

No. 10417

**BULGARIA
and
HUNGARY**

Treaty concerning legal assistance in civil, family and criminal cases. Signed at Sofia on 16 May 1966

Authentic texts: Bulgarian and Hungarian.

Registered by Bulgaria on 8 April 1970.

**BULGARIE
et
HONGRIE**

Accord sur l'assistance juridique en matière civile, familiale et pénale. Signé à Sofia le 16 mai 1966

Textes authentiques: bulgare et hongrois.

Enregistré par la Bulgarie le 8 avril 1970

[TRANSLATION — TRADUCTION]

TREATY ¹ BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES

The Presidium of the National Assembly of the People's Republic of Bulgaria and the Presidential Council of the Hungarian People's Republic, desiring to strengthen and develop the bonds of friendship between the peoples of the two countries to the maximum extent in the sphere of legal co-operation as in others,

Have decided to conclude a treaty concerning legal assistance in civil, family and criminal cases and for that purpose have appointed as their plenipotentiaries:

The Presidium of the National Assembly of the People's Republic of Bulgaria:
Svetla Daskalova, Minister of Justice;

The Presidential Council of the Hungarian People's Republic: Dr. Ferenc Nezvál, Minister of Justice;

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

PART I

GENERAL PROVISIONS

Article 1

LEGAL PROTECTION

1. Nationals of either Contracting Party shall enjoy in the territory of the other Contracting Party, in respect of their personal and property rights, the same legal protection as nationals of the latter Contracting Party.

¹ Came into force on 10 March 1967, i.e., 30 days after the exchange of the instruments of ratification, which took place at Budapest on 8 February 1967, in accordance with article 86.

2. Nationals of either Contracting Party shall have free and unimpeded access to the courts, procurator's offices, State notarial organs and other authorities of the other Contracting Party having jurisdiction in the cases which are the subject of this Treaty and may appear, present petitions and institute proceedings before such authorities under the same conditions as nationals of the latter Contracting Party.

3. The provisions of this Treaty shall also apply, *mutatis mutandis*, to bodies corporate of the Contracting Parties.

Article 2

LEGAL ASSISTANCE

The courts, procurator's offices and State notaries and the other authorities of the two Contracting Parties referred to in article 1, paragraph 2, shall provide one another with legal assistance in civil, family and criminal cases.

Article 3

METHOD OF COMMUNICATION

In providing legal assistance, the authorities referred to in article 2 shall, save as otherwise provided in this Treaty, communicate with one another through the Ministries of Justice and the Chief Procurator's Offices of the two Contracting Parties.

Article 4

SCOPE OF LEGAL ASSISTANCE

Legal assistance shall consist in the performance of specific acts required in connexion with judicial proceedings, such as the interrogation of litigants, witnesses, experts and other persons, the conduct of expert examinations, the execution of searches and seizures, the conduct of judicial inspections *in situ*, the transmittal and delivery of physical evidence, and the preparation, transmittal and delivery of records and documents.

Article 5

INFORMATION TO BE FURNISHED IN APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications for legal assistance must contain the following particulars:

- (a) The designation of the applicant authority;
- (b) The designation of the authority applied to;
- (c) The title of the case in respect of which legal assistance is applied for;
- (d) The names, places of domicile, addresses and nationality of the litigants;
- (e) The names and addresses of the legal representatives of the litigants;
- (f) The subject of the application and any necessary information concerning its execution;
- (g) In criminal cases, a description of the *corpus delicti* and the definition of the offence.

2. In applying for legal assistance the Contracting Parties may use bilingual forms.

3. Applications for legal assistance must be signed and sealed.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS FOR LEGAL ASSISTANCE

1. In executing an application for legal assistance, the authority applied to shall follow the laws of its own State. However, it may, at the request of the applicant authority, apply the laws of the applicant Contracting Party, provided that they do not conflict with the laws of the Contracting Party applied to.

2. If the authority applied to does not have jurisdiction, it shall transmit the application to the authority having jurisdiction and shall notify the applicant authority accordingly.

3. Where the exact address of the person referred to in the application is unknown, the authority applied to shall take the necessary steps to determine the address; if it fails to do so, it shall notify the applicant authority accordingly and shall at the same time return to the latter the documents relating to the application.

4. The authority applied to shall, at the request of the applicant authority, notify the latter in good time of the place and date of execution of the application.

5. After executing an application, the authority applied to shall return to the applicant authority the documents relating to the application ; if it has not been possible to execute the application, the documents shall be returned and the applicant authority shall at the same time be advised of the circumstances which prevented execution.

Article 7

IMMUNITY OF WITNESSES AND EXPERTS

1. No person of whatsoever nationality who, in response to a summons, appears as a witness or expert in the territory of one of the Contracting Parties may be prosecuted or punished for an offence committed before he crossed the frontier of the applicant State.

2. The witness or expert shall forfeit his immunity if he fails to quit the territory of the applicant Contracting Party within one week from the date on which the authority which summoned him informs him that his presence is no longer necessary. Such period of one week shall not be deemed to include any period of time during which the witness or expert is unable through no fault of his own to quit the territory of the applicant Contracting Party.

