

N° 4258.

**BELGIQUE
ET YOUGOSLAVIE**

Accord concernant l'aide judiciaire
réciproque en matière civile et
commerciale, et protocole addi-
tionnel. Signés à Bruxelles, le
29 février 1936.

**BELGIUM
AND YUGOSLAVIA**

Agreement regarding Reciprocal
Judicial Assistance in Civil and
Commercial Matters, and Addi-
tional Protocol. Signed at Brus-
sels, February 29th, 1936.

¹ TRADUCTION. — TRANSLATION.

No. 4258. — AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND THE KINGDOM OF YUGOSLAVIA REGARDING RECIPROCAL JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT BRUSSELS, FEBRUARY 29TH, 1936.

ON BEHALF OF HIS MAJESTY THE KING OF YUGOSLAVIA, THE COUNCIL OF REGENCY
and

HIS MAJESTY THE KING OF THE BELGIANS,

Being desirous of laying down rules concerning the execution of certain provisions of the Hague Convention of July 17th, 1905, on Civil Procedure, the legalisation of documents and the communication of the texts of laws, have decided to conclude an Agreement for that purpose and have appointed as their Plenipotentiaries :

ON BEHALF OF HIS MAJESTY THE KING OF YUGOSLAVIA, THE COUNCIL OF REGENCY :

His Excellency Monsieur Dragomir KASSIDOLATZ, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Yugoslavia accredited to His Majesty the King of the Belgians, and

Monsieur Milan KUGLER, Member of the Court of Cassation of Zagreb ;

HIS MAJESTY THE KING OF THE BELGIANS :

Monsieur Paul VAN ZEELAND, his Prime Minister and Minister for Foreign Affairs and External Trade ;

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

I. SERVICE OF DOCUMENTS AND EXECUTION OF ROGATORY COMMISSIONS.

Article I.

The reciprocal judicial assistance referred to under Titles I and II of the Hague Convention of July 17th, 1905, on Civil Procedure shall include :

(a) The service of judicial and extra-judicial documents, including those relating to non-contentious matters (guardianship, trusteeship, etc.), and those relating to administrative matters and bankruptcies.

(b) The execution of rogatory commissions concerning the matters referred to under (a) above.

It shall not apply in fiscal matters in the strict sense of the term (Customs, excise and other taxes).

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.

Article 2.

Documents for service and rogatory commissions for execution shall be transmitted direct by the Belgian Ministry of Justice in Brussels to the Yugoslav Ministry of Justice in Belgrade, and *vice versa*.

The two Ministries shall see that speedy effect is given to requests for judicial assistance by the competent Yugoslav or Belgian authorities, as the case may be. In their mutual relations, the Ministries shall use the French language exclusively.

The judicial and extra-judicial documents to be served may also be sent by post direct to the persons for whom they are intended.

The two Contracting Parties recognise each other's right to have documents served by their diplomatic and consular agent, directly and without resort to threats or compulsion, on persons, of whatever nationality, in the territory of the other Party.

Article 3.

Documents to be served under Articles 1 and 2 of the Hague Convention of July 17th, 1905, on Civil Procedure shall be drawn up in the language of the authority making the request. Such documents, as also those to be served under Article 3 of the said Convention, shall bear the signature, in Yugoslavia of the authority making the request, and, in Belgium, of the judicial authority or process server. Legalisation shall not be required.

With regard to service under Article 3 of the Hague Convention of July 17th, 1905, the document to be served shall be either drawn up in the official language of the authority applied to, or accompanied by a translation in that language, certified correct by a sworn translator (or interpreter) or by a diplomatic or consular agent of either of the contracting States. The translation shall, on request, be made under the instructions of the State applied to, the cost being borne by the authority making the request.

Repayment of the costs of forcible service may not be claimed unless such service was expressly asked for by the State making the request.

Article 4.

Rogatory commissions and their annexes shall be either drawn up in the official language of the authority applied to, or accompanied by a translation in that language, certified correct by a sworn translator (or interpreter) or by a diplomatic or consular agent of either of the contracting States. The translation shall be made, on request, through the State applied to, the cost being borne by the authority making the application.

Rogatory commissions shall bear the signature and seal of the authority making the request. Legalisation shall not be required.

Article 5.

The judicial assistance mentioned in Articles 1 to 4 of the present Agreement may not be refused on the ground that the authority making the request has not deposited security for costs.

