

N° 1594.

**SUISSE
ET TCHÉCOSLOVAQUIE**

Accord concernant l'assistance judiciaire réciproque en matière civile et commerciale, avec protocole additionnel. Signé à Berne, le 21 décembre 1926.

**SWITZERLAND
AND CZECHOSLOVAKIA**

Agreement concerning reciprocal Legal Assistance in Civil and Commercial Matters, with Additional Protocol. Signed at Berne, December 21, 1926.

¹ TRADUCTION. — TRANSLATION.

No. 1594. — AGREEMENT² BETWEEN SWITZERLAND AND THE CZECHOSLOVAK REPUBLIC CONCERNING RECIPROCAL LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT BERNE, DECEMBER 21, 1926.

French official text communicated by the Swiss Federal Council and the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Agreement took place December 10, 1927.

THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, taking the Hague International Convention relating to Civil Procedure³, of July 17, 1905, to which both Switzerland and the Czechoslovak Republic have adhered, as a basis for the settlement of the judicial relations between the two countries and deeming it advisable to make certain amendments in the aforesaid Convention, and further to settle the question of the legalisation and admissibility as evidence of documents, and of the exchange of legal information, have decided to conclude an Agreement for this purpose and have appointed as their Plenipotentiaries :

THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION :

M. Heinrich HÄBERLIN, President of the Swiss Confederation, Head of the Federal Department of Justice and Police ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Emile SPIRA, Doctor of Laws, Head of Section at the Ministry of Justice ; and

M. Karel HALFAR, Doctor of Laws, Head of the International Treaties Department at the Ministry of Foreign Affairs ;

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

I. SERVICE OF JUDICIAL DOCUMENTS ; LETTERS OF REQUEST.

Article 1.

Reciprocal legal assistance shall include :

(a) The service of judicial and extra-judicial documents, including documents relating to non-litigious affairs, in particular, the service of documents concerning questions of

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Prague, November 16, 1927. In conformity with paragraph 2 of Article 9, the Agreement came into force December 16, 1927.

³ *British and Foreign State Papers*, Vol. 99, page 990.

guardianship and curatorship and affairs connected with prosecution for debt and bankruptcy proceedings;

(d) The execution of letters of request concerning the questions under (a).

There shall be no occasion for legal assistance when the action requested is in the nature of the execution of a judgement.

Article 2.

The documents to be served and the letters of request to be executed (Articles 1 and 9 of the Hague Convention) shall be transmitted direct by the Police Section of the Department of Justice and Police of the Swiss Confederation, at Berne, to the Czechoslovak Ministry of Justice, at Prague, or direct by the Czechoslovak Ministry of Justice, at Prague, to the Police Section of the Department of Justice and Police of the Swiss Confederation, at Berne. These two authorities shall ensure that requests from the competent Swiss or Czechoslovak authorities are complied with expeditiously and shall return the requests whether executed or not. Communications between the two authorities shall invariably be written in French.

Article 3.

(a) The documents to be served in pursuance of Articles 1 and 2 of the Hague Convention (simple service of documents) shall be drawn up, in Switzerland, in the language of the authority making the request, and in Czechoslovakia, in the Czechoslovak language or, when permissible under the regulations in force, in the language of the national minority. The documents to be served shall bear the signature and the seal or stamp of the authority making the request. They do not require to be legalised.

(b) As regards the service of documents under Article 3 of the Hague Convention (service by special form) a document which has to be served in Czechoslovakia shall be drawn up in the Czechoslovak language or shall be accompanied by a translation in that language; a document which has to be served in Switzerland shall be drawn up in the official language of the Swiss authority to which the request is made, or shall be accompanied by a translation in that language. Such translations shall be made, if a wish to that effect is expressed, in the State applied to and at the expense of the authority making the request.

(c) Swiss letters of request and the annexes thereto, shall be drawn up in the official language of the Swiss authority making the request and shall be accompanied by a translation in the Czechoslovak language; Czechoslovak letters of request and the annexes thereto shall be drawn up in the Czechoslovak language and shall be accompanied by a translation in the official language of the Swiss authority applied to. Such translations shall be made, if a wish to that effect is expressed, in the State applied to, at the expense of the authority making the request. The letters of request and the translations shall bear the signature and the seal or stamp of the authority making the request. They do not require to be legalised.