Article 8

SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall comply with the legal provisions of its own State, provided that the document to be served is drawn up in the language of the Contracting Party applied to or is accompanied by a certified translation into that language. Otherwise, the authority applied to shall deliver the document to the addressee only if he is willing to accept it.

2. Applications for the service of documents must indicate the exact address of the addressee and the nature of the document to be served.

3. If a document cannot be served at the address indicated, the authority applied to shall take the necessary steps to determine the exact address; if the address cannot be determined, the authority applied to shall notify the applicant authority accordingly and shall at the same time return to it the document in question.

Article 9

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed by the authority applied to in accordance with the regulations governing the service of documents. Such confirmation shall contain particulars regarding the place and date of service and the name of the person on whom the document has been served.

Article 10

SERVICE OF DOCUMENTS ON OWN NATIONALS

1. Each Contracting Party shall have the right to serve documents on its own nationals through its diplomatic or consular missions.
2. No compulsion may be used in such service.

Article 11

COSTS OF LEGAL ASSISTANCE

1. The Contracting Party applied to shall make no claim for repayment of the costs of legal assistance. Each Contracting Party shall bear the costs incurred in providing legal assistance in its territory.
2. The authority applied to shall inform the applicant authority of the amount of the costs incurred. If the applicant authority recovers these costs from the person liable therefor, the sums recovered shall accrue to the Contracting Party whose authority recovered them.

Article 12

INFORMATION ON LEGAL QUESTIONS

1. The Ministries of Justice of the two Contracting Parties shall, on request, provide each other with information on the legislation of their respective States.
2. The Ministries of Justice and the Chief Procurator's Offices of the Contracting Parties shall, on request, inform one another of the practice of the authorities having jurisdiction in civil, family and criminal cases.

Article 13

TRACING OF ADDRESSES

Where a national of one Contracting Party wishes to exercise a right in respect of a national of the other Contracting Party who resides in the territory of the latter Contracting Party but whose address is unknown to him, the central authorities referred to in article 3 shall, on request, take all necessary steps to trace the address of the person in question.

Article 14

LANGUAGES

In their communications the authorities of the Contracting Parties shall use the language of their own country or the Russian language.

Article 15

VALIDITY OF DOCUMENTS

1. Documents drawn up or attested in the territory of either Contracting Party by authorities of the said Contracting Party acting within the limits of their official powers, in due form and bearing a seal, shall not require authentication for use in the territory of the other Contracting Party. The same shall apply to signatures on private documents if they are attested in accordance with the legal provisions of the Contracting Party concerned.

2. Documents which are considered official documents in the territory of one Contracting Party shall have the evidential value of official documents in the territory of the other Contracting Party as well.

PART II

CIVIL AND FAMILY CASES

Chapter I

*CASES RELATING TO PERSONAL STATUS**Article 16*

LEGAL CAPACITY AND CAPACITY FOR LEGAL ACTION

1. The legal capacity of individuals and their capacity for legal action shall be determined by the law of the Contracting Party of which the individual concerned is a national.

2. The legal capacity of bodies corporate shall be determined by the law of the Contracting Party in whose territory they were constituted.

3. In transactions concluded for the purpose of satisfying everyday needs, the capacity for legal action of the person concerned shall be determined by the law of the Contracting Party in whose territory the transaction is concluded.

Article 17

DECLARATION OF PERSONS AS DEAD AND ESTABLISHMENT OF THE FACT OF DEATH

1. In proceedings to declare persons dead or to establish the fact of death, the authorities having jurisdiction shall be those of the Contracting Party of which the person concerned was a national at the time when he was last known to be alive.

2. The authorities of one Contracting Party may declare a national of the other Contracting Party dead or establish the fact of his death:

- (a) Upon application by a person wishing to exercise a claim, by right of succession or marriage, to property of the missing person which is situated in the territory of the first-mentioned Contracting Party ;
- (b) Upon application by the spouse of the missing person, provided that the said spouse is domiciled in the territory of the first-mentioned Contracting Party at the time of submitting the application.

3. In the cases governed by the preceding paragraphs, the competent authorities shall apply the law of the Contracting Party of which the missing person was a national at the time when he was last known to be alive.

Chapter II

FAMILY CASES

Article 18

MARRIAGE

1. The applicable law with regard to the form of marriage shall be that of the Contracting Party in whose territory the marriage is contracted.

2. The applicable law with regard to the form of a marriage solemnized before a diplomatic or consular representative authorized to solemnize marriages shall be that of the sending country.

3. The conditions determining capacity to marry shall be, for each of the prospective spouses, those prescribed by the law of the Contracting Party of which he or she is a national.

Article 19

PERSONAL AND PROPERTY RELATIONS OF SPOUSES

1. Where the spouses are nationals of one Contracting Party and are domiciled in the territory of the other Contracting Party, the applicable law with regard to their personal and property relations shall be that of the Contracting Party of which they are nationals.

2. Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the applicable law with regard to their personal and property relations shall be that of the Contracting Party in whose territory they have or last had their domicile.

3. In the cases governed by the preceding paragraphs, the authorities of both Contracting Parties shall have jurisdiction.

