

N° 1620.

**ESTONIE
ET TCHÉCOSLOVAQUIE**

Convention relative à la protection et à l'assistance judiciaire réciproque, en matière de droit civil et commercial, avec protocole additionnel. Signée à Tallinn, le 17 juillet 1926.

**ESTONIA
AND CZECHOSLOVAKIA**

Convention concerning reciprocal Judicial Protection and Assistance in Matters of Civil and Commercial Law, with Additional Protocol. Signed at Tallinn, July 17, 1926.

¹ TRANSLATION.

No. 1620. — CONVENTION BETWEEN THE ESTONIAN REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING RECIPROCAL JUDICIAL PROTECTION AND ASSISTANCE IN MATTERS OF CIVIL AND COMMERCIAL LAW. SIGNED AT TALLINN, JULY 17, 1926.

THE GOVERNMENT OF THE ESTONIAN REPUBLIC and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of settling the legal relations between the two States with regard to reciprocal judicial assistance in matters of civil and commercial law, have decided to conclude a Convention for this purpose, and have to that end appointed as their Plenipotentiaries :

THE GOVERNMENT OF THE ESTONIAN REPUBLIC :

Prof. Antony PIP, Minister for Foreign Affairs ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Emil SPIRA, Head of Section in the Ministry of Justice ; and

Dr. Karel HALFAR, Councillor in the Ministry of Foreign Affairs ;

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

CHAPTER I.

GENERAL PROVISIONS.

*Article 1.**Equality of treatment.*

1. The nationals of either Contracting Party shall enjoy in the territory of the other Party the same rights as the nationals of that Party with respect to the legal and judicial protection of their persons and property.

2. They shall have free access to the courts of the other State under the same conditions and in the same manner as nationals of that State.

CHAPTER II.

EXEMPTION FROM GIVING SECURITY AND MAKING DEPOSITS.

Article 2.

1. Czechoslovak or Estonian nationals residing in Estonia or Czechoslovakia shall not be required, when bringing legal proceedings in either country as plaintiffs or interveners, to give

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

any security or make any deposit whatever on the ground that they are foreigners or that they possess no domicile or residence in the country in question. This provision shall apply also to counterclaims and appeals.

2. Nationals of either Contracting Party living outside the territory of the other Party shall enjoy the same right, but they shall be bound, on commencing proceedings, to give the name of a person residing in that territory who is empowered to accept service of all legal documents on their behalf.

Article 3.

1. Should a plaintiff, intervener or appellant, being exempted, in virtue of Article 2 or by the laws in force in the State in which the action is brought, from giving security or paying a deposit into court, be ordered by the courts of either State to pay the costs of the action, such judgment shall be also enforceable in the territory of the other State, in accordance with the provisions of Article 9, in the same manner as the judgments of the courts of that State.

2. The request shall be accompanied by the text of the legal judgment and by a certificate to the effect that it is *res judicata*. The applicant must also attach a certified translation of these documents in accordance with Article 10 of the present Convention.

3. The Parties need not be heard, but the unsuccessful Party may oppose the judgment if such right is recognised by the laws of the State in which the judgment is to be executed.

4. The same provisions shall also apply to judicial decisions subsequently fixing the costs of the action.

CHAPTER III.

FREE LEGAL AID.

Article 4.

1. Free legal aid shall be granted to nationals of either State in the territory of the other State, under the same conditions as are applicable to its own nationals.

2. If free legal aid has been granted by the competent authorities to a national of one of the two States, he shall enjoy the same treatment before the courts of the other State with respect to all matters of legal procedure, including the execution of judgments, relating to the same case.

Article 5.

1. Certificates of inadequate means shall be issued by the authorities of the State in which the applicant's domicile is situated, or failing such domicile, by the authorities of the place in which he is for the time being resident. Should the applicant not be resident in the territory of either of the Contracting Parties and should the authorities of his actual place of residence not issue the said certificate to him, it will be sufficient if a certificate is issued by a competent diplomatic or consular agent.

2. If the applicant is not resident in the State in which he is claiming free legal aid, the certificate of inadequate means shall be legalised free of charge by the diplomatic or consular agent of the State in which he wishes to make use of the said certificate.

Article 6.

1. If the applicant has his domicile or actual residence in the territory of one of the Contracting States and desires to obtain free legal aid in a suit which must be brought before the courts of the other State, he may submit his application to the competent court or authority of the place in which he has his domicile or his actual residence.

2. The competent authorities of the other Contracting State shall accept such application, accompanied by a translation in the official language of the other State or in French, as ground for granting free legal aid in the action brought before them.

Article 7.

1. Before issuing the certificate of inadequate means, the competent authorities may make enquiries of the authorities of the other State with regard to the financial position of the applicant.

2. The authority which decides the application for free legal aid shall be entitled, within the limits of its competence, to verify the accuracy of the certificates and information submitted.

CHAPTER IV.

SERVICE OF DOCUMENTS AND EXECUTION OF LETTERS OF REQUEST.

GENERAL PROVISIONS.

Article 8.

