

N° 2827.

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PORTUGAL  
ET TCHÉCOSLOVAQUIE

Accord concernant l'assistance judiciaire réciproque en matières civile et commerciale, avec protocole additionnel et annexe. Signés à Lisbonne, le 23 novembre 1927.

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PORTUGAL  
AND CZECHOSLOVAKIA

Agreement concerning reciprocal Judicial Assistance in Civil and Commercial Matters, with Additional Protocol and Annex. Signed at Lisbon, November 23, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 2827. — AGREEMENT BETWEEN THE PORTUGUESE REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT LISBON, NOVEMBER 23, 1927.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and THE PRESIDENT OF THE PORTUGUESE REPUBLIC, taking the Hague International Convention of July 17, 1905, relating to civil procedure, to which both the Czechoslovak Republic and the Portuguese Republic have acceded, as a basis for regulating the judicial relations between the two States, and being desirous of laying down measures for the execution of certain provisions of the said Convention and further of regulating the legalisation of documents and their admissibility as evidence, together with the communication of legal information, have decided to conclude an agreement for this purpose, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

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

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

Doctor Abel DE ANDRADE, Professor in the Faculty of Law at Lisbon ;  
Doctor José Caeiro DA MATA, Professor in the Faculty of Law at Lisbon ;

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

I. SERVICE OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS.

LETTERS OF REQUEST.

*Article I.*

Reciprocal judicial assistance within the meaning of Chapters I and II of the Hague Convention of July 17, 1905, on civil procedure 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 letters of request concerning the matters referred to under (a).

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

*Article 2.*

Documents to be served and letters of request to be executed shall be transmitted direct by the Ministry of Justice and Worship at Lisbon to the Ministry of Justice at Prague, and direct by the Ministry of Justice at Prague to the Ministry of Justice and Worship at Lisbon. These two Ministries shall see that the competent Portuguese or Czechoslovak authorities deal with such requests for judicial assistance without delay.

In their relations with one another the two Ministries shall employ the French language exclusively.

Documents to be served may also be addressed direct by the competent authority to the recipient through the post.

Each Contracting Party recognises the right of the other to effect, through its diplomatic or consular agents, the delivery of documents in the territory of the former, whatever may be the nationality of the recipient, direct and without threat or compulsion.

*Article 3.*

Documents to be served in accordance with Articles 1 and 2 of the said Hague Convention shall be made out in Portugal in the Portuguese language, and in Czechoslovakia in the Czechoslovak language ; or where the provisions in force allow, in the language of the national minority. These documents, together with documents to be served in accordance with Article 3 of the same Convention, shall bear the signature and seal or stamp of the authority making the request. No legalisation shall be required.

With regard to service in accordance with Article 3 of the Hague Convention, the document to be served in the other Contracting State shall be made out in the official language of that State or accompanied by a translation in that language, certified correct by a sworn translator (interpreter), or by a diplomatic or consular agent of one of the two Contracting States. Such translations shall, on request being made, be prepared by the State applied to at the cost of the authority making the request.

*Article 4.*

Portuguese letters of request and the annexes thereto shall be made out in the Portuguese language and shall be accompanied by a translation in the Czechoslovak language certified correct by a sworn translator (interpreter) in Portugal ; Czechoslovak letters of request and the annexes thereto shall be made out in the Czechoslovak language and shall be accompanied by a translation in the Portuguese language certified correct by a sworn translator (interpreter) in Czechoslovakia. Such translations shall, on request being made, be prepared by the State applied to at the cost of the authority making the request. Letters of request shall bear the signature and seal or stamp of the authority making the request. No legalisation shall be required.

*Article 5.*

The judicial assistance mentioned in Articles 1 to 4, including the translations referred to in Articles 3 and 4, may not be refused on the ground that the authority making application has not deposited funds to guarantee the repayment of the costs.

Postal charges shall be borne by the forwarding State.

