

N° 1721.

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**BELGIQUE  
ET TCHÉCOSLOVAQUIE**

Accord concernant l'assistance judiciaire réciproque en matière civile et commerciale, avec protocole additionnel. Signés à Bruxelles, le 19 juillet 1927.

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**BELGIUM  
AND CZECHOSLOVAKIA**

Agreement regarding reciprocal Judicial Assistance in Civil and Commercial Matters, with Additional Protocol. Signed at Brussels, July 19, 1927.

## TEXTE TCHÈQUE. — CZECK TEXT.

N<sup>o</sup> 1721. — ACCORD<sup>1</sup> ENTRE LE ROYAUME DE BELGIQUE ET LA RÉPUBLIQUE TCHÉCOSLOVAQUE, CONCERNANT L'ASSISTANCE JUDICIAIRE RÉCIPROQUE EN MATIÈRE CIVILE ET COMMERCIALE. SIGNÉ A BRUXELLES, LE 19 JUILLET 1927.

N<sup>o</sup> 1721. — DOHODA<sup>1</sup> MEZI REPUBLIKOU ČESKOSLOVENSKOU A KRÁLOVSTVÍM BELGICKÝM O VZÁJEMNÉ PRÁVNÍ POMOCI VE VĚCECH OBČANSKÝCH A OBCHODNÍCH. PODEPSÁNA V BRUSELU, DNE 19 ČERVENCE 1927.

*Textes officiels français et tchécoslovaque communiqués par le ministre des Affaires étrangères de Belgique et le délégué permanent de la République tchécoslovaque à la Société des Nations. L'enregistrement de cet accord a eu lieu le 24 mai 1928.*

*French and Czechoslovak official texts communicated by the Belgian Minister for Foreign Affairs and the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Agreement took place May 24, 1928.*

SA MAJESTÉ LE ROI DES BELGES et LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE, désireux d'établir les mesures d'exécution de certaines dispositions de la Convention<sup>2</sup> de La Haye du 17 juillet 1905 sur la procédure civile, dont la Belgique et la Tchécoslovaquie sont parties, et de régler la question de la légalisation de documents et celle de la communication de renseignements juridiques, ont décidé de conclure un accord à cet effet et ont nommé pour leurs plénipotentiaires, savoir :

SA MAJESTÉ LE ROI DES BELGES :

M. Maurice COSTERMANS, officier de l'ordre de Léopold, directeur général au Ministère des Affaires étrangères ;

M. Emile MEYERS, officier de l'ordre de Léopold, directeur général au Ministère de la Justice ;

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ a JEHO VELIČENSTVO KRÁL BELGIČANŮ, přejíce si stanoviti, kterak prováděti jisté předpisy haagské úmluvy<sup>2</sup> ze dne 17. července 1905 o civilním řízení mezi jejímiž smluvními stranami jsou Československo a Belgie, a upravití otázku ověření listin a sdělování právních informací, rozhodli se uzavřiti k tomuto účelu dohodu a jmenovali svými zmocněnci :

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ :

pana Emila SPIRU, odborového přednostu v ministerstvu spravedlnosti,

pana Karla HALFARA, přednostu odboru mezinárodních smluv v ministerstvu zahraničních věcí,

<sup>1</sup> L'échange des ratifications a eu lieu à Prague, le 23 avril 1928.

<sup>2</sup> DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome II, page 243.

<sup>1</sup> The exchange of ratifications took place at Prague, April 23, 1928.

<sup>2</sup> *British and Foreign State Papers*, Vol. 99, page 990.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1721. — AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND THE CZECHOSLOVAK REPUBLIC, REGARDING RECIPROCAL JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT BRUSSELS, JULY 19, 1927.

