

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Exchange of letters between Australia and Italy concerning Australian citizens wishing
to marry in Italy**

(Rome, 11 April 2000)

Not yet in force
[2003] ATNIF 18





AMBASSADOR

AUSTRALIAN EMBASSY
ROME

Minister,

By order of the Australian government, I have the honour to propose an Agreement, which allows Australian citizens wishing to marry in Italy to satisfy the requirements under Article 116 of the Italian civil code.

This proposal is motivated by the absence in Australia, according to the existing laws, of a single competent authority which could issue, in the case of an Australian citizen wishing to marry overseas, a declaration as prescribed by Article 116 of the Italian civil code, which shows that, according to the laws of the State of which the person is a citizen, there are no impediments to the marriage.

This situation has caused great difficulties to Australian citizens wishing to marry in Italy.

Rome, 10 February 2000

H.E. Hon. Lamberto DINI
Minister of Foreign Affairs
P. le della Farnesina, 1
00100 Rome

To avoid the above difficulties the Australian Government proposes that if Australian citizens cannot produce the documentation required under Article 116 of the Italian civil code, they submit to the appropriate Italian registrar the following documents:

(A) A statutory declaration made by the Australian citizen in the presence of the appropriate Australian Consular Officer in Italy, whose signature is deposited in Italy, which states that according to the laws he/she is subject to in Australia, there are no impediments to the marriage he/she intends to make in Italy. The Australian consular authority, which receives the above declaration, will certify the identity and Australian citizenship of the person concerned.

(B) Documents issued by the competent Australian authorities, if available, which indirectly prove that, according to the law to which the applicant is subject, there are no impediments to the marriage.

If such documents are not available, the Australian citizen must produce - in addition to the statutory declaration as required in paragraph (A) - an 'atto notorio' (a sworn declaration made by the applicant in the presence of four witnesses) made in the presence of an Italian authority competent to receive it, which shows that according to the laws he/she is subject to in Australia, there are no impediments to the marriage he/she intends to make. The Embassy understands that the Italian competent authorities in Italy are the Italian registrars and, overseas, the Italian Consular authorities.

If the foregoing is acceptable to the Italian Government, I have the honour to propose that this letter and the Italian Government's letter in reply constitute an Agreement for the acts of civil status to be presented by the Australian citizens who wish to get married in Italy, which will come into force the first day of the second month following the date of receipt of the second notification with which the completion of the procedures required by the respective rules of the two states will be announced.

Would you accept Minister the assurances of my highest consideration.

(Signed)
Rory Steele
Ambassador

Embassy translation.

Letter dated 11.4.2000 from H.E. Hon. Lamberto Dini, Italian Minister for Foreign Affairs, to Ambassador Rory Steele, Australian Ambassador to Italy.

Ministry of Foreign Affairs

Rome, 11 April 2000

Excellency,

I have the honour of acknowledging receipt of your letter of 10 February on the following.

"Minister

By order of the Australian government, I have the honour to propose an Agreement, which allows Australian citizens wishing to marry in Italy to satisfy the requirements under Article 116 of the Italian civil code.

This proposal is motivated by the absence in Australia, according to the existing laws, of a single competent authority which could issue, in the case of an Australian citizen wishing to marry overseas, a declaration as prescribed by Article 116 of the Italian civil code, which shows that, according to the laws of the State of which the person is a citizen, there are no impediments to the marriage.

This situation has caused great difficulties to Australian citizens wishing to marry in Italy.

To avoid the above difficulties the Australian government proposes that if Australian citizens cannot produce the documentation required under Article 116 of the Italian civil code, they submit to the appropriate Italian registrar the following documents:

- (a) A statutory declaration made by the Australian citizen in the presence of the appropriate Australian Consular Officer in Italy, whose signature is deposited in Italy, which states that according to the laws he/she is subject to in Australia, there are no impediments to the marriage he/she intends to make in Italy. The Australian consular authority, which receives the above declaration, will certify the identity and Australian citizenship of the person concerned.
- (b) Documents issued by the competent Australian authorities, if available, which indirectly prove that, according to the laws to which the applicant is subject, there are no impediments to the marriage.

If such documents are not available, the Australian citizen must produce - in addition to the statutory declaration as required in paragraph (a) - an 'atto notorio' (a sworn declaration made by the applicant in the presence of four witnesses)

made in the presence of an Italian authority competent to receive it, which shows that according to the laws he/she is subject to in Australia, there are no impediments to the marriage he/she intends to make. The Embassy understands that the Italian competent authorities in Italy are the Italian registrars and, overseas, the Italian consular authorities.

If the foregoing is acceptable to the Italian Government, I have the honour to propose that this letter and the Italian Government's letter in reply constitute an Agreement for the acts of civil status to be presented by the Australian citizens who wish to get married in Italy, which will come into force the first day of the second month following the date of receipt of the second notification with which the completion of the procedures required by the respective rules of the two states will be announced.

Would you accept Minister the assurances of my highest consideration."

I have the honour of informing your Excellency that the Italian Government is in agreement with the contents of your letter described above.

Would you accept, Ambassador, the assurances of my highest consideration.

(Signed)
Lamberto Dini,
Minister for Foreign Affairs