## II. ENFORCEMENT OF DECISIONS RELATING TO CHARGES AND EXPENSES.

*Article 6.*

On the direct request of the party concerned, decisions relating to charges and expenses referred to in Article 18, paragraphs 1 and 2 of the Hague Convention, pronounced by the courts of either State shall, in application of paragraph 3 of the said Article, be enforced free of charge in the territory of the other State, in the same way as decisions pronounced by its own courts. Such request shall be addressed to the competent court in the other State.

The request shall be accompanied by the operation part of the decision, which shall be attested by the court that pronounced the decision and shall state that the decision has acquired the force of *res judicata*. The applicant shall also produce a translation of these documents certified correct, in Portugal in the Portuguese language and in Czechoslovakia in the Czechoslovak language.

The translation charges referred to in this Article shall be fixed by the authority applied to at the request of the party concerned made in his application, and these charges shall be considered as charges and expenses of the action.

## III. LEGALISATION OF DOCUMENTS AND THEIR ADMISSIBILITY AS EVIDENCE.

*Article 7.*

Documents drawn up, issued or legalised by the courts of either State shall not, provided that the seal or stamp of the court is affixed thereto, require any subsequent legalisation for use in judicial matters within the territory of the other State.

Documents drawn up, issued or legalised by any of the central administrative authorities of the two Contracting States or by an administrative authority directly responsible to such an authority shall not require any subsequent legalisation for use in judicial matters 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 Agreement. This list may, by previous agreement, be modified or amplified.

*Article 8.*

Documents drawn up by a public officer in the territory of either State, 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 only be admissible as evidence within the limits allowed by the laws of the State before whose courts the matter is brought.

## IV. LEGAL INFORMATION.

*Article 9.*

The Ministry of Justice and Worship at Lisbon and the Ministry of Justice at Prague shall, if requested to do so, communicate to each other free of charge information concerning the law in force in the territory of their States.

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

## V. REFERENCE TO THE HAGUE CONVENTION.

*Article 10.*

The International Convention relating to civil procedure concluded at The Hague on July 17, 1905, shall, in so far as it is not affected by the present Agreement, continue to govern the relations of the two Contracting States in regard to the matters dealt with therein.

## VI. FINAL PROVISIONS.

*Article 11.*

The present Agreement shall be ratified and the ratifications shall be exchanged at Prague. This Agreement shall come into force one month after the exchange of ratifications, and shall remain valid for one year after denunciation, which may be effected at any time.

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

Done at Lisbon, November 23, 1927.

(L. S.) Dr. Emil SPIRA.

(L. S.) Dr. Karel HALFAR.

(L. S.) Abel DE ANDRADE.

(L. S.) José Caeiro DA MATA.

## LIST

OF THE ADMINISTRATIVE AUTHORITIES WHOSE DOCUMENTS NEED NO SUBSEQUENT LEGALISATION, IN ACCORDANCE WITH ARTICLE 7, PARAGRAPH 2, OF THE AGREEMENT BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PORTUGUESE REPUBLIC CONCERNING RECIPROCAL JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS.

## A. For Czechoslovak documents :

1. Office of the President of the Council of Ministers ;
2. Ministry of Foreign Affairs, Archives of the Ministry of Foreign Affairs ;
3. Ministry of the Interior, Archives of the Ministry of the Interior Division of the Ministry of the Interior at Bratislava, Civil Administration of Sub-Carpathian Russia at Užhorod, District Political Administrations at Prague, Brno and Opava, Offices of the Joupá at Bratislava, Nitra, Turč. Sv. Martin, Zvoleň, Lipt. Sv. Mikuláš, Košice and Mikačevo
4. Ministry of Justice ;
5. Ministry of Finance ;
6. Ministry of Commerce, Patent Office, Prague ;
7. Ministry of Agriculture ;
8. Ministry of Education, Section of the Ministry of Education at Bratislava, School Section of the Civil Administration for Sub-Carpathian Russia at Užhorod ;
9. Ministry of Social Welfare ;
10. Ministry of Public Works ;

