

Online Appendix to
Till Death (or Divorce) do Us Part:
Household Wealth and Labor Dynamics under
Community of Property Matrimonial Regime*

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C Dutch Civil Code

The main legislation governing matrimonial law in the Netherlands is found in Titles 5–10 of the Book 1, Law of Persons and Family Law of the Dutch Civil Code (*Burgerlijk Wetboek Boek 1*, BW-B1). The latest version (in Dutch) of the BWB-1 is available at the Dutch government wetten.overheid.nl website. We provide a Google machine-translated version of the pre-2018 reform Dutch BW-B1 valid in December 2015.

C.1 Title 5 The Marriage

Civil Code Book 1

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Title 5. The Marriage

General provision

Article 30

1. A marriage can be entered into by two persons of different or same sex.
2. The law considers marriage only in its civil relations.

Section 1. Requirements for entering into a marriage

Article 31

To enter into marriage, a man and a woman must have reached the age of eighteen.

Article 32

A marriage may not be entered into when the mental faculties of one party are so disturbed that he is unable to determine his will or to understand the meaning of his declaration.

Article 33

A person can only be married to one other person at a time.

Article 34

[Expired as of April 1, 1998]

Article 35

[Expired as of 12/5/2015]

Article 36

[Expired as of 12/5/2015]

Article 37

1. A person who is under guardianship due to a habit of drinking or drug abuse may not enter into marriage without the consent of his guardian.
2. If such consent is not obtained, it may be obtained at the request of the person concerned guardianship is replaced by permission of the subdistrict court judge.

Article 38

A person who is under guardianship because of his physical or mental condition may not enter into marriage without the permission of the subdistrict court judge.

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Article 39

1. If the judge has granted permission, the period for appeal is fourteen days and the decision cannot be executed during that period.
2. Anyone who objects to a granted consent is obligated to serve notice of this within the appeal period, by bailiff's writ, on the registrar or registrars before whom the marriage can be solemnized. Failure to do so will result in the loss of the right to request annulment of the marriage based on the lack of consent if the court of appeal annuls the order referred to in the first paragraph and the marriage has already been solemnized.

Article 40

[Expired as of January 1, 1988]

Article 41

1. A marriage may not be entered into between persons who are related to each other, either by nature or by family law, in the ascending or descending line, or as brothers, sisters, or brother and sister.
2. Our Minister of Justice may grant an exemption from the ban for important reasons grant to those who are brothers, sisters, or brother and sister by adoption.

Article 41a

A marriage may not be entered into between persons who are related to each other, either by nature or by family law, as blood relatives in the third or fourth degree in the collateral line, unless the prospective spouses have each made an affidavit to the registrar stating that they give their free consent to the marriage.

Article 42

Those who wish to enter into marriage may not at the same time have entered into a registered partnership.

Section 2. Formalities that must precede the solemnization of the marriage

Article 43

[Expired as of September 1, 2015]

Article 44

1. In order to make known their intention to marry, the prospective spouses, at least one of whom holds Dutch nationality solely or partly, or has their habitual residence in the Netherlands, must provide the registrar with:
 - a. their surname, first names, place of residence and birth data, as well as a declaration that they are not related to each other as blood relatives in the third or fourth degree in the collateral line, or a sworn statement as referred to in Article 41a;
 - b. If consent to enter into a marriage is required, the details of those whose consent is required, or proof that they have given their consent. Consent may also be given at the marriage ceremony. If consent has been granted by the court, the registrar will verify its existence with the relevant registry;
 - c. the death records of all whose consent to the marriage would have been required, had they been alive;
 - d. data on the dissolution of any previous marriages or registered partnerships;

- d. data on the dissolution of any previous marriages or registered partnerships;
 - e. in the event of suspension, the information regarding the lifting thereof;
 - f. the exemption or permit from Our Minister of Justice, if required;
 - g. an exemption under Article 62, if obtained;
 - h. the names and addresses of the persons who acted as witnesses at the execution of the will be present at the wedding;
 - i. if a prospective spouse does not possess Dutch nationality or is not lawfully resident in the Netherlands as referred to in Article 8, under b, d or e, of the Aliens Act 2000, a declaration that the intention to marry is not entered into with the aim of obtaining the right of residence in the Netherlands, as well as a declaration concerning the right of residence of the prospective spouse who does not possess Dutch nationality;
 - j. the name of the municipality in the Netherlands where the marriage will be performed.
2. If the future spouses, of whom at least one has Dutch nationality, have their place of residence outside the Netherlands, they may only contact the registrar of the municipality of The Hague to inform them of their intention to marry.

Article 45

1. If the birth data of a prospective spouse cannot be provided,
If the marriage certificate is verified and the person concerned is unable to provide a birth certificate, the person concerned may make a sworn statement to the registrar before whom the marriage will be solemnized stating: the gender, place, country and, as accurately as possible, the date of birth, as well as the personal details of the parents.
2. The declaration made is mentioned in the marriage certificate.

Article 45a

If the information regarding the death referred to in Article 44, paragraph 1, under c, cannot be verified and the future spouses are unable to produce the death certificate(s), they may make a sworn statement to the registrar before whom the marriage will be solemnized. The registrar will record this in the marriage certificate.

Article 46

If the marriage has not been solemnized within one year from the date on which the intention to do so was made known, it may not be solemnized until the intention to do so has been made known again.

Article 47

[Expired as of 12/5/2015]

Article 48

If the person who wishes to remarry has parental authority over children from a previous marriage, the registrar shall immediately notify the court of the place of residence of the parent in question of this intention.

Article 49

1. Marriage promises do not give rise to a right to enter into a marriage, nor to damages for non-fulfillment of the promises; any deviating provisions are null and void.
2. If the intention to enter into a marriage is made known to an official of the
If the intention has been made known in the civil registry, this may constitute grounds for a claim for compensation for actual capital losses, without any loss of profit being taken into account. The claim expires after eighteen months, starting from the date on which the intention was made known.

2. If the intention to enter into a marriage is made known to an official of the civil registry, this may constitute grounds for a claim for compensation for actual capital losses, without any loss of profit being taken into account. The claim expires after eighteen months, starting from the date on which the intention was made known.

Article 49a

1. If a Dutch citizen wishes to marry outside the Netherlands, a declaration of capacity to marry will be issued to him at his request in accordance with the Annex to the Munich Agreement of 5 September 1980 (Trb. 1981, 71, and 1982, 116).
2. This statement is issued:
 - a. to a person who resides in the Netherlands, by the registrar of his place of residence;
 - b. to a person who does not have a place of residence in the Netherlands, but did have one, by the registrar of births, deaths and marriages of the last place of residence there;
 - c. to the person who has not or has not had a place of residence in the Netherlands, by the head of the diplomatic or consular representation of the Kingdom of the Netherlands in the jurisdiction where the marriage is performed.
3. The declaration shall not be issued by the competent authority until it has satisfied itself, by verifying the information referred to in Article 44, paragraph 1, under a, b, c, d and f, and, if necessary, those referred to in Articles 45 and 45a, as well as in Article 27b, that there are no impediments to the marriage under Dutch law.
4. The declaration of capacity to marry is valid for six months from the date of issue.

Section 3. Suspension of marriage

Article 50

A marriage may be terminated if the parties do not meet the requirements to enter into a marriage, or if both parties do not give their free consent to the marriage, or if the intention of the future spouses, or one of them, is not aimed at fulfilling the duties associated with marital status by law, but at obtaining admission to the Netherlands.

Article 51

1. Those entitled to interrupt the marriage if the parties do not meet the requirements to enter into a marriage are blood relatives in the direct line, brothers, sisters, guardians and curators of one of the future spouses.
2. The persons mentioned in the previous paragraph are also entitled to stop a marriage, when the other future spouse is under guardianship, and the marriage would clearly cause the unhappiness of the party of whom they are a blood relative, guardian or curator.

Article 52

A person who is married to one of the parties or has entered into a registered partnership with one of the parties may, on the basis of the existence of that marriage or registered partnership, prevent a new marriage from being entered into.

Article 53

1. The Public Prosecution Service is obliged to stop an intended marriage if it is aware of one of the impediments to marriage described in Articles 31 to 33, 41 and 42.
2. The Public Prosecution Service is authorized to suspend the marriage as a sham due to a violation of Dutch public order if the intention of the prospective spouses, or one of them, is not to fulfill the duties legally associated with marital status, but rather to obtain admission to the Netherlands.

