

N° 4288.

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GRÈCE ET SUISSE

Convention réglant l'entr'aide judiciaire en matière civile et commerciale entre les deux pays. Signée à Athènes, le 30 mars 1934.

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GREECE  
AND SWITZERLAND

Convention regulating Reciprocal Judicial Assistance in Civil and Commercial Matters between the Two Countries. Signed at Athens, March 30th, 1934.

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

No. 4288. — CONVENTION <sup>2</sup> BETWEEN GREECE AND SWITZERLAND REGULATING RECIPROCAL JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT ATHENS, MARCH 30TH, 1934.

*French official text communicated by the Permanent Delegate of Greece to the League of Nations. The registration of this Convention took place February 25th, 1938.*

THE PRESIDENT OF THE HELLENIC REPUBLIC and  
THE SWISS FEDERAL COUNCIL,

Being desirous of regulating the question of reciprocal judicial assistance in civil and commercial matters between Greece and Switzerland, have resolved to conclude a Convention for this purpose and have appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE HELLENIC REPUBLIC :

His Excellency Monsieur D. MAXIMOS, Greek Minister for Foreign Affairs ;

THE SWISS FEDERAL COUNCIL :

Monsieur C. C. JENNY, Chargé d'Affaires of the Swiss Confederation in Greece.

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

*Article 1.*

In civil and commercial matters, the service of documents issued by the authorities of one contracting State and intended for persons residing in the territory of the other State shall be effected on the request of the diplomatic or consular representative of the State making application addressed to such authority as may be designated by the State applied to. The request shall mention the authority by whom the document transmitted is issued, together with the names and descriptions of the parties, the address of the recipient and the nature of the document, and shall be drawn up in the language of the authority applied to or in French.

The authority to whom the request is addressed shall forward to the diplomatic or consular representative the papers proving service or indicating the circumstances preventing service. If he is not himself the authority locally competent to deal with the request, he shall transmit it of his own motion to the proper authority, at the same time informing the diplomatic or consular representative of the action taken.

<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> The exchange of ratifications took place at Berne, December 27th, 1937.

*Article 2.*

Service shall be effected by the competent authority of the State applied to. Save in the cases for which provision is made in the second paragraph of this Article, it shall be sufficient for the competent authority to serve the document by delivery to the recipient, provided the latter declares his willingness to receive it.

If the authority making application so requests, service shall be effected by the authority applied to in the manner laid down for such service by the municipal law of the State applied to, or in any special manner not incompatible with such law.

In cases of service effected in accordance with the preceding paragraph, the document to be served shall always be accompanied by a legalised translation in the language of the authority applied to.

*Article 3.*

Proof of service shall be furnished either by a dated and signed receipt from the recipient or by an attestation of the authority of the State applied to, stating the fact, manner and date of the service.

*Article 4.*

In civil and commercial matters, the judicial authority of one contracting State may apply, in conformity with the law of his State, by letters of request to the competent authority of the other State and request him to proceed within his own jurisdiction to the issue of writs or to other judicial acts.

Letters of request shall be transmitted by the diplomatic or consular representative of the State making application to the authority designated by the State applied to. He shall attach a translation in the language of the authority applied to. This translation shall be certified correct by a diplomatic or consular agent of the State making application or by a sworn translator of the State making application or of the State applied to.

The authority to whom letters of request are addressed shall forward to the diplomatic or consular representative the documents proving execution of the letters of request or shall inform him of the circumstances that have prevented execution. If he is not himself the authority locally competent to deal with letters of request, he shall transmit them of his own motion to the proper authority and shall at once inform the diplomatic or consular representative thereof.

*Article 5.*

The judicial authority to whom letters of request are addressed shall be under obligation to comply therewith and to resort to the same measures of compulsion as would be employed in the execution of letters of request emanating from the authorities of his own country. Such measures of compulsion shall not be obligatory where the parties to the dispute are to appear in person.

As regards the procedure to be adopted in connection with the execution of letters of request, the authority applied to shall follow the laws of his own country. He may, however, proceed in conformity with special rules in order to comply with a request from the State making application, when such procedure is not contrary to the law of the State applied to.

The authority making application shall be informed, if he so requests, of the date and place of execution of letters of request, in order that the party concerned may be enabled to be present at the proceedings.

*Article 6.*

Any difficulties arising in connection with an application by a diplomatic or consular representative for service of a document, or with letters of request transmitted by him, shall be settled through the diplomatic channel.

*Article 7.*

The service of a document or the execution of letters of request may be refused if the State in whose territory the service or execution is to take place considers that it might compromise its sovereignty, its security, or public order. The execution of letters of request may also be refused if the authenticity of the document is not established, or if, in the territory of the State applied to, such execution does not come within the powers of the judicial authorities.

*Article 8.*

No costs or fees of any description may be required in respect of the service of documents or execution of letters of request.

Nevertheless, the State applied to shall have the right to require the State making application to refund :

- (a) Allowances paid to witnesses or experts ;
- (b) Costs occasioned by the employment of the services of a legal officer to secure the attendance of a witness who has not appeared voluntarily ;
- (c) Costs arising out of the use of a special procedure for the service of documents or the execution of letters of request.

*Article 9.*

Either contracting State shall be entitled to have documents served by its diplomatic or consular representatives on its own nationals within the territory of the other State directly and without resort to compulsion. In the event of difficulties arising in the application of this Article, recourse shall be had to the procedure laid down in Article 1.

*Article 10.*

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Berne as soon as possible.

It shall come into force one month after the exchange of the instruments of ratification and shall remain in force for six months from the date of its denunciation, which may take place at any time.

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

Done at Athens, in duplicate, the 30th day of March, one thousand nine hundred and thirty-four.

D. MAXIMOS.

C. C. JENNY.