

Convention (No.2) on the issue free of charge and the exemption from legalisation of copies of civil status records

signed at Luxembourg on 26 September 1957

The Governments of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Swiss Confederation and the Turkish Republic, members of the International Commission on Civil Status, being desirous of settling by mutual agreement certain questions relating to the issue and legalisation of copies of civil status records, have agreed as follows:

Article 1

Without prejudice to the application of existing or any future bilateral conventions between two States party to this Convention, each Contracting State undertakes to issue free of charge to the other Contracting States verbatim copies of or extracts from civil status records made in its territory and concerning nationals of the requesting Government, where the request is made for official purposes or on behalf of poor persons.

Article 2

The request shall be made by diplomatic missions or consuls to the competent authority designated by each Contracting State in the Appendix to this Convention; it shall indicate briefly the reason for the request - "For official purposes" or "Application on behalf of a poor person".

Article 3

The issue of a copy of a civil status record shall not prejudice the question of the nationality of the person concerned.

Article 4

Verbatim copies of or extracts from civil status records, bearing the signature and seal of the issuing authority, shall be exempted from legalisation in the respective territories of the Contracting States.

Article 5

For the purposes of Articles 1, 3 and 4, the expression "civil status records" means:

- records of births,
- records of still-births,
- records of acknowledgments of natural children, made or transcribed by civil registrars,
- records of marriages,
- records of deaths,
- records of divorces or transcriptions of divorce decrees or judgments,
- transcriptions of court orders, decrees or judgments in matters relating to civil status.

Article 6

This Convention shall be ratified and the instruments of ratification shall be deposited with the Swiss Federal Council.

A record shall be made of every deposit of an instrument of ratification and a certified copy of that record shall be sent through diplomatic channels to each of the signatory States.

Article 7

This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification as mentioned in the preceding Article.

For each signatory State ratifying the Convention at a later date, the Convention shall enter into force on the thirtieth day following the date of deposit of its instrument of ratification.

Article 8

This Convention shall apply *ipso iure* throughout the metropolitan territory of each Contracting State.

Any State may, at the time of signature, ratification or accession or at any later date, declare by notification to the Swiss Federal Council that the provisions of this Convention shall apply to one or more of its extra-metropolitan territories or the States or territories for whose international relations it is responsible. The Swiss Federal Council shall send a certified copy of the notification through diplomatic channels to each of the Contracting States. The provisions of this Convention shall become applicable in the territory or territories designated in the notification on the sixtieth day following the date on which the Swiss Federal Council receives the notification.

Any State which has made a declaration pursuant to the provisions of the second paragraph of this Article may subsequently declare at any time by notification to the Swiss Federal Council that this Convention shall cease to apply to one or more of the States or territories designated in the declaration.

The Swiss Federal Council shall send a certified copy of the further notification through diplomatic channels to each of the Contracting States.

The Convention shall cease to apply to the territory concerned on the sixtieth day following the date on which the Swiss Federal Council receives that notification.

Article 9

Any State may accede to this Convention. A State wishing to accede shall give notice of its intention by an instrument deposited with the Swiss Federal Council. The latter shall send a certified copy through diplomatic channels to each of the Contracting States. The Convention shall enter into force, for the acceding State, on the thirtieth day following the date of deposit of the instrument of accession.

Deposit of an instrument of accession may take place only after the entry into force of this Convention pursuant to the first paragraph of Article 7.

Article 10

This Convention may be revised for the purpose of incorporating amendments designed to improve it.

Any proposal for a revision shall be lodged with the Swiss Federal Council, which shall give notice thereof to the other Contracting States and the Secretary General of the International Commission on Civil Status.

Article 11

This Convention shall remain in force for a term of ten years from the date indicated in the first paragraph of Article 7.

The Convention shall be tacitly renewed every ten years, unless it is denounced.

The Swiss Federal Council must be notified of any denunciation at least six months before the expiry of a term; the Council shall inform all the other Contracting States of such denunciation.

Denunciation shall have effect only in relation to the State which has given the notification. The Convention shall remain in force for the other Contracting States.

In witness whereof the undersigned representatives, duly authorised to this end, have signed this Convention.

Done at Luxembourg, on 26 September 1957, in a single copy which shall be deposited in the archives of the Swiss Federal Council and a certified copy of which shall be transmitted through diplomatic channels to each of the Contracting States.

Territorial scope of the Convention

At the time of signature of the Convention, the Government of the Kingdom of the Netherlands made the following declaration : Having regard to the equality that exists from the public-law perspective between the Netherlands, Surinam and the Netherlands Antilles, the terms "metropolitan" and "extra-metropolitan" mentioned in the Convention cannot be given their initial meaning as far as the Kingdom of the Netherlands is concerned; they will therefore be considered, as far as the Kingdom is concerned, as signifying "European" and "non-European" respectively.

(Editorial note: Since 25 November 1975, the date of the independence of Surinam, the Convention no longer applies in that country. The expression "non-European territory" must now be taken to mean the Netherlands Antilles, including Aruba.)

Le Royaume des Pays-Bas a transmis au Conseil fédéral suisse, le 5 octobre 2010, la communication ci-jointe relative à une modification de la structure du Royaume et, le 8 septembre 2011, un état récapitulatif des traités déposés auprès du Conseil fédéral suisse. La présente convention est dès lors applicable à la partie européenne des Pays-Bas dès le 3 janvier 1960, à la partie caraïbe des Pays-Bas (les îles de Bonaire, Sint Eustasius et Saba) dès le 10 octobre 2010, à Aruba dès le 1er janvier 1986 ainsi qu'à Curaçao et Sint Maarten dès le 10 octobre 2010. Elle était aussi applicable aux Ex-Antilles néerlandaises dès le 3 janvier 1960. Le Royaume des Pays-Bas a en outre reformulé sa déclaration du 26 septembre 1957 en ces termes (traduction non officielle de l'original anglais): Eu égard à la relation qui existe du point de vue du droit public entre la partie européenne des Pays-Bas, Aruba, Curaçao, Sint Maarten et la partie caraïbe des Pays-Bas (les îles de Bonaire, Sint Eustasius et Saba), les termes «métropolitain» et «extramétropolitain» mentionnés dans la Convention perdent leur sens initial en ce qui a trait au Royaume des Pays-Bas et seront en conséquence considérés comme signifiant respectivement «européen» et «non européen».

Declaration

At the time of notification of ratification of the Convention, the Federal Republic of Germany declared that the Convention is also applicable to the Land of Berlin with effect from the day on which it will enter into force for the Federal Republic of Germany.
