

No. 14855

**UNION OF SOVIET SOCIALIST REPUBLICS
and
BULGARIA**

**Treaty concerning legal assistance in civil, family and
criminal cases. Signed at Moscow on 19 February 1975**

Authentic texts: Russian and Bulgarian.

Registered by the Union of Soviet Socialist Republics on 2 July 1976.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
BULGARIE**

**Traité relatif à l'assistance juridique en matière civile,
familiale et pénale. Signé à Moscou le 19 février 1975**

Textes authentiques : russe et bulgare.

Enregistré par l'Union des Républiques socialistes soviétiques le 2 juillet 1976.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS
AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING
LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the State Council of the People's Republic of Bulgaria,

Desiring to develop the bonds of friendship in accordance with the Treaty of friendship, co-operation and mutual assistance between the Union of Soviet Socialist Republics and the People's Republic of Bulgaria, signed at Sofia on 12 May 1967,²

Noting that the Treaty between the Union of Soviet Socialist Republics and the People's Republic of Bulgaria concerning the provision of legal assistance in civil, family and criminal cases, of 12 December 1957,³ is in need of revision,

Have decided to conclude this Treaty, and for that purpose have appointed as their plenipotentiaries:

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics:
V. I. Terebilov, Minister of Justice of the Union of Soviet Socialist Republics,

The State Council of the People's Republic of Bulgaria: Svelta Daskalova, Minister of Justice of the People's Republic of Bulgaria,

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.

2. Nationals of either Contracting Party shall have free and unimpeded access to the courts, the procurator's office and notarial organs (hereinafter called "judicial authorities") and to other authorities of the other Contracting Party having jurisdiction in civil, family or criminal cases, and may appear, present petitions and institute proceedings before such authorities under the same conditions as nationals of the other Contracting Party.

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

Article 2. LEGAL ASSISTANCE

1. The judicial authorities of the two Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

¹ Came into force on 19 January 1976, i.e. 30 days after the date of the exchange of the instruments of ratification, which took place at Sofia on 19 December 1975, in accordance with article 82 (1).

² United Nations, *Treaty Series*, vol. 631, p. 239.

³ *Ibid.*, vol. 317, p. 217.

2. The judicial authorities shall also provide legal assistance to other authorities having jurisdiction in the cases referred to in paragraph 1.

Article 3. METHOD OF COMMUNICATION

In providing legal assistance, the judicial authorities shall, save as otherwise provided in this Treaty, communicate with one another through the intermediary of their central organs.

Article 4. SCOPE OF LEGAL ASSISTANCE

The Contracting Parties shall provide one another with legal assistance by fulfilling requests for specific acts required in connexion with judicial proceedings, for example, by serving documents, seeking, seizing and delivering material evidence, conducting expert examinations, interrogating accused persons, witnesses and experts, taking evidence from litigants and other persons and conducting judicial inspections *in situ*, and by implementing decisions, handing over persons who have committed crimes, and so forth.

Article 5. FORM OF APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications for legal assistance must contain the following particulars:
 - (a) the title of the applicant judicial or other authority having jurisdiction in civil, family and criminal cases (hereinafter called "the authority");
 - (b) the title of the authority applied to;
 - (c) the title of the case in respect of which legal assistance is applied for;
 - (d) the full names of the litigants, or of the suspected, accused or convicted persons, and of persons who are the subject of notarial proceedings, their nationality, occupation and domicile or residence;
 - (e) the full names and addresses of their representatives;
 - (f) the nature of the application and, in criminal cases, a description of the circumstances of the offence and the legal definition of the offence.
2. Applications for legal assistance must bear a signature and a seal.
3. In providing legal assistance, the Contracting Parties shall use forms in both the Russian and Bulgarian languages; model forms shall be exchanged by the Parties.

