

No. 9636

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**FRANCE  
and  
POLAND**

**Convention concerning the applicable law, jurisdiction and reciprocal enforcement of judicial decisions in matters of personal status and family law. Signed at Warsaw on 5 April 1967**

*Authentic texts: French and Polish.*

*Registered by France on 18 June 1969.*

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**FRANCE  
et  
POLOGNE**

**Convention relative à la loi applicable, la compétence et l'exécution dans le droit des personnes et de la famille. Signée à Varsovie le 5 avril 1967**

*Textes authentiques: français et polonais.*

*Enregistrée par la France le 18 juin 1969.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND  
THE PEOPLE'S REPUBLIC OF POLAND CONCERNING  
THE APPLICABLE LAW, JURISDICTION AND RECI-  
PROCAL ENFORCEMENT OF JUDICIAL DECISIONS IN  
MATTERS OF PERSONAL STATUS AND FAMILY LAW

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The President of the French Republic and the Council of State of the People's Republic of Poland, desiring to establish common provisions in respect of personal status and family law and to develop their relations in the legal sphere, have resolved to conclude this Convention and for that purpose have appointed as their plenipotentiaries:

The President of the French Republic:

Mr. Arnauld Wapler, Ambassador Extraordinary and Plenipotentiary of the French Republic;

The Council of State of the Polish People's Republic:

Mr. Stanislaw Walczak, Minister of Justice of the Polish People's Republic,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

PART I

THE APPLICABLE LAW AND JURISDICTION IN MATTERS  
OF PERSONAL STATUS AND FAMILY LAW

Chapter I

GENERAL PROVISIONS

*Article 1*

A person whose habitual residence is situated in the territory of one of the High Contracting Parties shall be considered to be domiciled in that territory.

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<sup>1</sup> Came into force on 1 March 1969, i.e., the first day of the third month following the exchange of the instruments of ratification, which took place at Paris on 4 December 1968, in accordance with article 30 (1).

*Article 2*

The legal capacity of an individual as regards the enjoyment and exercise of rights shall be determined by the law of the High Contracting Party of which that person is a national.

*Article 3*

The form of a legal instrument shall depend on the law of the High Contracting Party in whose territory the instrument is drawn up.

## Chapter II

## MARRIAGE

*Article 4*

1. The form of marriage shall be that prescribed by the law of the High Contracting Party before whose authority the marriage is solemnized.

2. Conditions governing capacity to marry shall be those prescribed by the law of the High Contracting Party of which the spouses are nationals.

3. If one of the spouses is a national of one of the High Contracting Parties and the other is a national of the other High Contracting Party, the conditions referred to in paragraph 2 shall in each case depend on the law of the State of which the person concerned is a national.

*Article 5*

1. Personal and property relations of spouses shall be governed by the law of the High Contracting Party in whose territory the spouses are domiciled.

2. If one of the spouses resides in the territory of one High Contracting Party and the other in the territory of the other High Contracting Party, both spouses having the same nationality, their personal and property relations shall be governed by the law of the High Contracting Party of which they are nationals.

3. If one of the spouses is a national of one High Contracting Party and the other a national of the other High Contracting Party and if one resides in the territory of one High Contracting Party and the other in the territory of the other High Contracting Party, their personal and property relations shall be governed by the law of the High Contracting Party in whose territory they had their last joint domicile.

*Article 6*

1. The validity and effect of a marriage contract shall be determined by the law of the High Contracting Party under whose jurisdiction the spouses have chosen to place themselves.

2. The validity and effect of a marriage contract which does not explicitly state under which law the spouses have placed themselves shall be determined by the law of the High Contracting Party in whose territory the contract was concluded.

3. Legal capacity to enter into a marriage contract shall be determined by the law referred to in article 2.

4. The form of a marriage contract shall be determined by the law of the High Contracting Party in whose territory it was concluded.

*Article 7*

1. Annulment of marriage on grounds of failure to satisfy the conditions governing capacity to marry shall be subject to the law referred to in article 4, paragraph 2.

2. Annulment of marriage on grounds of informality shall be subject to the law referred to in article 4, paragraph 1.

*Article 8*

1. Divorce shall be granted in accordance with the law of the High Contracting Party of which the spouses are nationals on the date of the petition for divorce.

2. If one of the spouses is a national of one High Contracting Party and the other a national of the other High Contracting Party on the date on which the petition is filed, the divorce shall be granted in accordance with the law of the High Contracting Party in whose territory the spouses have or had their last domicile.

3. The provisions of paragraphs 1 and 2 concerning divorce shall apply to separation in so far as provision for separation is made in the law of either High Contracting Party.

*Article 9*

In proceedings involving legal relations between spouses and in proceedings seeking annulment, divorce or separation, the courts of the High Contracting Party in whose territory the spouses have or had their last domicile shall have jurisdiction.

## Chapter III

## LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

*Article 10*

1. The legal relations between parents and children shall be governed by the laws of the High Contracting Party in whose territory they have their domicile.

2. If the parents or one of the parents are/is domiciled in the territory of one High Contracting Party and the child in the territory of the other High Contracting Party, their legal relations shall be governed by the law of the High Contracting Party of which the child is a national.

3. The legal relations between a natural child and its parents shall be governed by the law of the High Contracting Party of which the child is a national.

*Article 11*

1. The courts of the High Contracting Party in whose territory the parents and children are domiciled shall be competent to hear cases involving the legal relations referred to in article 10.

2. If the parents or one of the parents are/is domiciled in the territory of one High Contracting Party and the child in the territory of the other High Contracting Party, the courts of the High Contracting Party in whose territory the child is domiciled shall have jurisdiction.

## Chapter IV

## ADOPTION

*Article 12*

1. The conditions and effects of adoption shall be determined by the law of the High Contracting Party in whose territory the adopted child and the adopter or adopting spouses are domiciled.

2. If the adopter or adopting spouses is/are domiciled in the territory of one High Contracting Party and the adopted child is domiciled in the territory of the other High Contracting Party, the conditions and effects of adoption shall be determined by the law of the High Contracting Party of which the adopted child is a national.