1. The reciprocal judicial assistance provided for in Articles 8-14 shall include :

(a) The service of judicial and extra-judicial documents in civil and commercial cases, including legal documents concerning questions of succession and guardianship (or curatorship) ;

(b) The execution of letters of request in civil and commercial cases and in questions relating to succession and guardianship (or curatorship).

Article 9.

1. Requests for service of documents and letters of request to be executed shall be transmitted direct by the Ministry of Justice of the applicant State to the Ministry of Justice of the State applied to. These two Ministries shall see that requests are dealt with expeditiously by the competent authorities. If the authority applied to is not the competent authority in the particular case, the Ministry applied to shall inform the Ministry of the other State to what competent authority the application has been transmitted.

2. The Ministry applied to shall return the documents whether the application has been complied with or not.

Article 10.

Requests for service of documents and letters of request shall be drafted in the official language of the applicant State and be accompanied by a translation in the official language of the State applied to or in French. The translation shall be made or certified correct by the competent authority or by a sworn or official interpreter of one of the Contracting States.

*Article 11.**Service of documents.*

1. Documents for service shall be drafted in the language of the applicant authority.
2. Requests accompanying the documents shall give the names and descriptions of the Parties to the suit, the nature of the document to be served, the authority from whom the document emanates, and the address of the recipient. Documents for service must bear the signature and seal or stamp of the applicant authority. They need not be legalised.
3. Service shall be effected by the competent authority of the State applied to in the manner laid down by the domestic legislation of that State. Except in the cases provided for in paragraph 4 of the present Article, the said authority may limit its action to handing the document to the recipient if he is willing to accept it.
4. At the express desire of the applicant authority, a special form may be employed, provided that it is not contrary to the laws of the State applied to, and that the document to be served is accompanied by a translation in the official language of the State applied to or in French.
5. Service of documents may only be refused if the State applied to considers it such as to affect its sovereignty or safety.
6. Proof of service shall be furnished either by a dated receipt signed by the addressee or by a certificate from the authority of the State applied to setting forth the fact, the manner and the date of such service. If the document to be served has been forwarded in duplicate, the receipt or certificate shall appear on one of the two copies or be attached thereto.
7. Should service not have been effected the applicant State shall be immediately notified and informed of the reasons therefor.

Article 12.

Each State may serve documents on its nationals residing in the territory of the other State through its diplomatic or consular agents, but it may not have recourse to threats or compulsion.

*Article 13.**Letters of request.*

1. Letters of request and papers attached thereto shall be drawn up in the official language of the applicant State and accompanied by a translation in the official language of the State applied to, or in French. The letters of request shall state the purpose of the request, describe or summarise the case and give as fully as possible the names of the Parties to the suit, their domiciles or actual residences, and the names and addresses of any witnesses to be heard. The letters of request and the translations shall bear the signature and the seal or stamp of the applicant authority. They need not be legalised.
2. The authority applied to shall execute letters of request in the manner laid down by the domestic legislation of the State applied to.
3. On the desire of the applicant authority a special form may nevertheless be employed, provided it is not contrary to the laws of the State applied to.
4. In accordance with the provisions of Article 9, the applicant authority shall, if it so desire, be duly notified of the date and place at which the letters of request are to be executed in order that the interested Parties may be able to attend or be represented.

5. The authority to which letters of request are referred shall, when giving effect to them, employ the same means of compulsion as provided by law to carry out a similar request from the authorities in its own State.

6. Execution of letters of request may only be refused if the measure to be taken is not within the competence of the judicial authorities in the State applied to, or if the State applied to considers it such as to affect its sovereignty or safety.

7. When letters of request are not executed, the applicant State shall immediately be notified and informed of the reasons therefor.

Article 14.

Costs of Judicial Assistance.

1. No fee may be charged for the service of documents or the execution of letters of request and no claim may be made for repayment of expenses of any kind whatever with the exception of sums paid to witnesses and experts and any costs resulting from a request for the use of a special form of procedure and costs recoverable under the laws of the State applied to. Such costs shall be repaid without delay by the applicant State whether or not payment is obtained from the Parties concerned.

2. Judicial assistance may not be refused on the ground that the party making the request has not deposited a sufficient sum to cover the expenses to be repaid in accordance with paragraph 1 of this Article.

3. The cost of postage shall be borne by the applicant authority.

CHAPTER V.

LEGALISATION OF DOCUMENTS AND ADMISSIBILITY AS EVIDENCE.

Article 15.

1. Documents drawn up, issued or legalised by the Courts of either State shall not, if the seal or stamp of the Court has been affixed thereto, require legalisation for use in the territory of the other State.

2. 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 legalisation in order to be used 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 Convention. Alterations and additions may be made to this list in agreement between the Contracting Parties.

3. Documents drawn up or legalised before a notary public must be legalised by a Court if they are to be used as indicated in paragraph 1.

Article 16.

The admissibility as evidence of authentic documents drawn up in the territory of one of the States, and of commercial books kept in that territory in conformity with the laws of such State shall be determined in proceedings before the Courts of the other State according to the laws of the State in which they were drawn up. Nevertheless they shall not be given any wider measure of recognition than that accorded to them under the laws of the State before whose Courts the action is brought.