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, at the request of the applicant authority, it may employ the judicial procedures of the applicant Contracting Party, provided that such procedures do not conflict with the laws of its own State.
2. If the authority applied to is not competent to execute the application, it shall transmit the application to the competent authority.
3. If an application cannot be executed at the address indicated therein, the authority applied to shall take the necessary steps, in accordance with the laws of its own State, to determine the correct address.
4. At the request of the applicant authority, the authority applied to shall notify the applicant authority and the parties concerned in good time of the time and place of execution of the application.

5. If it has not been possible to execute an application, the documents shall be returned to the applicant authority, which shall at the same time be advised of the circumstances preventing execution.

Article 7. IMMUNITY OF WITNESSES AND EXPERTS

1. No witness or expert of any nationality who, in response to a summons served by the judicial authority applied to, appears before an applicant authority may be prosecuted, taken into custody or punished in the territory of the applicant Contracting Party for an offence committed before he crossed the State frontier.

2. The witness or expert shall forfeit this protection if, being at liberty to do so, he fails to quit the territory of the applicant Contracting Party within one week from the date on which the judicial authority which caused the summons to be issued informs him that his presence is no longer required. Such period of one week shall be deemed not to include any period of time during which the witness or expert may be unable, owing to circumstances beyond his control, to quit the territory of the applicant Contracting Party.

Article 8. SERVICE OF DOCUMENTS

1. The judicial authority applied to shall serve documents in accordance with the regulations governing such service in force in its own State, provided that the documents to be served are drawn up in the language of that State or are accompanied by a certified translation. In other cases, the judicial authority shall deliver documents to the addressee if he is willing to accept them.

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

3. If the document cannot be served at the address indicated in the application, 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 so inform the applicant authority and shall return to it the document in question.

Article 9. CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed in accordance with the regulations for such service in force in the territory of the Contracting Party applied to. Such confirmation shall contain particulars of the time and place 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 the intermediary of 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 provided. Each Contracting Party shall bear all costs incurred in providing legal assistance in its own territory.

2. The judicial authority applied to shall inform the applicant judicial 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. VALIDITY OF DOCUMENTS

1. Documents drawn up or attested in due form in the territory of either Contracting Party by a competent authority shall be accepted in the territory of the other Party without authentication. The same shall be true of documents of nationals which have been signed and witnessed in accordance with the regulations in force in the territory of the Contracting Party concerned.

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

*Transmittal of civil registration and other documents**Article 13*

1. The civil registration authorities of either Contracting Party shall, at the request of the authorities of the other Contracting Party, transmit through the highest civil registration authority extracts from the civil register, untranslated and free of charge, for official use. Such documents shall be addressed directly to the applicant authority.

2. Applications by nationals of one Contracting Party for the issue by the civil registration authorities of the other Contracting Party of certificates of civil registration may be addressed directly to the competent civil registration authority. The said authority shall issue the documents in accordance with the laws of its own State and shall transmit them, untranslated and free of charge, through the highest civil registration authority to the civil registration authority of the applicant's place of residence. The latter authority shall transmit the documents to the applicant, recovering from him the expenses incurred in the amount determined in accordance with the laws of the Contracting Party in whose territory the applicant resides. The expenses recovered shall accrue to the Contracting Party whose authority recovered them.

If it has not been possible to execute an application, the authority applied to shall advise the civil registration authority of the applicant's place of residence of the circumstances preventing execution.

Article 14

1. Applications by nationals of either Contracting Party for the issue and transmittal of documents concerning educational qualifications and employment experience or other documents relating to the personal or property rights and interests of such nationals shall be addressed to the authorities of the other Contracting Party through the diplomatic channel.

2. Such documents shall be sent to the other Contracting Party through the diplomatic channel, untranslated and free of charge.

3. The provisions of paragraphs 1 and 2 above shall not affect any procedure for the issue and transmittal of documents established by other agreements between the Contracting Parties.