2. The Public Prosecution Service is authorized to suspend the marriage as a sham due to a violation of Dutch public order if the intention of the prospective spouses, or one of them, is not to fulfill the duties legally associated with marital status, but rather to obtain admission to the Netherlands.
3. The public prosecutor is also authorised to stop the marriage if there is sufficient it has become apparent that the prospective spouses, or one of them, will enter into marriage under the influence of coercion.
4. For the exercise of the powers referred to in paragraphs 2 and 3 by the Public Prosecution Service requires prior authorization from the court.

Article 54

1. The suspension is effected by serving a deed on the official of the civil registry of the municipality where the marriage will be performed.
2. The deed contains the choice of a place of residence in that municipality and the grounds for the interruption, and states the capacity that gives the opponent the authority to interrupt the marriage; all this under penalty of nullity.
3. The opponent shall immediately serve a copy of the deed of interruption on the party against whom the interruption is directed.

Article 55

A suspension can be lifted:

- a. in the same manner as it occurred;
- b. by a declaration made in person before the official of the civil status, mentioned in the previous article;
- c. by a declaration made before a notary;
- d. by a decision which has become final and binding, given at the request of an interested party.

Article 56

The marriage may not be solemnized until the suspension has been lifted. Should it nevertheless be solemnized pending proceedings to lift the suspension, these proceedings may be continued at the request of the opposing party, and the marriage will be declared null and void if the court accepts the validity of the suspension.

Article 57

A registrar who is aware of the existence of any of the impediments to marriage described in Articles 31 to 33, 41, 41a and 42 may not assist in the solemnization of a marriage or in the completion of any formalities preceding it, even if no interruption has taken place.

Section 4. The solemnization of marriage

Article 58

1. The registrar verifies before the ceremony is completed to proceed with the marriage, the legality of the residence in the Netherlands of the future spouse who does not have Dutch nationality.
2. If the registrar, in the event that there is no lawful residence on the basis of Article 8, under b, d or e of the Aliens Act 2000, is of the opinion that the intention of the future spouses, or one of them, is not aimed at fulfilling the duties associated with marital status by law, but at obtaining admission to the Netherlands, he or she shall refuse to draw up the marriage certificate in accordance with Article 18c, paragraph 2.

2. If the registrar, in the event that there is no lawful residence on the basis of Article 8, under b, d or e of the Aliens Act 2000, is of the opinion that the intention of the future spouses, or one of them, is not aimed at fulfilling the duties associated with marital status by law, but at obtaining admission to the Netherlands, he or she shall refuse to draw up the marriage certificate in accordance with Article 18c, paragraph 2.

Article 59

[Expired as of 1 November 1994]

Article 60

[Expired as of 1 November 1994]

Article 61

[Expired as of April 1, 1995]

Article 62

1. The marriage may not be solemnized before the fourteenth day after the date on which the intention to marry has been made known to the registrar.
2. The Public Prosecutor at the court within whose jurisdiction the intention to marry has been made known is authorised to grant an exemption from the prescribed waiting period on the grounds of compelling reasons.

Article 63

1. A marriage is performed publicly in the town hall in the presence of by the registrar of the municipality designated by the future spouses in the presence of at least two and at most four adult witnesses.
2. [This Member has not yet entered into force.]

Article 64

If one of the parties is prevented from going to the town hall due to a duly proven legal impediment, the marriage may be performed in a private house within the same municipality, provided that this takes place in the presence of six adult witnesses.

Article 65

The future spouses are required to appear in person before the registrar at the solemnization of their marriage.

Article 66

Our Minister of Justice is at liberty, for compelling reasons, to grant the parties permission to solemnize the marriage through a special representative authorized by authentic deed.

Article 67

1. The future spouses must declare before the registrar and in the presence of witnesses that they accept each other as spouses and that they will faithfully fulfil all the duties imposed by law on the marital status.
2. Immediately after this declaration has been made, the registrar shall declare that the parties are bound to each other by marriage, and shall draw up a deed to that effect in the appropriate register.

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Article 68

No religious ceremonies may take place until the parties have informed the minister of worship that the marriage has been solemnized before the registrar.

Section 5. Annulment of a marriage

Article 69

1. Unless otherwise provided below, the grounds that the spouses do not meet the requirements to enter into a marriage together, the annulment of the marriage may be requested by:
 - a. the blood relatives in the direct line of one of the spouses;
 - b. each of the spouses;
 - c. all other persons who have an immediate legal interest therein, but only after the dissolution of the marriage;
 - d. the Public Prosecutor's Office, but only as long as the marriage has not been dissolved.
2. A person who is bound to one of the spouses by a previous marriage or by a previously registered partnership is also entitled to request the annulment of the subsequent marriage on the basis of the existence of that marriage or registration.

Article 70

1. At the request of the parents, the spouses and the public prosecutor, a marriage may be declared null and void if it is solemnized before an unauthorized registrar or not in the presence of the required number of witnesses.
2. The right of a spouse to request the annulment of the marriage on this basis shall lapse if there is outward proof of marital status and a certificate of marriage executed before a registrar.

Article 71

1. A spouse may request the annulment of his marriage if he so wishes entered into under the influence of coercion. The public prosecutor is also authorized to file the petition, after giving the spouses the opportunity to express their opinion on the desirability of filing the petition for annulment, or after duly summoning them to do so.
2. Furthermore, the spouse who erred in the marriage ceremony may either person of the other spouse, either with regard to the meaning of the statement made by him, request the annulment of his marriage.
3. The right to request annulment on the grounds of error shall lapse if The spouses have lived together for six months since the discovery of the mistake without the petition being filed. The right to request annulment due to coercion lapses when the spouses have lived together for three years without coercion aimed at maintaining the marriage, without the petition being filed.

Article 71a

At the request of the Public Prosecutor, a marriage may be declared null and void as a sham due to conflict with Dutch public order if the intention of the spouses, or one of them, was not to fulfil the duties legally associated with marital status, but rather to obtain admission to the Netherlands.

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Article 72

A marriage cannot be declared null and void on the grounds that at the time of the marriage one of the spouses was under guardianship and the marriage would clearly cause the other spouse unhappiness.

Article 73

Annulment of a marriage due to a mental disorder can only be requested after the disorder has ceased, by the spouse who was mentally disturbed. The request is invalidated by cohabitation for at least six months after the disorder has ceased.

Article 74

The annulment of a marriage entered into by a person who is not of the required age cannot be requested if that person is of the required age on the date of the request.

Article 75

1. In the absence of the required consent of a third party, annulment of the marriage may only be requested by that third party or, in the case of Article 38 of this book, by the trustee. This request lapses when the person authorized to request the annulment has expressly or tacitly approved the marriage, or when three months have passed since they became aware of the marriage.
2. Any person authorised to request annulment is presumed to have become aware of the marriage if it was performed in this country or if it was entered into outside the Netherlands and registered in the civil registry in this country.

Article 76

Except as provided in Article 56 of this Book, the court shall declare a marriage null and void only upon a petition in accordance with the provisions of this Section.

Article 77

1. The annulment of the marriage takes effect as soon as the order has come into force has become final and binding; it is retroactive to the time of the marriage ceremony.
2. However, the decision does not have retroactive effect and has the same consequences as a divorce:
 - a. with respect to the children of the spouses;
 - b. with respect to the bona fide spouse; however, the spouse cannot claim community of property if the marriage has been declared null and void on account of the existence of a previous marriage or registered partnership;
 - c. with respect to persons other than the spouses and their children, to the extent that they have acquired rights in good faith before the registration of the declaration of invalidity.

Section 5A. Conversion of a marriage into a registered partnership

Article 77a

[Expired as of March 1, 2009]

Section 6. Proof of the existence of the marriage

Section 6. Proof of the existence of the marriage

Article 78

The existence of a marriage concluded in the Netherlands cannot be proven otherwise than by the marriage certificate or by the deed of conversion referred to in Article 80g, except in the cases provided for in the following Articles.

Article 79

If the marriage register did not exist or has been lost, or if the marriage certificate or the deed of conversion referred to in Article 80g is missing, the marriage can be proven by witnesses or documents, provided that there is an outward proof of the marital status.

Article 80

If it is disputed in a case that a child who outwardly possesses status was born from a marriage, the fact that the parents lived openly as husband and wife is sufficient evidence.

