

N° 1997.

**GRÈCE
ET TCHÉCOSLOVAQUIE**

Convention relative à la protection et à l'assistance judiciaire réciproque en matière de droit civil et commercial, ainsi que dans les affaires de successions, avec protocole additionnel. Signés à Athènes, le 7 avril 1927.

**GREECE
AND CZECHOSLOVAKIA**

Convention concerning reciprocal Judicial Protection and Assistance in regard to Civil and Commercial Law and Matters relating to Succession, with Additional Protocol. Signed at Athens, April 7, 1927.

¹ TRADUCTION. — TRANSLATION.

No. 1997. — CONVENTION² BETWEEN THE GREEK REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING RECIPROCAL JUDICIAL PROTECTION AND ASSISTANCE IN REGARD TO CIVIL AND COMMERCIAL LAW AND MATTERS RELATING TO SUCCESSION. SIGNED AT ATHENS, APRIL 7, 1927.

French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Convention took place April 24, 1929.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and THE PRESIDENT OF THE GREEK REPUBLIC, desirous of settling the judicial relations between the two countries with regard to reciprocal judicial assistance in matters of civil and commercial law and matters relating to succession, have decided to conclude a Convention for this purpose, and have appointed as Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Emil SPIRA, Doctor of Laws, Head of Section in the Ministry of Justice ; and
M. Karel HALFAR, Doctor of Laws, Head of the International Treaties Section in the Ministry of Foreign Affairs ;

THE PRESIDENT OF THE GREEK REPUBLIC :

M. Georges LAGOUKAKIS, Minister Plenipotentiary, Director General in the Ministry of Foreign Affairs, and
M. Pericles RHALLIS, Secretary-General in the Ministry of Justice ;

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

CHAPTER I.

GENERAL PROVISIONS.

Article I.

EQUALITY OF TREATMENT.

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.

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 Athens, February 18, 1929.

They shall have unrestricted access to the courts under the same conditions and in the same manner as nationals of the country.

The general provisions in force in each of the contracting States regarding the language to be employed shall not be modified by anything contained in the present Convention.

CHAPTER II.

EXEMPTION FROM SECURITIES AND DEPOSITS AND ENFORCEMENT OF DECISIONS RELATING TO EXPENSES INCURRED.

Article 2.

No security or deposit of any description whatever may be required from Czechoslovak or Greek nationals having their domicile in Greece or Czechoslovakia respectively, and appearing before the courts of one of the two States as plaintiffs or interveners, either on the ground that they are foreigners or that they possess no domicile or residence in the country in question. This rule also applies to plaintiffs in cross actions and to appellants.

The nationals of either of the Contracting Parties 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 shall have the right to receive all legal documents on their behalf.

Article 3.

If a plaintiff or intervener or appellant exempted from paying caution-money or from effecting a deposit, or paying money into court as a guarantee, either in virtue of Article 2 or under the law of the State in which the action is brought, is ordered by the courts of one State to pay the costs of the action, such judgment may, at the direct request of the party concerned also be enforced in the territory of the other State in the same way as judgments pronounced by the latter's own courts.

The request shall be accompanied by a copy of the terms of the judgment and an affidavit to the effect that this judgment has acquired the force of *res judicata*. The affidavit shall be given in Czechoslovakia by the court which has pronounced judgment, or in Greece by the clerk of the said court, and shall certify that the time-limits within which appeals must be lodged have elapsed and that there has been no appeal.

The petitioning party shall also produce a certified translation of these documents — in Czechoslovakia, in Czech and in Greece, in Greek.

The same provisions shall apply to judicial decisions by which the costs of the action are fixed subsequently.

CHAPTER III.

FREE LEGAL AID.

Article 4.

Free legal aid shall be granted to the nationals of either State in the territory of the other State on the same conditions as to its own nationals.

If free legal aid has been granted by the competent authority to a national of one of the two States, that national shall enjoy the same benefit in the courts of the other State in respect of all judicial proceeding relating to the same case, including proceedings for enforcement.

Article 5.

The certificate of inadequate means shall be issued by the authorities of the applicant's habitual place of residence or, failing such, by the authorities of the place in which he is resident for the time being.

Should the applicant not be resident in the territory of either State, it will be sufficient if a certificate is issued by a competent diplomatic representative or consular agent.

Article 6.

The competent authority shall have the right, before issuing the certificate of inadequate means, to make enquiries of the authorities of the other State with regard to the financial position of the applicant.

The authority appointed to deal with the application for free legal aid shall be entitled, within the limits of its official powers, to verify the accuracy of the certificates and the information submitted.