Article 20

DIVORCE

1. Where both spouses are nationals of one Contracting Party and are domiciled on the date of the petition for divorce in the territory of the other Contracting Party, the law applicable to the divorce shall be that of the Contracting Party of which the spouses are nationals. The courts of both Contracting Parties shall have jurisdiction in divorce proceedings. If, on the date of the petition for divorce, one spouse is domiciled in the territory of one Contracting Party and the other in the territory of the other Contracting Party, the court having jurisdiction shall be that of the Contracting Party of which the spouses are nationals.

2. If, on the date of the petition for divorce, one spouse is a national of one Contracting Party and the other a national of the other Contracting Party and both are domiciled in the territory of one Contracting Party or one of them is domiciled in the territory of one Contracting Party and the other in the territory of the other Contracting Party, the courts of both Contracting Parties shall have jurisdiction in divorce proceedings. The court which hears the case shall apply the law of its own State.

Article 21

NULLITY OF MARRIAGE

1. In proceedings to declare a marriage null and void by reason of informality, the applicable law shall be that of the Contracting Party in whose territory the marriage was contracted.

2. In proceedings to declare a marriage null and void by reason of failure to satisfy the conditions determining capacity to marry, the applicable law shall be that specified in article 18, paragraph 3.

3. The question of which court has jurisdiction in proceedings to declare a marriage null and void shall be determined in accordance with the provisions of article 20.

Article 22

LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

1. In actions to establish or contest paternity or maternity, the applicable law shall be that of the Contracting Party of which the child was a national at birth.

2. With regard to other legal relations between parents and children, the applicable law shall be that of the Contracting Party of which the child is a national.

3. The court having jurisdiction in such matters shall be that of the Contracting Party in whose territory the child is domiciled at the time when the proceedings are instituted.

Article 23

MAINTENANCE OBLIGATIONS

1. With regard to maintenance obligations based on family law, the applicable law shall be that of the Contracting Party of which the person entitled to maintenance is a national.

2. In the matters referred to in the preceding paragraph, the court having jurisdiction shall be that of the Contracting Party in whose territory the person entitled to maintenance is domiciled.

Article 24

ADOPTION

1. With regard to adoption, the applicable law shall be that of the Contracting Party of which the adopter is a national.

2. Adoption shall be subject to the consent of the child and of other persons or authorities if the law of the Contracting Party of which the child is a national so prescribes.

3. If the child is adopted by a husband and wife, one being a national of one Contracting Party and the other a national of the other Contracting Party, the law of both Contracting Parties shall apply.

4. In adoption proceedings, the authorities having jurisdiction shall be those of the Contracting Party of which the adopter is a national; in the cases governed by paragraph 3, the authorities having jurisdiction shall be those of the Contracting Party in whose territory the spouses have or last had their domicile.

5. The provisions of this article shall also apply to termination of adoption.

GUARDIANSHIP AND CURATORSHIP

Article 25

1. Save as otherwise provided in this Treaty, guardianship or curatorship over nationals of the Contracting Parties shall be established by the authorities of the Contracting Party of which the prospective ward is a national.

2. Where need arises to appoint a guardian or curator or to terminate a guardianship or curatorship, the applicable law shall be that of the Contracting Party of which the person referred to in paragraph 1 is a national.

3. With regard to the legal relations between a guardian or curator and his ward, the applicable law shall be that of the Contracting Party whose authority appointed the guardian or curator.

4. With regard to the obligation to accept the office of guardian or curator, the applicable law shall be that of the Contracting Party of which the guardian or curator is a national.

5. A national of one Contracting Party may be appointed guardian or curator of a person domiciled in the territory of the other Contracting Party if the said national is domiciled in the territory of the Contracting Party where the guardianship or curatorship is to be exercised and if his appointment is in the interests of the person concerned.

Article 26

1. Where need arises to appoint a guardian or curator for a national of one Contracting Party whose domicile, residence or property is in the territory of the other Contracting Party, the authorities of the latter Contracting Party shall immediately notify the authorities referred to in article 25, paragraph 1.

2. In urgent cases, the authorities of the other Contracting Party may provisionally take any necessary measures under their own law, provided that they immediately notify the authorities referred to in article 25, paragraph 1. Such measures shall remain in effect until such time as the latter authorities decide otherwise.

Article 27

1. The authorities referred to in article 25, paragraph 1, may transfer guardianship or curatorship to the authorities of the other Contracting Party if the ward has his domicile or residence or owns property in the territory of the latter Contracting Party. The transfer shall become effective when the authorities applied to assume the guardianship or curatorship and notify the applicant authorities accordingly.

2. The authorities assuming the guardianship or curatorship shall apply the law of their own State, but with regard to legal capacity and capacity for legal action they shall apply the law of the Contracting Party of which the ward is a national. The said authorities may not render decisions relating to the ward's personal status but may grant him permission to marry where such permission is required by the law of the Contracting Party of which he is a national.

Chapter III

*PROPERTY CASES**Article 28*

FORM OF LEGAL TRANSACTIONS

1. The form of legal transactions shall be that prescribed by the law which is applicable to the transaction itself. It shall, however, be deemed sufficient if the law of the place where transaction is concluded is complied with.