C.2 Title 5A The registered partnership

Civil Code Book 1

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Title 5A. The registered partnership

Article 80a

1. A person may only enter into a registered partnership with one other person of the same or opposite sex at a time.
2. Those who enter into a registered partnership may not be married at the same time.
3. Registration of partnership is done by a deed of registration of partnership drawn up by a registrar.
4. A partnership registration can be interrupted if the parties do not meet the requirements unite to enter into the registration, or when both parties will not freely give their consent to the registered partnership, or when the intention of the prospective registered partners, or one of them, is not aimed at fulfilling the obligations imposed by law on the partnership registration, but at obtaining admission to the Netherlands. Articles 51, 52, 53, second through fourth paragraphs, and 54 through 56 apply mutatis mutandis to an interruption. The Public Prosecution Service is obligated to interrupt a partnership registration if it is aware of one of the impediments described in Articles 31, 32, 41, and the first and second paragraphs of this Article. If the registrar is aware of one of the impediments mentioned in the previous sentence, or when both parties will not freely give their consent to the registered partnership, they may not cooperate in a registration or perform any preliminary formalities, even if no interruption has occurred.
5. With regard to partnership registration, Articles 31, 32, 37 to 39, 41, 41a, 44 to 49, 58, and 62 to 66 apply accordingly.
6. Articles 69 to 73, 74, 75 to 77, first and second paragraphs, apply mutatis mutandis to the annulment of a registered partnership.
7. Articles 78 and 79 apply to the proof of the existence of the partnership registration. 79 applies accordingly.

Article 80b

Titles 6, 7 and 8 apply mutatis mutandis to a registered partnership, with the exception of the provisions regarding legal separation.

Article 80c

1. The registered partnership ends:
 - a. by death;
 - b. if the missing person, who, in accordance with the provisions of the second or third section of the eighteenth title of this book is presumed dead or declared dead, is still alive on the day on which the surviving registered partner entered into a new registered partnership or marriage: by solemnizing this registered partnership or marriage;
 - c. by mutual consent, by registration by the registrar of a declaration signed and dated by both partners and one or more lawyers or notaries, showing that and at what time the partners have concluded an agreement regarding the termination of the registered partnership.

- c. by mutual consent, by registration by the registrar of a declaration signed and dated by both partners and one or more lawyers or notaries, showing that and at what time the partners have concluded an agreement regarding the termination of the registered partnership.
 - d. by dissolution at the request of the partners or one of them;
 - e. by conversion of a registered partnership into a marriage.
2. The registration of declarations as referred to in the first paragraph, under c, is subject to the The registrar is always authorized if the registered partnership was entered into in the Netherlands. If the partnership was entered into outside the Netherlands, the registrar is authorized to register declarations as referred to in the first paragraph, under c, if the conditions of Article 4, fourth paragraph, of the Code of Civil Procedure for the jurisdiction of the court in the event of the dissolution of the registered partnership are met.
3. A registered partnership cannot be terminated by mutual consent as referred to in the first paragraph, under c, if the partners:
 - a. jointly or individually exercise authority over one or more of their joint children;
 - b. exercise joint authority over one or more persons pursuant to Article 253sa or 253t children.

Article 80d

1. The agreement referred to in Article 80c(c) shall at least include the declaration by both partners that their registered partnership has irretrievably broken down and that they wish to terminate it. Furthermore, the agreement shall include, but not be void:
 - a. the maintenance allowance for the benefit of the registered partner who does not have sufficient income to support himself or herself, nor can reasonably acquire it;
 - b. which of the registered partners is the tenant of the residential property that accommodates them? principal residence will be, or which of the registered partners will have, for a period to be determined in the agreement, the use of the home and the furnishings belonging to one or both of them or to which they are entitled for use;
 - c. the division of any community in which the partners are registered entered into or the settlement agreed upon under conditions as referred to in Title 8;
 - d. the settlement or offsetting of pension rights.
2. Articles 155, 157, fourth and sixth paragraphs, 158, 159, first and third paragraphs, 159a, 160 and 164 apply mutatis mutandis to the termination of a registered partnership by mutual consent.
3. The declaration referred to in Article 80c(c) shall only be entered in the civil registers if it reaches the registrar no later than three months after the conclusion of the agreement.

Article 80e

1. On the dissolution of a registered partnership as referred to in Article 80c, under d, Articles 151, 153, 155, 157 to 160, 164 and 165 apply accordingly.
2. Dissolution is effected by the registration of a judicial decision at the request of the parties or one of them in the civil registry. Article 163, paragraph 3, applies mutatis mutandis.

Article 80f

If the parties whose registered partnership has ended enter into a new registered partnership or marry, all consequences of the registered partnership are automatically revived as if no termination had occurred. However, the validity of legal acts performed between the registration of the termination and the new registration or marriage is assessed at the time of the act.

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Article 80g

1. If two people inform the registrar of their intention to convert their registered partnership into a marriage, the registrar can draw up a deed of conversion. If the registered partners, at least one of whom is a Dutch national, reside outside the Netherlands and wish to convert their registered partnership into a marriage in the Netherlands, the conversion takes place before the registrar in The Hague.
2. Articles 65 and 66 shall apply *mutatis mutandis*.
3. A conversion terminates the registered partnership and commences the marriage at the time the conversion deed is recorded in the marriage register. The conversion does not alter any existing family law relationships with children born before the conversion.

C.3 Title 6 Rights and obligations of spouses

Civil Code Book 1

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Title 6. Rights and obligations of spouses

Article 81

Spouses owe each other fidelity, help, and assistance. They are obligated to provide each other with what is necessary.

Article 82

Spouses are obliged to each other to care for and raise the minor children belonging to the family and to bear the costs of such care and upbringing.

Article 83

Spouses shall provide each other, upon request, with information about the management they conduct and about the status of their assets and debts.

Article 84

1. The costs of the household, including the costs of care and the costs of raising children are charged to the spouses' joint income and, if this is insufficient, to their own incomes in proportion; if the incomes are insufficient, these costs are charged to the joint assets and, if this is also insufficient, to their own assets in proportion. This does not apply if special circumstances prevent this.
2. The spouses are obliged to each other accordingly to combat to make sufficient funds available from the assets under their administration for the expenses referred to in the first paragraph, unless special circumstances prevent this.
3. A written agreement may deviate from the first and second paragraphs arrangements will be made.
4. Disputes between the spouses regarding the application of the first to third paragraph shall be decided by the court at the request of both or one of them.
5. At the request of both or one of the spouses, the court may order a given amend a decision or a mutual arrangement on the basis of changed circumstances.

Article 85

One spouse shall be fully liable, with the other, for the obligations entered into by the latter for the normal running of the household, including those arising from employment contracts entered into by him as employer for the purposes of the household.

Article 86

1. The court may, if there are good reasons for doing so, at the request of a spouse shall determine that he or she will not be liable for any subsequent obligations entered into by the other spouse as referred to in the previous article.

1. The court may, if there are good reasons for doing so, at the request of a spouse shall determine that he or she will not be liable for any subsequent obligations entered into by the other spouse as referred to in the previous article.
2. A judicial order issued in accordance with this Article may, in the event of a change circumstances in the same manner in which they came into being are changed or terminated.
3. The disposition may only be invoked against third parties who were unaware of its existence if it was registered in the matrimonial property register, as designated in Article 116 of this Book, and fourteen days had expired after registration.
4. The order may also stipulate that it must be published in one or more newspapers designated by the court. In that case, the order will not be detrimental to third parties who were unaware of it, even before this publication.

Article 87

1. If a spouse is dependent on the other spouse's assets, if the spouse acquires an asset that will become his or her own property, or if a debt relating to an asset that becomes his or her own property is paid or redeemed from the property of the other spouse, the first-mentioned spouse shall have an obligation to pay compensation.
2. The compensation amounts to a portion of the value of the property at the time the compensation is paid. This portion:
 - a. in the case of an acquisition at the expense of the assets of the other spouse, is proportional to the share in the consideration for the property derived from the other spouse's assets;
 - b. in the event of a payment or repayment from the assets of the other spouse, the ratio between the amount paid or repaid from the other spouse's assets and the value of the asset at the time of that payment or repayment shall correspond to that spouse's assets.
3. The following rules also apply with regard to compensation:
 - a. unless the spouse has used the assets of the other spouse with the consent of the other spouse in the manner referred to in the first paragraph, the compensation shall amount to at least the nominal amount charged to the assets of the other spouse;
 - b. with regard to goods which by their nature are intended to be consumed, the compensation always amounts to the nominal amount that has been charged to the assets of the other spouse;
 - c. with respect to goods which have been alienated in the meantime without other goods having been replaced, the value at the time of alienation shall be taken as the basis instead of the value referred to in the opening words of the second paragraph.

