

No. 6216

**POLAND
and
HUNGARY**

Treaty concerning legal relations in civil, family and criminal cases. Signed at Budapest, on 6 March 1959

Official texts: Polish and Hungarian.

Registered by Poland on 10 July 1962.

**POLOGNE
et
HONGRIE**

Traité concernant les relations juridiques en matière civile, familiale et pénale. Signé à Budapest, le 6 mars 1959

Textes officiels polonais et hongrois.

Enregistré par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6216. TREATY¹ BETWEEN THE POLISH PEOPLE'S
REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC
CONCERNING LEGAL RELATIONS IN CIVIL, FAMILY
AND CRIMINAL CASES. SIGNED AT BUDAPEST, ON
6 MARCH 1959

The Council of State of the Polish People's Republic and the Presidential Council of the Hungarian People's Republic, desiring to strengthen co-operation between the two States in the sphere of legal relations as in others, have decided to conclude a Treaty concerning legal relations in civil, family and criminal cases and for this purpose have appointed as their plenipotentiaries :

The Council of State of the Polish People's Republic :

Adam Willmann, Ambassador Extraordinary and Plenipotentiary of the
Polish People's Republic at Budapest;

The Presidential Council of the Hungarian People's Republic :

Dr. Ferenc Nezvál, Minister for Justice of the Hungarian People's Re-
public,

who, having exchanged their full powers, found in good and due form, have
agreed as follows :

PART I

*GENERAL PROVISIONS**Article 1*

LEGAL PROTECTION

1. Nationals of either Contracting Party shall enjoy in the territory of the other Contracting Party, in respect of their persons and property, the same legal protection as nationals of the latter Contracting Party.

¹ Came into force on 26 February 1960, thirty days after the exchange of the instruments of ratification, in accordance with article 88 (1). The instruments of ratification were exchanged at Warsaw on 27 January 1960. At the same time an exchange of notes took place between the Ministers for Justice of the Polish People's Republic and the Hungarian People's Republic in the following terms :

[TRANSLATION — TRADUCTION]

During the negotiations preceding the conclusion of the aforementioned Treaty, the two Parties agreed that the provisions of article 48 of the Treaty shall be applicable only to cases in which death has occurred, and an estate has consequently been left, after the entry into force of the said Treaty.

2. The provisions of paragraph 1 shall apply *mutatis mutandis* to legal persons.

Article 2

PROVISION OF LEGAL ASSISTANCE

1. The courts and the procurators' and State notaries' offices of the Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The authorities referred to in paragraph 1 shall also provide legal assistance to other authorities which deal with civil, family and criminal cases.

Article 3

METHOD OF COMMUNICATION

1. In providing legal assistance, the authorities of the Contracting Parties referred to in article 2, paragraph 1, shall communicate with one another directly, save as otherwise provided in this Treaty in individual cases.

2. Other authorities which deal with civil, family and criminal cases shall address their applications to the courts, save as otherwise provided in this Treaty in individual cases.

Article 4

SCOPE OF LEGAL ASSISTANCE

Legal assistance shall include the performance of specific acts required in connexion with judicial proceedings, especially the preparation and transmittal of files and documents, the execution of searches, seizures and attachment of property, the transmittal and delivery of articles, the collection of evidence through the interrogation of litigants, accused persons, witnesses, experts and other interested persons, the conduct of judicial inspections *in situ*, and the processing of applications for the service of documents.

Article 5

FORM OF APPLICATION FOR LEGAL ASSISTANCE

1. An application for legal assistance must contain the following particulars :

- (a) The title of the applicant authority;
- (b) The title of the authority applied to;
- (c) The title of the case in which legal assistance is applied for;
- (d) The surnames and given names, domicile or residence, nationality and occupation of the parties or of the persons accused, and in criminal cases,

where possible, the place and date of birth of the persons accused and the surnames and given names of their parents;

- (e) The names and addresses of their legal representatives or counsel;
- (f) The substance of the application and any information required for its execution, including, in criminal cases, a description of the offence.

2. In applying for legal assistance the Contracting Parties shall, where necessary, use bilingual forms, of which they shall exchange models.

Article 6

PROCEDURE FOR DEALING WITH APPLICATIONS

1. In dealing with an application for legal assistance, the authority applied to shall follow the laws of its own State.

2. The authority applied to shall, if the applicant authority so requests, employ the judicial procedures of the applicant Contracting Party, provided that such procedures do not conflict with the laws of the Party applied to.

3. If the authority applied to is not competent to deal with an application, it shall of its own motion transmit the application to the competent authority and shall notify the applicant authority accordingly.

4. If the address of the person named in an application is unknown or if the address indicated proves to be incorrect, the authority applied to shall take appropriate steps to determine the address. If the address cannot be determined, the authority applied to shall so notify the applicant authority, at the same time returning the application for legal assistance.

5. The authority applied to shall, if the applicant authority so requests, notify the latter, in due time, where and when the desired legal assistance is to be rendered.

6. The authority applied to shall, after executing an application for legal assistance, return the files to the applicant authority, or shall advise it of the circumstances which prevent execution of the application.

Article 7

PROTECTION OF WITNESSES AND EXPERTS

1. No person of whatsoever nationality who, in response to a summons served on him by an authority of the Party applied to, appears as a witness or an expert before an authority of the applicant Party may be prosecuted or detained either for the offence which is the subject of the proceedings or for any other offence committed before he crossed the frontier of the applicant State, nor may he be punished for such offence in the territory of that State.

2. The witness or expert shall forfeit the protection defined in paragraph 1 if, being at liberty to do so, he fails to quit the territory of the applicant Party within one week from the date on which the interrogating authority informs him that his presence is no longer necessary.

Article 8

FORM OF DOCUMENTS

Documents transmitted in pursuance of this Treaty must be signed and must bear an official seal.

Article 9

APPLICATIONS FOR THE SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall follow the laws of its own State, provided that the document to be served is accompanied by a certified translation into the language of the Party applied to. Otherwise, the authority applied to shall deliver the document to the recipient only if he is willing to accept it.

2. An application for the service of documents must state the exact address of the recipient and the subject of the document to be served.

3. If a document cannot be served at the address indicated in the application, the authority applied to shall of its own motion take the necessary steps to determine the recipient's address. If such address cannot be determined, the applicant authority shall be so notified and the document in question shall be returned at the same time.

Article 10

PROOF OF SERVICE OF DOCUMENTS

A receipt signed by the recipient and indicating the date of service, or a certificate issued by the authority applied to attesting to the fact, manner and time of service, shall be deemed to constitute proof of service.

Article 11

COSTS OF LEGAL ASSISTANCE

1. The Party applied to shall make no claim for repayment of the costs of legal assistance. Each Contracting Party shall bear the costs incurred in providing legal assistance in its territory, including, in particular, expenses incurred in taking evidence.