

No. 26995

MULTILATERAL

Convention on the law applicable to surnames and given names. Concluded at Munich on 5 September 1980

Authentic text: French.

Registered by Switzerland on 1 January 1990.

MULTILATÉRAL

Convention sur la loi applicable aux noms et prénoms. Conclue à Munich le 5 septembre 1980

Texte authentique : français.

Enregistrée par la Suisse le 1^{er} janvier 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON THE LAW APPLICABLE TO SURNAMES AND GIVEN NAMES

The States signatory to this Convention, members of the International Commission on Civil Status, wishing to promote the unification of the law concerning surnames and given names through common regulations in private international law, have agreed on the following provisions :

Article 1

1. An individual's surnames and given names shall be determined according to the law of the State of which he is a national. To this end alone, the circumstances governing surnames and given names shall be defined according to the law of that State.

2. In cases involving a change of nationality, the law of the State of the new nationality shall apply.

Article 2

The law designated by this Convention shall apply even in the case of a non-contracting State.

Article 3

All birth certificates must indicate the child's surnames and given names.

Article 4

The implementation of the law designated by this Convention may not be disallowed unless it is manifestly incompatible with public policy.

Article 5

1. If the registrar drawing up a certificate is unable to ascertain the applicable law to determine the surnames and given names of the person concerned, he shall apply the internal law of his country and shall so inform the authority to which he is responsible.

2. Certificates thus drawn up may be corrected by means of a procedure which each State undertakes to institute free of charge.

¹ Came into force on 1 January 1990, i.e., the first day of the third month following the month of deposit of the third instrument of ratification, acceptance, approval or accession with the Government of Switzerland, in accordance with article 8 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
Italy	24 April 1985
Spain	12 August 1985
Netherlands	10 October 1989 A
(For the Kingdom in Europe.)	

Article 6

1. Any State may, at the time of signature, ratification, acceptance, approval or accession reserve the right to apply its internal law when the person concerned is normally resident in its territory.

2. The determination of surnames and given names under that law shall apply only for the contracting State which reserved that right.

3. No other reservations shall be permitted.

4. Any State party to this Convention may, at any time, withdraw its reservation in whole or in part. Such withdrawal shall be notified to the Swiss Federal Council and shall take effect on the first day of the third month following that in which the notification is received.

Article 7

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 8

1. This Convention shall enter into force on the first day of the third month following that in which the third instrument of ratification, acceptance, approval or accession is deposited.

2. For any State which ratifies, accepts, approves or accedes to this Convention after its entry into force, the Convention shall take effect on the first day of the third month following that in which the State deposits the instrument of ratification, acceptance, approval or accession.

Article 9

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

Article 10

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time subsequent thereto, declare that this Convention shall apply to all the territories for whose international relations it is responsible, or to one or more of them.

2. This declaration shall be notified to the Swiss Federal Council, and the extension of applicability shall take effect at the time the Convention enters into force for the State concerned or, subsequently, on the first day of the third month following that in which the notification is received.

3. Any such extension of applicability may be withdrawn by notification to the Swiss Federal Council, and the Convention shall cease to apply to the designated territory on the first day of the third month following that in which the notification is received.

Article 11

1. This Convention shall remain in force indefinitely.

2. However, any State party to this Convention shall have the power to denounce it at any time after one year has elapsed from the date on which the Convention entered into force *vis-à-vis* 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 in which the notification is received. The Convention shall remain in force *vis-à-vis* the other States.

Article 12

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

- (a) Of the deposit of any instrument of ratification, acceptance, approval or accession;
- (b) Of any date of entry into force of the Convention;
- (c) Of any declaration concerning reservations or withdrawal thereof;
- (d) Of any declaration concerning the territorial applicability of the Convention or withdrawal thereof, with the date on which it takes effect;
- (e) Of any denunciation of the Convention and the date on which it takes effect.

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

3. Upon the entry into force of this Convention, a certified copy thereof shall be transmitted by the Swiss Federal Council to the Secretary-General of the United Nations for purposes of registration and publication, pursuant to 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 one copy in the French language, which shall be deposited in the archives of the Swiss Federal Council, and of which a certified copy shall be transmitted through the diplomatic channel to each of the States members of the International Commission on Civil Status and to the acceding States. A certified copy shall also be addressed to the Secretary-General of the International Commission on Civil Status.

For the Federal Republic of Germany:

[HEINZ WERSDOERFER]¹

[MURAD FERID]

For the Republic of Austria:

[FRITZ SCHWIND]

For the Kingdom of Belgium:

[P. VAN LANGENAEKEN]

For the Kingdom of Spain:

[DIEGO ESPIN CANOVAS]

For the French Republic:

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 Swiss Confederation:

For the Turkish Republic:

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Swiss Government.