2. The law applicable to the form of transactions relating to immovable property shall be that of the Contracting Party in whose territory the property is situated.

Article 29

IMMOVABLE PROPERTY

1. With regard to immovable property the applicable law and the court having jurisdiction shall be those of the Contracting Party in whose territory the property is situated.

2. The provisions of the preceding paragraph shall not apply to property relations between spouses.

Chapter IV

*SUCCESSION CASES**Article 30*

PRINCIPLE OF EQUALITY

1. Nationals of one Contracting Party may acquire property in the territory of the other Contracting Party by statutory or testamentary succession under the same conditions as nationals of the latter Contracting Party.

2. Nationals of one Contracting Party may make a testamentary disposition in respect of property situated in the territory of the other Contracting Party.

Article 31

APPLICABLE LAW

1. Succession to movable property shall be determined by the law of the Contracting Party of which the decedent was a national at the time of his death.

2. Succession to immovable property shall be determined by the law of the Contracting Party in whose territory the property is situated.

3. Where the law of one Contracting Party imposes restrictions on the right of succession of its own nationals in respect of property situated in its territory, such restrictions shall also apply to nationals of the other Contracting Party.

Article 32

ESCHEAT

Where, under the law of the Contracting Parties, an estate reverts to the State, the movable property shall revert to the Contracting Party of which the decedent was a national at the time of his death and immovable property shall revert to the Contracting Party in whose territory it is situated.

Article 33

WILLS

1. The capacity to make or revoke a testamentary disposition and the legal effects of defective testamentary dispositions shall be determined by the law of the Contracting Party of which the testator was a national at the time of making the testamentary disposition.

2. The form of the testamentary disposition shall be determined by the law of the Contracting Party of which the testator was a national at the time of making the testamentary disposition. It shall, however, be deemed sufficient if the law of the Contracting Party in whose territory the testamentary disposition was made is complied with. The same shall apply to the revocation of testamentary dispositions.

Article 34

JURISDICTION IN MATTERS OF SUCCESSION

1. Proceedings in matters of succession to movable property shall be conducted by the authorities of the Contracting Party of which the decedent was a national at the time of his death.
2. Proceedings in matters of succession to immovable property shall be conducted by the authorities of the Contracting Party in whose territory the property is situated.
3. If the entire movable estate is in the territory of one of the Contracting Parties, proceedings in matters of succession to such estate shall, upon petition by an heir or a legatee, and subject to the consent of all known heirs and legatees, be conducted by the authorities of that Contracting Party.
4. The provisions of the preceding paragraphs shall also apply to disputes arising in connexion with the succession.

Article 35

NOTIFICATION OF DEATH

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent local authority shall, directly and without delay, notify the diplomatic or consular mission of the first-mentioned Contracting Party and shall communicate to it whatever information is available concerning the heirs or legatees, their domicile and address, the estate and the will, if any. The local authority shall also send such notification if it learns that the deceased has left property in the territory of a third State.
2. If an estate is left in the territory of one Contracting Party and it is learned that there are heirs or legatees who are nationals of the other Contracting Party and are domiciled in its territory, the local authority shall so notify, directly and without delay, the diplomatic or consular mission of the other Contracting Party.

Article 36

COMPETENCE OF DIPLOMATIC AND CONSULAR MISSIONS

1. The diplomatic or consular missions of one Contracting Party may represent nationals of their State before the authorities of the other Contract-

ing Party in succession proceedings, even without special authorization, in cases where such nationals are not present in the country concerned and have no representative of their own.

2. If a national of one Contracting Party dies during a temporary stay in the territory of the other Contracting Party, his personal effects shall be delivered without any formal proceedings directly to the diplomatic or consular mission of his country. The legal provisions governing the export of goods and the transfer of currency shall apply in such cases also.

Article 37

PUBLICATION OF WILLS

Wills shall be published by the authorities of the Contracting Party in whose territory the will is to be found. A certified copy of the will and of the minute concerning its publication shall be transmitted to the competent authority of the Contracting Party which is entitled to conduct the proceedings.

Article 38

MEASURES FOR THE PROTECTION OF THE ESTATE

1. The authorities of a Contracting Party in whose territory an estate has been left by a national of the other Contracting Party shall, in accordance with their own law, take such measures as are necessary to ensure the protection and administration of the estate. The competent authorities of each Contracting Party shall take similar action in respect of estates in which a national of the other Contracting Party is interested as an heir or legatee.

2. Measures taken under paragraph 1 shall be reported to the diplomatic or consular mission of the other Contracting Party, which may participate, either directly or through a representative, in carrying them out. At the request of such mission, the said measures may be modified or rescinded.

3. Measures taken under paragraph 1 shall be rescinded at the request of the authority which is competent to conduct the succession proceedings.

Article 39

DELIVERY OF THE ESTATE

1. If, after the completion of succession proceedings, the movable estate or the proceeds of sale of the movable or immovable estate are to be delivered to heirs or legatees domiciled in the territory of the other Contracting Party who have not participated in the proceedings and have not sent representatives, such movable estate or proceeds shall be delivered to the diplomatic or consular mission of the said Contracting Party.

