

No. 11867

**UNION OF SOVIET SOCIALIST REPUBLICS
and
AUSTRIA**

**Agreement relating to civil procedure. Signed at Vienna on 11
March 1970**

Authentic texts : Russian and German.

Registered by the Union of Soviet Socialist Republics on 12 July 1972.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
AUTRICHE**

Accord relatif à la procédure civile. Signé à Vienne le 11 mars 1970

Textes authentiques : russe et allemand.

Enregistré par l'Union des Républiques socialistes soviétiques le 12 juillet 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE REPUBLIC OF AUSTRIA RELATING TO CIVIL PROCEDURE

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the Federal President of the Republic of Austria, desiring to facilitate the application in relations between the two States of the Hague Convention of 1 March 1954² relating to civil procedure, have decided to conclude an Agreement and for that purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics: Boris Fedorovich Podtserob, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics in the Republic of Austria;

The Federal President of the Republic of Austria: Mr. Kurt Waldheim, Federal Minister for Foreign Affairs, and Mr. Hans Klecatsky, Federal Minister of Justice;

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

Article 1

Citizens of either Contracting Party shall have free access to the courts in the territory of the other Party and may have recourse to the courts under the same conditions as citizens of the latter Party; on the basis of reciprocity they shall be exempted from paying court costs.

Article 2

1. Judicial and extra-judicial documents relating to civil and commercial matters to be served upon persons in the territory of either Contracting Party shall be transmitted through the diplomatic channel.

2. Proof of receipt or service of such documents shall be returned through the diplomatic channel.

3. Any other communications relating to the service of such documents shall be transmitted in the manner indicated in paragraph 1.

¹ Came into force on 29 April 1972, i.e., on the sixtieth day that followed the exchange of the instruments of ratification, which took place at Moscow on 1 March 1972, in accordance with article 11 (2).

² United Nations, *Treaty Series*, vol. 286, p. 265.

4. Any letters required in the transmission of the said documents and any other communications submitted in accordance with paragraph 3 by the requesting State shall be drawn up in the language of the requested State or shall be accompanied by a translation in the language of the requested State.

Article 3

1. Letters rogatory in civil and commercial matters shall be executed by the courts of the requested State; the letters rogatory and the documents attesting to execution, shall be transmitted through the diplomatic channel.

2. Any other communications relating to letters rogatory shall also be transmitted through the diplomatic channel.

3. Letters drawn up in connexion with the transmission of letters rogatory and any other communications submitted in accordance with paragraph 2 by the requesting State shall be drawn up in the language of the requested State or shall be accompanied by a translation in the language of the requested State.

Article 4

The translations referred to in article 3, paragraph 3, and in article 10 of the Hague Convention of 1 March 1954 must be certified by a diplomatic or consular agent of the requesting State or by an official translator or sworn translator of either Contracting Party.

Article 5

Proof of receipt or service and documents attesting to the execution of letters rogatory shall be drawn up in the Russian or German language; if they are drawn up in any other language, they shall be accompanied by a translation in one of those two languages.

Article 6

Each Contracting Party shall have the right to serve judicial and extra-judicial documents relating to civil and commercial matters on its citizens in the territory of the other Contracting Party direct through its diplomatic or consular agents and without the use of coercive measures.

Article 7

There shall be no reimbursement of fees or costs relating to the serving of judicial or extra-judicial documents or the execution of letters rogatory.

Article 8

Bodies corporate and commercial enterprises which have their headquarters in the territory of either Contracting Party shall, for the purposes of the application of articles 17 to 19 of the Hague Convention of 1 March 1954, be regarded as citizens of that Contracting Party.

Article 9

1. Applications for enforcement of a decision relating to the payment of the costs and expenses of a lawsuit (articles 18 and 19 of the Hague Convention of 1 March 1954) shall be transmitted through the diplomatic channel.

2. The translations provided for in article 19, second paragraph, subparagraph 3, of the Hague Convention of 1 March 1954 must be certified by a diplomatic or consular agent of the requesting State or by an official translator or sworn translator of either Contracting Party.

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

Article 10

On the entry into force of this Agreement, the Agreement of 19 September 1924 between the Union of Soviet Socialist Republics and the Republic of Austria on legal assistance in civil matters and the exchange of notes of 6 April 1927 relating to that Agreement shall cease to have effect.

Article 11

1. This Agreement shall be subject to ratification. The exchange of the instruments of ratification shall take place in Moscow.

2. This Agreement shall enter into force on the sixtieth day following the exchange of the instruments of ratification.

Article 12

Either of the Contracting Parties may denounce this Agreement by written notification transmitted to the other Contracting Party. Denunciation shall take effect six months after the date of such notification.

Article 13

Any disputes regarding the interpretation or application of this Agreement that may arise between the Contracting Parties shall be settled through the diplomatic channel.

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

DONE at Vienna on 11 March 1970, in duplicate in the Russian and German languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet
of the Union of Soviet
Socialist Republics :

[B. PODTSEROB]

For the Federal President
of the Republic of Austria :

K. WALDHEIM
H. KLECATSKY