CHAPTER VI.

LEGAL INFORMATION AND COMMUNICATION OF LEGAL PROVISIONS.

Article 17.

1. The Ministry of Justice of either Contracting Party shall, if required, to do so, furnish the Ministry of Justice of the other with information concerning the law in force in its own State.
2. The request must state exactly the legal provisions concerning which information is desired.

CHAPTER VII.

FINAL PROVISIONS.

Article 18.

1. The present Convention, which is drawn up in the Estonian and Czechoslovak languages, both texts being equally authentic, shall be ratified, and the ratifications shall be exchanged at Reval as soon as possible.
2. It shall come into force one month after the exchange of ratifications and shall remain in force for six months from the date on which either of the Contracting Parties denounces it.

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

Done in duplicate at Reval, July 17, 1926.

(L. S.) A. PIIP.

(L. S.) Dr. Emil SPIRA.

(L. S.) Dr. Karel HALFAR.

ADDITIONAL PROTOCOL.

The Plenipotentiaries of the Contracting Parties, on proceeding to sign the Convention between the Estonian Republic and the Czechoslovak Republic concerning reciprocal judicial protection and assistance in matters of civil and commercial law, declare their agreement on the following points :

(1) The term " Courts ", when used in the present Convention, shall include wardship and curatorship authorities in Slovakia and Sub-Carpathian Russia.

(2) In order better to acquaint each other with the judicial authorities in their States, the Contracting Parties shall communicate to each other a list of their Courts of Appeal and of all the Courts of First Instance in their territory. This list shall, as far as possible, be accompanied by a map showing the Courts of the various instances.

(3) The Contracting Parties shall agree upon the forms — drawn up in the official languages of the two States — to be employed in serving documents.

This Protocol shall form an integral part of the Convention.

In faith whereof the Plenipotentiaries have signed this Additional Protocol.

Done in duplicate at Reval, July 17, 1926.

A. PIIP.

Dr. Emil SPIRA.

Dr. Karel HALFAR.

LIST

of administrative authorities whose documents, in accordance with Article 15, paragraph 2, of the Convention between the Estonian Republic and the Czechoslovak Republic concerning reciprocal judicial assistance in civil and commercial cases, do not require to be legalised.

A. ESTONIA.

1. The Chancellery of the Riigikogu.
2. The Cabinet.
3. The Secretary of State.
4. The State archives.
5. The Central Statistical Office.
6. The Ministry of Education.
The University of Dorpat.
7. The Ministry of Commerce and Industry.
The Patent Office.
8. The Ministry of Justice.
9. The Ministry of Agriculture.
The Veterinary Central Administration.
10. The Ministry of the Interior.
The Administrative Department.
The Police Department.
11. The Ministry of Finance.
The Treasury.
The Central Customs Administration.
The Bank of Estonia.
12. The Ministry of War.
13. The Ministry of Roads and Communications.
The Railway Administration.
The Central Navigation Authority.
The General Post Office.
14. The Ministry of Labour and Social Welfare.
The Public Health Department.
15. The Ministry of Foreign Affairs.
16. The State Audit Office.

LIST

of administrative authorities whose documents, in accordance with Article 15, paragraph 2, of the Convention between the Czechoslovak Republic and the Estonian Republic concerning reciprocal judicial assistance in civil and commercial cases, do not require to be legalised.

A. CZECHOSLOVAKIA.

1. The Ministry of the Interior.
The Regional Political Administrative Authorities at Prague, Brno and Opava.
The Civil Administration of Sub-Carpathian Russia at Užhorod.
The Offices of the Police Directorate.
The Archives of the Ministry of the Interior.
2. The Ministry of Health.
3. The Ministry of Posts and Telegraphs.
The Clearing House at Prague.
The General Post and Telegraph Offices at Prague, Pardubice, Brno, Opava, Bratislava and Košice.
4. The Ministry of Commerce.
The Patent Office at Prague.
5. The Ministry of Public Works.
6. The Ministry of Finance.
7. The Ministry of Agriculture.
8. The Ministry of National Defence.
9. The Ministry of Education.
The Regional School Boards at Prague, Brno and Opava.
The Section of the Ministry of Education at Bratislava.
The Public Education Section of the Civil Administration of Sub-Carpathian Russia at Užhorod.
10. The Ministry of Foreign Affairs.
The Archives of the Ministry of Foreign Affairs.
11. The Ministry of Food.
12. The Ministry of Justice.
13. The Prime Minister's Office.
14. The Ministry for the Unification of Legislation and Organisation of Public Administration.
15. The Autonomous Ministry for Slovakia at Bratislava.
16. The Ministry of Railways.
The Railway Directorates at Prague South, Prague North, Plzeň, Hradec, Králové, Brno, Olomouc, Bratislava and Košice.
17. The Ministry of Social Welfare.
18. The Audit Office at Prague.
19. The State Land Office at Prague.
20. The Statistical Office at Prague.
21. The Office of the President of the Republic at Prague.
22. The Office of the Chamber of Deputies of the National Assembly at Prague.
23. The Office of the Senate of the National Assembly at Prague.