

**No. 53144\***

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**Republic of Korea  
and  
Mongolia**

**Treaty on judicial assistance in civil and commercial matters between the Republic of Korea and Mongolia (with annexes). Seoul, 15 October 2008**

**Entry into force:** *8 May 2010, in accordance with article 30*

**Authentic texts:** *English, Korean and Mongolian*

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**République de Corée  
et  
Mongolie**

**Traité sur l'entraide judiciaire en matière civile et commerciale entre la République de Corée et la Mongolie (avec annexes). Séoul, 15 octobre 2008**

**Entrée en vigueur :** *8 mai 2010, conformément à l'article 30*

**Textes authentiques :** *anglais, coréen et mongol*

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**TREATY ON JUDICIAL ASSISTANCE IN CIVIL AND  
COMMERCIAL MATTERS BETWEEN  
THE REPUBLIC OF KOREA AND MONGOLIA**

The Republic of Korea and Mongolia(hereinafter referred to as "the Parties"),

Desiring to strengthen the judicial cooperation between the two countries in civil and commercial matters on the basis of mutual respect for sovereignty, equality and mutual benefit,

Have agreed as follows:

## **Chapter I General Provisions**

### **Article 1**

#### **Right of Access to the Courts**

1. Nationals of one Party shall, in the territory of the other Party, have the right of access to the courts of that other Party under the same conditions as those for nationals of that other Party.
2. One Party shall not delay without due cause the proceedings in which nationals of the other Party are involved.
3. Provisions of this Treaty referring to nationals of either Party shall also apply to legal persons incorporated in the territory of a Party in accordance with its national law.

### **Article 2**

#### **Scope of the Treaty**

The Parties shall afford each other, in accordance with the provisions of this Treaty, judicial assistance with regard to service of judicial documents, taking of evidence and exchange of legal information and judicial records in civil and commercial matters.

**Article 3**

**Legal Aid**

1. Nationals of one Party shall, in the territory of the other Party, be entitled to legal aid of the other Party in accordance with its national law.
2. An application for legal aid, as provided for in paragraph 1 of this Article, shall be accompanied by a certificate on the financial situation of the applicant that is issued by the competent authority of the Party in whose territory the applicant has his/her domicile or residence. If the applicant has no domicile or residence in the territory of either of the Parties, such certificate may be issued or verified by a diplomatic officer or a consular officer of the Party of which he/she is a national.
3. The authority responsible for the decision on the application for legal aid may require additional information from the applicant.

**Article 4**

**Channels of Judicial Assistance**

1. Unless otherwise provided for in this Treaty, the Parties shall communicate directly through their respectively designated Central Authorities to make or to grant requests for judicial assistance.
2. The Central Authority for the Republic of Korea is the National Court Administration, and the Central Authority for Mongolia is the Supreme Court of Mongolia.
3. A Party may, by written notice to the other Party, designate additional Central Authorities and determine the extent of their competence through the diplomatic channel.
4. Each Party shall promptly inform the other Party of any change in its Central Authority or Central Authorities.

**Article 5**

**Refusal of Judicial Assistance**

1. If the Requested Party considers that the provision of judicial assistance would prejudice its sovereignty, security or public order, or the assistance sought does not fall within the functions of its judicial authorities, it may refuse to provide judicial assistance and shall inform the Requesting Party of the reasons for the refusal.

2. A request for judicial assistance in service of judicial documents or taking of evidence shall not be refused by the Requested Party solely on the ground that its courts have exclusive jurisdiction over the subject matter of the action or that its national law would not permit the action upon which the request is based.

**Article 6**

**Correspondence**

1. If the Central Authority of the Requested Party deems that a request is not in compliance with the provisions of this Treaty, it shall promptly inform the Central Authority of the Requesting Party and specify its objections to the request.

2. If the Central Authority of the Requested Party deems that the information provided is inaccurate or is not sufficient to enable the request to be executed in accordance with the provisions of this Treaty, it may inquire as to the accuracy of the information provided in the request or ask the Central Authority of the Requesting Party for supplemental information.

3. If the Central Authority of the Requesting Party, under paragraph 1 or 2 of this Article, takes the appropriate measures or provides corrected or supplemental information sufficient to remove any barriers to the execution of the request, then the Central Authority of the Requested Party shall arrange to execute the request.