Postal charges shall be borne by the State of despatch.

II. EXECUTION OF DECISIONS REGARDING COSTS. ("CAUTIO JUDICATUM SOLVI").

Article 6.

Orders for the payment of the costs of an action, made by the courts of one of the contracting States against a plaintiff or party by intervention, exempted from finding a surety or making a deposit or payment in virtue of Article 17 of the Hague Convention, shall, in accordance with Article 19 of that Convention, be recognised as enforceable, free of charge, by the competent authority of the other State, upon application through the diplomatic channel, or direct by the interested party. In the latter case, the application shall be made, in Yugoslavia, to the competent court and, in Belgium, to the Procurator Royal attached to the competent court.

The translation provided for in Article 19 (3) of the Hague Convention shall be certified correct by a sworn translator (or interpreter) or by a diplomatic or consular agent of either contracting State.

The translation in question shall, on request, be made under the instructions of the State applied to, the cost being borne by the party making the application, who shall be entitled to recover it in the manner provided in the following paragraph.

The authority having jurisdiction in regard to the request for an exequatur shall, if so requested at the time, assess the costs of the translation referred to in the two previous paragraphs. Such costs shall be considered as costs in the action.

III. LEGALISATION.

Article 7.

Documents drawn up, issued or legalised by the courts of either State shall not, if bearing the seal of the court, require any further legalisation, for the purpose of legal proceedings in the territory of the other State. The same shall apply to documents signed by the registrar of the court, provided that his signature is in itself sufficient under the laws of the State to which the court belongs.

IV. COMMUNICATION OF LAWS.

Article 8.

The Yugoslav Ministry of Justice and the Belgian Ministry of Justice shall, on request, communicate to each other, free of charge, the text of laws in force in their respective States. Such requests shall clearly indicate the subject on which information is desired.

V. REFERENCE TO THE HAGUE CONVENTION.

Article 9.

The International Convention on Civil Procedure concluded at The Hague on July 17th, 1905, shall continue, in so far as it is not affected by the present Agreement, to govern the relations of the two contracting States in respect of the matters with which it deals.

FINAL PROVISIONS.

Article 10.

The present Agreement, drawn up in the Yugoslav and French languages, both texts being equally authentic, shall be ratified and the ratifications exchanged in Belgrade.

It shall take effect three months after the exchange of ratifications and shall remain in force until six months after the date on which either Contracting Party shall notify its intention of terminating it.

In faith whereof the respective Plenipotentiaries have signed the present Agreement and have thereto affixed their seals.

Done in duplicate at Brussels, the 29th day of February, 1936.

(L. S.) P. VAN ZEELAND, *m. p.*

(L. S.) D. KASSIDOLATZ, *m. p.*

(L. S.) Milan KUGLER, *m. p.*

ADDITIONAL PROTOCOL.

The Plenipotentiaries of the Contracting Parties, at the time of signing the Agreement between the Kingdom of Yugoslavia and the Kingdom of Belgium concerning reciprocal judicial assistance in civil and commercial matters, are agreed that :

1. The guardianship and trusteeship authorities and trustee commissions in Yugoslavia shall be deemed to be courts within the meaning of the Agreement ;

2. When requesting the service of documents, the Yugoslav Ministry of Justice and the Belgian Ministry of Justice shall use a form similar to the model hereto annexed.

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

Done in duplicate at Brussels, the 29th day of February, 1936.

(L. S.) P. VAN ZEELAND, *m. p.*

(L. S.) D. KASSIDOLATZ, *m. p.*

(L. S.) Milan KUGLER, *m. p.*

The Yugoslav Ministry of Justice has the honour to request the Belgian Ministry of Justice to take whatever steps may be necessary for the service, in accordance with Article ... of the International Convention on Civil Procedure, concluded at the Hague on July 17th, 1905, of the judicial document, ... copies of which are attached, and the contents of which are summarised below.

1. Name, Christian name, occupation and address of the recipient :	
2. Authority issuing the document :	
3. Parties to the proceedings :	
4. Subject of the document :	
5. Evidence of service or reasons for non-service :	

The Belgian Ministry of Justice is requested to return to the Yugoslav Ministry of Justice one of the copies of the present notification, which should be accompanied either by a receipt signed and dated by the recipient, or by a certificate of the authority applied to recording the fact, manner and date of service, or stating for what reasons service has not taken place.