

No. 7019

**POLAND
and
BULGARIA**

**Treaty concerning legal assistance and legal relations in
civil, family and criminal cases. Signed at Warsaw, on
4 December 1961**

Official texts: Polish and Bulgarian.

Registered by Poland on 23 December 1963.

**POLOGNE
et
BULGARIE**

**Traité relatif à l'entraide judiciaire et aux relations juri-
diques en matière civile, familiale et pénale. Signé à
Varsovie, le 4 décembre 1961**

Textes officiels polonais et bulgare.

Enregistré par la Pologne le 23 décembre 1963.

[TRANSLATION — TRADUCTION]

No. 7019. TREATY¹ BETWEEN THE POLISH PEOPLE'S
REPUBLIC AND THE PEOPLE'S REPUBLIC OF
BULGARIA CONCERNING LEGAL ASSISTANCE AND
LEGAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL
CASES. SIGNED AT WARSAW, ON 4 DECEMBER 1961

The Council of State of the Polish People's Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria, desiring to strengthen the friendship between the two States and their peoples and attaching great importance to co-operation in the sphere of law, 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 Polish People's Republic :

Kazimierz Zawadzki, Under-Secretary of State in the Ministry of Justice of the Polish People's Republic;

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Atanas Voinov, Deputy Minister for Justice of the People's Republic of Bulgaria,

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

PART ONE

GENERAL PROVISIONS

Article 1

LEGAL PROTECTION

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

2. Nationals of either Contracting Party shall, in particular, have free and unimpeded access to the courts, procurators' offices and notarial authorities,

¹ Came into force on 19 April 1963, thirty days after the exchange of the instruments of ratification which took place at Sofia on 20 March 1963, in accordance with the provisions of article 91.

hereinafter called “judicial authorities”, and other authorities of the other Contracting Party having jurisdiction in the matters to which this Treaty relates and may appear before them, present petitions and institute proceedings under the same conditions as nationals of the latter Contracting Party.

3. The provisions of this Treaty shall apply, *mutatis mutandis*, to bodies corporate.

Article 2

METHOD OF COMMUNICATION

1. In the matters to which this Treaty relates, 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 shall also communicate with the judicial authorities of the other Contracting Party through the central organs referred to in paragraph 1.

Article 3

LANGUAGES

1. In their relations with one another, the authorities of the Contracting Parties shall use the Polish or the Bulgarian language.

2. Where, under the provisions of this Treaty, documents must be accompanied by certified translations into the language of the Contracting Party applied to, the said translations shall be made by an authorized translator, by the applicant authority or by the diplomatic or consular mission of one of the Contracting Parties.

Article 4

INFORMATION ON LEGISLATION

1. The Ministry of Justice and the General Procurator's Office of the Polish People's Republic and the Ministry of Justice and the Chief Procurator's Office of the People's Republic of Bulgaria shall, on request, provide each other with information on the legislation of their respective States.

2. The Ministries of Justice of the Contracting Parties shall transmit to each other the texts of such laws as may be promulgated after the entry into force of his Treaty.

Article 5

TRANSMITTAL OF ARTICLES AND CURRENCY

Where, pursuant to this Treaty, articles or currency are transmitted from the territory of one Contracting Party to the territory or to the diplomatic or consular

mission of the other Contracting Party, the pertinent laws of the Contracting Party whose authority is effecting the transmittal shall be observed.

Article 6

REFUSAL TO PERFORM ACTS

The performance of acts pursuant to this Treaty may be refused if such performance might be prejudicial to the sovereignty or security of the Contracting Party applied to.

PART TWO

LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES

Article 7

PROVISION AND SCOPE OF LEGAL ASSISTANCE

1. The judicial authorities of the Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. Legal assistance shall include the performance of specific acts, such as the execution of searches, the seizure of articles, the transmittal and delivery of physical evidence, the conduct of expert examinations, the interrogation of accused persons, witnesses and experts, the interrogation of litigants and other persons, the conduct of judicial inspections *in situ*, and the preparation, transmittal and delivery of documents.

3. The judicial authorities shall also provide legal assistance to other authorities in the matters to which this Treaty relates.

Article 8

APPLICATIONS FOR LEGAL ASSISTANCE

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

- (1) The title of the applicant authority;
- (2) The title of the authority applied to;
- (3) The title of the case in which legal assistance is applied for;
- (4) The given names and surnames, domicile or residence, nationality and occupation of the parties in the case, and in criminal cases, where possible, the place and date of birth of the accused persons as well ;

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

2. An application for service of a document shall state, in addition to the titles of the applicant authority and the authority applied to, the address of the recipient and the title of the document to be served.

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

4. Applications transmitted pursuant to this Treaty shall bear a signature and an official seal.

Article 9

PROCEDURE FOR EXECUTION

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

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 notify the applicant authority accordingly.

3. The authority applied to shall, at the request of the applicant authority and through the latter's intermediary, notify the parties in the case of the time and place of execution of the application.

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.

5. After executing the application, the authority applied to shall return the documents to the applicant authority. If it has not been possible to execute the application, the documents shall also be returned, together with an appropriate explanation.

Article 10

SERVICE OF DOCUMENTS

In serving documents, the authority applied to shall follow the procedure prescribed in its own State for the service of documents, provided that the document to be served is drawn up in the language of that State or accompanied by a certified translation. Otherwise, the document shall be delivered to the recipient if he is willing to accept it.