

N° 1106.

HONGRIE ET ROUMANIE

Protocole final de la Conférence de Bucarest, protocole additionnel et Convention relative à l'échange des actes judiciaires des registres fonciers et des registres de l'état civil, et protocole de signature, signés à Bucarest, le 16 avril 1924.

HUNGARY AND ROUMANIA

Final Protocol of the Bucharest Conference, Additional Protocol and Convention regarding the Exchange of Legal Documents, Land Registers and Registers of Civil Status, with Protocol of Signature, signed at Bucharest, April 16, 1924.

¹ TRADUCTION. — TRANSLATION.

No. 1106. — FINAL PROTOCOL ² OF THE BUCHAREST CONFERENCE,
SIGNED APRIL 16, 1924.

French official text communicated by the "Chargé des Affaires" of the Royal Hungarian Delegation accredited to the League of Nations. The registration of these instruments took place February 27, 1926.

HIS MOST SERENE HIGHNESS THE REGENT OF HUNGARY and HIS MAJESTY THE KING OF ROUMANIA, desirous of regulating by common consent the relations deriving from the Treaty of Trianon and certain other questions in which they are interested, have delegated to represent them at the Bucharest Conference :

HIS MOST SERENE HIGHNESS THE REGENT OF HUNGARY :

M. R. DE WODIANER, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Nicolas N. FILODOR, Envoy Extraordinary and Minister Plenipotentiary (First Class), Secretary-General of the Royal Ministry for Foreign Affairs ;

Who, as the outcome of meetings held at Bucharest between November 19, 1923 and April 16, 1924, have agreed upon the provisions contained in the instruments annexed to the present Protocol, and have signed those instruments, viz :

(1) Extradition Convention ³ between Hungary and Roumania, with Protocol, signed on April 16, 1924 ;

(2) Convention ⁴ between Hungary and Roumania relating to certain questions of civil procedure and private law, with Protocol, signed on April 16, 1924 ;

(3) Convention ⁵ between Hungary and Roumania, regarding the exchange of legal documents, land registers and registers of civil status, with Protocol, signed on April 16, 1924 ;

(4) Convention ⁶ between Hungary and Roumania regarding the exchange of land tax registers, signed on April 16, 1924 ;

(5) Agreement ⁷ between Hungary and Roumania regarding the settlement of questions relating to the "Gozsdu" Foundation, with Protocol, signed on April 16, 1924 ;

(6) Agreement ⁸ between Hungary and Roumania for the liquidation of the Hungarian restitutions by payment of a lump sum, signed on April 16, 1924 ;

(7) Convention ⁹ between Hungary and Roumania regarding the release of deposits and the settlement of debts and claims in former Austrian or Hungarian crowns, with Protocol, signed on April 16, 1924 ;

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Budapest, December 3, 1924.

³ Vol. XLII, page 145 of this Series.

⁴ Vol. XLII, page 165 of this Series.

⁵ Page 331 of this Volume.

⁶ Page 341 of this Volume.

⁷ Page 349 of this Volume.

⁸ Page 355 of this Volume.

⁹ Page 403 of this Volume.

(8) Convention¹ between Hungary and Roumania regarding the financial adjustment of matters relating to private insurance companies and the reciprocal treatment of these companies, with Protocol, signed on April 16, 1924;

(9)²

(10) Convention³ between Hungary and Roumania concerning the allocation of the property of counties (comitats), towns and villages, the former territory of which has been divided by the frontier fixed in the Treaty of Trianon, signed on April 16, 1924;

(11) Convention⁴ between Hungary and Roumania regarding the hydraulic system of coterminous territories and the dissolution of the Floods Protection Associations divided by the frontier, with Protocol, signed on April 16, 1924;

(12) Commercial Agreement⁵ between Hungary and Roumania, signed on April 16, 1924;

(13) Protocol⁶ between Hungary and Roumania regarding the ascertaining of particulars concerning securities administered by committees for minors and persons deprived of their civil rights, signed on April 16, 1924.

In faith whereof the respective Plenipotentiaries have signed the present Protocol and have thereto affixed their seals.

Done at Bucharest on April 16, 1924, in two original copies, one of which is retained by the Hungarian Delegation and the other by the Roumanian Delegation.

(L. S.) (Signed) R. DE WODIANER.

(L. S.) (Signed) N. N. FILODOR.

ADDITIONAL PROTOCOL.

On signing the Conventions enumerated in the Final Protocol of the Bucharest Conference, the undersigned Plenipotentiary of the Kingdom of Hungary takes note of the following declarations :

(1) The Roumanian Government declares that it does not sign the Convention for the avoidance of double taxation in the matter of direct taxes, since it proposes to reserve the entire question for settlement by the general system to be applied to all States.

