration made under article 8.

2. The Swiss Federal Council shall inform the Secretary-General of the International Commission on Civil Status of any notification given in application of paragraph 1.

3. As soon as this Convention enters into force, a certified true copy shall be transmitted by the Swiss Federal Council to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Munich on 5 September 1980, in a single copy in the French language, which shall be deposited in the archives of the Swiss Federal Council, and a certified true copy of which shall be transmitted through the diplomatic channel to each State member of the International Commission on Civil Status and to the acceding States. A certified true copy shall also be addressed to the Secretary-General of the International Commission on Civil Status.

For the Republic of Austria:

[FRITZ SCHWIND]

For the Kingdom of Belgium:

[P. VAN LANGENAEKEN]

For the French Republic:

For the Federal Republic of Germany:

For the Hellenic Republic:

[CH. CHRISTOPHORIDES]

For the Italian Republic:

[RICCARDO MONACO]

For the Grand Duchy of Luxembourg:

[HENRI DELVAUX]

For the Kingdom of the Netherlands:

[W. BREUKELAAR]

For the Portuguese Republic:

[JOÃO DE DEUS PINHEIRO FARINHA]

For the Kingdom of Spain:

[DIEGO ESPIN CANOVAS]

For the Swiss Confederation:

[HANS KUPFER]

For the Republic of Turkey:

[TURHAN ESENER]

- 1 State
- 2 Civil registry officer of
- 3 Certificate of non-impediment to marriage
Valid for six months
- 4 In accordance with documents produced

5	Surname				
6	Forenames				
7	Sex				
8	Nationality*				
9	Date and place of birth	Day	Mo	Yr	
		□ □	□ □	□ □ □ □	
10	Habitual residence				
11	Location and number of the family register				
12	Last marriage to dissolved by	on	Day	Mo	Yr
			□ □	□ □	□ □ □ □
					At

13 May contract marriage abroad to

5	Surname				
6	Forenames				
7	Sex				
8	Nationality*				
9	Date and place of birth	Day	Mo	Yr	
		□ □	□ □	□ □ □ □	
10	Habitual residence				
11	Location and number of the family register				
12	Last marriage to dissolved by	on	Day	Mo	Yr
			□ □	□ □	□ □ □ □
					At

15 Date of issue signature, seal

Day	Mo	Yr
□ □	□ □	□ □ □ □

14 Use REF for refugee and APA for stateless

Symboles - Zeichen - Symbols - Simbolos - Σύμβολα - Simboli - Symbolen - Simbolos - Isaretler

J: Jour - Tag - Day - Dia - Ήμέρα - Giorno - Dag - Dia - Gün
M: Mois - Monat - Month - Mes - Μήνας - Mese - Maand - Mês - Ay
A: Année - Jahr - Year - Año - Έτος - Anno - Jaar - Ano - Yil
M: Masculin - Männlich - Male - Masculino - Άνδρας - Maschile - Mannelijk - Masculino - Erkek
F: Féminin - Weiblich - Female - Femenino - Γυναίκα - Femminile - Vrouwelijk - Feminino - Kadın
D: Décès - Tod - Death - Defunción - Θάνατος - Morie - Overlijden - Óbito - Ölüm
Div: Divorce - Scheidung - Divorce - Divorcio - Διαζύγιον - Divorzio - Echtscheiding - Divórcio - Boşanna
A: Annulment - Nichtigerklärung - Annulment - Anulación - Άκύρωσις - Annulamento - Nietigverklaring - Anulação - İptal
Abs: Absence - Abwesenheit - Absence - Ausencia - Άπουσία - Assenza - Afwezigheid - Ausência - Gaiplik
Ref: Réfugié - Flüchtling - Refugee - Refugiado - Πρόσφυγας - Rifugiato - Vluchteling - Refugiado - Multeci
APA: Apatride - Staatenloser - Stateless - Apatrida - Χωρίς Ιθαγένεια - Apolide - Staatloze - Apátrida - Vatansız

Certificate issued in implementation of the Convention signed at Munich on 5 September 1980

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The entries shall be written in the printed Roman alphabet; they may also be written in the alphabet of the language of the authority which issues the certificate.

Dates shall be written in Arabic numerals indicating successively the day, the month and the year. The day and the month shall be indicated by two figures, the year by four figures. The first nine days of the month and the first nine months of the year shall be indicated by figures from 01 to 09.

The name of any place shall be followed by the name of the State in which it is situated, if the State is not the one whose authority issues the certificate.

If all or part of one of the blank spaces cannot be filled, a line shall be drawn through it to render it unusable.

All modifications and translations shall be subject to the prior approval of the International Commission on Civil Status.

DESIGNATION OF AUTHORITIES MADE UNDER ARTICLE 8 (1)
UPON RATIFICATION, ACCEPTANCE (A) AND APPROVAL (AA)

LUXEMBOURG

The civil status officer of the last place of domicile in the Grand Duchy of Luxembourg shall be authorized to issue the certificate of non-impediment to marriage. If the party concerned has never been domiciled in the Grand Duchy of Luxembourg, the civil status officer of the City of Luxembourg shall be authorized.

NETHERLANDS (A)

Pursuant to article 8 of the Convention, the following competent authorities shall be authorized to issue the certificates:

— For the Kingdom in Europe:

1. To persons having their domicile in the Netherlands: the civil status officer of their place of domicile;
2. To persons who do not have but previously had their domicile in the Netherlands: the civil status officer of their last place of domicile in the Netherlands;
3. To persons who do not have or who never had their domicile in the Netherlands: the head of the diplomatic or consular establishment of the Kingdom of the Netherlands in the place where the marriage is contracted.

— For the Netherlands Antilles: the civil status officer in the various island territories or the authority acting on his behalf.

PORTUGAL (AA)

The authorities referred to in article 8 of the Convention concerning the issue of certificates of non-impediment to marriage shall be the Central Registry Office (Conservatória dos Registos Centrais) and the career diplomatic and consular agents.
