

No. 7517

**POLAND
and
YUGOSLAVIA**

**Treaty concerning legal relations in civil and criminal cases
(with exchange of letters). Signed at Warsaw, on
6 February 1960**

Official texts: Polish and Serbo-Croat.

Registered by Poland on 14 December 1964.

**POLOGNE
et
YOUUGOSLAVIE**

**Accord régissant les relations juridiques en matière civile
et pénale (avec échange de lettres). Signé à Varsovie,
le 6 février 1960**

Textes officiels polonais et serbo-croate.

Enregistré par la Pologne le 14 décembre 1964.

[TRANSLATION — TRADUCTION]

No. 7517. TREATY¹ BETWEEN THE POLISH PEOPLE'S
REPUBLIC AND THE FEDERAL PEOPLE'S REPUBLIC
OF YUGOSLAVIA CONCERNING LEGAL RELATIONS
IN CIVIL AND CRIMINAL CASES. SIGNED AT WAR-
SAW, ON 6 FEBRUARY 1960

The Polish People's Republic and the Federal People's Republic of Yugoslavia, desiring to regulate legal relations between them in a spirit of friendship and co-operation, have decided to conclude a Treaty concerning legal relations in civil and criminal cases.

For this purpose, the Plenipotentiaries of the two Contracting Parties, namely :

For the Polish People's Republic :

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

For the Federal People's Republic of Yugoslavia :

Dr. France Hočevar, Ambassador Extraordinary and Plenipotentiary of the Federal People's Republic of Yugoslavia in the Polish People's Republic,

having exchanged their full powers, found in good and due form, have agreed on the following provisions :

PART I

GENERAL PROVISIONS

Article 1

1. Nationals of either Contracting Party shall, in the territory of the other Contracting Party, have free access to the courts and may appear before them and avail themselves of legal protection, in respect of their persons and property, under the conditions applying to nationals of the other Contracting Party.

2. The provisions of paragraph 1 shall apply, *mutatis mutandis*, to bodies corporate.

¹ Came into force on 5 June 1963, 30 days after the exchange of the instruments of ratification which took place at Belgrade on 6 May 1963, in accordance with article 94.

Article 2

Save as otherwise provided by this Treaty, the courts of the Contracting Parties shall communicate with one another through the Ministry of Justice of the Polish People's Republic, on the one hand, and the secretariats of State for Judicial Affairs of the People's Republics of Serbia, Croatia, Slovenia, Bosnia and Hercegovina, Macedonia and Montenegro, on the other hand.

Article 3

1. In communicating with one another under the terms of this Treaty, the courts of the Contracting Parties shall, save as otherwise provided by this Treaty, use the Polish language or the Serbo-Croat, Slovenian and Macedonian languages.

2. Documents issued by a court of one Contracting Party at the request of a court of the other Contracting Party shall be drawn up in the language of the Party applied to.

Article 4

The provisions of this Treaty relating to the courts shall also apply, *mutatis mutandis*, to other authorities which, under the law of their State, have jurisdiction in civil and criminal cases.

Article 5

The Ministry of Justice of the Polish People's Republic and the Secretariat for Legal Affairs of the Federal Executive Council of the Federal People's Republic of Yugoslavia shall provide each other on request with the texts of regulations in force or formerly in force in the territory of their respective States, and also, where necessary, with information concerning particular legal questions.

PART II

CIVIL CASES

Chapter 1

EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS AND COURT CHARGES

Article 6

1. Nationals of one Contracting Party appearing as litigants before the courts of the other Contracting Party shall not be required to deposit security for legal costs or court charges on the ground that they are aliens or have no domicile or

residence in the territory of the latter Contracting Party, provided that they have their domicile or permanent residence in the territory of one of the Contracting Parties.

2. However, either Contracting Party may require nationals of the other Contracting Party to pay, under the same conditions and to the same extent as its own nationals, such deposit toward costs as may be required of litigants in the course of proceedings.

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

Article 7

1. If a person who is exempt from the deposit of security for legal costs or court charges under article 6 is required in pursuance of a final and enforceable judgement to pay such costs or charges, the said judgement shall, on application, be enforceable in the territory of the other Contracting Party in regard to the costs and charges, without regard to its enforcement in respect of the principal claim.

2. Application for the payment of legal costs shall be made by the party to whom they were awarded, whereas application for the payment of court costs and charges shall be made by the court to which they are due. Application shall be made in the manner specified in article 53, paragraphs 1 and 2.

3. The application shall be accompanied by :

- (a) A certified copy of that part of the judgement which relates to the legal costs or court charges, together with a certificate showing that the judgement is final and enforceable;
- (b) A translation of the document referred to in sub-paragraph (a) into the language of the Contracting Party in whose territory enforcement is sought. The translation must be certified in the manner specified in article 53, paragraph 3 (d).

4. The judgement referred to in paragraph 1 shall be enforced in the same manner as a judgement of a domestic court, without a prior hearing of the parties.

5. All court costs and charges recovered shall be transmitted to the diplomatic or consular mission of the Contracting Party whose court applied for enforcement.

Chapter 2

EXEMPTION FROM COURT COSTS AND CHARGES

Article 8

Nationals of either Contracting Party shall be entitled in the territory of the other Contracting Party to exemption from court costs and charges and to free

legal counsel under the same conditions and to the same extent as nationals of the latter Contracting Party.

Article 9

1. Entitlement to the benefits specified in article 8 shall be conditional upon the submission of an appropriate certificate issued by the competent authority of the place where the applicant is permanently resident.

2. If the applicant is not permanently 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.

Article 10

1. The authority competent to issue the certificates specified in article 9, paragraph 1, may require the authorities of the other Contracting Party to furnish information concerning the applicant's income and his property status.

2. The court which rules on an application for the grant of the benefits specified in article 8 may, within the limits of its competence, verify the certificates and information received and require the provision of any additional data necessary.

Article 11

1. Where a national of either Contracting Party who is permanently resident in the territory of one Party wishes to apply to a court of the other Party for the benefits specified in article 8, he may make such application directly to the said court or to the competent district court of the place where he is permanently resident, which shall transmit the application to the competent court of the other Contracting Party.

2. The application and annexes must be drawn up in the language of the Contracting Party whose court is to rule on the application or be accompanied by a certified translation into that language.

Chapter 3

PROVISION OF LEGAL ASSISTANCE AND SERVICE OF DOCUMENTS

Article 12

1. The courts of the Contracting Parties shall, upon application, provide one another with legal assistance and effect the service of documents in civil cases, both adversary and non-adversary.