(2) The Roumanian Government demands the omission of Article 21 of Annex 2 to the Commercial Agreement.

(3) The Roumanian Government desires it to be understood that the Convention regarding the release of deposits and the settlement of debts and claims in former Austrian and Hungarian crowns shall in no way affect the various Conventions concluded with a view to the liquidation of the Austro-Hungarian Bank.

Done in duplicate at Bucharest on April 16, 1924.

(Signed) R. DE WODIANER.

(Signed) N. N. FILODOR.

¹ Volume of this Series.

² Under this item appears in the Final Protocol the Convention between Hungary and Roumania for the prevention of double taxation in the field of direct taxes, a Convention which has not been signed.

³ Volume XLVI of this Series.

⁴ Volume XLVI of this Series.

⁵ Volume XLVI of this Series.

⁶ Volume XLVI of this Series.

CONVENTION BETWEEN HUNGARY AND ROUMANIA REGARDING THE EXCHANGE OF LEGAL DOCUMENTS, LAND REGISTERS AND REGISTERS OF CIVIL STATUS, SIGNED AT BUCHAREST ON APRIL 16, 1924.

HIS MOST SERENE HIGHNESS THE REGENT OF HUNGARY and HIS MAJESTY THE KING OF ROUMANIA, desirous of regulating by common agreement the relations between Hungary and Roumania in connection with the exchange of legal documents, land registers and registers of civil status, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

HIS MOST SERENE HIGHNESS THE REGENT OF HUNGARY :

M. R. DE WODIANER, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Nicolas N. FILODOR, Envoy Extraordinary and Minister Plenipotentiary (First Class), Secretary-General of the Royal Ministry for Foreign Affairs,

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

I.

LEGAL DOCUMENTS.

Article 1.

Should any Court of Law of one of the High Contracting Parties have brought before it any case in which proceedings were begun before a court situated at the time of the coming into force of the present Convention in the territory of the other Party, it shall, *ex officio*, and without a hearing, transmit the acts and documents relative to the case to the competent Court of the other Party.

Article 2.

In civil (commercial) cases, acts and documents shall not be transmitted :

- (a) If the case relates to the personal status of nationals of the Contracting Party in whose territory the said acts and documents happen to be ;
- (b) If, under the laws of the Contracting Party in whose territory the said acts and documents happen to be, that Party's courts are alone competent to deal with the case at the date on which the present Convention comes into force ;
- (c) If at the time of the request the defendant is domiciled within the jurisdiction of a court whose territory has been divided in consequence of the Treaty of Trianon, and if the files of the case are in the possession of a judicial authority of the Party in whose territory the defendant is domiciled when the present Convention comes into force ;
- (d) If, in the event of a conflict of jurisdiction, all interested parties request that the case shall be heard by the Courts of the Contracting Party in whose territory the acts and documents happen to be.

Article 3.

In criminal cases, acts and documents which are in the territory of a Contracting Party shall not be transmitted :

- (a) If the accused is a national of the Party when the present Convention comes into force ;
- (b) If the offence was committed in the territory of the Party, and if the accused is not in the territory of the other Party ;
- (c) If the accused is resident in the territory of the Party when the present Convention comes into force.

Article 4.

There shall be no recourse against measures taken by the courts with a view to the transmission of acts and documents.

Article 5.

The documents in civil and criminal cases concluded at the date when the present Convention comes into force shall, if those cases exclusively concern the other Contracting Party, be delivered at the request of that Party.

Article 6.

Cases referred to the Courts of either Party shall be investigated by them, as may be required, on the basis of their domestic legislation and the principles of international law.

Article 7.

If, in cases coming under Articles 2 and 3, one of the Contracting Parties retains documents relating to cases in which proceedings will also have to be continued before the judicial authorities of the other Party, the Party in possession of such documents shall furnish copies on the demand and at the expense of the Party receiving them. Stamp duty and attestation fees shall not be chargeable.

Article 8.

Documents shall be transmitted by the Ministry of Justice of the Party to which application is made direct to the Ministry of Justice of the Party making application.

II.

LAND REGISTERS.

Article 9.

In the case of land registers situated in the territory of one of the Contracting Parties and exclusively concerning immovable property situated wholly in the territory of the other Party, the originals shall be delivered to the latter Party.

Where a land register situated in the territory of one of the Contracting Parties concerns immovable property situated in the territories of both Parties, or in those of the other Party and

a third Power, the Contracting Party in possession of such land register shall be required to deliver a copy to the other Party at the latter's expense. Stamp duty and attestation fees shall not be chargeable.

Should the original land registers to be delivered have been lost through negligence on the part of the authorities of the Party responsible for their delivery, the cost of replacing them shall be refunded by that Party to the other Party.