2. Delivery of the estate in accordance with paragraph 1 shall take place if:

- (a) All claims presented by creditors within the time-limit prescribed by the law of the Contracting Party in whose territory the estate is situated have been paid or secured;
- (b) Estate duties and taxes have been paid or secured;
- (c) The competent authorities have approved, where such approval is required, the export of the movable estate or the transfer of the proceeds of sale.

Chapter V

*LEGAL COSTS**Article 40*

EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS

1. Nationals of one Contracting Party appearing before the courts of the other Contracting Party and domiciled in the territory of either Contracting Party shall not be required to deposit security for legal costs on the ground that they are aliens or have no domicile, residence or office in the territory of the Contracting Party before whose court they are appearing.

2. The privilege provided for in the preceding paragraph shall also be granted to nationals of the Contracting Parties who are domiciled in the territory of a third country with which the Contracting Party granting the privilege has concluded a treaty concerning the reciprocal enforcement of judgements.

PRIVILEGES GRANTED IN CONNEXION WITH LEGAL PROCEEDINGS

Article 41

1. Nationals of one Contracting Party shall be exempted from the payment of stamp tax and legal costs in connexion with proceedings conducted in the territory of the other Contracting Party and shall be entitled to other privileges and free legal assistance under the same conditions as nationals of the other Contracting Party.

2. The privileges provided for in paragraph 1 shall also extend to enforcement proceedings.

3. Any privilege granted under the preceding paragraphs shall also be accorded to the litigant in all proceedings instituted in the same case before an authority of the other Contracting Party.

Article 42

1. Certificates relating to personal and family status, income and property shall be issued by the competent authorities of the Contracting Party in whose territory the person applying for privileges under article 41 has his domicile or residence.

2. If the applicant has no domicile or residence in the territory of either Contracting Party, the certificate may be issued by a diplomatic or consular mission of his State.

3. The authority ruling on privileges under article 41 may require additional data to be furnished by the authority which issued the certificate.

Article 43

A national of one Contracting Party applying to the competent authority of the other Contracting Party for the privileges referred to in article 41 may make such application before the competent authority of the place in which he has his domicile or residence. The said authority shall transmit the application or—if the preparation of a minute is permissible under the national law of the authority in question—the minute concerning it, together with the certificate referred to in article 42 and other documents, to the competent authority of the other Contracting Party.

Article 44

Where a national of one Contracting Party is required to pay stamp tax and legal costs to the authorities of the other Contracting Party but does not have his domicile or residence in the territory of the latter Contracting Party, he shall be allowed sufficient time to make such payment.

Chapter VI

*RECOGNITION AND ENFORCEMENT OF JUDGEMENTS**Article 45*

1. Final judgements of courts of one Contracting Party in civil and family cases not relating to property shall be recognized in the territory of the other Contracting Party without further proceedings unless the authorities of the latter Contracting Party have previously rendered a final judgement in the same case or have exclusive jurisdiction under this Treaty.

2. The provisions of paragraph 1 shall also apply to final judgements rendered before the entry into force of this Treaty.

3. Final judgements of authorities of one Contracting Party relating to the exercise of parental rights shall be enforced in the territory of the Contracting Party in whose territory the child is domiciled or resident provided that the child is a national of the Contracting Party whose authority rendered the judgement.

Article 46

1. Each Contracting Party shall recognize and enforce the following judgements rendered in the territory of the other Contracting Party after 24 January 1954:

- (a) Final judgements of courts in civil and family cases relating to property;
- (b) Final judgements of courts relating to damages in criminal cases.

2. At the request of the Minister of Justice of either Contracting Party,

the Minister of Justice of the other Contracting Party may give his consent to the enforcement of final judgements rendered before the date specified in paragraph 1.

Article 47

The Contracting Parties shall recognize and enforce final awards of arbitral tribunals handed down after the entry into force of this Treaty as well as settlements arrived at before such tribunals provided that the terms of the arbitration agreement are in conformity with the law of both Contracting Parties.

Article 48

1. Decisions concerning authorization of enforcement shall be rendered by a court of the Contracting Party in whose territory the judgement is to be enforced.

2. Applications for authorization of enforcement shall be made to the court which heard the case at first instance or to the court of the other Contracting Party competent to rule on the application. The court of first instance shall transmit such applications to the competent court of the other Contracting Party.

Article 49

Applications for authorization of enforcement must be accompanied by the following:

- (a) An official copy of the complete text of the judgement and, if such text does not show that the judgement has become final and enforceable, a certificate to that effect;
- (b) If the respondent did not participate in the proceedings, a certificate to the effect that he or his representative was served in due time and proper form with a summons;
- (c) A certified translation of the application and of the documents specified in (a) and (b) above.

Article 50

Before ruling on the application, the court may, if necessary, require the litigants to furnish clarification, interrogate them, or require them to

furnish additional information. The court may also request information from the court which rendered the judgement.

Article 51

1. In proceedings concerning authorization of enforcement, the applicable law shall be that of the Contracting Party in whose territory enforcement is sought.

2. The respondent may also submit such objections to authorization of enforcement as are permissible under the law of the Contracting Party whose court rendered the judgement.