Article 15. INFORMATION ON LEGAL QUESTIONS

The Ministry of Justice and the Procurator's Office of the Union of Soviet Socialist Republics, on the one hand, and the Ministry of Justice and the Chief Procurator's Office of the People's Republic of Bulgaria, on the other hand, shall, upon request, provide each other with information concerning the laws in force or formerly in force in their respective States.

Article 16. LANGUAGES

In providing legal assistance, the judicial authorities of the Contracting Parties shall use either the Russian or the Bulgarian language.

PART II. LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES
PERSONAL STATUS AND FAMILY LAW

Article 17. LEGAL CAPACITY

1. Legal capacity shall be determined according to the law of the Contracting Party of which the person concerned is a national.

2. For the purpose of concluding minor everyday transactions, legal capacity shall be determined according to the law of the Contracting Party in whose territory the transaction is concluded.

*Article 18. DECLARATION OF PERSONS AS MISSING OR DEAD,
AND ESTABLISHMENT OF THE FACT OF DEATH*

1. In proceedings to declare persons missing or 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 judicial authorities of one Contracting Party may declare a national of the other Contracting Party missing or dead, or establish the fact of his death, on application by any person resident in its territory whose rights and interests are governed by its law.

3. In the cases referred to in paragraphs 1 and 2 above, the authorities of each Contracting Party shall apply the law of their own State.

*Declaration of legal incapacity**Article 19*

For the purpose of declaring a person legally incapable, the law of the Contracting Party of which the person to be declared legally incapable is a national shall apply, and the judicial authorities of that Contracting Party shall have jurisdiction in the matter.

Article 20

1. If the judicial authority of one Contracting Party determines that there are grounds for declaring legally incapable a person who has his domicile or residence in the territory of that Contracting Party but who is a national of the other Contracting Party, the said authority shall so notify the judicial authority of the other Contracting Party.

2. If the judicial authority notified in accordance with paragraph 1 above gives notice that further action may be taken by the judicial authority of the place of domicile or residence of the person concerned, or if it fails to respond within three months of notification, the judicial authority of the place of domicile or residence of the said person may institute proceedings to declare that person legally incapable in accordance with the law of its own State, provided that the grounds for declaring the aforesaid person legally incapable are also recognized by the law of the Contracting Party of which that person is a national. The decision to declare a person legally incapable shall be transmitted to the appropriate authority of the other Contracting Party.

3. In urgent cases, the judicial authority of the place of domicile or residence of a national of the other Contracting Party who is liable to be declared legally incapable may issue any directives necessary for the protection of the said person or his property. Copies of such directives shall be sent to the competent authority of the other Contracting Party. If the latter authority proposes a different course, the said directives shall be subject to repeal.

Article 21

The provisions of article 19 and article 20, paragraphs 1 and 2, shall apply *mutatis mutandis* to the restriction of legal capacity and to the recognition as legally capable of a person who has been declared legally incapable or partially incapable.

Article 22. FORM OF CONTRACT OF MARRIAGE

The form of contract of marriage shall be determined by the law of the Contracting Party in whose territory the marriage is contracted.

Article 23. PERSONAL AND PROPERTY RELATIONS BETWEEN SPOUSES

1. Personal and property relations between spouses who are nationals of one Contracting Party but are domiciled in the territory of the other Contracting Party shall be determined by the law of the country in which they are domiciled.

2. If one spouse is domiciled in the territory of one Contracting Party and the other in the territory of the other Contracting Party, and both are nationals of one Contracting Party, their personal and property relations shall be determined by the law of the Contracting Party of which they are both nationals.

3. If one spouse is a national of one Contracting Party and the other is a national of the other Contracting Party, and if one is domiciled in the territory of one Contracting Party and the other in the territory of the other Contracting Party, their personal and property relations shall be determined by the law of the Contracting Party in whose territory they last had a common domicile.