An alienation is deemed to be equivalent to the irrevocability of a benefit under a sum insurance policy or another benefit under a stipulation in favour of a third party.
4. Spouses may deviate from the first through third paragraphs by agreement. No compensation is due if the acquisition, payment, or redemption from the other spouse's assets satisfies an obligation incumbent on that spouse.
5. If the compensation cannot be determined accurately in accordance with the first to fourth paragraphs, it shall be estimated.

Article 88

1. A spouse requires the consent of the other spouse for the following legal acts:

1. A spouse requires the consent of the other spouse for the following legal acts:
 - a. agreements aimed at alienation, encumbrance or granting of use, and legal acts aimed at terminating the use of a dwelling occupied jointly by the spouses or by the other spouse alone, or of items belonging to such a dwelling or its contents;
 - b. gifts, other than the usual, not excessive ones;
 - c. agreements that require him, other than in the normal exercise of his profession or business, to act as surety or co-debtor, to warrant himself to a third party, or to provide security for a third party's debt;
 - d. contracts of sale on instalments, except for items which are clearly exclusively or mainly for the normal exercise of his profession or business.
2. The spouse does not need to give consent if he or she is obliged to perform the legal act by law or by a prior legal act for which such consent was granted or was not required.
3. Consent must be given in writing or electronically, if the law prescribes a form for performing the legal act.
4. By way of exception to paragraph 1(b), consent is not required for gifts intended to be executed only after the death of the person making the gift, and not already executed during their lifetime. If the gift consists of designating a beneficiary for a term life insurance policy that was accepted or can be accepted during the policyholder's lifetime, consent is required.
5. Consent for a legal act as referred to in paragraph 1 under c is not required if it is performed by a director of a public limited company or a private limited liability company who, alone or together with his co-directors, holds the majority of the shares thereof and provided that it is performed for the normal exercise of the business of that company.
6. If the other spouse is unable to express his or her wishes or does not give consent due to absence or for any other reason, the court's decision may be invoked.

Article 89

1. A legal act performed by a spouse in violation of the previous article is voidable; only the other spouse may invoke the grounds for annulment.
2. The previous paragraph does not apply to an act other than a gift, if the other party was in good faith.
3. The termination of a marriage and legal separation do not affect the right to invoke the grounds for annulment of a legal act of a spouse, which arose beforehand. If the other spouse consequently becomes a debtor under that legal act, Article 51, paragraph 3, of Book 3 applies to them only as long as the period stipulated in Article 52, paragraph 1, of Book 3 has not expired.
4. The declaration or action for annulment need not deviate from the Articles Articles 50, paragraph 1, and 51, paragraph 2 of Book 3 do not also have to be addressed to the spouse who performed the act.
5. The spouse who has invoked the grounds for annulment may also to institute all legal proceedings arising from the nullity.

Article 90

1. A spouse is entitled to manage his own property and, according to the rules of Article 97, regarding the administration of the property of a community.

1. A spouse is entitled to manage his own property and, according to the rules of Article 97, regarding the administration of the property of a community.
2. The management of a spouse over an asset includes the exercise of its powers associated powers, including the power to dispose of and manage and the power to perform and permit factual acts with respect to that property, without prejudice to the powers of enjoyment and use to which the other spouse is entitled in accordance with the marital relationship.
3. The provisions regarding assignment apply accordingly between the spouse who transfers the management to which he or she is entitled to transfer to the other spouse and the latter, taking into account the nature of the marital relationship and the nature of the assets.
4. The spouse who manages an asset may accede, alongside the other spouse, to a legal act performed by the latter regarding that asset. The declaration of accession is addressed to those who are parties to the legal act; Article 56 of Book 3 applies accordingly. If a specific form is prescribed for performing the legal act, the same requirement applies to the accession. The spouse may exclude accession to ancillary rights and obligations and to rights and obligations already due; they are deemed to have committed themselves only in accordance with the rights previously granted to third parties.

Article 91

1. If a spouse, due to absence or another cause, is unable to manage their own or the joint property, or is seriously deficient in managing the joint property, the court may, at the request of the other spouse, assign the management of that property or part thereof to the first-mentioned spouse, excluding the first-mentioned spouse. In the assignment, the court may establish further rules regarding management and representation as referred to in paragraph 4.
2. Articles 86, paragraphs 2-4, and 90, paragraph 3, shall apply *mutatis mutandis*.
3. The court shall order the summons of both spouses and, if the spouse mentioned first in paragraph 1 has appointed a representative, this representative as well.
4. The spouse to whom the management of property is entrusted is authorized to representation of the spouse from whom it is withdrawn, in acts other than administrative acts relating to those assets.

Article 92

1. If it is not clear to a third party which of the spouses is authorised to manage a movable property that is not registered property or a bearer right, he or she may deem the spouse who has the property or bearer document in his or her possession to be authorised.
2. A spouse who, as a result of a legal act of the other spouse, is disturbed in the management of an asset by a third party acting in good faith loses the right to end the disturbance if they do not object to the disturbance within a reasonable period after it became known to them. The spouse's right to end the disturbance also lapses if the third party has given them a reasonable period to exercise that right and they have not exercised it.
3. It cannot be held against a third party that a claim for compensation which arose during the marriage due to a transfer of assets between the spouses or between one of the spouses and a community of property existing between them, is not claimable.

Article 92a

Article 92a

This title does not apply to legally separated spouses.

C.4 Title 7 The statutory community of property

Civil Code Book 1

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Valid from 05-12-2015 to 31-12-2015.

Title 7. The statutory community of property

Section 1. General provisions

Article 93

Prenuptial agreements may deviate from the provisions of this Title either expressly or by their nature, except to the extent that the provisions expressly or by their nature oppose such deviation.

Article 94

1. From the moment the marriage is solemnized, a community of property exists by operation of law between the spouses.
2. The community includes, as regards its benefits, all the property of the spouses, commencement of the community present or acquired afterwards, as long as the community has not been dissolved, with the exception of:
 - a. goods in respect of which the testator has made a will or a gift it has been determined that they are outside the community;
 - b. pension rights to which the Pension Rights Equalisation in the Event of Divorce Act applies, as well as survivors' pension rights related to those pension rights;
 - c. rights to establish usufruct as referred to in Articles 29 and 30 of Book 4, usufruct established on the basis of those provisions, as well as that which is acquired pursuant to Article 34 of Book 4.
3. Goods and debts that belong to one of the spouses in any special way being attached only falls within the community to the extent that that attachment does not oppose this.
4. The fruits of assets not included in the community of property are also not included in the community of property. The collection of a claim that falls outside the community of property, as well as a claim for compensation that replaces a spouse's own property, including a claim for depreciation of such property, are not included in the community of property.
5. The community includes, as regards its expenses, all debts of each of the spouses, with the exception of debts:
 - a. concerning goods excluded from the community;
 - b. from gifts made, agreements made and conversions entered into by one of the spouses as referred to in Article 126, paragraph 1 and paragraph 2, under a and c, of Book 4.
6. If a dispute arises between spouses regarding who owns an asset, and neither can prove their right to it, the asset is considered community property. This presumption does not prejudice the creditors of the spouses.

Article 95

1. An asset acquired by a spouse other than gratuitously remains outside the community of property if the consideration received upon acquisition of the asset is charged to more than half of their personal assets. To the extent that the consideration is charged to the community of property, the spouse is obligated to compensate the community of property. The amount of the compensation is determined in accordance with Article 87, paragraphs two and three.

1. An asset acquired by a spouse other than gratuitously remains outside the community of property if the consideration received upon acquisition of the asset is charged to more than half of their personal assets. To the extent that the consideration is charged to the community of property, the spouse is obligated to compensate the community of property. The amount of the compensation is determined in accordance with Article 87, paragraphs two and three.
2. If an asset becomes part of the community and a spouse has contributed to the consideration from his or her own assets upon acquisition, that spouse is entitled to a claim for compensation, the amount of which is determined in accordance with Article 87, paragraphs two and three.

