

No. 7822

**AUSTRIA, BELGIUM, FEDERAL REPUBLIC
OF GERMANY, FRANCE, GREECE, etc.**

**Convention concerning the recognition and enforcement
of decisions relating to maintenance obligations to-
wards children. Opened for signature at The Hague,
on 15 April 1958**

Official text: French.

Registered by the Netherlands on 16 June 1965.

**AUTRICHE, BELGIQUE, RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE, FRANCE, GRÈCE, etc.**

**Convention concernant la reconnaissance et l'exécution des
décisions en matière d'obligations alimentaires envers
les enfants. Ouverte à la signature à La Haye, le
15 avril 1958**

Texte officiel français.

Enregistrée par les Pays-Bas le 16 juin 1965.

[TRANSLATION — TRADUCTION]

No. 7822. CONVENTION¹ CONCERNING THE RECOGNITION AND ENFORCEMENT OF DECISIONS RELATING TO MAINTENANCE OBLIGATIONS TOWARDS CHILDREN. OPENED FOR SIGNATURE AT THE HAGUE, ON 15 APRIL 1958

The States signatories of this Convention;

Desiring to establish common provisions to govern the recognition and enforcement of decisions relating to maintenance obligations towards children;

¹ In accordance with article 16, paragraph 1, the Convention came into force on 1 January 1962, the sixtieth day following the date of deposit of the fourth instrument of ratification. The instruments of ratification of the following States were deposited with the Netherlands Government on the dates indicated :

State	Date of deposit	Date of entry into force	
Austria	5 September 1960	1 January	1962
Italy	22 February 1961	1 January	1962
Belgium	15 September 1961	1 January	1962
Federal Republic of Germany (also for <i>Land Berlin</i>)	2 November 1961	1 January	1962
Netherlands (for the Kingdom in Europe; with reservation and declaration)*	28 February 1964	28 April	1964
Switzerland	18 November 1964	17 January	1965

In accordance with articles 14 and 16, paragraph 3, the Convention was put into effect on the dates given below with respect to relations between the Kingdom of the Netherlands, on the one hand, as regards the Netherlands Antilles and Surinam, and the following States, on the other, which have deposited with the Netherlands Government a declaration accepting the notification received from that Government on 28 February 1964 with regard to the Netherlands Antilles and on 27 May 1964 with regard to Surinam :

I. NETHERLANDS ANTILLES

State	Date of deposit of declaration of acceptance	Date of entry into force	
Belgium	16 April 1964	15 June	1964
Federal Republic of Germany	1 September 1964	31 October	1964
Italy	14 September 1964	13 November	1964

II. SURINAM

Belgium	3 July 1964	1 September	1964
Federal Republic of Germany	1 September 1964	31 October	1964
Italy	14 September 1964	13 November	1964

In addition, Hungary having deposited with the Netherlands Government on 20 October 1964 notice of its intention to accede to the Convention, the Convention entered into force on 19 December 1964 with respect to the relations between Hungary and the Federal Republic of Germany, and on 5 April 1965 with respect to the relations between Hungary and Italy. The Federal Republic of Germany and Italy deposited on 28 December 1964 and 5 April 1965 respectively a declaration accepting Hungary's accession.

*The instrument of ratification of the Netherlands contains the following reservation : " In the Kingdom of the Netherlands, decisions rendered by an authority of another Contracting State which had jurisdiction by virtue of the residence of the party entitled to maintenance shall not be recognized or declared enforceable under the Convention. "

Upon the deposit of the Netherlands instrument of ratification, the Minister for Foreign Affairs of the Netherlands declared that " so far as the Kingdom of the Netherlands is concerned, the expression 'metropolitan territories' employed in the text of the said Convention means 'European territory' in view of the equality which exists in public law between the Netherlands, Surinam and the Netherlands Antilles. "

Have resolved to conclude a Convention for this purpose and have agreed on the following provisions :

Article 1

The purpose of this Convention is to provide for the reciprocal recognition and enforcement, by the Contracting States, of decisions rendered on applications, whether international or domestic, relating to maintenance claimed by a legitimate, illegitimate or adopted child who is unmarried and under twenty-one years of age.

If the decision contains provisions on a matter other than the maintenance obligation, the effect of the Convention shall be limited to the said obligation.

The Convention shall not apply to decisions relating to maintenance as between collaterals.

Article 2

Decisions relating to maintenance which are rendered in one of the Contracting States shall be recognized and declared enforceable, without a review of the merits, in the other Contracting States if :

1. The deciding authority had jurisdiction under this Convention;

2. The respondent party was served due notice of the proceedings or was duly represented in accordance with the law of the State of the deciding authority;

However, in the case of a decision by default, recognition and enforcement may be refused if, having regard to the circumstances of the case, the enforcement authority holds that the defaulting party was unaware of the proceedings, or unable to defend himself therein, through no fault of his own;

3. The decision has acquired the force of *res judicata* in the State where it was rendered;

However, provisionally enforceable decisions and interlocutory measures, although subject to appeal, shall be declared enforceable by the enforcement authority if similar decisions may be rendered and enforced in the State of that authority;

4. The decision does not conflict with a decision rendered on the same matter and between the same parties in the State where it is relied upon;

Recognition and enforcement may be refused if, before the decision was delivered, an action was pending in the State where it is relied upon;

5. The decision is not manifestly incompatible with the public policy of the State where it is relied upon.

Article 3

For the purposes of this Convention, the following authorities shall be competent to render decisions relating to maintenance :

1. The authorities of the State in whose territory the party liable for maintenance had his habitual residence at the time when the action was instituted;
2. The authorities of the State in whose territory the party entitled to maintenance had his habitual residence at the time when the action was instituted;
3. The authority to whose jurisdiction the party liable for maintenance has submitted, either expressly or by presenting his case on the merits without reservations as to jurisdiction.

Article 4

The party who relies upon a decision or who applies for enforcement thereof must produce :

1. A transcript of the decision satisfying the conditions required for its authenticity;
2. Documentary evidence that the decision is enforceable;
3. In the case of a decision by default, an authentic copy of the writ instituting the action and documentary evidence that such writ was duly served.

Article 5

Examination by the enforcement authority shall be confined to the conditions laid down in article 2 and the documents enumerated in article 4.

Article 6

The exequatur proceedings shall be governed, save where this Convention provides otherwise, by the law of the State of the enforcement authority.

Any decision declared enforceable shall have the same force and produce the same effects as if it had been issued by a competent authority of the State where enforcement is applied for.

Article 7

If the decision, the enforcement of which is applied for, ordered the payment of maintenance in instalments, enforcement shall be granted both in respect of instalments already due and in respect of future instalments.

Article 8

The conditions laid down by the preceding articles for the recognition and enforcement of the decisions to which this Convention refers shall also