Article 52

Recognition and enforcement of a judgement shall be refused:

- (a) If the respondent did not participate in the proceedings because neither he nor his representative was served in due time and proper form with a summons;
- (b) If the judgement conflicts with an earlier judgement which has become final and which was rendered in an action between the same litigants, in relation to the same claim and on the same grounds, by a court of the Contracting Party in whose territory recognition and enforcement are sought; this provision shall not apply where there has been a material change in the circumstances on which the nature of the enforcement provisions and the time of enforcement were based in the earlier judgement;
- (c) If the claim to which the judgement relates is not enforceable under the law of the Contracting Party of which the respondent is a national;
- (d) If a court of the Contracting Party in whose territory enforcement is sought has exclusive jurisdiction under this Treaty to render judgement in the case.

Article 53

COSTS ARISING IN CONNEXION WITH ENFORCEMENT

With regard to costs arising in connexion with the enforcement of judge-

ments, the applicable law shall be that of the Contracting Party in whose territory enforcement is sought.

Article 54

JUDICIAL SETTLEMENTS

The provisions of articles 45 to 53 shall also apply to judicial settlements.

ENFORCEMENT OF AWARDS OF LEGAL COSTS

Article 55

1. If a litigant exempt under article 40 of this Treaty from depositing security for legal costs is required, in pursuance of a final judgement rendered in the territory of either Contracting Party, to pay legal costs to the other party, the competent court of the other Contracting Party shall on application authorize without charge the enforcement of the award of costs.

2. Legal costs shall also include the costs of translation and certification of the documents referred to in article 56.

Article 56

1. Applications for authorization of enforcement must be accompanied by an official copy of the award of legal costs and a certificate to the effect that the award has become final and enforceable.

2. The documents in question must be accompanied by a translation in the language of the Contracting Party in whose territory enforcement is sought.

3. In authorizing enforcement the court shall consider only:

- (a) Whether the award has been certified as being final and enforceable;
- (b) Whether the documents referred to in paragraph 1 of this article are accompanied by certified translations.

Article 57

Where an award of legal costs is to be enforced in the territory of the other Contracting Party, application for authorization of enforcement may be made:

- (a) To the court which made the award at first instance; in such cases, the court in question shall transmit the application to the competent court of the other Contracting Party;
- (b) Direct to the court of the other Contracting Party which is competent to authorize enforcement.

Article 58

1. The court shall authorize enforcement of an award without hearing the litigants.

2. Enforcement of awards may not be refused on the ground that the applicant has not paid in advance the costs of enforcement.

Article 59

1. Courts of either Contracting Party shall, on application by a court of first instance of the other Contracting Party, recover unpaid stamp tax incurred in the territory of the other Contracting Party as well as costs advanced by the State; the sum recovered shall be remitted to the diplomatic or consular mission of the other Contracting Party.

2. Applications must be accompanied by an official copy of the award of costs, a certificate to the effect that the award has become final, and a certified translation of these documents.

Article 60

DELIVERY OF ARTICLES AND TRANSFER OF FUNDS

Where articles or funds in the territory of one Contracting Party are to be delivered or transferred to a person domiciled in the territory of the other Contracting Party, the export of the articles or transfer of the funds shall be effected in accordance with the law of the first-mentioned Contracting Party.

Article 61

With regard to the determination and recovery of costs of enforcement, the applicable law shall be that of the Contracting Party in whose territory the judgement is enforced.

Chapter VII

*TRANSMITTAL OF EXTRACTS FROM THE CIVIL REGISTER
AND OTHER DOCUMENTS**Article 62*

1. Each Contracting Party shall transmit to the other Contracting Party extracts from the civil register relating to nationals of the other Contracting Party. Such extracts shall be transmitted free of charge through the diplomatic channel.

2. At the request of the competent authorities, the Contracting Parties shall transmit to each other, for official use, extracts from the civil register relating to their nationals and other documents relating to the personal rights and interests of the said nationals. Such documents shall be transmitted free of charge through the diplomatic channel.

3. Applications by nationals of either Contracting Party for the release of extracts from the civil register or other documents relating to their rights and interests may be sent direct to the competent authorities. The documents requested shall be transmitted to the applicant through the diplomatic or consular mission of the State whose authority released the document in question. On handing over the document, the diplomatic or consular mission shall collect from the applicant the fee prescribed for the release of the document.

Article 63

1. Where the civil registration authorities of one Contracting Party make a new entry or a correction in the civil register relating to the personal status of a national of the other Contracting Party, they shall transmit to the other Contracting Party an extract from the civil register containing the new entry or correction.

2. Each Contracting Party shall transmit to the other Contracting Party

official copies of final judgements relating to the personal status of nationals of the other Contracting Party. The judgements must contain information concerning the nationality of the person to whom they apply.

3. The documents referred to in paragraphs 1 and 2 shall be transmitted free of charge through the diplomatic channel.

PART III

CRIMINAL CASES

Article 64

OBLIGATION TO EXTRADITE

1. Each Contracting Party undertakes to extradite to the other on request, under the conditions laid down by this Treaty, persons in its territory whose presence is required for the purpose of criminal prosecution or execution of a sentence.