Article 96

1. For a debt of a spouse, regardless of whether it is in the community, has fallen, both the community's goods and his own goods are expropriated.
2. For a debt of a spouse that has not fallen into the community of property, the community of property cannot be recovered if the other spouse indicates that the former's own property provides sufficient recourse.
3. The spouse whose own property has been used to pay a community debt is entitled to compensation from the community's property. If the debt relates to a community asset, the amount of compensation will be determined in accordance with Article 87, paragraphs two and three.
4. The spouse whose debt that has not fallen into the community of property has been paid from the community of property is therefore obliged to compensate the community of property. If the debt relates to an asset belonging to his own assets, the amount of the compensation shall be determined in accordance with Article 87, second and third paragraphs.
5. The spouse who objects to a creditor that an asset to which the creditor has recourse whoever does not belong to the community bears the burden of proof thereof.

Article 96a

If a spouse, through a beneficiary of a life insurance policy that is payable upon their death, has made a gift to a third party, and premiums for that insurance have been charged to the community of property, the spouse is obligated to compensate the community of property. The compensation amounts to a portion of the value of the benefit, proportional to the community of property's share of the premiums.

Article 96b

Spouses may agree otherwise on the amount of compensation under Articles 95, 96, and 96a. The second sentence of the fourth paragraph of Article 87 applies accordingly. If the compensation cannot be determined precisely, it shall be estimated.

Section 2. The governance of the community

Article 97

1. Any property registered in the name of a spouse or acquired by inheritance through inheritance, bequest, grant of a lease, or gift is subject to their administration. Otherwise, each spouse is authorized to administer the community property. Article 170, paragraph 1, of Book 3 applies accordingly.
2. If a community asset, with the consent of the spouse under whose sole or joint management that asset was administered, serves the other spouse's profession or business, then the management of that asset, insofar as it concerns actions that can be considered the normal exercise of that profession or business, rests exclusively with the latter spouse and, for the rest, with the spouses jointly. A granted consent is valid for the entire duration of the profession or business, unless the spouses agree otherwise. However, the court may terminate the servitude at any time for valid reasons at the request of either spouse.

2. If a community asset, with the consent of the spouse under whose sole or joint management that asset was administered, serves the other spouse's profession or business, then the management of that asset, insofar as it concerns actions that can be considered the normal exercise of that profession or business, rests exclusively with the latter spouse and, for the rest, with the spouses jointly. A granted consent is valid for the entire duration of the profession or business, unless the spouses agree otherwise. However, the court may terminate the servitude at any time for valid reasons at the request of either spouse.
3. Disputes between spouses concerning the management of community property may be submitted to the court at the request of the spouses or one of them.

Article 98

[Expired as of January 1, 2012]

Section 3. Dissolution of the community

Article 99

1. The community is dissolved by operation of law:
 - a. in the event of termination of the marriage or registered partnership by death: at the time of death;
 - b. in the event of termination of the marriage by divorce or dissolution of the registered partnership by the court: at the time of filing the petition for divorce or filing the petition for dissolution of the registered partnership, respectively;
 - c. in the event of legal separation: at the time of filing the request until legal separation;
 - d. in the event of dissolution of the community by a decision: at the time of submission of the request for dissolution of the community;
 - e. in the event of termination of the registered partnership with mutual approve: at the time the termination agreement is concluded;
 - f. in the event of disappearance and a subsequent marriage or registered partnership: at the time when the decision referred to in Article 417, paragraph 1, becomes final and binding;
 - g. in the event of termination by subsequent marriage contracts: at the time referred to in Article 120, first paragraph.
2. The dissolution of the community by submitting a request as referred to in the first paragraph, under b, c and d, or by concluding an agreement as referred to under e, may only be invoked against third parties who were unaware of it, if the request in question or the agreement was registered in the matrimonial property register referred to in Article 116.
3. If it is established that a request as referred to in the first paragraph, under b, c and d, or an agreement as referred to in the first paragraph, under e, can no longer lead to divorce, dissolution of the registered partnership, legal separation, termination of the community of property by an order, or termination of the registered partnership by mutual consent, respectively, all consequences of the community of property shall be revived by operation of law, as if no request had been submitted or agreement had been concluded, unless another ground for dissolution has arisen in the meantime. However, the validity of legal acts performed between the moment of submission of the request or conclusion of the agreement and the moment at which it is established that the request or agreement can no longer lead to the result referred to in the first sentence, shall be assessed at the time of the act.
4. Together with a request as referred to in the first paragraph, under b, c or d, a claim may be filed in accordance with Title 7 of Book 3 for the division of the community, for an order on the method of division and for the determination of the division.

Article 100

Article 100

1. The spouses have an equal share in the dissolved community, unless otherwise provided by prenuptial agreement or by an agreement concluded in writing between the spouses with a view to the imminent dissolution of the community other than by death or as a result of its dissolution by prenuptial agreement.
2. Those who are creditors at the dissolution of the community retain their right of future recourse to the community's assets, as long as these have not been divided.

Article 101

After the dissolution of the community, each spouse has the right to transfer the clothes and trinkets of his or her own use, as well as his or her professional and business assets and the papers and memorabilia belonging to his or her family, at the estimated price.
to take.

Article 102

After the dissolution of the community, each spouse remains fully liable for the community debts for which they were previously liable. For other community debts, they are jointly and severally liable with the other spouse, provided, however, that only what they have acquired by virtue of the division of the community can be recovered, without prejudice to Articles 190, paragraph 1, and 191, paragraph 1, of Book 3. The legal action for payment of the debt referred to in the second sentence expires simultaneously with the legal action against the spouse in whose person the community debt referred to in that sentence arose.

Article 103

1. Each spouse has the right to renounce the community of property; any agreements to the contrary are null and void.
2. The part of the community that is relinquished accrues to the share of the other spouse.
3. The spouse who has renounced the inheritance cannot reclaim anything from the community other than his bed and bedding, and the clothing he needs for his personal use. He can take over the papers and memorabilia belonging to his family for their estimated value.
4. This renunciation releases him from liability and the obligation to bear the debts of the community for which he was not liable before the dissolution of the community.
5. He remains liable for the debts of the community for which he was liable before the dissolution of the community. If he has paid more than half of a debt for which both spouses were fully liable before the dissolution of the community, he has recourse against the other spouse for the excess.
6. If the other spouse has paid, in whole or in part, a debt of the community for which they were not liable before the dissolution of the community, they have recourse against the spouse who renounced the community. If they have paid more than half of a debt for which both spouses were fully liable before the dissolution of the community, they have recourse against the spouse who renounced the community for the excess amount.

Article 104

1. The spouse who wishes to exercise the privilege described in the previous article is obliged, within three months after the dissolution of the community, to register a deed of renunciation in the matrimonial property register designated in Article 116 of this Book, on forfeiture of this privilege.

1. The spouse who wishes to exercise the privilege described in the previous article is obliged, within three months after the dissolution of the community, to register a deed of renunciation in the matrimonial property register designated in Article 116 of this Book, on forfeiture of this privilege.
2. If the community is dissolved by the death of the other spouse, the three-month period begins on the day on which the spouse wishing to exercise the privilege becomes aware of the death. If the community is dissolved in the manner referred to in Article 99, paragraph 1, under c and d, the period ends three months after the petition for dissolution of the community or for legal separation is filed with the court.

Article 105

1. The heirs of a spouse by whose death the community has been dissolved, or who has died within the period prescribed in the preceding article without having renounced the community, are each entitled to renounce their share in the manner prescribed in the preceding article within three months of becoming aware of the death.
2. The husband's right to recover his bed, bedding, and clothes from the community cannot be transferred and does not pass to his heirs.

Article 106

The court of the place where the deed of renunciation must be registered may extend the time limit for registration one or more times before its expiry on grounds of special circumstances.

Article 107

1. A spouse or their heir who has appropriated the community property, or has misappropriated or embezzled assets, can no longer renounce it. Acts of daily management or preservation of the property do not produce this effect.
2. He who, after renunciation, disposes of or embezzles property of the community, loses the right to invoke Article 103, paragraph 4, of this Book.

Article 108

1. Renunciation of community by a spouse or an heir of a community of property made by a spouse after the other spouse or one or more of their heirs has renounced it does not have the consequences described in Article 103, paragraphs 2 and 3 of this Book, and obligates those entitled to the community to settle it. Section 3 of Title 6 of Book 4, concerning the settlement of estates, applies accordingly as much as possible.
2. If the person who is liable to settle the community, after having made the
If, after being reminded of the account and statement, he fails to comply with this obligation, he loses the authority to invoke Article 103, paragraph 4, of this Book.