Article 10.

At the same time as the land registers, there shall be delivered, if they have not yet been destroyed, all documents, registers, plans, title-deeds, etc., of every kind relating to the subjects dealt with in those registers. Should any such document also concern immovable property situated in the territory of the Party responsible for delivery, that Party shall have the right to substitute for the original a copy made at the expense of the other Party.

Article 11.

The provisions of the foregoing Articles shall apply in the same manner to the central railway and canal land register kept at the Central Office at Budapest, and to the mining land register and to documents relating to the subjects of these registers. Where a land register to be delivered cannot readily be separated from another land register, the provisions of Article 9, paragraph 2, shall apply.

Article 12.

The selection of the land registers and documents to be delivered in accordance with the foregoing provisions shall commence as soon as the present Convention comes into force. The delivery of the said registers and documents shall take place within three months, and copies to be transmitted shall be made and delivered within one year after the coming into force of the present Convention.

A list of land registers, documents and copies to be delivered shall be drawn up in duplicate, one copy remaining in the possession of the authority delivering them, the other being transmitted to the agent appointed to receive them.

Land registers, documents and copies for transmission shall be delivered, at the place where they were hitherto situated, to the bodies authorised for that purpose by the Ministry of Justice of the Contracting Party which has applied for delivery. The bodies appointed to receive them shall be entitled to examine the registration and duplicate books and the general index, in order to satisfy themselves that the delivery is complete.

Article 13.

Should any land registers, documents or copies which are to be transmitted under the present Convention not have been delivered within the period specified in Article 12, the Party responsible for delivery shall at once examine the application, in order that the necessary delivery may take place without delay.

III.

REGISTERS OF CIVIL STATUS.

Article 14.

The original registers of civil status shall remain in the possession of the Contracting Party in whose territory is situated the registrar's office whose district has been divided in consequence of the Treaty of Trianon.

When both the registrar's office for the district divided in consequence of the Treaty of Trianon and the office of the competent county authority are situated in the territory of the same Contracting Party, the duplicates kept in the office of the said authority shall be delivered to the other Party, together with lists of annotations and corrections which have since been made on the originals and which relate to the duplicates.

The Party in possession of such duplicates and annexes shall also be entitled to furnish certified copies of them without fee.

Article 15.

Original or duplicate registers of civil status which have been removed from the registrar's office, or from the office of the county authority, shall be restored by the Party in possession of them. In the case of undivided districts, the complete registers shall be restored; in the case of divided districts, restoration shall take place as provided in Article 14.

Article 16.

In the event of the loss or destruction of an original, the Party to which application is made shall, at the request of the Party making application, supply, without fee, copies of the duplicates and of the annexes thereto, such copies to be attested in accordance with the regulations in force in its territory.

Article 17.

Where the district of a registrar's office is wholly within the territory of one of the Contracting Parties, but forms part of a county which is divided by the Hungaro-Roumanian frontier, and whose chief town is in the territory of the other Party, the delivery of duplicates, as provided in Article 14, shall not take place if the originals are in the possession of the competent registrar's office.

Article 18.

The delivery of the documents in question shall be effected as follows :

The Contracting Party in possession of the documents shall collect them and hand them over, together with a detailed list, to the other Party within three months after the coming into force of the present Convention. Any subsequent complaints by the Party receiving them shall be dealt with within three months after the receipt of such complaints.

The exchange of these documents shall be effected direct through the Ministries of the Interior of the two Contracting Parties.

IV.

FINAL CLAUSES.

Article 19.

Any difficulties which may arise in connection with the execution of the present Convention shall be settled through the diplomatic channel.

Article 20.

The present Convention shall be ratified, and the ratifications shall be exchanged at Budapest as soon as possible.

The Convention shall come into force on the day of the exchange of ratifications between the two Governments.

In faith whereof the respective Plenipotentiaries have affixed their signatures and their seals thereto.

Done in duplicate at Bucharest on April 16, 1924.

(L. S.) (Signed) R. DE WODIANER.

(L. S.) (Signed) N. N. FILODOR.

PROTOCOL OF SIGNATURE.

At the moment of signing the Convention of this day's date concerning the exchange of legal documents, land registers and registers of civil status, the undersigned Plenipotentiaries have agreed that the provisions of this Convention relating to legal documents in penal procedure shall also apply to legal documents in penal procedure before courts-martial.

The present Protocol shall have the same force and shall be valid for the same period as the above-mentioned Convention concluded this day.

In faith whereof the respective Plenipotentiaries have signed the present Protocol and have thereto affixed their seals.

Done in duplicate at Bucharest on April 16, 1924.

(L. S.) (Signed) R. DE WODIANER.

(L. S.) (Signed) N. N. FILODOR.