2. Extradition shall be admissible only in respect of offences which, under the law of both Contracting Parties, are punishable with deprivation of liberty for a period of more than one year or with a heavier penalty or in respect of which a sentence involving deprivation of liberty for a period of not less than one year has been pronounced by a court of the applicant Contracting Party (hereinafter referred to as "extraditable offences").

Article 65

REFUSAL OF EXTRADITION

Extradition shall not take place if:

- (a) The person claimed is a national of the Contracting Party applied to;
- (b) The offence was committed in the territory of the Contracting Party applied to;
- (c) Under the law of the Contracting Party applied to, exemption from prosecution or punishment has been acquired by lapse of time or for other reasons;

- (d) The person claimed has already been prosecuted in the territory of the Contracting Party applied to for the same offence and has been sentenced or discharged, and such sentence or discharge has become final.

Article 66

REQUISITION FOR EXTRADITION

1. A requisition for extradition must contain: the name and nationality of the person claimed, information concerning his domicile or residence, and, where necessary, particulars concerning the extent of the damage resulting from the offence.

2. The requisition for extradition must be accompanied:

- (a) In the case of a requisition for the purpose of criminal prosecution, by an official copy of the warrant of arrest, a description of the circumstances of the offence and its legal definition, and, in the case of a requisition for the purpose of execution of a sentence, by an official copy of the final sentence;
- (b) By the text of the appropriate criminal statute of the applicant Contracting Party under which the act in question is defined as an offence;
- (c) By a personal description of the person claimed and, where possible, his photograph and fingerprints.

3. If a convicted person has already served a part of his sentence, the particulars in that regard shall be transmitted.

Article 67

DETENTION PENDING EXTRADITION

If, pursuant to this Treaty, sufficient grounds exist for the requisition for extradition, the Contracting Party applied to shall take immediate steps under its own law to detain the person claimed.

Article 68

SUPPLEMENTARY INFORMATION

1. If all the information required is not provided in the requisition for extradition, the Contracting Party applied to may request supplementary

information and may for that purpose fix a time-limit not exceeding two months. Such time-limit may be extended for valid reasons.

2. If the information requested is not received within the specified or extended time-limit, the competent authority of the Contracting Party applied to shall discontinue the extradition proceedings and release the person detained.

Article 69

TEMPORARY DETENTION

1. In urgent cases, the authorities of the Contracting Party applied to may detain the person claimed before receipt of a requisition for his extradition conforming to the provisions of article 66 of this Treaty, on condition that the applicant Contracting Party, in applying for such detention, specifies that a warrant has been issued for the person's arrest or a final sentence pronounced against him and gives notice that it will transmit the requisition for extradition without delay. An application for detention in such cases may be made by post, telephone, telegraph or wireless.

2. The competent authorities may, even in the absence of such application, temporarily detain a person resident in their territory if they have information indicating that he has committed an extraditable offence in the territory of the other Contracting Party.

3. Where a person has been temporarily detained in accordance with paragraph 1 or paragraph 2, the other Contracting Party shall be notified immediately.

Article 70

RELEASE OF TEMPORARILY DETAINED PERSONS

A person detained in accordance with article 69 of this Treaty shall be released if the requisition for his extradition is not received from the other Contracting Party within thirty days after the date of the notification of detention. The release of the person in question shall be notified to the other Contracting Party.

Article 71

POSTPONEMENT OF EXTRADITION

If the person claimed is being prosecuted for or has been convicted of another offence in the territory of the Contracting Party applied to, his extradition may be postponed until the termination of the criminal proceedings or the completion of the sentence.

Article 72

TEMPORARY EXTRADITION

1. If postponement of extradition under article 71 of this Treaty might result in exemption from prosecution being acquired by lapse of time or might seriously prejudice the investigation of the offence, the person claimed may be extradited temporarily to the applicant Contracting Party on receipt of a requisition with statement of grounds.

2. A temporarily extradited person shall be returned immediately after the completion of the criminal proceedings for the purpose of which he was extradited.

Article 73

CONFLICTING REQUISITIONS FOR EXTRADITION

If requisitions for a person's extradition are received from more than one State, the Contracting Party applied to shall decide which of the requisitions shall be complied with.

Article 74

LIMITS TO THE PROSECUTION OF EXTRADITED PERSONS

1. An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted or punished for an offence which was committed before his extradition and which is not the offence for which he was extradited.

2. The extradited person may not be surrendered to a third State without the consent of the Contracting Party applied to.

3. The consent of the Contracting Party applied to shall not be required if:

- (a) The extradited person fails to quit the territory of the applicant Contracting Party within one month after the termination of the criminal proceedings or the completion of the sentence. Such period of one month shall not be deemed to include any period during which the extradited person is unable through no fault of his own to quit the territory of the applicant Contracting Party;
- (b) The extradited person quits the territory of the applicant Contracting Party but subsequently returns thereto.

Article 75

SURRENDER

1. The Contracting Party applied to shall notify the applicant Contracting Party of the time and place of surrender of the person claimed.

2. If the applicant Contracting Party fails to accept the person claimed within fifteen days after the date fixed for his surrender, such person may be released from custody.

