

No. 7921

**NETHERLANDS
and
AUSTRIA**

**Treaty for the simplification of legal relations in accordance
with The Hague Convention of 1 March 1954. Signed at
Vienna, on 23 July 1964**

Official texts: Dutch and German.

Registered by the Netherlands on 15 September 1965.

**PAYS-BAS
et
AUTRICHE**

**Traité visant à simplifier les relations juridiques régies par
la Convention de La Haye du 1^{er} mars 1954 relative à
la procédure civile. Signé à Vienne, le 23 juillet 1964**

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 15 septembre 1965.

[TRANSLATION — TRADUCTION]

No. 7921. TREATY¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF AUSTRIA FOR THE SIMPLIFICATION OF LEGAL RELATIONS IN ACCORDANCE WITH THE HAGUE CONVENTION OF 1 MARCH 1954.² SIGNED AT VIENNA, ON 23 JULY 1964

Her Majesty the Queen of the Netherlands and
The Federal President of the Republic of Austria,

Desiring to simplify legal relations between the two States in accordance with The Hague Convention of 1 March 1954² relating to civil procedure,

Have decided to conclude a treaty for that purpose and have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Mr. Henri Frederik Eschauzier, Her Majesty's Ambassador
Extraordinary and Plenipotentiary at Vienna;

The Federal President of the Republic of Austria :

Dr. Bruno Kreisky, Federal Minister for Foreign Affairs,

Dr. Christian Broda, Federal Minister of Justice,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

SERVICE OF DOCUMENTS

Article 1

1. The writs and extra-judicial documents referred to in article 1, first paragraph, of The Hague Convention of 1 March 1954 shall be transmitted direct in accordance with the following paragraph.

2. (a) Where the request originates from a Netherlands authority and the document to be served is accompanied by a translation into German, the request shall be transmitted to the district court (*Bezirksgericht*) within whose jurisdiction the addressee is residing. Where a translation is not attached, the request shall be transmitted to the said court through the Federal Ministry of Justice.

¹ Came into force on 10 September 1965, the sixtieth day after the exchange of the instruments of ratification which took place at The Hague on 12 July 1965, in accordance with article 12.

² United Nations, *Treaty Series*, Vol. 286, p. 265, and Vol. 510, p. 326.

(b) Requests from Austrian courts for the service of documents shall be transmitted to the public prosecutor (*Officier van Justitie*) of the district court (*Arrondissementsrechtbank*) within whose jurisdiction the addressee is residing.

3. Request for the service of documents may be drawn up in the language of the requesting State.

Article 2

The requirement that the document to be served is to be transmitted in duplicate (article 3, first paragraph, of The Hague Convention of 1 March 1954) shall not apply.

LETTERS ROGATORY

Article 3

1. The letters rogatory referred to in article 8 of The Hague Convention of 1 March 1954 shall not require an accompanying translation into the language of the requested State. They shall be transmitted direct in accordance with the following paragraph.

2. (a) Where the letter rogatory originates from a Netherlands court and is accompanied by a translation into German, it shall be transmitted to the district court by which it is to be executed. Where a translation is not attached, the letter rogatory shall be transmitted to the said court through the Federal Ministry of Justice.

(b) Letters rogatory from Austrian courts shall be transmitted through the public prosecutor of the district court to the cantonal court (*Kantongerecht*) within whose jurisdiction the letter rogatory is to be executed.

COMMON PROVISIONS RELATING TO THE SERVICE OF DOCUMENTS AND TO LETTERS ROGATORY

Article 4

Translations may also be certified as accurate by a sworn translator of the requesting State.

Article 5

1. Neither State shall require from the other State the reimbursement of any costs incurred in connexion with the service of documents or the execution of letters rogatory.

2. The requested authority shall inform the requesting authority of any costs incurred by the requested State in connexion with the service of a document through the intervention of a law officer or the use of a special form, or incurred by it in connexion with the execution of a letter rogatory.

Article 6

Where the authority to which a request is made has no jurisdiction in the matter, it shall of its own motion transmit the request to the competent authority and shall immediately inform the requesting authority accordingly.

DECLARATION OF THE ENFORCEABILITY (ENFORCEMENT) OF DECISIONS RELATING TO COSTS

Article 7

A request for a declaration of the enforceability (for the enforcement) of a decision relating to the costs of a lawsuit (articles 18 and 19 of The Hague Convention of 1 March 1954) may be made direct to the competent court by the person entitled to such costs.

Article 8

A statement by the competent authority to the effect that the decision relating to costs has acquired the force of *res judicata* shall not require certification by the highest official in charge of the administration of justice in the requesting State as laid down in article 19, third paragraph, second sentence, of The Hague Convention of 1 March 1954.

Article 9

The translation provided for in article 19, second paragraph, sub-paragraph 3, of The Hague Convention of 1 March 1954 may also be certified as accurate by a sworn translator of the State in which the decision was rendered.

TRANSITIONAL AND FINAL PROVISIONS

Article 10

Any request for the service of a document and any letter rogatory which, on the date of the entry into force of this Treaty, has already been received by an authority of the requested State shall be dealt with only in accordance with The Hague Convention of 1 March 1954.

Article 11

1. This Treaty shall apply only to that part of the Kingdom of the Netherlands which is situated in Europe.

2. This Treaty may be extended by agreement, by means of an exchange of notes between the Governments of the two States, to any part of the Kingdom of the Netherlands which is situated outside Europe. The date of the entry into force of such extension shall be specified in the exchange of notes.

Article 12

1. This Treaty shall be ratified. The instruments of ratification shall be exchanged as soon as possible at The Hague.

2. The Treaty shall enter into force on the sixtieth day after the exchange of the instruments of ratification.

Article 13

1. Either of the High Contracting Parties may denounce this Treaty by giving notice in writing to the other High Contracting Party. The denunciation shall take effect one year after the date on which notice was given.

2. The denunciation may be limited to any area or areas to which the Treaty has been extended in accordance with article 11, paragraph 2.

Article 14

Any dispute arising between the High Contracting Parties with regard to the interpretation or application of this Treaty shall be settled through the diplomatic channel.

IN WITNESS WHEREOF the plenipotentiaries of the two Parties have signed this Treaty and have thereto affixed their seals.

DONE at Vienna on 23 July 1964, in duplicate in the Dutch and German languages, both texts being equally authentic.

For the Kingdom of the Netherlands :
H. F. ESCHAUZIER

For the Republic of Austria :
KREISKY
BRODA