Article 4.

Request for the service of documents or the execution of letters of request or for the translations provided for under Article 3 of this Agreement may not be refused on the grounds that the authority making the request has not deposited funds in advance to meet recoverable expenses.

The authority which forwards the documents must pay the postal charges.

II. EXECUTION OF DECISIONS RELATING TO COSTS AND EXPENSES.

Article 5.

Decisions relating to costs and expenses as mentioned in paragraphs 1 and 2 of Article 18, of the Hague Convention, which are rendered by the Courts of one State, shall be carried out,

at the direct request of the party concerned, in the territory of the other State, in the same way as decisions rendered by its own Courts.

Such requests shall be accompanied by the terms of the decision which must be certified as having acquired the force of law. This attestation shall be given by the Court which rendered the decision or, in Switzerland, by the registrar of the said Court. The party making the request must also furnish a duly certified translation of these documents for Czechoslovakia, in the Czechoslovak language, and for Switzerland, in the language of the authority applied to.

III. LEGALISATION OF DOCUMENTS AND ADMISSIBILITY AS EVIDENCE.

Article 6.

Documents drawn up, issued or legalised by the Courts of one State shall not, if the seal or stamp of the Court has been affixed thereto, require legalisation for use in the territory of the other State. The above-mentioned documents shall include documents signed by the registrar of the Court, provided that such signature is sufficient under the laws of the country 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, or by a cantonal authority, shall not require legalisation in order to be used in the territory of the other State, provided that the seal or stamp of the said authority has been affixed thereto, and that such authority is mentioned in the list annexed to the present Agreement. This list may, by consent of the parties, be amended or supplemented at any time by virtue of a notification published by the administrative authority.

Article 7.

The admissibility as evidence of authentic documents drawn up in the territory of one of the States, and of commercial books kept in that territory, shall be determined, in proceedings before the courts of the other State, according to the laws of the State in which they are drawn up. Nevertheless, the measure of recognition given them shall not be greater than that accorded under the laws of the State before whose Courts the action is brought.

XIV. LEGAL INFORMATION AND COMMUNICATION OF LEGAL PROVISIONS.

Article 8.

The Department of Justice and Police of the Swiss Confederation and the Czechoslovak Ministry of Justice shall, if requested to do so, furnish information to each other concerning the laws in force in their respective States.

Such requests must specify clearly the legal provisions concerning which information is desired.

FINAL PROVISIONS.

Article 9

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 continue in force three months after its denunciation, which may be effected at any time.

In faith whereof the Plenipotentiaries have signed the present Agreement in duplicate.
Done at Berne, December the twenty-first, one thousand nine hundred and twenty-six.

(Signed) H. HÄBERLIN.

(Signed) Dr. Emil SPIRA.

(Signed) Dr. Karel HALFAR.

ADDITIONAL PROTOCOL.

When proceeding to sign the Agreement between Switzerland and the Czechoslovak Republic concerning reciprocal legal assistance in civil and commercial affairs, the Plenipotentiaries of the Contracting Parties have agreed :

(1) That for the purposes of the present Agreement the term courts shall include the guardianship and curatorship authorities in Slovakia and Sub-Carpathian Russia ;

(2) That an agreed form for the service of documents shall be drawn up, and shall be employed by the Police Section of the Federal Department of Justice and Police and the Czechoslovak Ministry of Justice.

The present Protocol shall be an integral part of the Agreement.

In faith whereof the Plenipotentiaries have signed this Protocol.

Done at Berne in duplicate, December the twenty-first, one thousand nine hundred and twenty-six.

(Signed) H. HÄBERLIN.

(Signed) Dr. Emil SPIRA.

(Signed) Dr. Karel HALFAR.

LIST OF ADMINISTRATIVE AUTHORITIES

WHOSE DOCUMENTS DO NOT REQUIRE LEGALISATION, IN CONFORMITY WITH PARAGRAPH 2, OF ARTICLE 6, OF THE AGREEMENT BETWEEN SWITZERLAND AND THE CZECHOSLOVAK REPUBLIC CONCERNING RECIPROCAL LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL AFFAIRS.

