

N° 4073.

FRANCE ET
UNION DES RÉPUBLIQUES
SOVIÉTIQUES SOCIALISTES

Arrangement relatif à la transmission
des actes judiciaires et notariés et
à l'exécution des commissions
rogatoires en matière civile et
commerciale. Signé à Paris, le
11 août 1936.

FRANCE
AND UNION OF SOVIET
SOCIALIST REPUBLICS

Agreement concerning the Transmis-
sion of Legal and Notarial Docu-
ments and the Execution of Roga-
tory Commissions in Civil and
Commercial Matters. Signed at
Paris, August 11th, 1936.

¹ TRADUCTION. — TRANSLATION.

No. 4073. — AGREEMENT² BETWEEN FRANCE AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE TRANSMISSION OF LEGAL AND NOTARIAL DOCUMENTS AND THE EXECUTION OF ROGATORY COMMISSIONS IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT PARIS, AUGUST 11TH, 1936.

French official text communicated by the People's Commissary for Foreign Affairs of the Union of Soviet Socialist Republics. The registration of this Agreement took place March 9th, 1937.

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, of the one part, and THE PRESIDENT OF THE FRENCH REPUBLIC, of the other part, having determined to conclude an Agreement concerning the transmission of legal and notarial documents and the execution of rogatory commissions in civil and commercial matters, have appointed as their Plenipotentiaries :

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

Monsieur Eugène HIRSCHFELD, Chargé d'Affaires of the Union of Soviet Socialist Republics in Paris ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

Monsieur Yvon DELBOS, Deputy, Minister for Foreign Affairs ;

Who, being duly authorised for the purpose, have agreed on the following provisions :

Article 1.

Legal and notarial documents in civil and commercial matters intended for persons residing in the territory of the Union of Soviet Socialist Republics, and rogatory commissions in such matters to be executed in that territory, issuing from French authorities, shall be transmitted by the Embassy of the French Republic in Moscow to the People's Commissariat for Foreign Affairs of the Union of Soviet Socialist Republics, which shall transmit them to the competent authority.

Legal and notarial documents in civil and commercial matters intended for persons residing in the territory of the French Republic, and rogatory commissions in such matters to be executed in that territory, issuing from authorities of the Union of Soviet Socialist Republics, shall be transmitted by the Embassy of the Union of Soviet Socialist Republics in Paris to the Ministry of Foreign Affairs of the French Republic, which shall transmit them to the competent authority.

The covering letters of the authorities making the request shall be drawn up in the official language of the authority applied to and shall specify the authority having issued the document transmitted, the names and descriptions of the parties, the address of the person to be served and the nature of the document concerned.

Article 2.

Should it prove impossible to serve a document on the person for whom it is intended, or to execute a rogatory commission, the authority applied to shall, as soon as possible, inform the diplomatic mission having made the request, stating the reasons for which effect could not be given to that request.

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, October 8th, 1936.

Article 3.

The service of documents may be refused if the High Contracting Party in whose territory it is to be effected considers it such as to affect its sovereignty or safety.

As a general rule, the authority applied to shall confine its action to seeing that the document is served on the person named, whose acceptance of it shall be voluntary. Proof of service shall be furnished in the form, either of a receipt dated and signed by the person served, or of a notification by the competent authority of the High Contracting Party applied to of the fact and manner of service. One or other of these documents shall be forwarded as soon as possible to the diplomatic mission having made the request. Should the document to be served have been transmitted in duplicate, the receipt or notification may be endorsed on the second copy, which shall then be returned.

Should the person for whom the document is intended refuse to accept it, the authority applied to shall return it to the diplomatic mission having made the request, stating the reasons for which service could not be effected.

At the express request of the diplomatic mission, the authority applied to shall cause the document to be served by a competent local official, either in the manner prescribed by the laws of the High Contracting Party applied to or in some special manner if not contrary to such laws. In the latter case, the document to be served shall be accompanied by a translation in the official language of the High Contracting Party applied to, such translation to be certified correct by the diplomatic or consular agent of the High Contracting Party making the request or by a sworn or official translator of the High Contracting Party applied to.

Article 4.

The High Contracting Party applied to may refuse to execute a rogatory commission :

1. If the High Contracting Party in whose territory execution is to be effected considers it such as to affect its sovereignty or safety ;
2. If, under the law of the High Contracting Party applied to, the action requested is not within the competence of the judicial authorities.

Persons whose testimony is requested shall be invited to appear by an ordinary official notice. In case of their refusal to comply therewith, the authority applied to shall employ such measures of constraint as are provided for by the law of the High Contracting Party concerned to secure their appearance.

If expressly asked to do so by the authority making the request, the authority applied to shall :

1. Execute rogatory commissions in accordance with a special procedure, provided such procedure be not contrary to the law of the High Contracting Party applied to ;
2. Inform the authority making the request of the time and place at which the rogatory commissions are to be executed in sufficient time to permit the interested parties to be present.

Rogatory commissions shall always be accompanied by a translation in the official language of the High Contracting Party applied to. Such translation shall be certified correct by the diplomatic or consular agent of the High Contracting Party making the request or by a sworn or official translator of the High Contracting Party applied to.

Article 5.

Costs in respect of the service of legal and notarial documents and the execution of rogatory commissions shall not be charged, except in the following cases :

1. Costs in respect of the service of a document by a process-server (*officier ministériel* — *souděbný ispolnitel*) of the High Contracting Party applied to, either in accordance with local law or under some special procedure ;

2. Additional costs incurred through the execution of rogatory commissions in accordance with some special procedure ;
3. Costs in respect of the service by a process-server (*officier ministériel — soudebný ispolnitel*) of an order to appear on persons whose testimony has been requested, when such persons have failed to comply with the original notice ;
4. Experts' fees ;
5. Charges for the conveyance of packages when the latter cannot be sent by post.

Article 6.

The repayment of costs shall be claimed by the authority applied to from the diplomatic agent making the request when transmitting the documents certifying that the request has been complied with. Such costs shall be assessed in accordance with the scales in force in the territory of the High Contracting Party applied to.

Article 7.

Each of the High Contracting Parties shall be entitled to have legal documents in civil and commercial matters or notarial documents served direct and without constraint by its diplomatic or consular agents on its own nationals within the territory of the other High Contracting Party.

Article 8.

All difficulties arising out of the present Agreement shall be settled through diplomatic channels.

Article 9.

The present Agreement shall be ratified. The exchange of instruments of ratification shall take place in Moscow as soon as possible.

Article 10.

The present Agreement is concluded for an indefinite period.

It shall cease to have effect on the expiry of a period of six months as from denunciation notified by either of the High Contracting Parties to the other.

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

Done in Paris, in duplicate, this 11th day of August, 1936.

(L. S.) (*Signed*) Eugène HIRSCHFELD. (L. S.) (*Signed*) Yvon DELBOS.