

No. 27088

**FRANCE
and
BULGARIA**

**Convention concerning judicial assistance in civil matters
(with annex). Signed at Sofia on 18 January 1989**

Authentic texts: French and Bulgarian.

Registered by France on 29 January 1990.

**FRANCE
et
BULGARIE**

**Convention d'entraide judiciaire en matière civile (avec an-
nexe). Signée à Sofia le 18 janvier 1989**

Textes authentiques : français et bulgare.

Enregistrée par la France le 29 janvier 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING RECIPROCAL LEGAL ASSISTANCE IN CIVIL MATTERS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA

The Government of the French Republic and the Government of the People's Republic of Bulgaria,

Desiring to establish closer cooperation in legal matters between the two countries,

Have decided to conclude this Convention:

Article 1

1. Each Contracting Party undertakes to provide the other Party with legal assistance in civil matters. For the purposes of this Convention, civil matters comprise civil law, family law and commercial law.

2. Reciprocal legal assistance shall, subject to the other provisions of this Convention, be provided through the central authorities, namely, the Ministries of Justice.

3. The central authorities shall communicate directly with each other in the language of the requesting Party and such communication shall be free of charge.

CHAPTER I

ACCESS TO JUDICIAL ORGANS

Article 2

1. Nationals of each Contracting Party shall, in the territory of the other Party, enjoy the same protection of their personal and property rights as that enjoyed by nationals of that other Contracting Party.

They shall accordingly, in the territory of the other Contracting Party, have free access to the judicial organs for the purpose of establishing and defending their rights.

2. Bodies corporate established in accordance with the laws of either Party and having their head office in its territory shall enjoy the same legal protection as nationals of the two Parties.

¹ Came into force on 1 October 1989, i.e., the first day of the second month following the date of the last of the notifications by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 26.

Article 3

Nationals of each Contracting Party may not, in the territory of the other Party, be required to pay any security or deposit under any designation, by reason of their status as aliens or the lack of domicile or residence in the country.

Article 4

Nationals of each Contracting Party shall, in the territory of the other Party, be entitled to legal aid on the same basis as nationals of that Party, in accordance with the relevant laws of the Contracting Party in whose territory aid is requested.

Article 5

Where, in the territory of either Party, a person has been granted the right to legal aid in respect of a proceeding which gave rise to a decision, he shall, without further scrutiny, be granted the right to legal aid in the territory of the other Party for the purpose of securing recognition and enforcement of the decision.

Article 6

1. A request for legal aid shall either be addressed to the competent authority of the requested Party or transmitted through the central authorities.
2. Subject to the provisions of article 5 above, the request shall be accompanied by an official document attesting to the means of the applicant.

CHAPTER II

TRANSMITTAL AND SERVICE OF DOCUMENTS

Article 7

1. Where a judicial or extrajudicial document is addressed to a person residing in the territory of the other Contracting Party, the competent authority shall address the request for service to the central authority of the requested Party.
2. The request shall be accompanied by the untranslated document, in duplicate, and by the model bilingual form annexed to this Convention, indicating the basic data to be contained in such a document.
3. The model form shall be completed in the language of the requesting Party.

Article 8

1. The central authority of the requested Party shall serve the document, or arrange for it to be served, through the channel which it deems most appropriate.
2. Proof of service, or of attempted service, shall be established by means of a receipt, a certificate or a report. These documents, together with a copy of the document served, shall be returned directly to the requesting authority.
3. The services of the requested Party may not give rise to the payment or the reimbursement of fees or costs.

Article 9

Each Party shall have the option to cause judicial and extrajudicial documents pertaining to its own nationals who are in the territory of the other Party to be served directly and without constraints.

Article 10

The preceding articles shall be without prejudice to:

- The option to send the document directly to the addressee by post;
- The option for any person concerned to arrange for service or notification of a legal document at his own expense and in accordance with the procedures in force in the territory of the Contracting Party to which it is addressed.

CHAPTER III

TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 11

1. The judicial authority of either Contracting Party may, by a letter rogatory, request the judicial authority of the other Party to conduct such examination proceedings as it may deem necessary in respect of a case pending before it.

2. The letter rogatory shall contain the following particulars:

(a) The designation of the requesting authority and, where possible, that of the requested authority;

(b) The names and addresses of the parties and, where applicable, of their representatives;

(c) The nature and subject of the proceeding and a brief statement of the facts;

(d) The examination proceedings to be conducted.

The letter rogatory shall bear the signature and the seal of the requesting authority.

3. The letter rogatory shall be accompanied by a translation in the language of the requested Party; it shall be sent by the central authority of the requesting Party to the central authority of the requested Party, which shall transmit it to the competent judicial authority.

Article 12

The requesting judicial authority may request that the parties concerned and, where applicable, their representatives, should be directly informed of the date and the place of the proceedings requested so that they may be present.

Article 13

1. The judicial authority executing a letter rogatory shall apply the laws of its own country with regard to the procedures to be followed.