CHAPTER IV.

SERVICE OF DOCUMENTS AND " COMMISSIONS ROGATOIRES ".

Article 7.

Reciprocal judicial assistance within the meaning of the following Articles shall include :

(a) The service of judicial and extra-judicial documents in civil and commercial matters, including such documents relating to non-litigious proceedings.

(b) The execution of " commissions rogatoires " in civil, commercial and non-litigious cases.

Article 8.

Requests for service of documents and the execution of " commissions rogatoires " 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 the competent authorities deal with the requests without delay. If the authority applied to is not the competent authority in the particular case, the Ministry of Justice when informed shall notify the Ministry of Justice of the other State of the competent authority to which the request has been transmitted.

The Ministries in question shall return the requests, whether they have been complied with or not.

Article 9.

(a) Requests for service of documents shall be drafted in Czechoslovakia in Czech or, where the provisions in force allow, in the language of the national minority, and in Greece, in Greek. The covering letters must be drafted in French and shall indicate the names and descriptions of the parties, the nature of the document to be served, the authority from which it emanates and the address of the recipient. These requests shall bear the signature and seal or stamp of the authority making the request. No legalisation shall be required.

(b) Service of documents shall be effected by the competent authority of the State applied to, in the form laid down by the laws of that State. Such authority may (except in the cases pro-

vided for under *c*) of the present Article) simply deliver the document to the person for whom it is intended, provided that he is prepared to accept it.

(*c*) If the applicant authority expressly requests that the document shall be served in some special manner, the request shall be acceded to, on condition that this is not contrary to the laws of the State applied to. In such case, the document shall, in Czechoslovakia, be drafted in Czech or shall be accompanied by a translation in that language, and, in Greece, it shall be drafted in Greek, or shall be accompanied by a translation in Greek. These translations shall, upon request, be made in the State applied to, at the expense of the applicant authority.

(*d*) Service of documents may not be refused by the State applied to unless it considers that their service is such as to compromise its sovereignty or safety.

(*e*) Proof of service shall be furnished, either by a dated receipt signed by the addressee, or by an affidavit given by the authority of the State applied to, setting forth the fact, manner and date of such service.

If the document to be served has been transmitted in duplicate, the receipt or certificate shall appear on one of the two copies, or be attached thereto.

(*f*) In all cases where service of the document has not been effected, the applicant State shall be notified without delay and be informed of the reasons.

Article 10.

Either State may serve legal 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 11.

(*a*) Czechoslovak "commissions rogatoires" and their annexes shall be drafted in Czech and shall be accompanied by a translation in Greek; Greek "commissions rogatoires" and their annexes shall be drafted in Greek and accompanied by a translation in Czech. These translations shall, upon request, be made in the State applied to, at the expense of the authority making the request. The "commissions rogatoires" shall set forth the subject of the request, mention or briefly describe the case, and indicate as accurately as possible the names of the parties, the place of their domicile or residence and the names and addresses of any witnesses to be examined. The "commissions rogatoires" and the translations shall bear the signature and seal or stamp of the authority making the request. Legalisation shall not be required.

(*b*) The authority applied to shall immediately execute the "commissions rogatoires" according to the procedure prescribed by the domestic law of the State applied to.

Nevertheless, at the express desire of the applicant authority a special form of procedure may be followed, provided it be not contrary to the laws of the State applied to.

(*c*) The applicant authority shall if it so requests, be notified in due course, and through the channels specified in Article 8, of the date and place of the execution of the "commission rogatoire", so that the interested parties may be present or send representatives.

(*d*) The authority to which the request for the execution of a "commission rogatoire" is submitted, shall, in complying with the request, employ the same means of compulsion as those laid down in its domestic law for the execution of a similar request on the part of the authorities of its own State or a request formulated with this object by an interested party.

(*e*) The execution of the "commission rogatoire" may only be refused if the measure to be taken is not within the competence of the judicial authorities of the State applied to, or if the State applied to considers it such as to compromise its sovereignty or safety.

(*f*) In all cases where a "commission rogatoire" has not been executed, the applicant State shall be notified without delay and shall be informed of the reasons.

Article 12.

No charge may be made for the service of documents or the execution of "commissions rogatoires", and no claim may be submitted for repayment of expenses of any kind whatever. An exception to this rule shall, however, be allowed in the case of sums paid to witnesses or experts, of costs resulting from an express request for the use of a special form of procedure, and of expenses payable under the laws of the State applied to. These costs shall be repaid without delay by the State making the request, whether or not payment is obtained from the parties concerned.