HIS MAJESTY THE KING OF THE BELGIANS and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of prescribing measures for the execution of certain provisions of the Hague Convention of July 17, 1905, relating to civil procedure, to which Belgium and Czechoslovakia are Parties, and of settling the question of the legalisation of documents and the exchange of legal information, have decided to conclude an Agreement for this purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

- M. Maurice COSTERMANS, Officer of the Order of Leopold, Director-General at the Ministry of Foreign Affairs ;
- M. Emile MEYERS, Officer of the Order of Leopold, Director-General at the Ministry of Justice ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

- M. Emil SPIRA, Head of Department at the Ministry of Justice ;
- M. Karel HALFAR, Head of the International Treaties Department at the Ministry of Foreign Affairs ;

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

I. SERVICE OF DOCUMENTS AND EXECUTION OF LETTERS OF REQUEST.

*Article I.*

The reciprocal judicial assistance referred to in Chapters I and II of the Hague Convention of July 17, 1905, relating to Civil Procedure, shall include :

(a) The service of judicial and extra-judicial documents, including documents relating to non-litigious affairs (documents concerning questions of guardianship and curatorship, etc.), as well as documents relating to administrative jurisdiction and bankruptcy proceedings.

(b) The execution of letters of request concerning the questions under (a).

It shall not apply to matters of taxation properly so-called (Customs, excise and other duties).

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

*Article 2.*

The documents to be served and the letters of request to be executed shall be transmitted direct by the Belgian Ministry of Justice at Brussels to the Czechoslovak Ministry of Justice at Prague, and direct by the Czechoslovak Ministry of Justice at Prague to the Belgian Ministry of Justice at Brussels.

These two Ministries shall see that requests for judicial assistance from the competent Czechoslovak or Belgian authorities are dealt with expeditiously. Communications between the Ministries shall invariably be written in French.

Judicial and extra-judicial documents to be served may also be sent direct by post to the persons for whom they are intended.

Each of the two Contracting Parties recognises the other's right to have documents served direct, without threat or compulsion by its diplomatic or consular agents in the territory of the other Party, irrespective of the nationality of the person on whom they are served.

*Article 3.*

The documents to be served in accordance with Articles 1 and 2 of the Hague Convention of July 17, 1905, relating to Civil Procedure, shall be drawn up in Belgium in the language of the applicant authority, and in Czechoslovakia in the Czechoslovak language, or, when permissible under the regulations in force, in the language of the national minority. These documents and also documents to be served under Article 3 of the said Convention, shall bear in Czechoslovakia the signature and the seal or stamp of the applicant authority, and in Belgium the signature of the judicial authority or officer of the court (*huissier*). They shall not require to be legalised.

As regards the service of documents under Article 3 of the Hague Convention, a document to be served in Czechoslovakia shall be drawn up in the Czechoslovak language or shall be accompanied by a translation in that language, certified correct by a sworn translator (interpreter) or by a diplomatic or consular agent of one of the two contracting States; a document to be served in Belgium shall be drawn up in the official language of the Belgian authority applied to or shall be accompanied by a translation in that language, likewise certified correct. Such translations shall be made, if a request to that effect is expressed, in the State applied to, at the expense of the applicant authority.

Repayment of the cost of service by compulsion shall only be required provided such service has been expressly requested by the applicant State.

*Article 4.*

Belgian letters of request and the annexes thereto shall be drawn up in one of the official languages of the Belgian State and shall be accompanied by a translation in the Czechoslovak language, certified correct by a sworn translator in Belgium; Czechoslovak letters of request and the annexes thereto shall be drawn up in the Czechoslovak language and shall be accompanied by a French translation, certified correct by a Czechoslovak interpreter. Such translations shall be made, if a request to that effect is expressed, in the State applied to, at the expense of the applicant authority.

Letters of request shall bear the signature and the seal or stamp of the applicant authority. They shall not require to be legalised.

*Article 5.*

The legal assistance mentioned in Articles 1 to 4 of the present Agreement may not be refused on the grounds that the applicant authority has not deposited funds in advance to cover the expenses.

Postage shall be defrayed by the State which forwards the documents.

## II. EXECUTION OF DECISIONS RELATING TO COSTS AND EXPENSES.

(*Cautio Judicatum solvi*).

*Article 6.*

At the direct request of the party concerned decisions relating to costs and expenses as mentioned in paragraphs 1 and 2 of Article 18 of the Hague Convention, which are rendered by the Courts of one State, shall in pursuance of Paragraph 3 of the said Article 18, be carried out free of charge in the territory of the other State.

