

N° 2606.

AUTRICHE ET BELGIQUE

Déclaration concernant l'aide judiciaire réciproque en matière civile et commerciale. Signée à Vienne, le 1^{er} décembre 1930.

AUSTRIA AND BELGIUM

Declaration regarding reciprocal Legal Assistance in Civil and Commercial Matters. Signed at Vienna, December 1, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 2606. — DECLARATION BETWEEN AUSTRIA AND BELGIUM REGARDING RECIPROCAL LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT VIENNA, DECEMBER 1st, 1930.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Declaration took place February 4, 1931.

THE GOVERNMENT OF HIS MAJESTY THE KING OF THE BELGIANS and THE FEDERAL GOVERNMENT OF THE AUSTRIAN REPUBLIC, desirous of determining the measures to give effect to certain provisions of the International Convention ² on Civil Procedure concluded at The Hague on July 17, 1905, to which Belgium and Austria are Parties, have agreed as follows :

Article 1.

The requests for orders (exequatur) enforcing foreign condemnations in costs and legal expenses, mentioned in Articles 18 and 19 of the International Convention on Civil Procedure concluded at The Hague on July 17, 1905, shall be addressed to the Minister of Justice of the State wherein enforcement is sought either through the diplomatic channel, or by the Minister of Justice of the other State, or direct by the interested party.

The same rule shall apply to judicial decisions subsequently fixing the amount of legal costs.

Article 2.

Judicial or extra-judicial documents in civil and commercial matters to be notified or served in one of the two contracting States shall be transmitted to the Minister of Justice of that State either by the Minister of Justice of the other Contracting Party or by the consular or diplomatic agent of the said Party.

These authorities shall correspond direct with one another with regard to subsequent communications relating to such notifications or services.

The said documents may also be sent by the competent authority direct by post to the addressee.

Repayment of expenses occasioned by the compulsory service of judicial and extra-judicial documents may not be claimed, except where this form of service was expressly requested by the applicant authority.

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 *British and Foreign State Papers*, Vol. 99, page 990.

Article 3.

The Ministers of Justice of the two contracting States shall communicate direct with one another with regard to letters of request in civil and commercial matters and the documents drawn up in execution thereof.

Nevertheless, in urgent cases the judicial authorities of the two countries shall be authorised to submit the requests for legal assistance referred to in the first paragraph of the present Article direct to the competent authority of the other Party, if necessary by telegraph. These requests and the documents relating to their execution shall always be returned through the medium of the Ministers of Justice.

Article 4.

The judicial and extra-judicial documents referred to in Articles 1 and 3 of the present Agreement and the communications relating thereto as well as those mentioned in Article 2 of the present Agreement shall be drawn up either in German or in French, or accompanied by a translation in one of these languages.

Article 5.

The International Convention on Civil Procedure concluded at The Hague on July 17, 1905, shall continue to govern the relations between the two contracting States in all matters which it regulates, in so far as it is not affected by the present Agreement.

Article 6.

The present declaration shall enter into force ten days after its publication in the manner prescribed by the laws of the two countries ; it shall cease to take effect on the expiry of a period of three months from the date on which it shall be denounced by either of the Contracting Parties.

In faith whereof the Plenipotentiaries, duly authorised for this purpose, have signed the present Agreement and have thereto affixed their seals.

Done in duplicate at Vienna, December 1, 1930.

(L. S.) (Signed) R. LEGHAIT.

(L. S.) (Signed) SEIPEL.