



Religare Database

Einführungsgesetzes zum Bürgerlichen Gesetzbuche (EGBGB)

Introductory Act to the Civil Code

Art. 14 - General effects of marriage

(1) The general effects of the marriage are governed by:

1. the law of the country of shared nationality of the spouses or last shared nationality during the marriage if one of them is still the national of that country, otherwise
2. the law of the country in which both spouses have their habitual residence or lastly had it during the marriage, if one of them still has his or her habitual residence there,
3. otherwise, the law of the country with which the spouses are jointly most closely connected.

(2) If one of the spouses has several nationalities, the spouses may choose the law of one of these countries, without regard to the provisions of article 5 subarticle 1, if the other spouse also has that nationality.

(3) The spouses may choose the law of the nationality of one spouse if the conditions of subarticle 1 no. 1 are not met and:

1. neither of the spouses is a national of the country in which both spouses have their habitual residence; or
2. the spouses do not have their habitual residence in the same country.

The effects of choice of law end if the spouses acquire a shared nationality.

(4) The choice of law must be notarially certified. If it is not performed within the country, it is sufficient if the formal requirements of a marriage contract under the law chosen or of the place of the choice of law are observed.

Art. 15 - Matrimonial property regime

(1) The matrimonial property regime is governed by the law governing the general effects of the marriage upon conclusion of the marriage.

(2) The spouses may choose for their matrimonial property regime:

1. the law of the country of which one of them is a national,
2. the law of the country in which one of them has his habitual residence,
3. as to real property the law of the country in which this is situated.

(3) Article 14 subarticle 4 shall apply mutatis mutandis.

(4) The provisions of the Act Concerning the Matrimonial Property of Displaced Persons and Refugees remain unaffected.