Legal assistance may not be refused on the ground that the applicant authority has not deposited in advance a sufficient sum to cover the expenses to be repaid in accordance with the foregoing paragraph.

Postal charges shall be borne by the applicant authority.

CHAPTER V.

LEGALISATION OF DOCUMENTS AND THEIR ADMISSIBILITY AS EVIDENCE.

Article 13.

Documents drawn up, issued or legalised by the Courts of one State shall not, provided that the seal or stamp of the Court is affixed thereto, require any legalisation to render them valid within the territory of the other State. These documents include documents signed by the clerk of the Court, provided that his signature is deemed to be sufficient under the laws of the State 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 any legalisation to render them valid within the territory of the other State, provided that the seal or stamp of the said authority has been affixed thereto, and that this authority is mentioned in the list annexed to the present Convention. This list may, by joint agreement, be modified or amplified at any time by a decree of the administrative authority.

Article 14.

Legal documents drawn up in the territory of one of the two States, and commercial books kept in that territory, shall be admissible as evidence in the courts of the other State to the same extent as they are admissible under the laws of the State in which they originate. Nevertheless, they shall not be admissible as evidence to any wider extent than is permitted under the laws of the State in whose Courts the case is to be heard.

CHAPTER VI.

LEGAL INFORMATION.

Article 15.

The Ministries of Justice of the Contracting Parties shall, if requested to do so, supply information concerning the law in force in the territory of their States.

The request must indicate exactly the legal provisions concerning which information is desired.

CHAPTER VII.

INHERITANCE.

Article 16.

RIGHT TO DISPOSE OF AND ACQUIRE PROPERTY BY INHERITANCE.

Succession duties shall in the case of movable and immovable property, be governed by the law of the deceased's country at the time of his death.

The last will and testament shall be deemed to be in order, provided that it is in accordance with the law of the place in which it was drawn up, or with the law of the country of which the deceased was a national at the time when he made his will. The same rule shall apply to the revocation of the aforesaid testamentary dispositions.

The above provisions shall in no way affect the laws in force in the territory of the Contracting Party in which the property is situated, limiting the right of free disposal and acquisition in case of death, either of the whole or part of the property, or of certain articles, for reasons of public policy. Nor shall they affect any special provisions of law (regarding agrarian reform, fiduciaries, etc.) which may be in force in the territory of the Contracting Parties.

Article 17.

COMPETENT AUTHORITIES IN THE MATTER OF SUCCESSION.

(a) Devolution of immovable Property.

The Courts or authorities of the Contracting Party in whose territory the immovable property is situated shall alone be competent to settle the devolution of immovable property and to decide on all disputes relating thereto.

The decision as to what constitutes immovable property shall be reached in accordance with the laws of the State in which such property is situated.

*Article 18.**(b) Devolution of movable Property.*

The Courts or authorities of the Contracting State of which the deceased was a national at the time of his death shall be competent to settle the devolution of movable property. It shall be the duty of such authorities to decide disputes relating to the devolution of the deceased's movable property.

The Contracting Parties undertake to deliver up, to each other, for the purposes indicated in the foregoing paragraph, the movable property belonging to the estate of a national of the other Party, when such estate is situated within their territory.

The decision as to what constitutes movable property shall be reached in accordance with the laws of the country in which such property is situated.

Article 19.

MEASURES TO BE TAKEN BEFORE DELIVERY OF MOVABLE ESTATE.

(a) Safeguarding the estate.

The Courts or competent authorities of the Contracting Party in whose territory the movable property is situated shall :

(a) Make out the death certificate (if the national of the other Contracting Party died in its territory) or issue the certificate showing the personal circumstances of the

deceased, and also, if necessary, publish his last will and testament ; the Court or authority within whose territory death took place shall in every case notify the consular authority of the other Party or, in default thereof, its diplomatic representative direct, at the same time forwarding to it a legalised copy of the documents mentioned above or, if necessary, an extract from the register of deaths.

(b) Take the necessary measures, in case of emergency, for safeguarding the estate and ensuring its proper administration, with a view to preventing loss or other damage.

It shall be the duty of the Courts or authorities in question to draw up an inventory of the whole of the estate and, if circumstances so require, to affix seals thereto or deposit the property in a safe place, or appoint a trustworthy person as administrator with a view to the management of the estate.

The aforementioned measures shall be taken by the Court or authority in accordance with the provisions in force on this subject in its own country.

