

No. 13181

**BELGIUM
and
YUGOSLAVIA**

Agreement concerning legal assistance in civil and commercial matters. Signed at Belgrade on 24 September 1971

Authentic texts: French and Serbo-Croatian.

Registered by Belgium on 25 March 1974.

**BELGIQUE
et
YUGOSLAVIE**

Accord relatif à l'entraide judiciaire en matière civile et commerciale. Signé à Belgrade le 24 septembre 1971

Textes authentiques : français et serbo-croate.

Enregistré par la Belgique le 25 mars 1974.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND
THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA
CONCERNING LEGAL ASSISTANCE IN CIVIL AND COM-
MERCIAL MATTERS

The Government of the Kingdom of Belgium and the Government of the Socialist Federal Republic of Yugoslavia,

Desiring to regulate by mutual agreement questions relating to legal assistance in civil and commercial matters and to facilitate the implementation of The Hague Convention of 1 March 1954 relating to civil procedure,²

Have agreed as follows:

I. GENERAL PROVISIONS

Article 1. Nationals of one Contracting Party shall, in the territory of the other Contracting Party, have free access to the courts for the purpose of protecting their persons and property.

Article 2. 1. The Contracting Parties undertake to provide to each other the broadest possible legal assistance in civil and commercial matters under the conditions set out in this Agreement, particularly in the service of writs and extra-judicial documents and the execution of letters rogatory.

2. The service of writs and extra-judicial documents and the execution of letters rogatory shall extend in particular to family law, non-contentious matters (matters of guardianship, trusteeship, etc.), administrative matters and bankruptcies.

II. SERVICE OF WRITS AND EXTRA-JUDICIAL DOCUMENTS

Article 3. 1. Writs and extra-judicial documents in civil and commercial matters addressed to persons residing in the territory of one of the Contracting Parties shall be transmitted in duplicate:

- (a) In the case of the Kingdom of Belgium, through the Ministry of Justice;
- (b) In the case of the Socialist Federal Republic of Yugoslavia, through the Secretariats of Justice of the Socialist Republics of Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia.

2. Receipts or attestations of service shall be transmitted through the same channels.

¹ Came into force on 1 June 1972, i.e. the first day of the second month that followed the date of the second notification (effected on 31 December 1971 by Yugoslavia and on 14 April 1972 by Belgium) by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 17 (1).

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

Article 4. The provisions of article 3 of this Agreement shall be without prejudice to the right of the Contracting Parties:

- (a) To send writs and extra-judicial documents directly to the addresses by registered mail with acknowledgement of receipt;
- (b) To cause their diplomatic or consular agents to serve directly and without compulsion writs and extra-judicial documents addressed to their nationals.

Article 5. 1. Documents to be served under article 2 of The Hague Convention of 1 March 1954 relating to civil procedure shall be drawn up in one of the languages of the requesting State.

2. For purposes of the implementation of the preceding paragraph, the letter of transmittal shall indicate the essential contents and elements of the document.

3. In cases of service under article 3 of the said Hague Convention, the document shall be drawn up in one of the languages of the requested State or accompanied by a translation in that language.

Article 6. 1. The service of writs and extra-judicial documents shall not give rise to the reimbursement of fees or costs of any kind.

2. The use of measures of compulsion to secure the reimbursement of service costs may be required only if expressly requested by the requesting State.

III. LETTERS ROGATORY

Article 7. 1. Letters rogatory in civil and commercial matters shall be executed in the two States by the judicial authorities.

2. They shall be transmitted:

- (a) In the case of the Kingdom of Belgium, through the Ministry of Justice;
- (b) In the case of the Socialist Federal Republic of Yugoslavia, through the Secretariats of Justice of the Socialist Republics of Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia.

3. They shall be accompanied by a translation in one of the languages of the requested State, certified as correct by a sworn translator of the requesting State.

Article 8. 1. The provisions of article 7 of this Agreement shall be without prejudice to the right of the Contracting Parties to cause their diplomatic or consular agents to execute directly and without compulsion letters rogatory for the interrogation of their own nationals.

2. Where there is a conflict of legislation, the nationality of the person to be interrogated shall be determined by the law of the State in which the letter rogatory is to be executed.

3. Any summons shall state specifically that the procedure is to take place without compulsion.

IV. "CAUTIO JUDICATUM SOLVI"

Article 9. 1. Nationals of one Contracting Party who are plaintiffs or parties by intervention before the courts of the other Contracting Party shall be exempted from *cautio judicatum solvi* under the conditions set out in article 17 of The Hague Convention of 1 March 1954 relating to civil procedure.

2. Requests for an exequatur of orders to pay the costs and expenses of a lawsuit under articles 18 and 19 of The Hague Convention of 1 March 1954 may be made directly by the interested party to the competent judicial authority.

V. LEGALIZATION

Article 10. Documents drawn up, issued or legalized by the courts of either State shall not, if they bear the seal of the court, require any further legalization or similar formality for the purpose of legal procedures 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.

VI. COMMUNICATION OF LEGISLATION

Article 11. The Ministry of Justice in the case of Belgium and the Federal Secretariat for Judicial and General Administrative Affairs in the case of Yugoslavia shall communicate to each other, on request, information concerning laws currently or previously in force in their respective countries or concerning judicial decisions relating to a specific point, together with any other necessary legal information.

VII. JOINT PROVISIONS

Article 12. In relations between them, the Belgian Ministry of Justice and the Secretariats of Justice of the Socialist Republics in Yugoslavia shall use the French language exclusively.

Article 13. For purposes of the implementation of this Agreement, the following shall be deemed to be languages of the Contracting Parties: in the case of Belgium—French, Dutch and German; in the case of Yugoslavia—Serbo-Croatian, Croato-Serbian, Macedonian and Slovenian.

Article 14. If a request for legal assistance cannot be granted, the requested authority shall so inform the requesting authority without delay, indicating the reasons for non-execution.

Article 15. The legal assistance provided for by this Agreement may not be refused on the grounds that the requesting authority has not deposited a sum to guarantee the reimbursement of costs.

Article 16. The Hague Convention of 1 March 1954 relating to civil procedure shall, save as otherwise provided by this Agreement, continue to govern relations between the two Contracting Parties.

VIII. FINAL PROVISIONS

Article 17. 1. Each Contracting Party shall notify the other of the completion of the procedures required by its Constitution for the entry into force of this Agreement. The latter shall enter into force on the first day of the second month following the date of the second such notification.

2. Upon the entry into force of this Agreement, the Agreement between the Kingdom of Belgium and the Kingdom of Yugoslavia regarding Reciprocal Judicial Assistance in Civil and Commercial Matters, signed at Brussels on 29 February 1936,¹ shall cease to have effect.

Article 18. 1. This Agreement is concluded for an indefinite period of time.

2. Either Contracting Party may denounce this Agreement at any time, and such denunciation shall become effective six months after the date of the receipt of notice of denunciation by the other Contracting Party.

DONE at Belgrade on 24 September 1971, in duplicate in the French and Serbo-Croatian languages, both texts being equally authentic.

For the Government
of the Kingdom of Belgium:

C. H. MULLER

For the Government
of the Socialist Federal Republic
of Yugoslavia:

M. RABIC

¹ League of Nations, *Treaty Series*, vol. CLXXXIV, p. 379.