

LUXEMBOURG ET POLOGNE

Echange de notes ayant pour objet d'introduire, à titre d'addition à la Convention de La Haye du 17 juillet 1905, relative à la procédure civile, de nouvelles simplifications dans l'assistance judiciaire réciproque. Bruxelles, le 7 décembre 1928, Luxembourg, le 10 juillet 1930, Bruxelles, les 17 juillet 1930 et 31 mars 1931, et Luxembourg, le 10 avril 1931.

LUXEMBURG AND POLAND

Exchange of Notes with the Object of introducing Further Simplifications, as an Addition to the Civil Procedure Convention concluded at The Hague, July 17, 1905, in Reciprocal Judicial Assistance. Brussels, December 7, 1928, Luxemburg, July 10, 1930, Brussels, July 17, 1930, and March 31, 1931, and Luxemburg, April 10, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3251. — EXCHANGE OF NOTES BETWEEN THE LUXEMBURG GOVERNMENT AND THE POLISH GOVERNMENT WITH THE OBJECT OF INTRODUCING FURTHER SIMPLIFICATIONS, AS AN ADDITION TO THE CIVIL PROCEDURE CONVENTION CONCLUDED AT THE HAGUE, JULY 17, 1905, IN RECIPROCAL JUDICIAL ASSISTANCE. BRUSSELS, DECEMBER 7, 1928, LUXEMBURG, JULY 10, 1930, BRUSSELS, JULY 17, 1930, AND MARCH 31, 1931, LUXEMBURG, APRIL 10, 1931.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Exchange of Notes took place August 31, 1933.

I.

LEGATION OF THE POLISH REPUBLIC
AT BRUSSELS.

No. 4805/28.

BRUSSELS, December 7, 1928.

Whereas the Hague Convention² on Civil Procedure of July 17, 1905, provides that the signatory States must make certain declarations and allows them to settle sundry questions by agreement otherwise than in the manner provided in the Convention, the Polish Legation, acting on instructions from its Government, has the honour to make the following proposals :

Ad Article 1, Paragraph 1.

Applications for service of judicial documents on persons in Poland should be forwarded by the Luxemburg Consuls to the Presidents of the District Courts of the place of residence of the addressee.

At the same time the Polish Legation requests the Department to be so good as to indicate to it the Luxemburg authorities competent to receive applications for service of judicial documents from Polish Consuls in Luxemburg.

Ad Article 9, Paragraph 1.

Letters of request for execution on Polish territory should be forwarded to the Polish Ministry of Justice.

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.

The Polish Legation would be much obliged if the Luxemburg Government would be so good as to indicate to it the Luxemburg authorities competent to receive through the Polish Consuls in Luxemburg letters of request for execution on Luxemburg territory.

Ad Article 6.

The Polish Government declares that, subject to reciprocity, it agrees that service of judicial documents should be made in the manner provided for in paragraphs 1 and 3 of Article 6, Section 1; on the other hand, it does not agree to the method of making such service laid down in paragraph 2 of the same Section.

The Polish Legation requests the Luxemburg Government to be good enough to inform it whether it consents to adopt the same method of transmission of applications for service of judicial documents coming from Polish authorities for execution on Luxemburg territory. If the Polish Government and the Luxemburg Government can agree on this point, an exchange of declarations on the subject might take place.

Ad Article 18, Paragraph 3.

The Polish Government agrees that in Polish territory the requests for enforcement mentioned in this Article may be addressed direct by the parties concerned to the competent authorities.

Further to the above proposals, the Polish Legation has the honour to state that the Polish Government desires to reach an agreement with the Luxemburg Government regarding the language in which service of judicial documents and letters of request shall be drawn up in conformity with Articles 3 and 10 and with paragraph 2 of Article 19 of the said Convention and proposes the use of the French language for that purpose.

To the Department
of Foreign Affairs,
Luxemburg.

II.

GOVERNMENT

DEPARTMENT OF FOREIGN AFFAIRS.

14.2.34 a.

