

## **Convention (No.7) to facilitate the celebration of marriage abroad**

*signed at Paris on 10 September 1964*

The Federal Republic of Germany, the Republic of Austria, the Kingdom of Belgium, the French Republic, the Kingdom of Greece, the Italian 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 facilitating the celebration of marriages of their nationals in the territory of the other Contracting States, especially as regards waiver of an impediment to marriage and requirements as to prior notice of marriage, have agreed as follows:

### **SECTION I**

#### **Article 1**

Where the marriage of a national of one of the Contracting States is to be celebrated in the territory of another Contracting State, in which he or she habitually resides, the competent authorities of the country of the celebration may, in the cases and subject to the conditions provided for by the personal law of the future spouse, grant him or her dispensation from impediments to marriage prescribed by that law.

#### **Article 2**

In the country where the marriage is to be celebrated, the authorities empowered to grant the dispensations referred to in the preceding Article shall be those which are empowered under the domestic law of that country to grant the same dispensations to its nationals.

A country whose law makes no provision for such dispensations for its own nationals may empower one of its authorities to grant them, in accordance with Article 1, to nationals of the other Contracting States.

#### **Article 3**

This Convention shall not affect the power of the authorities of the State of which the future spouse is a national to grant that spouse dispensations in accordance with the laws of that State.

### **SECTION II**

#### **Article 4**

For marriages celebrated in accordance with local formalities in the territory of one of the Contracting States, requirements as to prior notice of marriage shall be governed exclusively by the domestic law of that State.

### **SECTION III**

#### **Article 5**

Where the law of one of the Contracting States requires a religious ceremony of marriage, the diplomatic or consular agents of the other Contracting States may, if their law so authorises them, perform the marriage ceremony in that State, on condition that at least one of the spouses is a national of the State which appointed the diplomatic or consular agent and that neither of them holds the nationality of the country where the marriage is celebrated.

Requirements as to prior notice of marriage shall, in such cases, be governed exclusively by the domestic law of the country which appointed the diplomatic or consular agent.

## **SECTION IV**

### **Article 6**

For the purposes of this Convention, the expression "nationals of a State" includes persons who hold the nationality of that State and those whose personal status is governed by the laws of that State.

### **Article 7**

The Contracting States shall notify the Swiss Federal Council of the completion of the procedures required by their Constitutions to render this Convention applicable in their territory.

The Swiss Federal Council shall inform the Contracting States and the Secretary General of the International Commission on Civil Status of any notification made pursuant to the preceding paragraph.

### **Article 8**

This Convention shall enter into force from the thirtieth day following the date of deposit of the second notification and shall take effect from that day between the two States which have completed that formality.

For each signatory State which completes the formality mentioned in the preceding Article at a later date, this Convention shall take effect from the thirtieth day following the date of deposit of its notification.

### **Article 9**

Each Contracting State may, at the time of signature, of the notification mentioned in Article 7 or of accession, declare that it is excluding one or two of the first three Sections of this Convention.

Any State which has made a declaration pursuant to the provisions of the first paragraph of this Article may subsequently declare at any time, by notification to the Swiss Federal Council, that it is also acceding to the Section or Sections it had excluded.

The Swiss Federal Council shall inform each of the Contracting States and the Secretary General of the International Commission on Civil Status of such notification.

The declaration mentioned in the second paragraph of this Article shall take effect from the thirtieth day following the date on which the Swiss Federal Council receives the notification.

### **Article 10**

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

Any Contracting State may, at the time of signature, of the notification mentioned in Article 7 or of accession or subsequently, 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 inform each of the Contracting States and the Secretary General of the International Commission on Civil Status of such notification. 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 inform each of the Contracting States and the Secretary General of the International Commission on Civil Status of the further notification.

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 11**

Any member State of the Council of Europe or the International Commission on Civil Status 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 inform each of the Contracting States and the Secretary General of the International Commission on Civil Status of every deposit of an instrument of accession. 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.

#### **Article 12**

This Convention shall remain in force indefinitely. However, each Contracting State shall have the option of denouncing the Convention, or one or two of its first three Sections, at any time by written notification to 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.

The option to denounce may not be exercised before the expiry of a period of five years from the notification mentioned in Article 7 or the accession.

Denunciation shall take effect six months after the date on which the Swiss Federal Council receives the notification mentioned in the first paragraph of this Article.

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

Done at Paris, on 10 September 1964, 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 and to the Secretary General of the International Commission on Civil Status.

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#### **Declarations of reservation**

The Federal Republic of Germany declares that it is excluding Section I of this Convention, in accordance with Article 9.

The Kingdom of the Netherlands declares that it is excluding Section I of this Convention, in accordance with Article 9.

*At the time of notification of ratification of the Convention, the Embassy of the Federal Republic of Germany in Bern declared as follows : "Die Botschaft beehrt sich, im Zusammenhang mit der obigen Notifikation zu erklären, dass das vorgenannte Übereinkommen mit Wirkung von dem Tage, an dem es für die Bundesrepublik Deutschland in Kraft treten wird, auch für das Land Berlin gilt."*

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#### **Territorial scope of the Convention**

*At the time of notification of ratification of the Convention, the Royal Embassy of the Netherlands in Bern stated that the procedures required under the Constitution of the Netherlands to render the said Convention applicable in the European territory of the Kingdom and in Surinam had been completed.*

*(Editorial note: Since 25 November 1975, the date of the independence of Surinam, the Convention no longer applies in that country.)*