

N° 1259.

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**ALLEMAGNE ET  
UNION DES RÉPUBLIQUES  
SOVIÉTISTES SOCIALISTES**

Arrangement concernant le concours  
réciproque des tribunaux des deux  
pays en matière civile. Signé à  
Moscou, le 12 octobre 1925.

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**GERMANY  
AND UNION OF SOCIALIST  
SOVIET REPUBLICS**

Agreement concerning Reciprocal  
Legal Assistance in Civil Matters.  
Signed at Moscow, October 12,  
1925.

<sup>1</sup> TRANSLATION.

No. 1259. — AGREEMENT BETWEEN THE GERMAN REICH AND THE UNION OF SOCIALIST SOVIET REPUBLICS CONCERNING RECIPROCAL LEGAL ASSISTANCE IN CIVIL MATTERS. SIGNED AT MOSCOW, OCTOBER 12, 1925.

THE PRESIDENT OF THE GERMAN REICH, of the one part, and THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOCIALIST SOVIET REPUBLICS, of the other part, have, for the purpose of concluding an agreement concerning legal assistance in proceedings under civil law, appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Count BROCKDORFF-RANTZAU, German Ambassador at Moscow; and  
Dr. Paul VON KOERNER, Wirklicher Geheimrat ;

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOCIALIST SOVIET REPUBLICS :

Maxime LITVINOFF, Deputy People's Commissary for Foreign Affairs, Member of the Central Executive Committee of the Union of Socialist Soviet Republics, and  
Jacob HANETZKY, Member of the Board of the People's Commissariat for Foreign Trade;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

*Article 1.*

As between the two Contracting States the following provisions shall apply in civil matters to the service of documents and execution of letters rogatory, relating to the carrying-out of an act of procedure or to any other judicial act.

*Article 2.*

The service of documents shall be effected upon a request addressed by the consul of the State making the application to the President of the Provincial Court (*Landgerichtspräsident*) in the case of the German Reich, and to the President of the Government Court, in the case of the Union of Socialist Soviet Republics.

Letters rogatory shall be transmitted through the diplomatic channel.

If the authority applied to is not competent to deal with the matter, the request for service or the letter rogatory shall be transmitted to the competent authority and the authority making the request shall immediately be notified of the fact.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

*Article 3.*

Requests for service and letters rogatory shall be drawn up in the language of the State making the request. They must be accompanied by a German or Russian translation, which shall be certified correct by a diplomatic or consular representative of the State making the request or by a sworn or officially appointed translator of the State by which or to which the application is made.

Requests for service and letters rogatory shall state briefly the number and contents of the documents to be served, or of the annexes to the letters rogatory. The provisions of Article 5, second paragraph, shall not be affected hereby.

The papers proving that service has been effected or giving the reason why it has not been effected, replies to requests, and all documents drawn up to give effect to requests shall not be accompanied by translations unless at the desire of the State making the application, which shall then refund the costs of translation.

*Article 4.*

Requests for service and letters rogatory must specify the authority making the request, and the name and position of the parties concerned. Requests for service shall also give the address of the recipient and the nature of the document to be served.

For requests for the service, forms shall be used, which the Contracting States shall communicate to each other.

*Article 5.*

The competent authority of the State applied to shall be responsible for effecting service. Except in the cases specified in the second paragraph, such authority may limit its action to effecting service by the transmission of the document to the recipient if he is willing to accept it.

If the document to be served is drawn up in the language of the State to which application is made or accompanied by a translation certified correct in conformity with Article 3, paragraph 1, sentence 2, the authority applied to shall, if the authority making the request so desires, serve the document in question in the manner prescribed by its municipal law for the service of similar documents, or in a special form which is not incompatible with such law.

*Article 6.*

Proof of service shall be furnished either by a dated and duly certified receipt from the recipient or by a certificate of the authority of the State applied to, setting forth the fact, the manner and the date of such service.

These certificates shall be returned by the authority to whom the application is made through the channel specified in Article 2, first paragraph.

*Article 7.*

Each of the Contracting States shall be entitled to have documents served on its own nationals in the territory of the other State through its diplomatic or consular representatives, without the use of coercion.

*Article 8.*

The judicial authority to whom the letter rogatory is addressed, must give effect to it by the use of the same compulsory measures as in the execution of a request emanating from the authorities

of the State applied to. The procedure shall also be in conformity with the laws of the State applied to; if, however, the authority making the application so desires, a special form of procedure may be employed which is not incompatible with the law of the State applied to.

The authority making the request shall, if it so desires, be informed of the date and place where the proceedings will take place, in order that the interested party may be able to be present.

*Article 9.*

The service of documents and the execution of letters rogatory may be refused if the State in the territory of which the service or execution is to take place considers it such as to affect its sovereignty or safety.

In case of doubt as to the authenticity of a letter rogatory its execution may be postponed until such doubt has been removed.

*Article 10.*

No fees, stamp duties or charges of any kind shall be payable in respect of the service of documents or the execution of letters rogatory, with the exception of allowances to witnesses and experts.

The latter and any costs of translation in accordance with Article 3, third paragraph, shall be refunded in each case when the request is returned.

*Article 11.*

Any difficulties which may arise in connection with a request for the service of documents or for letters rogatory shall be settled through the diplomatic channel.

*Article 12.*

This Agreement, which is drawn up in German and Russian, shall come into force one month after the exchange of the instruments of ratification and shall remain in force for five years. The instruments of ratification shall be exchanged at Berlin.

If the present Agreement is not denounced by either of the Contracting Parties one year before the expiration of the period of five years, it shall remain in force until the expiration of one year from the date on which it is denounced by either Party.

In faith whereof, the Plenipotentiaries have signed the present Agreement.

Done in duplicate at Moscow, on the twelfth day of October, 1925.

(Signed) BROCKDORFF-RANTZAU.

(Signed) VON KOERNER.

(Signed) M. LITVINOFF.

(Signed) HANETZKY.