Section 4. Dissolution of the community by order

Article 109

A spouse may request the dissolution of the community of property if the other spouse recklessly incurs debts, squanders community property, performs acts that are clearly contrary to the management of community property by the other spouse, or refuses to provide the necessary information regarding the status of the community property and the debts recoverable from it, and the management of that property.

A spouse may request the dissolution of the community of property if the other spouse recklessly incurs debts, squanders community property, performs acts that are clearly contrary to the management of community property by the other spouse, or refuses to provide the necessary information regarding the status of the community property and the debts recoverable from it, and the management of that property.

Article 110

The spouse who requests the dissolution of the community of property may, in order to preserve his or her rights, take the measures specified in the Code of Civil Procedure.

Article 111

1. If the spouse against whom the application has been granted has harmed the community by having, after the commencement of the proceedings or within six months beforehand, recklessly incurred debts, wasted community property, or performed a legal act as referred to in Article 88 of this Book without the necessary permission or decision of the court, he or she shall be obliged to compensate the community for the damage caused.

2. A claim based on the previous paragraph may not be instituted later than three years after the request for dissolution of the community has been submitted to the court.

Article 112

[Expired as of January 1, 2012]

Article 113

If the community of property has been dissolved by annulment, the spouses may subsequently agree on a new community of property, but only by means of a prenuptial agreement.

C.5 Title 8 Marriage contracts

Civil Code Book 1

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Title 8. Marriage contracts

Section 1. Marriage contracts in general

Article 114

Prenuptial agreements can be made by prospective spouses before marriage or by spouses during marriage.

Article 115

1. Marriage contracts must be drawn up by notarial deed, otherwise they will be null and void entered into.
2. A power of attorney to enter into a prenuptial agreement must be in writing granted and must contain the provisions to be included in the prenuptial agreement.

Article 116

1. Provisions in a prenuptial agreement can only be invoked against third parties who were unaware of them if those provisions were registered in the public matrimonial property register, kept at the registry of the court within whose jurisdiction the marriage was solemnized, or, if the marriage was entered into outside the Netherlands, at the registry of the District Court of The Hague.
2. The manner in which the register is set out and consulted shall be further regulated by general administrative order.
3. By way of exception to the first paragraph, a general administrative order may stipulate that the register be kept elsewhere than at the court registry. A general administrative order may also stipulate that the provision of information for registration in the register shall take place exclusively in a manner specified in that order.

Article 117

1. Prenuptial agreements made or amended before marriage are only valid if those whose consent to the marriage is required have given their consent to the agreement or the amendment in the deed; if the judge's consent is required, it is sufficient to attach the judge's order to the minutes of the deed. Article 39, paragraph 1, of this Book applies mutatis mutandis to the request for the judge's consent.
2. Pre-marital agreements made before marriage take effect from the moment time of the solemnization of the marriage; no other time may be designated for it.

Article 118

The spouse under guardianship may only make or amend prenuptial agreements after the marriage with the permission of his or her guardian.

Article 119

[Expired as of January 1, 2012]

[Expired as of January 1, 2012]

Article 120

1. Prenuptial agreements made or amended during the marriage take effect on the day following the date on which the deed is executed, unless a later date is specified in the deed.
2. Provisions in this prenuptial agreement may only be invoked against third parties who were unaware of them if they have been registered in the matrimonial property register for at least fourteen days.

Article 121

1. Parties may deviate from the rules of statutory community of property by means of a prenuptial agreement, provided that such conditions do not conflict with mandatory legal provisions, morality, or public order.
2. They cannot determine that any one of them will be responsible for a greater share of the debts held, then his share in the community's assets amounts to.
3. They may not deviate from the rights arising from parental authority, nor from the rights granted by law to a surviving spouse.

Article 122

[Expired as of January 1, 2012]

Article 123

[Expired as of January 1, 2012]

Article 124

[Expired as of January 1, 2012]

Article 125

[Expired as of January 1, 2012]

Article 126

[Expired as of January 1, 2012]

Article 127

[Expired as of January 1, 2012]

Article 128

[Expired as of January 1, 2012]

Article 129

[Expired as of September 1, 2002]

Article 130

A spouse may prove to third parties their possession of assets held outside the community of property under a prenuptial agreement, with regard to bearer rights and items that are not registered property, only by mentioning them in the prenuptial agreement or in a description signed by the parties and the notary and attached to the minutes of that deed. If the mention of an asset does not provide a sufficient description, additional evidence may be provided by any means; with regard to assets acquired without a spouse's knowledge, proof may be provided by any means.

A spouse may prove to third parties their possession of assets held outside the community of property under a prenuptial agreement, with regard to bearer rights and items that are not registered property, only by mentioning them in the prenuptial agreement or in a description signed by the parties and the notary and attached to the minutes of that deed. If the mention of an asset does not provide a sufficient description, additional evidence may be provided by any means; with regard to assets acquired without a spouse's knowledge, proof may be provided by any means.

Article 131

1. If a dispute arises between spouses who are not married in community of property as to which of them owns a bearer right or an item that is not registered property, and neither of them can prove their right to this property, the property is deemed to belong to each spouse in equal shares.
2. The presumption does not operate to the detriment of the creditors of the spouses.

Section 2. Set-off clauses

Section 1. General rules for settlement clauses

Article 132

1. This section applies to prenuptial agreements that include one or more obligations to offset income or assets.
2. Unless otherwise provided, this section may be deviated from in prenuptial agreements either expressly or by the nature of the clauses.

Article 133

1. The obligation to offset income or assets is reciprocal.
2. The obligation to settle only relates to income that or on Assets acquired by the spouses during the existence of this obligation. The obligation to offset does not apply to assets acquired through inheritance by inheritance, bequest, preferential treatment, or gift, nor to the fruits thereof or to the goods replacing such assets or fruits. Nor does the obligation to offset apply to assets consisting of rights to establish usufruct as referred to in Articles 29 and 30 of Book 4, usufruct established pursuant to those provisions, or to assets acquired pursuant to Articles 34, 35, 36, 38, and 126, paragraph 2(a) and (c), of Book 4, and Section 3 of Title 4 of Book 4.

Article 134

A will or gift may stipulate that no settlement will take place of assets acquired by virtue of succession by inheritance, bequest, endowment or gift, and of the fruits thereof, if settlement thereof would have to take place under a prenuptial agreement.

Article 135

1. The settlement of income or assets is done in half.
2. Articles 181, 183, and 195 through 200 of Book 3 of this Code apply mutatis mutandis to the settlement, provided that the dates specified in Article 142 are decisive for assessing whether harm as referred to in Article 196 of Book 3 of this Code has occurred. Articles 677 through 680 of the Code of Civil Procedure apply mutatis mutandis.
3. A spouse who intentionally uses an asset that is part of the assets to be settled conceals, loses or keeps hidden, as a result of which the value thereof is not included in the settlement, should not settle the value thereof, but should compensate the other spouse in full.

3. A spouse who intentionally uses an asset that is part of the assets to be settled conceals, loses or keeps hidden, as a result of which the value thereof is not included in the settlement, should not settle the value thereof, but should compensate the other spouse in full.

Article 136

1. If a good has been acquired through the use of assets to be settled, The acquired asset is included in the netting assets for the share corresponding to the portion of the consideration used in the acquisition from the netting assets divided by the total consideration. If a spouse has incurred a debt in connection with the acquisition of an asset, the asset is included in the netting assets pursuant to the first sentence to the extent that the debt is included in it or has been repaid or paid from it.
2. If a dispute exists between the spouses regarding whether an asset qualifies as part of the netting assets, and neither can prove that the asset qualifies as non-netting assets, the asset will be deemed to be part of the netting assets. This presumption does not prejudice the spouses' creditors.

Article 137

1. Without prejudice to the third paragraph, a settlement shall be made in cash.
2. If, on the basis of a settlement clause, claims become due and payable between the parties, both claims will automatically be offset against each other up to their joint amount.
3. A spouse is only obliged to accept, or may only demand, a payment of property in lieu of a monetary settlement if the monetary settlement would be unacceptable according to standards of reasonableness and fairness.

Article 138

1. One spouse is not accountable to the other for the management of their property. Poor management of that property does not obligate the other to pay compensation.
2. One spouse can request an itemized, written, and signed statement from the other spouse annually detailing the income and assets to be offset. This provision is non-deviable.
3. Disputes between spouses concerning the declaration shall be decided by the court at the request of one of them.

