

No. 7314

**CZECHOSLOVAKIA
and
BULGARIA**

Treaty concerning legal assistance in civil and criminal cases. Signed at Prague, on 13 April 1954

Official texts: Czech and Bulgarian.

Registered by Czechoslovakia on 24 June 1964.

**TCHÉCOSLOVAQUIE
et
BULGARIE**

Traité relatif à l'entraide judiciaire en matière civile et pénale. Signé à Prague, le 13 avril 1954

Textes officiels tchèque et bulgare.

Enregistré par la Tchécoslovaquie le 24 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7314. TREATY¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING LEGAL ASSISTANCE IN CIVIL AND CRIMINAL CASES. SIGNED AT PRAGUE, ON 13 APRIL 1954

The President of the Czechoslovak Republic and the Council of Ministers of the People's Republic of Bulgaria,

Desiring that the close and lasting friendship and mutual confidence between the two countries should also find expression in the sphere of legal co-operation and in the intensification of their mutual legal relations, have decided to conclude a Treaty concerning legal assistance in civil and criminal cases.

For this purpose they have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Dr. Václav Škoda, Minister for Justice;

The Council of Ministers of the People's Republic of Bulgaria :

Mr. Milko Tarabanov, Ambassador Extraordinary and Plenipotentiary, who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions :

T I T L E I

LEGAL ASSISTANCE IN CIVIL CASES

PART I

CIVIL CASES

Chapter I

LEGAL PROTECTION

Article 1

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

¹ Came into force on 16 December 1954, one month after the exchange of the instruments of ratification, which took place at Sofia on 16 November 1954, in accordance with article 89 (1).

(2) They shall have free and unimpeded access to the courts of the other Party and may appear, make motions (institute proceedings, lodge complaints, present petitions, etc.) before them under the same conditions as nationals of the other Party.

Chapter II

SERVICE OF DOCUMENTS AND PROVISION OF OTHER LEGAL ASSISTANCE

Article 2

The courts of the two Parties shall provide one another directly with assistance in serving court documents and with other legal assistance in civil cases.

Article 3

(1) An application for the service of documents or for the provision of other legal assistance may be addressed by any court of one Party to any court of the other Party. Competence to receive and comply with such applications shall vest, in the territory of both Parties, in the People's Courts. Competence to lend documents for temporary use and to issue copies of documents shall vest, in the territory of both Parties, in the courts which dealt with the case at first instance.

(2) If the court applied to for the service of documents or for the provision of other legal assistance is not competent, it shall of its own motion transmit the application to the competent court and shall notify the applicant court accordingly.

(3) The court applied to shall, after complying with the application, transmit the documents to the applicant court or shall inform it of the circumstances which prevented compliance.

Article 4

(1) An application must specify the applicant court and the court applied to, the case in which legal assistance is applied for, the names of the parties, their occupation and domicile, the names of their representatives and the type of legal assistance applied for.

(2) An application for the service of documents must also specify the exact address of the recipient and the nature of the document to be served.

COMPLIANCE WITH APPLICATIONS FOR THE SERVICE OF DOCUMENTS OR FOR
THE PROVISION OF OTHER LEGAL ASSISTANCE

Article 5

(1) In serving a document, the court applied to shall follow the procedure prescribed by its own law for the service of similar documents, provided that the document is drawn up in the language of the Party applied to or is accompanied by a certified translation into that language. Otherwise, the court applied to shall deliver the document to the addressee if he is willing to accept it.

(2) The translation of a document into the language of the Party applied to shall be certified by a court translator or a court of the applicant Party or by a diplomatic or consular representative of the applicant Party or of the Party applied to.

(3) If a document cannot be served on the addressee at the address specified in the application, the court applied to shall take the necessary steps to determine the address.

Article 6

(1) Service shall be proved by a receipt signed by the recipient and bearing the date and the signature of the authority effecting service or by a certificate issued by that authority indicating the manner, place and time of service. If the document to be served was transmitted in duplicate, its receipt and service may also be confirmed on the second copy.

(2) Confirmation of receipt of a document may also take the form of a court notice.

Article 7

(1) In complying with an application, the court applied to shall be bound to follow the laws of its own State and to apply the measures of constraint which are applied in complying with similar applications from the courts of its own State. At the request of the applicant court, the court applied to may depart from the procedure prescribed by its own legislation and follow the special procedure requested, provided that such procedure is not at variance with the mandatory provisions of the Party applied to.

(2) The court applied to shall, at the request of the applicant court, notify it of the place and time of action to comply with the application.

Article 8

(1) The Parties shall not require repayment of costs or charge any fees for compliance with an application for the service of documents or for the

provision of other legal assistance; the same shall apply to costs connected with the interrogation of witnesses or experts or with judicial inspection. Such costs shall be borne by the Party applied to.

(2) Postal charges shall be borne by the Party in whose territory such charges are incurred.

(3) The court applied to shall communicate to the applicant court the amount of the costs and fees referred to in paragraph (1) in order that the applicant court may recover them from the person liable therefor. The sums recovered shall accrue to the applicant Party.

Article 9

SERVICE OF DOCUMENTS ON OWN NATIONALS

Each Party reserves the right to serve documents on its own nationals, if they are in the territory of the other Party, through its diplomatic or consular representatives. No compulsion shall be used in such service.

Chapter III

EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS

Article 10

A national of one Party who appears before a court of the other Party as a litigant (plaintiff, petitioner or third party) shall not be required, if he is living in the territory of either of the Parties, to deposit security for legal costs, however designated, on the ground that he is an alien or has no domicile or residence in the country in question.

Article 11

(1) If a litigant (plaintiff, petitioner or third party) exempt from the deposit of security for legal costs is ordered in the territory of one Party to pay such costs, the competent court in the territory of the other Party shall on application authorize free of charge the enforcement of the order for costs.

(2) Legal costs shall include the cost of the certificate, translation and authentication referred to in article 12.

Article 12

(1) In authorizing enforcement, the court shall confine itself to determining whether the judgement has become final and is enforceable.