4. In matters involving personal and property relations between spouses, the competent authorities shall be the authorities of the Contracting Party whose law is applicable in accordance with paragraphs 1, 2 and 3 above.

Article 24. DISSOLUTION OF MARRIAGE

1. In cases of dissolution of marriage in which both spouses are nationals of one Contracting Party at the time the petition for dissolution of marriage is filed, the authorities of that Contracting Party shall have jurisdiction. If the spouses are domiciled in the territory of the other Contracting Party, the authorities of that Contracting Party shall also have jurisdiction. If one spouse is domiciled in the territory of one Contracting Party, and the other in the territory of the other Contracting Party, the authorities of both Contracting Parties shall have jurisdiction. The conditions for the dissolution of marriage shall be determined by the law of the Contracting Party of which the spouses are nationals.

2. If at the time the petition for dissolution of marriage is filed 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 the Contracting Party, or if one spouse is domiciled in the territory of one Contracting Party and the other in the territory of the other Contracting Party, the authorities of both Contracting Parties shall have jurisdiction. The authority which considers the petition for dissolution of marriage shall apply the law of its own State.

Article 25. LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

1. Legal relations between parents and children shall be determined by the law of the Contracting Party in whose territory they have a common domicile.

2. If the domicile of one or both of the parents is in the territory of one Contracting Party and the domicile of the child is in the territory of the other Contracting Party, the legal relations between them shall be determined by the law of the Contracting Party of which the child is a national.

3. Actions to contest or establish paternity or maternity or to establish that a child is the issue of a particular marriage shall be decided in accordance with the law of the Contracting Party of which the child is a national by birth.

4. In the case of a child born out of wedlock, the legal relations between the child and his mother or father shall be determined by the law of the Contracting Party of which the child is a national.

5. If a child is a national of one Contracting Party but is resident in the territory of the other Contracting Party, the law of which is more favourable to the child, the law of the latter Contracting Party shall apply.

6. For the purpose of executing decisions concerning the legal relations referred to in paragraphs 1, 2, 3, 4 and 5 above, jurisdiction shall be exercised by the authorities of the Contracting Party of which the child is a national or in whose territory he is domiciled or resident.

Article 26. ADOPTION

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

2. If, under the law of the Contracting Party of which the child being adopted is a national, the consent of the child or his legal representatives or the permission of the competent authority is required, adoption shall be subject to such consent or permission.

3. If the child is adopted by a married couple of whom one spouse is a national of one Contracting Party and the other spouse a national of the other Contracting Party, the law of both Contracting Parties shall apply.

4. In adoption proceedings, jurisdiction shall be exercised by the authorities of the Contracting Party of which the adopter is a national. In the case specified in paragraph 3 above, jurisdiction shall be exercised by the authorities of the Contracting Party in whose territory the married couple have or have had a common domicile or residence.

5. The provisions of paragraphs 1, 2, 3 and 4 above shall also apply *mutatis mutandis* to termination of adoption.

Guardianship and curatorship

Article 27

1. Save as otherwise provided in this Treaty, guardianship and 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. The conditions for establishing or terminating guardianship or curatorship shall be determined by the law of the Contracting Party of which the prospective ward 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 national of the other Contracting Party if the former is resident in the territory of the Party in which guardianship or curatorship is to be exercised.

Article 28

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 authority of the latter Contracting Party shall immediately notify the authority having jurisdiction under article 27, paragraph 1.

2. In urgent cases, the authorities of the other Contracting Party may take any necessary provisional measures under their own law, provided that they immediately notify the authorities having jurisdiction under the terms of article 27, paragraph 1. Such measures shall remain in effect until such time as the latter authorities decide otherwise.

Article 29

1. The authorities of the Contracting Party of which a prospective ward is a national may request the authorities of the other Contracting Party to establish guardianship or curatorship or to take provisional measures if the prospective ward is domiciled or resident in the territory of the latter Contracting Party. The authority applied to shall inform the applicant authority of the establishment of guardianship or curatorship, or of the adoption of provisional measures.

