

N° 2365.

**ESTONIE ET
UNION DES RÉPUBLIQUES
SOVIÉTISTES SOCIALISTES**

Arrangement concernant le concours
réciproque des tribunaux des deux
pays en matière civile, avec pro-
tocolé final. Signés à Tallinn, le
20 janvier 1930.

**ESTONIA
AND UNION OF SOVIET
SOCIALIST REPUBLICS**

Agreement concerning reciprocal
Judicial Assistance in Civil Mat-
ters, with Final Protocol. Signed
at Tallinn, January 20, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2365. — AGREEMENT² BETWEEN THE REPUBLIC OF ESTONIA AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING RECIPROCAL JUDICIAL ASSISTANCE IN CIVIL MATTERS. SIGNED AT TALLINN, JANUARY 20, 1930.

French official text communicated by the Estonian Minister for Foreign Affairs. The registration of this Agreement took place June 28, 1930.

THE REPUBLIC OF ESTONIA, of the one part, and THE UNION OF SOVIET SOCIALIST REPUBLICS, of the other part, with a view to concluding an agreement on mutual judicial assistance between the two countries in civil matters, have appointed as their Plenipotentiaries :

THE HEAD OF THE REPUBLIC OF ESTONIA :

M. J. LATTIK, Minister for Foreign Affairs,

THE EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

M. A. PETROVSKI, Envoy Extraordinary and Minister Plenipotentiary of the Union of Soviet Socialist Republics in Estonia,

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

Article 1.

In the relations between the two contracting States in civil matters, the service of documents and the execution of *commissions rogatoires* concerning the carrying out of a summons or other legal instrument shall be governed by the following provisions.

Article 2.

Documents shall be served in compliance with a request addressed by the consul of the applicant State — in Estonia, to the Ministry of Justice and the Interior, and in the Union of Soviet Socialist Republics, to the President of the district court (*okružnoi sud*).

Commissions rogatoires shall be transmitted through the diplomatic channel.

Should the authority applied to be without jurisdiction, the application for service or the *commission rogatoire* must be transmitted to the competent authority, and the authority making application must be immediately notified thereof.

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

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Moscow, May 28, 1930.

Article 3.

Requests for service and *commissions rogatoires* must be drawn up in the language of the applicant State. There must be attached thereto a Russian or Estonian translation, as the case may be, certified correct by a diplomatic or consular agent of the applicant State, or by a sworn or official translator of the applicant State or the State applied to.

Requests for service and *commissions rogatoires* must state briefly the number and contents of the documents to be served or of the annexes to the *commissions rogatoires*. Article 5, paragraph 2, shall however apply.

Documents proving that service has been effected, or stating the reason on account of which it has not been effected, replies to requests and documents drawn up to give effect to *commissions rogatoires* shall only be accompanied by a translation if the applicant State so desires and refunds the costs of translation.

Article 4.

Requests for service and *commissions rogatoires* must indicate the authority making application, and the names and status of the parties. Requests for service must also state the address of the recipient and the nature of the document to be served.

For requests for service, the forms to be communicated by each contracting State to the other shall be used.

Article 5.

The competent authority of the State applied to shall be responsible for effecting service. Except in the cases specified in paragraph 2, 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 applied to or accompanied by a translation certified correct, as specified in Article 3, paragraph 1, second sentence, the authority applied to shall, if the applicant authority 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 legalised receipt, or by a certificate from the authority of the State applied to, setting forth the fact, the manner and the date of service.

The authority applied to shall return such certificates through the channel specified in Article 2, paragraph 1.

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 agents, without the application of any compulsion.

Article 8.

It shall be incumbent upon the judicial authority to which the *commission rogatoire* has been addressed to give effect to it by the use of the same compulsory measures as in the execution of "commissions" emanating from the authorities of the State applied to. The procedure to be followed shall in like manner be that prescribed by the law of the State applied to; a request by the applicant authority that a special procedure be followed shall, however, be complied with if the procedure in question is not incompatible with such law.

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

Article 9.

The execution of requests for service and of *commissions rogatoires* may be refused if the State in whose territory it is to be effected considers it such as to compromise its sovereignty or safety.

Should there be any doubt as to the authenticity of a *commission rogatoire*, execution of the *commission* may be delayed until the doubt has been removed.

Article 10.

No fees, stamp duties or charges of any kind shall be payable in respect of the execution of requests for service and *commissions rogatoires*, with the exception of allowances to witnesses and experts.

Such allowances, and also the costs of translation referred to in Article 3, paragraph 3, if any, shall be paid, in each particular case, at the time that the "dossier" is returned.

Article 11.

Any difficulties that may arise in connection with a request for service or a *commission rogatoire* shall be settled through the diplomatic channel.

Article 12.

The present Agreement, drawn up in duplicate in French, shall be ratified and the exchange of the ratifications shall take place at Moscow as soon as possible. It shall enter into force one month after the exchange of the instruments of ratification.

The present Agreement is concluded for a period of five years. If on the expiration of this period neither of the Contracting Parties declares that it intends to terminate it, it shall remain in force for one year from the date on which either Contracting Party notifies the other of its intention to denounce it.

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

Done at Tallinn on January the twentieth, one thousand nine hundred and thirty.

(L. S.) J. LATTIK.

(L. S.) A. PETROVSKI.

FINAL PROTOCOL.

At the time of signing the Agreement concerning mutual judicial assistance between the two countries in civil matters, concluded on this day's date, the undersigned Plenipotentiaries made the following declaration, which forms an integral part of the Agreement.

Ad Article 2.

The provisions of Article 2, paragraph 1, shall also apply in cases where service of the documents is effected in compliance with a request addressed by the diplomatic representative of the applicant State.

Done at Tallinn on January the twentieth, one thousand nine hundred and thirty.

J. LATTIK.

A. PETROVSKI.