Following on its Note, No. 14-2-34 a, the Department of Foreign Affairs has the honour to communicate to the Polish Legation that the legal authorities have just concluded their study and examination of the proposals of December 7, 1928, and that the Grand-Duchy Government is fully prepared to give its assent to the draft agreement prepared by the Polish Government for the settlement of certain questions connected with the carrying out of the Hague Convention on Civil Procedure of July 17, 1905, so far as it concerns the relations between the Grand-Duchy and Poland.

The direct channel suggested by the Polish Government will certainly improve the fairly frequent relations between the two countries, and prevent the sometimes considerable delays which occur in the exchange of legal correspondence through the diplomatic channel.

In order to meet the wishes expressed by the Legation in regard to Articles 1 and 9 of the Hague Convention of July 17, 1905, the State Procurator-General and the State Procurators at Luxemburg and Diekirch, within their respective districts, will be appointed by Luxemburg to receive judicial documents and letters of request from Polish Consuls for the purpose of taking the action requested.

The Luxemburg Government gives its assent to the proposal of the Polish Government that, subject to reciprocity, service of judicial documents (Article 6 of the Convention) should be carried out in the manner laid down in paragraphs 1 and 3 excluding the provisions of No. 2 of the said Article 6.

The Luxemburg Government also agrees to the use of the French language for the service of judicial documents and for letters of request emanating from the two countries.

The Department of Foreign Affairs would be much obliged if the Polish Legation would communicate the above to its Government, and has the honour to be, etc.,

LUXEMBURG, *July 10, 1930.*

The Polish Legation.

III.

POLISH LEGATION.

No. 3014/30.

BRUSSELS, *July 17, 1930.*

The Polish Legation has the honour to acknowledge receipt of the Department of Foreign Affairs' note No. 74-2-34 a, of the 10th instant, by which the Department notifies the assent of the Government of the Grand-Duchy to the draft agreement prepared by the Polish Government for the settlement of certain questions connected with the carrying out of the Hague Convention on Civil Procedure of July 17, 1905.

The Legation has duly communicated the contents of the above-mentioned note from the Department of Foreign Affairs to the competent authorities.

To the Department
of Foreign Affairs,
Luxemburg.

IV.

POLISH LEGATION,
BRUSSELS.

No. 1523/31.

BRUSSELS, *March* 31, 1931.

Further to its Note No. 3014/30 dated July 17, 1930, concerning the draft agreement prepared by the Polish Government for the settlement of certain questions connected with the carrying out of the Hague Convention on Civil Procedure of July 17, 1905, the Polish Legation, acting on instructions from its Government, has the honour once more to apply to the Grand-Duchy Government to ask that the Government will state its views on the two points of the proposal of the Polish Government which were not dealt with in the reply of the Government of Luxemburg.

It is desired to ascertain the point of view of the Grand-Duchy Government on the proposal, which provides that the interested parties shall have the right to apply direct to the competent authorities (see Article 18 of the Convention) and on the proposal for the use of the French language, in accordance with paragraph 3, sub-paragraph 2 of Article 19 of the Convention.

To the Government of Luxemburg,
Luxemburg.

V.

GOVERNMENT
FOREIGN AFFAIRS DEPARTMENT.

NOTE.

In reply to Note No. 1523/31 of March 31, 1931, from the Polish Legation, the Department of Foreign Affairs would refer to its Note 14-2-34 *a* of July 10, 1930.

It follows from the above-mentioned note from the Department of Foreign Affairs, that the Grand-Duchy Government in accordance with paragraph 3, sub-paragraph 2 of Article 19 of the Hague Convention on Civil Procedure of July 17, 1905, agrees to the use of the French language for the service of judicial documents and for letters of request emanating from the two countries.

The Grand-Duchy Government also accepts the proposal of the Polish Government on paragraph 3 of Article 18, to the effect that interested parties should be allowed to make direct requests for enforcement.

LUXEMBURG, *April* 10, 1931.

The Polish Legation,
Brussels.