Should there be a consular authority of the other Contracting Party at the place at which the movable estate is situated, the measures mentioned under (b) can only be taken if the said consular authority has been informed of the fact at least twenty-four hours beforehand, unless there should be danger in delay. The consular authority may, within the limits of his powers, attend at Court or co-operate in the measures taken by the Court or authority of the place at which the movable property is situated. Such consular authority may, in particular, request that these measures be taken in a special manner, if this is not at variance with the laws of the State to which the Court or authority belongs.

In all other cases, the consular authority shall be notified immediately of everything which has been done to assure the administration of the estate. These measures may, on the request of such authority, be modified or cancelled, unless prejudice may thereby result to the nationals of the State in which the property is situated.

Article 20.

(b) *Protection of nationals who are heirs, legatees or creditors.*

Should nationals of the Contracting State in which the estate is situated or persons residing in that country have an interest in the devolution as heirs or legatees, the Court or authority of the place in which the property is situated may, at the request of such heirs or legatees, retain either the whole of the property or a sufficient portion until the competent Court or authority of the State of which the deceased was a national shall have finally adjudicated upon their rights as heirs or legatees.

The same measures may be taken at the request of creditors who are nationals of the Contracting State in the territory of which the movable property is situated, or who reside therein, provided they have submitted their claims to the competent Court within the period laid down in the following Article.

The Courts of the State in which the movable property is situated shall alone adjudicate upon the claims of these creditors.

Article 21.

With a view to the measures provided for in Article 20, the Court shall fix a period of from one to three months within which the persons mentioned above must submit their claims to the Court or competent authority.

The notice relating thereto shall be published in the two States, in the official gazette or newspapers reserved for official publications, and a certified true copy shall be sent immediately to the

Court or authority dealing with the devolution and to the consular agent or, in default thereof, to the diplomatic representative of the other State.

If their claims have not been submitted within the said period, delivery of the movable estate cannot be refused.

Article 22.

DELIVERY OF THE ESTATE.

The movable estate shall be delivered to the nearest consular authority or, failing such authority, to the diplomatic representative, of the State of which the deceased was a national.

The provisions of the present Convention shall not in any way affect the provisions relating to the prohibition to export certain articles.

Article 23.

SETTLEMENT OF THE DEVOLUTION OF MOVABLE ESTATE BY THE COURTS OR AUTHORITIES OF THE OTHER CONTRACTING PARTY.

If the movable estate of a national of one of the two Contracting Parties is situated in the territory of the other Contracting Party, the heirs residing in this territory may, notwithstanding the provisions of Article 18, request that the devolution of the estate be settled by the Court or authority of that State. In that case the Court shall publish a notice fixing a period of two to three months, and calling upon all the heirs and legatees to submit their claims, failing which the estate shall be allocated between such persons entitled to the property as may have submitted their claims. This notice shall be published in both States in the gazette or in the newspapers reserved for official publications, and a certified true copy shall be forwarded without delay to the Court or authority of the State of which the deceased was a national, and also to his local consular authority, or in default thereof, to some other representative of his State. If no one should apply in response to this notice, or if those who have submitted their claims should consent to the estate being allocated by the said Court, devolution shall take place in accordance with the laws of the State of which the deceased was a national, as laid down in Article 16. If, however, some of the heirs or legatees who have applied should ask, or if the Court or authority of the deceased's country whose duty it is to allocate the estate should insist, that the property be handed over to the Court or competent authority of the deceased's State, this request shall be complied with.

Article 24.

Costs due to measures taken in accordance with Articles 19 and 22 shall be borne by the State to which the estate is handed over.

Article 25.

The above provisions relating to the handing over of movable estate to the Courts or competent authorities of the deceased's country shall not be affected by any subsequent agreements which may be entered into between the two Contracting Parties with a view to preventing double taxation of movable estate.

Until the conclusion of the agreement mentioned above, both Contracting Parties reserve the right to collect the charges and other public taxes provided for by the laws in force in their respective countries, before handing over the movable estate to the authorities of the other Party.

Article 26.

FINAL PROVISIONS.

The present Convention shall be ratified and the ratifications exchanged at Athens.

This Convention shall come into force one month after the exchange of the ratifications and shall remain in force for three months after its denunciation, which may be effected at any time.

In faith whereof the Plenipotentiaries have signed the present Convention in two copies.

Done at Athens, April 7, 1927.

Dr. Emil SPIRA.
Dr. Karel HALFAR.
G. C. LAGOUdakIS.
P. RHALLIS.

ADDITIONAL PROTOCOL.

