

N° 3336.

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## ESTONIE 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. Tallinn, les 17 septembre 1930 et 20 mai 1931.

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## ESTONIA 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. Tallinn, September 17, 1930, and May 20, 1931.

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

No. 3336. — EXCHANGE OF NOTES BETWEEN THE ESTONIAN AND POLISH GOVERNMENTS 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. TALLINN, SEPTEMBER 17, 1930, AND MAY 20, 1931.

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*French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Exchange of Notes took place January 19, 1934.*

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## I.

LEGATION  
OF THE POLISH REPUBLIC  
AT TALLINN.

No. 965/30.

Since the Hague Convention<sup>2</sup> of July 17, 1905, concerning civil procedure lays down that it is necessary for the signatory States to make certain declarations and leaves the said States free to agree together on the settlement of certain questions in a manner other than that laid down by the provisions of the said Convention, the Polish Legation, on instructions from its Government, has the honour to make the following proposals :

*Ad Article 1, Paragraph 1.*

Application for service of legal documents on persons in Poland should be made by the Estonian Consuls to the Presidents of the District Courts in the place of residence of the person concerned.

At the same time, the Polish Legation begs to be informed which would be the competent Estonian authorities to receive applications from Polish Consuls in Estonia for service of legal documents.

*Ad Article 9, Paragraph 1.*

Letters rogatory for execution in Polish territory should be forwarded to the Ministry of Justice.

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<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.

<sup>2</sup> *British and Foreign State Papers*, Vol. 99, page 990.

The Polish Legation would be grateful if the Ministry of Foreign Affairs would state which would be the competent Estonian authorities to receive letters rogatory transmitted through the Polish Consuls in Estonia for execution in Estonian territory.

*Ad Article 6.*

Subject to reciprocity, the Polish Government agrees that service of legal documents should be made in the manner laid down in paragraphs 1 and 3 of Article 6, section 1. On the other hand, it cannot allow such service to be made in the manner laid down in paragraph 2 of the same section.

The Polish Government requests the Ministry of Foreign Affairs to be so good as to inform it whether the Estonian Government agrees to adopt the same method of forwarding applications for service of legal documents from the Polish authorities for execution in Estonian territory. Should the Polish Government and the Estonian Government agree on this matter, an exchange of declarations concerning it might take place.

*Ad Article 18, Paragraph 3.*

The Polish Government agrees that on Polish territory the requests for exequatur dealt with in this Article may be made direct by the interested parties to the competent authorities.

Further to the above-mentioned proposals, the Polish Legation has the honour to state that the Polish Government desires to come to an agreement with the Government of Estonia upon the language in which service of legal documents is to be made and letters rogatory are to be drawn up, in accordance with Articles 3 and 10 and paragraph 3 of section 2 of Article 19 of the said Convention ; and on its side proposes that the French language should be used for that purpose.

TALLINN, *September 17, 1930.*

To the Ministry of Foreign Affairs,  
Tallinn.

II.

MINISTRY  
OF FOREIGN AFFAIRS.

1848.

VERBAL NOTE.

By its verbal note No. 965/30 dated September 17, 1930, the Polish Legation, with a view to the application as between Estonia and Poland of The Hague Convention of July 17, 1905, concerning civil procedure, notified the Ministry of Foreign Affairs which were the competent Polish authorities to whom legal documents for service on persons in Poland should be forwarded

and the method to be used when forwarding letters rogatory, and intimated the desire of the Polish Government to avail itself of certain permissive rights provided for in the Convention.

The Ministry of Foreign Affairs, with reference to this note, has the honour to request the Polish Legation to communicate the following information to the Polish Government regarding the measures of application taken in this matter by the Government of the Republic :

(1) Ad *Article 1, Paragraph 1*. The Estonian authorities to which the diplomatic or consular representative of Poland should forward requests for service of legal and extra-judicial documents on persons in Estonia are the Presidents of the Courts of Justice (*Rahukogu*) enumerated below :

- (a) Tallinna-Haapsalu Rahukogu at Tallinn ;
- (b) Rakvere-Paide Rahukogu at Rakvere ;
- (c) Tartu-Võru Rahukogu at Tartu ;
- (d) Viljandi-Pärnu Rahukogu at Pärnu.

(2) Ad *Article 9, Paragraph 1*. Letters rogatory for execution in Estonia should be forwarded to the Presidents of the respective Courts of Justice enumerated above.

(3) Ad *Article 6*. The Government of the Republic grants reciprocity in respect of the exercise of the permissive rights provided for by paragraphs 1 and 3, Article 6, Section 1, of the Hague Convention.

(4) Ad *Article 18, Paragraph 3*. The Government of the Republic agrees that on Estonian territory the requests for exequatur referred to in this Article may be made direct by the interested parties to the competent authorities.

So far as concerns the language in which service of legal documents should be made and letters rogatory drawn up, in accordance with Articles 3 and 10 and paragraph 3 of section 2 of Article 19 of the said Convention, the Estonian Government agrees to adopt the French language, as proposed by the Polish Government.

When notifying the above to the Polish Legation, the Ministry of Foreign Affairs has the honour to add that it considers the Polish Legation's note and the present reply as constituting an agreement between Estonia and Poland with regard to the application of the Hague Convention of July 17, 1905, and that no further exchange of declarations on that subject is necessary.

TALLINN, *May 20, 1931.*

To the Polish Legation,  
Tallinn.