11. Ministry of Posts and Telegraphs ; Offices of the Director of Posts and Telegraphs at Prague, Pardubice, Brno, Opava, Bratislava and Košice, Postal Cheques Office at Prague, detached Bureau of the Postal Cheques Office at Brno ;
12. Ministry of Railways, Offices of the Directors of Railways, Prague-South, Prague-North, Plzeň, Hradec Králové, Brno, Olomouc, Bratislava and Košice ;
13. Ministry of National Defence ;
14. Ministry of Public Health ;
15. Ministry for the Unification of Legislation and Organisation of Public Administration;
16. Ministry of Supplies ;
17. Chief Audit Office, Prague.
18. Government Land Office, Prague.
19. Statistical Office, Prague.
20. Office of the President of the Republic, Prague.
21. Office of the Chamber of Deputies of the National Assembly, Prague.
22. Office of the Senate of the National Assembly, Prague.

B. For Portuguese documents :

1. Office of the President of the Council of Ministers.
2. Ministry of Foreign Affairs.
3. Ministry of the Interior, Office of the Director-General of Political and Civil Administration Offices of the Director-General of Public Safety.
4. Ministry of Justice and Worship.
5. Ministry of Finance.
6. Ministry of Commerce and Communications.
7. Ministry of Agriculture.
8. Ministry of Education.
9. Ministry of War.
10. Ministry of Marine.
11. Ministry of the Colonies.
12. Office of the President of the Chamber of Deputies.
13. Office of the President of the Senate.

### ADDITIONAL PROTOCOL.

The Plenipotentiaries of the Contracting Parties, being about to sign the Agreement between the Czechoslovak Republic and the Portuguese Republic concerning reciprocal judicial assistance in civil and commercial matters, declare :

(1) That the guardianship and curatorship authorities in Slovakia and in Sub-Carpathian Russia shall be included in the courts for the purpose of the Agreement ;

(2) That, for the service of documents, the Ministry of Justice and Worship at Lisbon and the Ministry of Justice at Prague shall employ a form the model for which shall be drawn up subsequently by the Contracting Parties.

This Protocol shall form an integral part of the Agreement.

In faith whereof the Plenipotentiaries have signed this Protocol.

Done at Lisbon, November 23, 1927.

(L. S.) Dr. Emil SPIRA.

(L. S.) Dr. Karel HALFAR.

(L. S.) Abel DE ANDRADE.

(L. S.) José Caeiro DA MATA.

## ORDER

OF THE MINISTRY OF FOREIGN AFFAIRS DATED AUGUST, 1931, COMMUNICATING THE LIST OF AUTHORITIES PROVIDED FOR IN THE AGREEMENT BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PORTUGUESE REPUBLIC CONCERNING RECIPROCAL JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS, SIGNED AT LISBON, ON NOVEMBER 23, 1927.

The following are the authorities whose documents, in accordance with Article 7 of the said Agreement, need no subsequent legalisation for use in judicial matters within the territory of the other State, provided that the seal or stamp of the said authorities has been affixed thereto :

A. In the territory of the Czechoslovak Republic, the authorities of which the list was published under Nos. 1-22, pages 409-411, of the Collection of Laws and Decrees for 1931.

B. In the territory of the Portuguese Republic :

1. Office of the President of the Council of Ministers ;
2. Ministry of Foreign Affairs ;
3. Ministry of the Interior, Office of the Director-General of Political and Civil Administration, Office of the Director-General of Public Safety ;
4. Ministry of Justice and Worship, Offices of the Presidents of the Courts of Appeal, Offices of the Procurators of the Republic ;
5. Ministry of Finance ;
6. Ministry of Commerce and Communications ;
7. Ministry of Agriculture ;
8. Ministry of Public Education
9. Ministry of War ;
10. Ministry of Marine ;
11. Ministry of the Colonies ;
12. Office of the President of the Chamber of Deputies ;
13. Office of the President of the Senate.

The present Order is supplementary to the text of the Agreement published under No. 22 in the Collection of Laws and Regulations for 1931.

(Signed) Dr. Eduard BENEŠ.  
*Minister for Foreign Affairs.*