Article 139

1. A spouse may request the termination of the mutual obligation to settle debts if the other spouse recklessly incurs debts, squanders his or her assets, or refuses to provide the mandatory statement referred to in Article 138, paragraph 2, regarding his or her income or assets to be settled.
2. If the spouse against whom the application is made harms the assets to be settled by having, after the commencement of the proceedings or within six months beforehand, recklessly incurred debts, wasted assets to be settled, or performed a legal act as referred to in Article 88 without the necessary permission or decision of the court, he or she is obliged to compensate the damage caused.
3. The first and second paragraphs cannot be deviated from.

Article 140

1. At the request of the spouse liable for the settlement, the court may, for compelling reasons, order that a sum owed, with or without interest to be determined in the order, be paid in installments or only after a certain period, either at once or in installments. In doing so, the court takes into account the interests of both parties. The court may require the spouse liable for the settlement to provide real or personal security for the payment of the sum owed within a specified period.

1. At the request of the spouse liable for the settlement, the court may, for compelling reasons, order that a sum owed, with or without interest to be determined in the order, be paid in installments or only after a certain period, either at once or in installments. In doing so, the court takes into account the interests of both parties. The court may require the spouse liable for the settlement to provide real or personal security for the payment of the sum owed within a specified period.
2. The provisions of the first paragraph regarding a spouse shall apply accordingly after his or her death to his or her legal successors under universal title.
3. The first and second paragraphs cannot be deviated from.

Section 2. Periodic settlement clauses

Article 141

1. If a settlement obligation relates to an agreement in the prenuptial agreement
If the specified period of the marriage and no settlement has been made for that period, the obligation to settle for that period remains in force and extends to the balance arising from the investment and reinvestment of that which has not been settled, as well as to the fruits thereof.
2. If a settlement obligation relates to a period of the marriage specified in the prenuptial agreement, then that settlement obligation ends at the time specified in Article 142, if that period is still running.
3. If, at the end of the marriage, a periodic settlement obligation as referred to in the first paragraph, agreed upon in the prenuptial agreement, has not been met, the assets then present are presumed to have been formed from what should have been settled, unless the requirements of reasonableness and fairness, in light of the nature and scope of the settlement obligation, dictate otherwise. Article 143 applies *mutatis mutandis*.
4. If a spouse has the predominant power to determine that the profits of a business not conducted in his or her own name will directly or indirectly benefit him or her, and a netting clause has been agreed that also includes business profits, the undistributed profits from such a business, to the extent that they are considered reasonable in social intercourse, will also be taken into account when determining the offsetting obligation of that spouse, without prejudice to the first paragraph.
5. The fourth paragraph applies accordingly if a spouse runs a business in their own name.
6. The right of set-off referred to in the first paragraph shall not expire before three years after the termination of the marriage or after the registration of the decree of legal separation in the register referred to in Article 116. This period cannot be shortened.

Section 3. Final settlement clauses

Article 142

1. The time at which the composition and size of the assets to be settled are determined is:
 - a. in the event of termination of the marriage or registered partnership by death: the time of death;
 - b. in the event of termination of the marriage by divorce: the time of filing the petition for divorce;
 - c. in the event of legal separation: the time of filing the request for legal separation;

- c. in the event of legal separation: the time of filing the request for legal separation;
 - d. in the event of the cancellation of the mutual obligation to offset as referred to in Article 139: the time of submission of the request for cancellation of that obligation;
 - e. in the event of termination of the registered partnership with mutual approval: the time at which the termination agreement is concluded;
 - f. in the event of dissolution of the registered partnership upon request: the time of submission of the request;
 - g. in case of disappearance and subsequent marriage or registered partnership: the time at which the decision referred to in the first paragraph of Article 417 has become final and binding;
 - h. in the event of the termination of the mutual obligation to settle matrimonial property rights in a prenuptial agreement: the time referred to in Article 120, paragraph 1.
2. The first paragraph, opening sentence and under b to f, can be amended in writing agreement may be deviated from.

Article 143

1. From the dates specified in the first paragraph of Article 142, either spouse may request that the assets of the other spouse to be settled be described.
2. Articles 671 to 676 and 679 of the Code of Civil Procedure shall apply mutatis mutandis.
3. The provisions of the previous paragraphs concerning a spouse shall apply accordingly after his or her death to his or her legal successors under universal title.
4. No deviation is possible from the first to the third paragraph.

Article 144

[Expired as of September 1, 2002]

Article 145

[Expired as of September 1, 2002]

Section 3. Gifts under prenuptial agreements

Article 146

[Expired as of January 1, 2003]

Article 147

[Expired as of January 1, 2003]

Article 148

[Expired as of January 1, 2003]

C.6 Title 9 Dissolution of marriage

Civil Code Book 1

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Title 9. Dissolution of marriage

Section 1. Dissolution of marriage in general

Article 149

The marriage ends:

- a. by death;
- b. if the missing person, who, in accordance with the provisions of the second or third section of the eighteenth title of this book is presumed dead or declared dead, is still alive on the day on which the surviving spouse entered into a new marriage or registered partnership: by the solemnization of this marriage or registered partnership;
- c. by divorce, in accordance with the provisions of the second section of this title;
- d. by dissolution of the marriage after legal separation, in accordance with the provisions of the second section of the tenth title of this book.

Section 2. Divorce

Article 150

Divorce between spouses who are not legally separated is pronounced at the request of one of the spouses or at their joint request.

Article 151

Divorce is granted at the request of one of the spouses if the marriage has irretrievably broken down.

Article 152

[Expired as of January 1, 1993]

Article 153

1. If, as a result of the requested divorce, an existing prospect of benefits to the other spouse after the prior death of the requesting spouse would be lost or seriously diminished, and the other spouse therefore objects to the request, it cannot be granted until a provision has been made that, given the circumstances of the case, can be considered fair to both spouses. The court may set a time limit for this purpose.
2. The first paragraph does not apply:
 - a. if it can reasonably be expected that the other spouse can make sufficient provisions for that eventuality;
 - b. if the irretrievable breakdown of the marriage is predominantly attributable to the other spouse.

Article 154

1. Divorce is granted upon joint petition of the spouses if the petition is based on their mutual assessment that the marriage has irretrievably broken down.

1. Divorce is granted upon joint petition of the spouses if the petition is based on their mutual assessment that the marriage has irretrievably broken down.
2. Either spouse may withdraw the request until the time of the judgment.

Article 155

In the event of divorce and to the extent that one spouse has accrued pension rights after the marriage and before the divorce, the other spouse is entitled to pension equalisation in accordance with the provisions of or pursuant to the Pension Rights Equalisation in the Event of Divorce Act, unless the spouses have excluded its applicability in the manner provided for in this Act.

Article 156

[Expired as of January 1, 1993]

Article 157

1. The court may, in the divorce decree or in a subsequent judgment, grant maintenance to a spouse who does not have sufficient income to support himself or herself, nor who cannot reasonably obtain it, at the request of the other spouse.
2. When determining the benefit, the court may take into account the need for subsistence provision in the event of the death of the person liable for the benefit.
3. The judge may, at the request of one of the spouses, grant the benefit under Establishment of conditions and a term. This determination may not result in the benefit ending later than twelve years after the date of registration of the order in the civil registry.
4. If the court has not set a term, the maintenance obligation will automatically end after a period of twelve years, starting on the date of registration of the order in the civil registry.
5. If the termination of the benefit due to the expiration of the term referred to in the fourth paragraph is of such a drastic nature that, according to standards of reasonableness and fairness, the person entitled to the benefit cannot reasonably be expected to maintain that term unchanged, the court may, at their request, set a new term. The request must be submitted before three months have elapsed since the termination. The court will determine in its ruling whether or not an extension of the term after its expiration is possible.
6. If the duration of the marriage does not exceed five years and no children have been born from this marriage, the maintenance obligation ends automatically after a period equal to the duration of the marriage, commencing on the date the order is registered in the civil registry. If the court sets a period, this determination cannot result in the benefit ending at a later date than would be the case under the previous sentence. The fifth paragraph applies *mutatis mutandis*, with the understanding that in the first sentence, "the period referred to in the fourth paragraph" is replaced by "the period referred to in the first sentence."