A. SWISS DOCUMENTS.

1. Federal Authorities :

The Departments of the Federal Council, viz :

Federal Political Department,
Federal Department of the Interior,
Federal Department of Justice and Police,
Federal Military Department,
Federal Department of Finance and Customs,
Federal Department of Public Economy,
Federal Department of Posts and Railways,
The Federal Chancellery.

II. CANTONAL AUTHORITIES :

Canton of Zurich : The Chancellery of State,
 Canton of Berne : The Chancellery of State,
 Canton of Lucerne : The Chancellery of State,
 Canton of Uri : The Chancellery of State,
 Canton of Schwyz : The Cantonal Chancellery,
 Canton of Unterwald-Upper : The Chancellery of State,
 Canton of Unterwald-Lower : The Chancellery of State,
 Canton of Glarus : The District Chancellery,
 Canton of Zug : The Cantonal Chancellery,
 Canton of Fribourg : The Chancellery of State,
 Canton of Solothurn : The Chancellery of State,
 Canton of Bâle—Town : The Chancellery of State,
 Canton of Bâle—Country : The Provincial Chancellery,
 Canton of Schaffhausen : The Chancellery of State,
 Canton of Appenzell (exterior) : The Cantonal Chancellery,
 Canton of Appenzell (interior) : The Prefect and Parliamentary Commission,

Canton of St. Gallen : The Chancellery of State,
 Canton of Graubunden : The Chancellery of State,
 Canton of Aargau : The Chancellery of State,
 Canton of Thurgau : The Chancellery of State,
 Canton of Ticino : The Chancellery of State,
 Canton of Vaud : The Chancellery of State,
 Canton of Valais : The Chancellery of State,
 Canton de Neuchâtel : The Chancellery of State,
 Canton of Geneva : The Chancellery of State.

B. CZECHOSLOVAK DOCUMENTS.

1. Ministry of the Interior,
 National Political Administrations at Prague, Brno and Opava,
 Civil Administration of Sub-Carpathian Russia at Uzhorod,
 Chief Offices of Police Departments,
 Archives of the Ministry of the Interior,
2. Ministry of Public Health,
3. Ministry of Posts and Telegraphs,
 Postal Cheque Office at Prague,
 Departments of Posts and Telegraphs at Prague, Pardubice, Brno, Opava, Bratislava and
 Kosice,
4. Ministry of Commerce,
 Patents Office at Prague,
5. Ministry of Public Works,
6. Ministry of Finance,
7. Ministry of Agriculture,
 Ministry of Agriculture, Separate Branch for Slovakia at Bratislava,
 Agricultural Information Branch attached to the Civil Administration of Sub-Carpathian
 Russia at Uzhorod,
 State Property Department at Prague,
 State Forest Department at Brandys, n/L. Zarnovice, Banska, Bystrice, Liptavsky Hradek,
 Solny Hrad, Uzhorod, Rahovo and Bustina,
 Ministerial Commission for Agrarian Undertakings at Prague,
 Provincial Commission for Agrarian Undertakings at Brno and Opava,
 State Agricultural Archives,

8. Ministry of National Defence,
 9. Ministry of Education,
National School Council at Prague, Brno and Opava, Ministry of Education Section at Bratislava, Education Section of the Civil Administration of Sub-Carpathian Russia at Uzhorod,
 10. Ministry of Foreign Affairs,
Archives of the Ministry of Foreign Affairs,
 11. Ministry of Food Supplies,
 12. Ministry of Justice,
 13. Presidency of the Council of Ministers,
 14. Ministry for the Unification of Laws and of the Organisation of Public Administration,
 15. Ministry (with full powers) for the Administration of Slovakia at Bratislava,
 16. Ministry of Railways,
Managing Boards of the Prague-South, Prague-North, Plzen, Hradec Kralové, Brno, Olomouc, Bratislava and Kostice Railways,
 17. Ministry of Social Welfare,
 18. Chief Board of Audit and Control at Prague,
 19. State 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.
-