

No. 31168

**SPAIN
and
BULGARIA**

**Agreement on legal assistance in civil matters (with annex).
Signed at Sofia on 23 May 1993**

Authentic texts: Spanish and Bulgarian.

Registered by Spain on 23 August 1994.

**ESPAGNE
et
BULGARIE**

**Accord d'assistance judiciaire en matière civile (avec annexe).
Signé à Sofia le 23 mai 1993**

Textes authentiques : espagnol et bulgare.

Enregistré par l'Espagne le 23 août 1994.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON LEGAL ASSISTANCE IN CIVIL MATTERS BETWEEN THE KINGDOM OF SPAIN AND THE REPUBLIC OF BULGARIA

The Kingdom of Spain and

The Republic of Bulgaria

Desiring to establish closer cooperation between their countries in the area of legal relations, have decided to conclude this Agreement.

Article 1

1. The Contracting Parties undertake to provide each other with legal assistance in civil matters. For the purposes of the Agreement, civil matters shall include civil, family and trade law.

2. Subject to the other provisions of this Agreement, legal assistance shall be provided through the central authorities; that is, the Ministry of Justice.

3. The central authorities shall communicate with each other directly in the language of the requesting Party, free of charge.

CHAPTER I. ACCESS TO THE COURTS

Article 2

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

Those nationals shall have free access to the courts in the territory of the other Contracting Party for the purpose of pursuing and defending their rights.

2. Legal entities instituted in accordance with the laws of one of the Parties and with headquarters in the territory of that Party shall enjoy the same legal protection as nationals of either Party.

Article 3

Nationals of either of the Contracting Parties shall not be required, in the territory of the other Party, to provide security or deposit of any kind, whether by reason of their status as foreigners or of the absence of domicile or residence in the country.

Article 4

Nationals of either Contracting Party shall benefit in the territory of the other Party from legal assistance on the same basis as the latter's nationals in accordance with the legislation on that matter of the Contracting Party in whose territory the request for free legal assistance was made.

¹ Came into force on 1 July 1994, i.e., the first day of the second month following the date of the last of the notifications (of 25 June 1993 and 18 May 1994) by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 26.

Article 5

When a person has been granted free legal assistance in the territory of one of the Parties for purposes of proceedings in which a decision has been rendered, they shall enjoy, without further review, free legal assistance in the territory of the other Party to obtain recognition or enforcement of that decision.

Article 6

1. The request for free legal assistance shall be submitted either through the competent authority of the requested Party or through the central authorities.

2. The request shall be accompanied by an official document attesting to the financial means of the applicant, subject to the provisions of article 5.

CHAPTER II. TRANSMISSION AND SERVICE OF DOCUMENTS

Article 7

1. When a judicial or extrajudicial document is addressed to a person resident in the territory of the other Contracting Party, the competent authority shall make the request for service through the central authority of the requested Party.

2. The request shall be accompanied by two copies of the original document and the form printed in the two languages annexed to this Convention, giving the particulars of the document.

3. The printed form shall be filled out in the language of the requesting Party.

Article 8

1. The central authority of the requested Party shall serve the documents or see that they are served by the method it deems most appropriate.

2. Proof of service or attempt to serve shall consist of a receipt, a certificate or record. Such documents, accompanied by a copy of the documents served, shall be returned directly to the requesting authority.

3. The services of the requested Party shall not give rise to payment or reimbursement of fees or costs.

Article 9

Each Party shall be free to serve judicial and extrajudicial documents on its own nationals who are located in the territory of the other Party directly and without coercion.

Article 10

There is nothing in the foregoing articles to prevent:

- The documents from being sent directly to the addressee through the mail;
- Interested parties from having the documents served according to the system in force in the territory of the Contracting Party of destination, at their own expense.

CHAPTER III. TRANSMISSION AND EXECUTION OF LETTERS ROGATORY

Article 11

1. The judicial authority of one of the Contracting Parties may request the judicial authority of the other Party, by means of a letter rogatory, to take such measures as it deems appropriate within the context of proceedings in which it is engaged.

2. The letter rogatory shall contain the following information:

- (a) The requesting authority, and, if possible, the requested authority;
- (b) The name and address of the Parties, and their representatives, if any;
- (c) The nature and purpose of the request and a brief statement of the facts;
- (d) The measures to be taken.

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

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

Article 12

The requesting judicial authority may request that the interested parties and their representatives, if any, be informed directly of the date and place where the measures requested will be carried out so that they may be present.

Article 13

1. The judicial authority which executes a letter rogatory shall apply the laws of its country in respect of the formalities to be observed.

2. Nevertheless, should the requesting authority request that a special formality be observed, this shall be done, provided that such formality does not conflict with the law of the requested Party and provided that such observance is not impossible because of the customary legal practice of the requested Party or because of practical difficulties.

3. The letter rogatory shall be executed on a priority basis.

Article 14

Execution of a letter rogatory may only be refused if such execution does not fall within the competence of the judicial authority of the requested Party, or if the latter deems that it could be detrimental to its sovereignty or security.

Article 15

Documents attesting to the execution of the letter rogatory shall be transmitted by the requested judicial authority to the requesting judicial authority through the central authority.

Article 16

1. Execution of the letter rogatory shall not give rise to reimbursement of fees or costs of any type.