Article 158

Before or after the divorce decree, the spouses may agree on whether, and if so, to what amount, one spouse will be liable to pay the other for his or her maintenance after the divorce. If the agreement does not specify a time limit, Article 157, paragraphs 4 through 6, shall apply accordingly.

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Article 159

1. The agreement may stipulate that it cannot be amended by court order due to a change in circumstances. Such a stipulation can only be made in writing.
2. The clause shall lapse if the agreement was entered into before the submission of the A petition for divorce, unless filed within three months of the agreement. The foregoing applies mutatis mutandis to a joint petition.
3. Notwithstanding such a clause, the agreement may be terminated at the request of either party be amended by the judge in the divorce decree or by a later decree on the grounds of such a radical change in circumstances that the applicant can no longer be held to the clause according to standards of reasonableness and fairness.

Article 159a

An agreement as referred to in Articles 158 and 159 of this book does not preclude recovery under Section 6.5 of the Participation Act and does not affect the determination of the amount to be recovered.

Article 160

An obligation of a former spouse to provide maintenance to the other party by virtue of a divorce ends when the other party remarries, enters into a registered partnership, or begins living with another person as if they were married or had registered their partnership.

Article 161

[Expired as of 2 November 1995]

Article 161a

[Expired as of 2 November 1995]

Article 162

[Expired as of 2 November 1995]

Article 162a

[Expired as of 2 November 1995]

Article 163

1. The divorce is effected by the registration of the decree in the civil registry.
2. Registration takes place at the request of the parties or one of them.
3. If the request for registration is not made within six months after the date on which the decision becomes final and binding, the decision shall cease to have effect.

Article 164

Article 164

1. If a community of property existing between the spouses has been prejudiced by one of them because, after the commencement of the proceedings or within six months beforehand, he has recklessly incurred debts, has squandered community property, or has performed legal acts as referred to in Article 88 of this Book without the necessary permission or decision of the court, he shall be obliged, after the registration of the decree pronouncing the divorce, to compensate the community for the damage caused.
2. An action based on the previous paragraph may not be instituted later than three years after the registration of the decision.

Article 165

1. At the request of a spouse, the judge may add to the divorce decree or determine in a subsequent ruling that, if that spouse at the time of registration of the order occupies a dwelling that belongs exclusively or jointly to the other spouse or is entitled to use it, that spouse is entitled towards the other spouse to continue the occupancy and use of the items belonging to the dwelling and its contents for a period of six months after registration of the order against reasonable compensation.
2. Any legal act performed by the other spouse during that period without his consent cannot be invoked against him to the detriment of his authority as described in the previous paragraph.
3. If he refuses his consent or is unable to express his wishes, the court which at first instance decided on the petition for divorce, at the request of the other former spouse, shall determine that the previous paragraph shall not apply.

Article 166

If the divorced spouses remarry or enter into a registered partnership, all the consequences of the marriage are automatically revived, as if no divorce had taken place. However, the validity of legal acts performed between the dissolution of the marriage and the new marriage or registered partnership is assessed at the time of the act.

Article 167

[Expired as of July 5, 1982]

**C.7 Title 10 Legal separation and dissolution of marriage after
legal separation**

Civil Code Book 1

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Title 10. Legal separation and dissolution of marriage after legal separation

Section 1. Legal separation

Article 168

[Expired as of June 22, 2001]

Article 169

1. Legal separation may be requested on the same grounds and in the same manner as divorce.
2. Articles 151, 154 to 159a shall apply accordingly, provided that the periods referred to in Article 157, third to sixth paragraphs, shall commence on the date on which the decree of legal separation is registered in the matrimonial property register designated in Article 116, and that the duration of the marriage shall be calculated up to that date.
3. An obligation of one spouse to provide maintenance to the other spouse by virtue of legal separation ends upon the dissolution of the marriage.

Article 170

[Expired as of 2 November 1995]

Article 171

[Expired as of 2 November 1995]

Article 171a

[Expired as of 2 November 1995]

Article 172

[Expired as of 2 November 1995]

Article 173

1. The legal separation is effected by the registration of the order in the matrimonial property register, designated in Article 116.
2. Registration takes place at the request of the spouses or one of them.
3. If the request is not made within six months after the date on which the decision becomes final and binding, the decision shall cease to have effect.

Article 174

1. If a community of property existing between the spouses has been prejudiced by one of them because, after the commencement of the proceedings or within six months beforehand, he has recklessly incurred debts, has squandered community property, or has performed legal acts as referred to in Article 88 of this Book without the necessary permission or decision of the court, he shall be obliged, after the order declaring the legal separation has been registered, to compensate the community for the damage caused.

1. If a community of property existing between the spouses has been prejudiced by one of them because, after the commencement of the proceedings or within six months beforehand, he has recklessly incurred debts, has squandered community property, or has performed legal acts as referred to in Article 88 of this Book without the necessary permission or decision of the court, he shall be obliged, after the order declaring the legal separation has been registered, to compensate the community for the damage caused.
2. An action based on the first paragraph may not be instituted later than three years after the registration of the decree of legal separation.

Article 175

1. At the request of a spouse, the court may determine in the order granting legal separation or in a subsequent judgment that, if that spouse at the time of registration of the order occupies a dwelling which belongs exclusively or jointly to the other spouse or is entitled to the use of it, that spouse is entitled towards the other spouse to continue the occupancy and use of the items belonging to the dwelling and its contents for a period of six months after registration of the order, in return for a reasonable compensation.
2. Any legal act performed by the other spouse during that period without his consent cannot be invoked against him to the detriment of his authority as described in the previous paragraph.
3. If he refuses his consent or is unable to express his wishes, the court which at first instance decided on the application for legal separation may, at the request of the other spouse, determine that the previous paragraph shall not apply.

Article 176

1. A legal separation ends with the reconciliation of the spouses, on the time at which they, at their unanimous request, have had it recorded in the matrimonial property register designated in Article 116 that the divorce has ceased to exist.
2. The registration revives all the consequences of the marriage by operation of law, as if no legal separation had taken place. However, the validity of legal acts performed between the legal separation and the reconciliation is assessed at the time of the act.

Article 177

[Expired as of June 1, 2001]

Article 178

[Expired as of July 5, 1982]

Section 2. Dissolution of marriage after legal separation

Article 179

1. Dissolution of the marriage of spouses who are legally separated shall be pronounced at the request of either spouse, if the separation has lasted for at least three years.
2. The three-year period may be shortened to at least one year at the request of a spouse if the other spouse is persistently guilty of misconduct to such an extent that the spouse who made the request cannot be expected to continue the marriage.

Article 180

Article 180

1. If, as a result of the requested dissolution of the marriage, an existing if the prospect of benefits to the other spouse following the prior death of the spouse making the request would be lost or seriously diminished, and the other spouse therefore objects to the request, the request may not be granted until provision has been made in this regard which, having regard to the circumstances of the case, can be considered fair to both spouses.

The judge may set a term for this purpose.

2. The first paragraph does not apply:
 - a. if it can reasonably be expected that the other spouse can make sufficient provisions for that eventuality;
 - b. if the other spouse persistently engages in misconduct to such an extent that the spouse making the request could not reasonably be expected to provide maintenance.

Article 181

Dissolution of the marriage of spouses who are legally separated is pronounced upon their joint request.

Article 182

Articles 154, paragraph 2, and 157 to 160 of this Book shall apply mutatis mutandis, provided that the periods referred to in Article 157, paragraphs 3 to 6, shall be reduced by the time during which an obligation to support the other spouse existed at the time of the legal separation, and that the duration of the marriage shall be calculated up to the date on which the decree of legal separation is entered in the matrimonial property register designated in Article 116.

Article 183

1. The dissolution of the marriage is effected by the registration of the order in the civil registers.
2. Articles 163, second and third paragraphs, and 166 of this Book shall apply mutatis mutandis.

Article 184

[Expired as of October 1, 1971]

Article 185

[Expired as of October 1, 1971]

Article 186

[Expired as of October 1, 1971]

Article 187

[Expired as of October 1, 1971]

Article 188

[Expired as of October 1, 1971]

[Expired as of October 1, 1971]

Article 189

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[Expired as of October 1, 1971]

Article 191

[Expired as of October 1, 1971]

Article 192

[Expired as of October 1, 1971]

Article 193

[Expired as of October 1, 1971]

Article 194

[Expired as of October 1, 1971]

Article 195

[Expired as of October 1, 1971]

Article 196

[Expired as of October 1, 1971]