DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW
TREATY OFFICE

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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EUROPEAN CONVENTION ON THE PLACE OF PAYMENT OF MONEY LIABILITIES of 16 May 1972

(ETS No. 75, awaiting entry into force)

Subject: **Accession by States which are not member States of the Council of Europe**

I. Participation in the European Convention on the Place of Payment of Money Liabilities is not exclusively limited to member States of the Council of Europe. The Convention is also open for accession by other non-member States, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe. The relevant provision of the European Convention on the Place of Payment of Money Liabilities - Article 6, paragraph 1 - reads as follows:

> "*After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non member State to accede hereto.*"

II. The procedure for the accession of a State which is not a member of the Council of Europe may be summarised as follows:

1. In principle, the Committee of Ministers may take the initiative of inviting a non-member State to accede to a specific Convention. It is nevertheless customary for the non-member State to request accession in a letter addressed to the Secretary General of the Council of Europe. The letter should be signed by the Minister for Foreign Affairs or a diplomatic representative acting upon instructions of his or her government (*see Model application for accession to a treaty*).

2. In accordance with the Council of Europe's practice and before formally inscribing the point on the agenda of the Committee of Ministers, the Secretariat consults at the same time all member States of the Council of Europe, whether they are Parties or not to the Convention, and Parties to this Convention, that are not member States, on the request of invitation.

3. Requests for accession to a Council of Europe convention are examined by the Committee of Ministers' Rapporteur Group on Legal Co-operation (GR-J) and, then, by the Committee of Ministers. The decision on whether or not to issue an invitation is usually taken at the level of the Ministers' Deputies. Then, an invitation to accede to the Convention is notified to the State concerned by the Secretariat General.

4. It must be noted that the Committee of Ministers decided, in April 2013, to limit the validity of invitations of non-member States to accede to conventions to a period of five years.

5. The instrument of accession is deposited at the seat of the Council of Europe in Strasbourg, in the presence of a representative of the acceding State and of the Secretary General of the Council of Europe or his Deputy. The representative of the acceding State brings with him or her the instrument of accession and a procès-verbal of deposit is signed by both parties. Should it prove difficult for the acceding State to send a representative to Strasbourg, the instrument of accession may be sent by diplomatic courrier. Deposit of the instrument of accession is notified to all concerned, accordingly to Article 10 of the Convention.

6. Article 6, paragraph 2, of the European Convention on the Place of Payment of Money Liabilities provides that the Convention shall enter into force three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

7. The instrument of accession and any reservation or declaration appended to it shall be accompanied by a translation into one of the official languages of the Council of Europe (English or French). It is important to stress that, subject to the applicable provisions of each treaty and in line with the 1969 Vienna Convention on the Law of Treaties, any reservations or declarations are to be made when depositing the instrument of accession. For reasons of legal certainty and in order to ensure the uniform implementation of conventions, reservations may not be made at any later date.

III. The text of the Convention, its explanatory report, the chart of signatures and ratifications and all declarations and reservations made with regard to it can be consulted on the website of the Council of Europe's Treaty Office on http://conventions.coe.int.

For any further information, please contact the Treaty Office:

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