Such request shall be addressed, in Czechoslovakia to the competent Court, and in Belgium to the " Procureur du Roi " attached to the competent Court.

The proceedings for the enforcement of judgments in the other country shall conform to the stipulations of Article 19 of the Hague Convention of July 17, 1905. The costs of translation occasioned by these proceedings shall be borne by the State applied to, by which they shall be recovered from the original applicant.

## III. LEGALISATION.

*Article 7.*

Documents drawn up, issued or legalised by the Courts of one State shall not, if the seal or stamp of the Court has been affixed thereto, require any further legalisation for use in the territory of the other State in connection with judicial matters. These provisions shall also apply to documents signed by the registrar of the Court, provided that such signature is sufficient under the laws of the country to which the Court belongs.

Documents drawn up, issued or legalised by one of the central administrative authorities of the two States or by a higher administrative authority of the same category shall not require further legalisation in order to be used for judicial purposes in the territory of the other State, provided that the seal or stamp of the said authority has been affixed thereto, and that such authority is mentioned in the list annexed to the present Agreement. This list may be amended or supplemented by agreement.

## IV. LEGAL INFORMATION.

*Article 8.*

The Belgian Ministry of Justice and the Czechoslovak Ministry of Justice shall, if requested to do so, furnish information to each other free of charge concerning the laws in force in their respective States.

Such requests must specify clearly the legal questions concerning which information is desired.

## V. REFERENCE TO THE HAGUE CONVENTION.

*Article 9.*

Relations between the two Contracting States shall continue to be governed by the International Convention relating to Civil Procedure concluded at the Hague on July 17, 1905, in those matters to which it applies, so far as they are not dealt with in the present Agreement.

## VI. FINAL PROVISIONS.

*Article 10.*

The present Agreement, drawn up in the Czechoslovak and French languages, both texts being equally authentic, shall be ratified, and the instruments of ratification shall be exchanged at Prague.

It shall come into force one month after the exchange of ratifications, and shall remain in force for three months after the date on which one of the Contracting Parties has notified its intention of ceasing to apply it.

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

Done at Brussels in duplicate on July 19, 1927.

(L. S.) Emil SPIRA.

(L. S.) Maurice COSTERMANS.

(L. S.) Karel HALFAR.

(L. S.) Emile MEYERS.

## ADDITIONAL PROTOCOL.

When proceeding to sign the Agreement between the Czechoslovak Republic and the Kingdom of Belgium concerning reciprocal judicial assistance in civil and commercial matters, the Plenipotentiaries of the Contracting Parties hereby place on record :

(1) That for the purposes of the present Agreement the term " Courts " shall include the guardianship and curatorship authorities in Slovakia and Sub-Carpathian Russia ;

(2) That a form for the service of documents shall be drawn up later by the Contracting Parties, and shall be employed by the Belgian Ministry of Justice and the Czechoslovak Ministry of Justice.

The present Protocol shall be an integral part of the Agreement.

Done at Brussels in duplicate on July 19, 1927.

(L. S.) Emil SPIRA.

(L. S.) Maurice COSTERMANS.

(L. S.) Karel HALFAR.

(L. S.) Emile MEYERS.

## LIST

of Administrative Authorities whose Documents do not require Legislation, in conformity with Paragraph 2 of Article 7 of the Agreement between the Czechoslovak Republic and the Kingdom of Belgium concerning reciprocal Legal Assistance in Civil and Commercial matters.

