Recommendation 373 (1963)[1]

Hague Convention on the conflicts of laws relating to the form of testamentary dispositions

Parliamentary Assembly

The Assembly,

Whereas The Hague Conference on Private International Law, at its 9th Session held in October 1960, drafted a Convention on the Conflicts of Laws relating to the Form of Testamentary Dispositions ;

Whereas this Convention was, on 5th October 1961, opened for signature by the States represented at this 9th Session, these including all member States of the Council of Europe with the exception of Cyprus, Iceland, Ireland and Turkey ;

Considering that the purpose of this Convention is to ensure that the formal validity of a testamentary disposition is recognised by the law of the Contracting Parties if it satisfies the requirements of a law which the testator could reasonably consider to be applicable or with which he has a legal or factual connection ;

Considering that this Convention, if ratified, would to a great extent eliminate the risk of a testamentary disposition being formally valid in one country and invalid in another ;

Having regard to the fact that nine member States of the Council of Europe (Austria, Denmark, Federal Republic of Germany, France, Greece, Italy, Norway, Sweden and the United Kingdom,) have, so far, signed this Convention ;

Having noted the contents of the report of its Legal Committee (Doc. 1649),

Recommends that the Committee of Ministers :

1. Should, in accordance with Article 15 (b) of the Statute, recommend that member Governments which were represented at the 9th Session of The Hague Conference, and have not already done so, should sign and ratify the Convention on the Conflicts of Laws relating to the Form of Testamentary Dispositions ;
2. should, in accordance with Article 15 (b) of the Statute, recommend that member Governments which were not represented at the 9th Session of The Hague Conference should accede thereto.

1. Assembly debate on 20th September 1963 (13th Sitting) (see Doc. 1649Doc. 1649, report of the Legal Committee). Text adopted by the Assembly on 20th September 1963 (13th Sitting).