

No. 6770

**ROMANIA
and
POLAND**

**Treaty concerning legal assistance and legal relations in
civil, family and criminal cases. Signed at Bucharest,
on 25 January 1962**

Official texts: Romanian and Polish.

Registered by Romania on 7 June 1963.

**ROUMANIE
et
POLOGNE**

**Traité relatif à l'entraide judiciaire et aux relations juri-
diques en matière civile, familiale et pénale. Signé à
Bucarest, le 25 janvier 1962**

Textes officiels roumain et polonais.

Enregistré par la Roumanie le 7 juin 1963.

[TRANSLATION — TRADUCTION]

No. 6770. TREATY¹ BETWEEN THE ROMANIAN PEOPLE'S
REPUBLIC AND THE POLISH PEOPLE'S REPUBLIC
CONCERNING LEGAL ASSISTANCE AND LEGAL RE-
LATIONS IN CIVIL, FAMILY AND CRIMINAL CASES.
SIGNED AT BUCHAREST, ON 25 JANUARY 1962

The Council of State of the Romanian People's Republic and the Council of State of the Polish People's Republic, desiring to strengthen the fraternal bonds between the two States and to develop co-operation between them in the field of law as in others, have decided to conclude a Treaty concerning legal assistance and legal relations in civil, family and criminal cases, and for this purpose have appointed as their plenipotentiaries :

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

Aurel Mălnășan, Deputy Minister for Foreign Affairs,

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

Janusz Zambrowicz, Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic to the Romanian People's Republic,

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 and bodies corporate constituted in accordance with its laws (hereinafter called "nationals") shall enjoy in the territory of the other Contracting Party, in respect of their personal and property rights, the same legal protection as nationals of the latter Contracting Party.

¹ Came into force on 6 December 1962, thirty days after the exchange of the instruments of ratification which took place at Warsaw on 6 November 1962, in accordance with article 82.

2. Nationals of either Contracting Party shall have free and unimpeded access to the authorities of the other Contracting Party having jurisdiction in civil, family and criminal cases and may protect their interests, present petitions and institute proceedings before such authorities under the same conditions as nationals of the latter Contracting Party.

Article 2

PROVISION OF LEGAL ASSISTANCE

1. The courts and the procurators' and State notaries' offices (hereinafter called "judicial authorities") of the Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The judicial authorities shall also provide legal assistance to other authorities having jurisdiction in the cases referred to in paragraph 1.

Article 3

SCOPE OF LEGAL ASSISTANCE

Legal assistance shall include the performance of specific acts required in connexion with judicial proceedings, in particular the preparation, transmittal and service of documents, the transmittal or delivery of material evidence, the conduct of expert examinations, the interrogation of litigants, accused persons, witnesses, experts and other persons, and the conduct of judicial inspections *in situ*, searches and seizures.

Article 4

METHOD OF COMMUNICATION

1. In the matters regulated by this Treaty, the judicial authorities of the Contracting Parties shall, save as otherwise provided in this Treaty, communicate with one another through their central organs.

2. Other authorities of the Contracting Parties having jurisdiction in civil or family cases shall, save as otherwise provided in this Treaty, communicate with one another or with the judicial authorities through the Ministries of Justice.

Article 5

LANGUAGES

1. In communicating with one another, the judicial and other authorities of the Contracting Parties shall use their own language or the Russian language.

2. Applications for legal assistance and accompanying documents shall be drawn up in the language of the applicant Contracting Party. In cases where

such applications and documents are not required under this Treaty to be accompanied by a certified translation into the language of the Contracting Party applied to, they shall be accompanied by such a translation wherever possible.

3. The language of execution of an application for legal assistance shall be that of the Contracting Party applied to.

Article 6

CONTENTS OF APPLICATIONS FOR LEGAL ASSISTANCE

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 given names and surnames, domicile or residence, nationality and occupation of the parties or of the persons accused, on trial or convicted; and in criminal cases, where possible, the place and date of birth of the persons accused, on trial or convicted and the given names and surnames of their parents;
- (e) The given names, surnames and addresses of the legal representatives or counsel of the persons referred to;
- (f) The subject of the application and the information required for its execution, including, in criminal cases, a description of the offence.

Article 7

PROCEDURE FOR EXECUTING APPLICATIONS

1. In executing an application for legal assistance, the authority applied to shall follow the law of its own State. It may, if requested to do so, employ the judicial procedures of the applicant Contracting Party, provided that such procedures do not conflict with the law of its own State.

2. If the authority applied to is not competent to execute the application, it shall of its own motion transmit the application to the competent authority and shall at the same time notify the applicant authority accordingly.

3. The authority applied to shall, at the request of the applicant authority, notify the latter or the litigants in good time of the place and date of execution of an application for legal assistance. Such notice may be sent directly by registered letter.

4. If the exact address of the person to whom an application for legal assistance relates 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.

5. After executing an application, the authority applied to shall transmit the relevant documents to the applicant authority. If it has not been able to provide the legal assistance requested, the authority applied to shall return the documents to the applicant authority and shall at the same time advise it of the circumstances which prevented the execution of the application.

Article 8

FORM OF DOCUMENTS

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

Article 9

SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall follow the law of its own State, provided that the documents in question are drawn up in the language of that State or are accompanied by a certified translation into that language. Otherwise, the authority applied to shall deliver the documents to the recipient only if he is willing to accept them.

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

Article 10

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed in accordance with the appropriate regulations of the Contracting Party applied to. Such confirmation shall include in each case a receipt bearing the recipient's signature and the date, or a certificate issued by the authority applied to and attesting to the fact, manner and time of service.

Article 11

SUMMONING AND PROTECTION OF WITNESSES AND EXPERTS

1. If, in the course of an investigation or of judicial proceedings in the territory of one Contracting Party, need arises for the appearance as a witness or an expert of a person resident in the territory of the other Contracting Party, an authority of the Contracting Party in whose territory the proceedings are conducted may apply to the competent authority of the other Contracting Party for service of a summons.

2. Such summons shall make no provision for penalties in the event of failure to appear.