Article 76

RE-EXTRADITION

If an extradited person in some manner evades prosecution or punishment and returns to the territory of the Contracting Party applied to, he shall be re-extradited upon receipt of a new requisition from the applicant Contracting Party, even without production of the information and documents specified in article 66 of this Treaty.

Article 77

NOTIFICATION OF THE RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of the prosecution of extradited persons. If judgement is pronounced in respect of such persons, an official copy of the judgement shall be transmitted after it has become final.

Article 78

CONVEYANCE IN TRANSIT

1. Each Contracting Party undertakes to convey through its territory, at the request of the other Contracting Party, any person extradited by a third State to the other Contracting Party. The Contracting Parties shall not be bound to authorize such conveyance in cases where extradition is not provided for under the terms of this Treaty.

2. An application for authorization of conveyance in transit shall be made in the same manner as a requisition for extradition.

3. The authorities of the Contracting Party applied to shall effect conveyance in transit in whatever manner they find most convenient.

Article 79

COSTS OF EXTRADITION

The costs of extradition shall be borne by the Contracting Party in whose territory they were incurred, and the costs of conveyance in transit shall be borne by the applicant Contracting Party.

Article 80

OBLIGATION TO PROSECUTE

1. Each Contracting Party undertakes to prosecute under its own law, at the request of the other Contracting Party, any of its nationals who have committed an extraditable offence in the territory of the applicant Contracting Party.

2. The request must be accompanied by documents concerning the offence and the offender together with any other available evidence.

3. Requests for prosecution shall be made, in the case of Bulgaria, by the Chief Procurator of the People's Republic of Bulgaria and, in the case of Hungary, if charges have not yet been filed, by the Chief Procurator of the Hungarian People's Republic and, if charges have been filed, by the Minister of Justice of the Hungarian People's Republic.

4. The Contracting Party applied to shall inform the applicant Contract-

ing Party of the result of the prosecution and, if a judgement has been rendered and has become final, shall also transmit an official copy thereof.

Article 81

EXTRADITION OF DETAINED PERSONS FOR INTERROGATION AS WITNESSES

If, in connexion with criminal proceedings instituted in the territory of one Contracting Party, need arises for the interrogation in person as a witness of a person who is held in custody in the territory of the other Contracting Party, the latter shall on request extradite such person temporarily to the applicant Contracting Party. The applicant Contracting Party shall keep the said person in custody and return him immediately after interrogation to the Contracting Party applied to.

Article 82

DELIVERY OF ARTICLES CONNECTED WITH AN OFFENCE

1. Articles acquired through the commission of an extraditable offence, and other articles which may be used as physical evidence in criminal proceedings, shall be delivered to the applicant Contracting Party even in cases in which the offender cannot be extradited by reason of death or other circumstances.

2. The Contracting Party applied to may temporarily postpone the delivery of the claimed articles if it has need of them for other criminal proceedings.

3. The rights of third parties to articles delivered to the other Contracting Party shall remain unaffected. After the termination of the criminal proceedings, such articles shall be returned to the Contracting Party which delivered them for transmittal to the persons entitled to them.

Article 83

METHOD OF COMMUNICATION

In matters relating to the extradition and conveyance in transit of offenders and to the extradition of detained persons (article 81), the Chief Procurator of the People's Republic of Bulgaria and the Minister of Justice or the Chief Procurator of the Hungarian People's Republic shall communicate with each other directly.

Article 84

NOTIFICATION OF SENTENCES

1. Each Contracting Party shall notify the other Contracting Party of final sentences pronounced by its courts in respect of nationals of the other Contracting Party.

2. Each Contracting Party shall, upon receipt of an application with statement of grounds, transmit to the other Contracting Party information concerning sentences pronounced in respect of persons who are not nationals of the applicant Contracting Party.

3. The Contracting Parties shall also transmit to each other on request, where possible, the fingerprints of the persons referred to in paragraphs 1 and 2.

4. The information specified in the preceding paragraphs shall be transmitted by the competent authorities of the two Contracting Parties in the manner prescribed in article 3 of this Treaty.

PART IV

FINAL PROVISIONS

Article 85

Any disputes arising in connexion with the application and interpretation of this Treaty shall be settled by the Ministers of Justice and the Chief Procurators of the two Contracting Parties within the limits of their competence.

Article 86

This Treaty is subject to ratification and shall enter into force thirty days after the exchange of the instruments of ratification. The exchange of the instruments of ratification shall take place at Budapest.

Article 87

This Treaty is concluded for a term of five years. It shall be extended for successive five-year terms until such time as one of the Contracting Parties denounces it six months before the expiry of the current term.

Article 88

On the date of the entry into force of this Treaty, the Treaty between the People's Republic of Bulgaria and the Hungarian People's Republic concerning the provision of legal assistance in civil and criminal cases, concluded on 8 August 1953, shall cease to have effect.

DONE at Sofia on 16 May 1966, in duplicate in the Bulgarian and Hungarian languages, both texts being equally authentic.

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

For the Presidium
of the National Assembly
of the People's Republic
of Bulgaria:

[SVETLA DASKALOVA]

For the Presidential Council
of the Hungarian People's
Republic:

[Dr. FERENC NEZVÁL]