2. Where guardianship or curatorship has been established over a national of one Contracting Party who later becomes domiciled in the territory of the other Contracting Party, the authority which established guardianship or curatorship may request an authority of the other Contracting Party to assume the guardianship or curatorship of that national. The transfer shall become effective when the authority applied to assumes the guardianship or curatorship and notifies the applicant authority accordingly.

3. The authority assuming the guardianship or curatorship shall apply the law of its own State. However, in matters relating to judicial personality and legal capacity, the law of the Contracting Party of which the ward is a national shall apply. The said authority may not decide questions relating to the ward's personal status.

Article 30. FORM OF TRANSACTIONS

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

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

SUCCESSION

Article 31. PRINCIPLE OF EQUALITY

Citizens of either Contracting Party shall enjoy the same rights as citizens of the other Contracting Party resident in the territory of the latter as regards the capacity to make or

revoke wills disposing of property situated in the territory of the other Contracting Party or of rights to be exercised in the territory of the other Contracting Party, and as regards the capacity to succeed to such property or rights. The property or rights shall descend to them under the same conditions as those applying to citizens of the Contracting Party resident in its territory.

Article 32. LAW OF SUCCESSION

1. Succession to movable property shall be governed 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 governed by the law of the Contracting Party in whose territory the property is situated.

Article 33. 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 the immovable property shall revert to the Contracting Party in whose territory it is situated.

Article 34. WILLS

1. The capacity to make or revoke a will 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 will of a national of either Contracting Party shall be deemed to be of valid form if it has been drawn up in compliance with:

- (a) the law of the State in whose territory it was drawn up, or
- (b) the law of the Contracting Party of which the testator was a national at the time of making his will or at the time of his death, or the law of the Contracting Party in whose territory he had his domicile or residence at one of those times.

3. The provisions of paragraph 2 above shall also apply to the revocation of a will.

Article 35. JURISDICTION

1. Except as provided in paragraph 3 below, jurisdiction in matters of succession to movable property shall be exercised by the competent authorities of the Contracting Party of which the decedent was a national at the time of his death.

2. Jurisdiction in matters of succession to immovable property shall be exercised by the competent authorities of the Contracting Party in whose territory the property is situated.

3. If the entire movable estate of a national of one Contracting Party is in the territory of the other Contracting Party, proceedings relating to succession shall, upon petition by one heir and subject to the consent of all heirs, be conducted by a judicial authority of the latter Contracting Party.

4. The provisions of paragraphs 1, 2 and 3 above shall apply *mutatis mutandis* to disputes arising in connexion with the succession.

Article 36. NOTIFICATION OF DEATH

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent authority shall immediately notify the diplomatic or consular mission

of the former Contracting Party and communicate to it any information it may have concerning the estate, the heirs and legatees and the existence of a will. Such notification shall also be given if the competent authority learns that the deceased has left property in a third State.

2. If the diplomatic or consular mission learns of the death before receiving notice thereof from the competent authority, it shall notify the judicial authority competent to take measures for the protection of the estate.

3. If an estate is left by a national of either Contracting Party in the territory of one Party and it is learned that there are heirs or legatees who are nationals of the other Contracting Party and are resident in its territory, the authority of the Contracting Party in whose territory the estate has been left shall immediately notify the diplomatic or consular mission of the other Contracting Party.

Article 37. COMPETENCE OF DIPLOMATIC AND CONSULAR MISSIONS

1. The diplomatic or consular mission of one Contracting Party may represent nationals of its own State before the authorities of the other Contracting Party in succession proceedings without special authorization where the national concerned cannot defend his own rights and interests because he is not present or for other valid reasons.

2. If a national of one Contracting Party dies during a trip or temporary stay in the territory of the other Contracting Party, his personal effects and valuables shall be delivered without any formal proceedings directly to the diplomatic or consular mission of the Contracting Party of which he was a national.