The Plenipotentiaries of the Contracting Parties, being about to sign the Convention between the Czechoslovak Republic and the Greek Republic concerning reciprocal judicial protection and assistance in regard to civil and commercial law and matters relating to succession, declare their agreement on the following questions :

(1) That the guardianship and trustee authorities in Slovakia and in Sub-Carpathian Russia shall be included in the courts within the terms of the Convention.

(2) In order to acquaint each other with the judicial authorities in their respective countries, the Contracting Parties shall exchange a list of the courts of appeal and all the courts of first instance established within their territory, this list to be accompanied by a map showing the courts of the various authorities.

(3) The Contracting Parties shall conclude an agreement concerning the forms to be drawn up in the official language of the two States, which are to be employed in serving documents.

(4) This Protocol shall form an integral part of the Convention.

In faith whereof, the Plenipotentiaries have signed the Protocol.

Done at Athens in two copies, April 7, 1927.

Dr. Emil SPIRA.
Dr. Karel HALFAR.
G. C. LAGOUdakIS.
P. RHALLIS.

LIST

of those administrative authorities whose documents need no legalisation, in accordance with the second paragraph of Article 13 of the Convention between the Czechoslovak Republic and the Greek Republic, concerning reciprocal and judicial protection and assistance in regard to civil and commercial law and matters relating to succession.

A. For Czechoslovak documents :

(1) Ministry of the Interior.

Political Administrations at Prague, Brunn and Opava.
Civil Administration of Sub-Carpathian Russia at Užhorod.
Police headquarters.
Archives of the Ministry of the Interior.

(2) Ministry of Public Health.

(3) Ministry of Posts and Telegraphs.

Postal Cheques Office at Prague.
Postal and Telegraph Managements at Prague, Pardubice, Brunn, Opava, Bratislava and Košice.

(4) Ministry of Commerce.

Patents Office at Prague.

(5) Ministry of Public Works.

(6) Ministry of Finance.

(7) Ministry of Agriculture.

Ministry of Agriculture, Department for Slovakia at Bratislava.
Service of Agricultural Information attached to the Civil Administration for Sub-Carpathian Russia at Užhorod.
State Domains Department at Prague.
State Forestry Department at Brandýs n. L., Zarnovice, Báňská Bystřice, Liptavský Hradek, Solný Hrad, Užhorod, Rahovo and Buština.
Ministerial Committee for Agrarian Operations at Prague.
Provincial Committee for Agrarian Operations at Brunn and Opava.
State Agricultural Archives.

(8) Ministry of National Defence.

(9) Ministry of Education.

School Boards at Prague, Brunn and Opava, Department of the Ministry of Education at Bratislava, Schools Department of the Civil Administration for Sub-Carpathian Russia at Užhorod.

(10) Ministry of Foreign Affairs.

Archives of the Ministry of Foreign Affairs.

(11) Ministry of Supplies.

(12) Ministry of Justice.

(13) Office of the Premier.

(14) Ministry for the unification of legislation and the organisation of the public administrative departments.

(15) Ministry (invested with full powers) for the Administration of Slovakia at Bratislava.

(16) Ministry of Railways.

Railway Management at Prague-South, Prague-North, Pilsen, Hradec Kralové, Brunn, Olomuc, Bratislava and Košice.

- (17) Ministry of Social Welfare.
 - (18) Supreme Audit Office at Prague.
 - (19) Government Land Office at Prague.
 - (20) Statistical Office at Prague.
 - (21) Chancellery of the President of the Republic at Prague.
 - (22) Chancellery of the Chamber of Deputies of the National Assembly at Prague.
 - (23) Chancellery of the Senate of the National Assembly at Prague.
- B. For Greek documents :
- (1) Ministry of Foreign Affairs.
 - (2) Ministry of Justice.
 - (3) Ministry of the Interior.
 - (4) Ministry of Education and Public Worship.
 - The Sacred Synod of the Greek Church.
 - University of Athens.
 - University of Salonika.
 - (5) Ministry of Finance.
 - (6) Ministry of Economic Affairs.
 - Higher Financial and Commercial College.
 - (7) Ministry of Communications.
 - General Management of the State Railways.
 - Technical School (Metsovion).
 - (8) Ministry of Agriculture.
 - (9) Ministry of Health, Social Welfare and Public Relief.
 - (10) Ministry of War :
 - Air Defence Department.
 - (11) Ministry of Marine.
 - (12) Political Bureau of the Premier.
 - (13) The Presidents of the Senate and of the Chamber of Deputies.
 - (14) The Offices of the Governors-General for Salonika, Thrace, Epirus and Crete.

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