## A. CZECHOSLOVAK DOCUMENTS.

1. Ministry of the Interior,  
Department of the Ministry of the Interior of Bratislava,  
National Political Administrations at Prague, Brno and Opava,  
Civil Administration of Sub-Carpathian Russia at Užhorod,  
Chief Offices of Police Departments,  
Archives of the Ministry of the Interior,
2. Ministry of Public Health,
3. Ministry of Posts and Telegraphs,  
Postal Cheque Office at Prague,  
Departments of Posts and Telegraphs at Prague,  
Pardubice, Brno, Opava, Bratislava and Košice,
4. Ministry of Commerce,  
Patent Office at Prague,
5. Ministry of Public Works,
6. Ministry of Finance,
7. Ministry of Agriculture,  
Ministry of Agriculture, Separate Branch for Slovakia at Bratislava,  
Agricultural Information Branch attached to the Civil Administration of Sub-Carpathian  
Russia at Užhorod,  
State Property Department at Prague,  
State Forest Department at Brandys n/L., Žarnovica, Baňska Bystrica, Liptavský Hrádek,  
Solný Hrad, Užhorod, Rahovo and Buština,  
Ministerial Commission for Agrarian Undertakings at Prague,  
Provincial Commission for Agrarian Undertakings at Brno and Opava,  
State Agricultural Archives,
8. Ministry of National Defence,
9. Ministry of Education,  
National School Councils at Prague, Brno and Opava,  
Ministry of Education Section at Bratislava,  
Education Section of the Civil Administration of Sub-Carpathian Russia at Užhorod,
10. Ministry of Foreign Affairs,  
Archives of the Ministry of Foreign Affairs,
11. Ministry of Food Supplies,
12. Ministry of Justice,
13. Presidency of the Council of Ministers,
14. Ministry for the Unification of Laws and the Organisation of Public Administration,
15. Ministry of Railways,  
Managing Boards of the Prague-South, Prague-North, Plzen, Hradec Králové, Brno, Olomouc,  
Bratislava and Košice Railways,
16. Ministry of Social Welfare,
17. Chief Board of Audit and Control at Prague,
18. State Land Office at Prague,
19. Statistical Office at Prague,
20. Chancellery of the President of the Republic at Prague,
21. Chancellery of the Chamber of Deputies of the National Assembly at Prague,
22. Chancellery of the Senate of the National Assembly at Prague.

## B. BELGIAN DOCUMENTS :

1. Ministry of Foreign Affairs,  
Government Commissioners for Emigration at Antwerp, Official Commercial Information Bureau,  
International Customs Tariffs Bureau,
2. Ministry of Agriculture,  
Department of Woods and Forests,  
Department of Agriculture and Horticulture,
3. Ministry of Railways, Marine, Posts, Telegraphs, Telephones and Air,  
Department of Marine,  
Department of Posts,  
Department of Telegraphs and Telephones,  
Air Department,  
Belgian National Railway Company,
4. Ministry of the Colonies,  
Colonial Council,
5. Ministry of Finance,  
Department of the Treasury and Public Debt,  
National Transferable Securities Office,  
Department of Customs and Excise,  
Department of Direct Taxes and Cadaster,  
Department of Registration and Lands,  
Department of Currency,
6. Ministry of National Defence,  
General Staff,
7. Ministry of Industry, Labour and Social Welfare,  
General Directorate of Mines,  
General Directorate of Industry,  
General Directorate of Industrial and Vocational Training,  
General Directorate of Insurance and Social Welfare,
8. Ministry of the Interior and of Health,
9. Ministry of Justice,  
Department of Public Safety,  
Child Welfare Office,  
General Directorate of Prisons,
10. Ministry of Sciences and Arts,  
Department of Primary Education,  
Department of Intermediate grade Education,  
Department of Secondary Education,  
Department of Higher Education and Science,  
Department of the Art, Letters and Public Libraries,
11. Ministry of Public Works,  
Department of Bridges and Roads,
12. General Savings and Pension Fund,
13. Local Railways National Company,
14. General Archives of the Kingdom,
15. Royal Library at Brussels,
16. National Child Welfare Institution at Brussels,
17. Higher Council of Labour,
18. Council of Mines,
19. Higher Council of Industry and Commerce,
20. His Majesty's Household,  
His Majesty's Secretariat,  
Civil List,
21. Her Majesty's Household,
22. Public Debt Sinking Fund,
23. Bureau of the Chamber of Representatives,
24. Bureau of the Senate,
25. Governors of the Nine Provinces.

The exchange of ratifications took place at Prague on April 23rd, 1928.