

No. 7510

**HUNGARY
and
YUGOSLAVIA**

Treaty concerning mutual legal assistance. Signed at Belgrade, on 7 May 1960

Official texts: Hungarian and Serbo-Croat.

Registered by Hungary on 3 December 1964.

**HONGRIE
et
YOUUGOSLAVIE**

Traité d'assistance juridique réciproque. Signé à Belgrade, le 7 mai 1960

Textes officiels hongrois et serbo-croate.

Enregistré par la Hongrie le 3 décembre 1964.

[TRANSLATION — TRADUCTION]

No. 7510. TREATY¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA CONCERNING MUTUAL LEGAL ASSISTANCE. SIGNED AT BELGRADE, ON 7 MAY 1960

The Government of the Hungarian People's Republic and the Government of the Federal People's Republic of Yugoslavia, desiring to regulate legal relations between them, have decided to conclude a Treaty concerning legal assistance in civil, family and criminal matters and have for that purpose appointed as their plenipotentiaries :

The Government of the Hungarian People's Republic :

Dr. István Timár, Head of Department in the Ministry of Justice ;

The Government of the Federal People's Republic of Yugoslavia :

Bogoljub Popović, Minister Plenipotentiary,

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

PART I

GENERAL PROVISIONS

Article 1

(1) Nationals of one Contracting Party 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.

(2) Nationals of one Contracting Party may appear before the courts of the other Contracting Party under the same conditions as nationals of the latter Contracting Party.

(3) The provisions of paragraphs (1) and (2) shall also apply to bodies corporate.

¹ Came into force on 13 February 1961, thirty days after the exchange of the instruments of ratification which took place at Budapest on 13 January 1961, in accordance with article 94.

Article 2

Save as otherwise provided in this Treaty, the courts of the Contracting Parties shall communicate with one another through the Ministry of Justice of the Hungarian People's Republic, in the case of Hungary, and through the State Secretariats for Justice of the People's Republics of Serbia, Croatia, Slovenia, Bosnia and Hercegovina, Macedonia and Montenegro, in the case of Yugoslavia.

Article 3

(1) In providing legal assistance under this Treaty, the courts of the Contracting Parties shall, save as otherwise provided in this Treaty, communicate with one another in the Hungarian, Serbo-Croat, Slovenian or Macedonian language.

(2) Documents and instruments drawn up by a court of one Contracting Party at the request of a court of the other Contracting Party shall be in one of the languages specified in paragraph (1).

Article 4

The Ministry of Justice of the Hungarian People's Republic and the Secretariat for Judicial Matters of the Federal Executive Council of the Federal People's Republic of Yugoslavia shall furnish each other, on request, with the texts of legal provisions in force or formerly in force in the territory of their respective States and, where necessary, with information on particular legal questions.

Article 5

The provisions of this Treaty relating to courts shall also apply to other authorities which are competent, under the law of their country, to deal with civil, family or criminal matters.

PART II

LEGAL ASSISTANCE IN CIVIL AND FAMILY MATTERS

Chapter I

EXEMPTION FROM SECURITY FOR LEGAL COSTS AND
EXEMPTION FROM OTHER COSTS AND CHARGES*Article 6*

(1) Nationals of one Contracting Party who appear before the courts of the other Contracting Party as plaintiffs or intervenors shall not be required to deposit security for legal costs or to make any advance payment in respect of charges connected with

the proceedings, on condition that they are domiciled or resident in the territory of either Contracting Party.

(2) Advance payment in respect of costs incurred by them as litigants shall be required of nationals of one Contracting Party under the same conditions and to the same extent as apply to nationals of the other Contracting Party.

(3) The provisions of paragraphs (1) and (2) shall apply *mutatis mutandis* to bodies corporate.

Article 7

(1) If a litigant enjoying the privileges specified in article 6, paragraph (1), is required in pursuance of a final judgement to pay legal costs or charges, the said judgement shall, on application, and without charge, be enforced in the territory of the other Contracting Party in so far as the said costs or charges are concerned.

(2) An application for the recovery of legal costs shall be made by the party to whom the costs were awarded ; an application for the recovery of unpaid charges and of costs advanced by the State shall be made by the State.

(3) Applications may be made direct to the competent court of the other Contracting Party or to the court which dealt with the case at first instance ; the latter court shall transmit the application to the court of the other Contracting Party.

(4) Applications shall be accompanied by a certified transcript of that part of the judgement which relates to the legal costs and charges, a certificate attesting that the judgement has become final and is enforceable, and a certified translation of the aforementioned documents into the language of the Contracting Party to which the application for enforcement is made.

Article 8

(1) Judgements as referred to in article 7, paragraph (1), which have been rendered by a court of the other Contracting Party shall be enforced, without review of any kind, in the same manner as the judgements of domestic courts.

(2) Sums recovered in respect of legal costs shall be remitted to the litigant who applied for enforcement or to the diplomatic or consular mission of his country, and sums recovered in respect of unpaid charges and of costs advanced by the State shall be remitted to the diplomatic or consular mission of the Contracting Party which applied for enforcement.

Article 9

(1) Nationals of one Contracting Party shall, in the courts of the other Contracting Party, be accorded exemption from costs and charges, and any other

privilege relating to the payment of charges, under the same conditions and to the same extent as nationals of the latter Contracting Party.

(2) Any exemption or privilege as referred to in paragraph (1) which is accorded to a national of one Contracting Party in the territory of either Contracting Party shall also be accorded to him in all proceedings in the same case before a court of the other Contracting Party.

Article 10

(1) A certificate relating to the personal, income and property status of the applicant and required for the exercise of rights under article 9 shall be issued by the competent authority of the Contracting Party in whose territory the applicant is domiciled or resident.

(2) If the applicant is not domiciled or resident in the territory of either Contracting Party, a certificate issued by the diplomatic or consular mission of the Contracting Party of which he is a national shall suffice.

(3) The authority competent to issue the certificate referred to in paragraph (1) may request information from the competent authority of the other Contracting Party concerning the applicant's personal, income and property status.

(4) The court ruling on an application for exemption from costs and charges may also verify, through the competent authority of the other Contracting Party, the accuracy of the documents and information submitted and request further particulars from that authority.

Article 11

(1) A national of either Contracting Party domiciled or resident in the territory of one Contracting Party who wishes to avail himself of rights under article 9 before a court of the other Contracting Party may submit an application to that effect either direct to the court of the other Contracting Party or to the competent court of the place where he is domiciled or resident. The latter court shall transmit the application, together with the accompanying documents, to the court of the other Contracting Party in the manner prescribed in article 2.

(2) If the application and accompanying documents are not drawn up in the language of the Contracting Party whose court is to rule on the application, a certified translation shall be attached.