

No. 9047

**AUSTRIA
and
FRANCE**

**Convention supplementary to The Hague Convention of
1 March 1954 relating to civil procedure. Signed at
Vienna, on 15 July 1966**

Official texts : German and French.

Registered by Austria on 3 April 1968.

**AUTRICHE
et
FRANCE**

**Convention additionnelle à la Convention de la Haye du
1^{er} mars 1954 relative à la procédure civile. Signée à
Vienne, le 15 juillet 1966**

Textes officiels allemand et français.

Enregistrée par l'Autriche le 3 avril 1968.

[TRANSLATION — TRADUCTION]

No. 9047. CONVENTION ¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE FRENCH REPUBLIC SUPPLEMENTARY TO THE HAGUE CONVENTION OF 1 MARCH 1954 ² RELATING TO CIVIL PROCEDURE. SIGNED AT VIENNA, ON 15 JULY 1966

The Federal President of the Republic of Austria and the President of the French Republic, desiring, in relations between the two States, to simplify the application of The Hague Convention of 1 March 1954 relating to civil procedure and to ensure the legal protection of their nationals, have decided to conclude a Convention for this purpose and have appointed as their plenipotentiaries,

The Federal President of the Republic of Austria :

Mr. Lujo Tončić-Sorinj, Federal Minister for Foreign Affairs,

Mr. Hans Klecatsky, Federal Minister of Justice ;

The President of the French Republic :

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

Article 1

(1) In civil and commercial matters, the nationals of one of the High Contracting Parties shall, in the territory of the other, have free and unrestricted access to the courts, whether as plaintiffs or defendants, questions relating to security for costs and penalties by foreign plaintiffs (*cautio judicatum solvi*) and free legal aid being governed by the provisions of The Hague Convention of 1 March 1954 relating to civil procedure and by the provisions of this Convention.

(2) The nationals of one of the High Contracting Parties shall be entitled, in the territory of the other, to the same legal protection with regard to their person and their property as that which is accorded to the nationals of the latter High Contracting Party.

¹ Came into force on 13 August 1967, the sixtieth day following the exchange of the instruments of ratification which took place at Paris on 14 June 1967, in accordance with article 11 (2).

² United Nations, *Treaty Series*, Vol. 286, p. 265.

Article 2

(1) In civil and commercial matters, writs and extra-judicial documents to be served on persons in the territory of one of the High Contracting Parties shall be transmitted, in a single copy, by the Ministry of Justice of the State making the request to the Ministry of Justice of the State to which the request is addressed.

(2) A receipt or other confirmation of the service of such documents shall be addressed by the Ministry of Justice of the State to which the request is made, to the Ministry of Justice of the State making the request.

(3) For exchanging further information concerning the service of the documents referred to in paragraph (1), the authorities designated above shall likewise correspond with one another direct.

(4) Letters transmitting such documents, and any additional information provided in accordance with paragraph (3) by the State making the request, shall be drawn up in the language of the State to which the request is made or shall be accompanied by a translation in that language.

Article 3

(1) In civil and commercial matters, letters rogatory shall be executed in the two States by the judicial authorities; such letters and the certificates of execution issued in connexion with them shall be transmitted through the Ministries of Justice of the High Contracting Parties.

(2) For exchanging further information concerning the letters rogatory, the Ministries of Justice shall likewise correspond with one another direct.

(3) Letters transmitting letters rogatory, and any additional information provided in accordance with paragraph (2) by the State making the request shall be drawn up in the language of the State to which the request is made or shall be accompanied by a translation in that language.

Article 4

The service of writs and extra-judicial documents and the execution of letters rogatory may not be refused on the grounds that the courts of the State to which the request is made have exclusive competence to deal with the case.

Article 5

Costs incurred in connexion with the service of writs and extra-judicial documents and the execution of letters rogatory shall not be reimbursed. However, costs incurred in connexion with the service of a document through the intervention of law officers shall, unless the service of the document