Article 38. PUBLICATION OF WILLS

Wills shall be published by the authorities of the Contracting Party in whose territory the will is to be found. If the testator was a national of the other Contracting Party, a copy of the will and of the minute of its publication shall be sent to the competent authority of the latter Contracting Party; the original will and minute shall also be sent on request where possible. A copy of the will may also be sent to any other authority competent to take measures for the protection of the estate.

Article 39. MEASURES FOR THE PROTECTION OF THE ESTATE

1. The authorities of each Contracting Party shall, in accordance with their laws, take such measures as are necessary to ensure the protection and administration of any estate left in their territory by a deceased national of the other Contracting Party.

2. The measures taken under paragraph 1 above shall be immediately reported to the diplomatic or consular mission of the other Contracting Party, which may participate in carrying out such measures. On the proposal of such diplomatic or consular mission, the measures taken under paragraph 1 above may be modified, rescinded or postponed. The movable property and papers of the deceased shall be delivered to the diplomatic or consular mission at its request.

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

4. The period allowed by the law of the Contracting Parties for the acceptance of a legacy shall be calculated from the date on which the death of the testator is reported to the diplomatic or consular mission.

Article 40. DELIVERY OF THE ESTATE THROUGH A DIPLOMATIC OR CONSULAR MISSION

1. If, after the completion of succession proceedings in the territory of one Contracting Party, the decedent's movable estate, or the proceeds of the sale of the movable or immovable estate, are to be delivered to heirs or legatees resident in the territory of the other Contracting Party who are unable to accept such estate or proceeds in person or through their representatives, such estate or proceeds shall be delivered to the diplomatic or consular mission of the latter Contracting Party.

2. Delivery of the estate in accordance with paragraph 1 above 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 necessary, the export of the movable estate or the transfer of the proceeds of sale.

LEGAL COSTS

Article 41. EXEMPTION FROM SECURITY FOR LEGAL COSTS

Nationals of one Contracting Party appearing before the courts of the other Contracting Party shall not be required to deposit security for legal costs on the sole ground that they are aliens or have no domicile, residence or abode in the territory of the country in question.

Privileges granted in connexion with legal proceedings

Article 42

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

Article 43

1. Documents relating to personal, family and property status shall be issued by the competent authorities of the Contracting Party in whose territory the person applying for privileges under article 42 has his domicile or residence.

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

3. The authority ruling on an application for privileges under article 42 may require additional data to be furnished by the authority which issued the document.

Article 44

1. A national of one Contracting Party who wishes to apply to a judicial authority of the other Contracting Party for privileges under article 42 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 and a minute together with the documents issued in accordance with article 43 to the competent authority of the other Contracting Party.

2. An applicant for privileges under article 42 may at the same time make an application to institute judicial or other proceedings.

3. The applications referred to in paragraphs 1 and 2 above shall be made in the manner prescribed by the laws of the Contracting Party in whose territory the applicant has his domicile or residence.

Article 45

Where a national of one Contracting Party is required to pay stamp tax and legal costs to an authority 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.

Recognition and enforcement of judgements

Article 46

Final judgements rendered by the judicial authorities or authorities responsible for civil registration, guardianship or curatorship 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.

Article 47

Each Contracting Party shall recognize and enforce the following final judgements rendered in the territory of the other Contracting Party:

- (a) judgements of judicial authorities in civil and family cases relating to property rendered in respect of legal relations arising after the entry into force of the Treaty between the Union of Soviet Socialist Republics and the People's Republic of Bulgaria concerning the provision of legal assistance in civil, family and criminal cases of 12 December 1957;
- (b) judgements relating to damages in criminal cases.

Article 48

1. Decisions concerning authorization of enforcement shall be rendered by the judicial authorities 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 rendered judgement in the first instance. The said court shall transmit such applications to the court competent to rule on them.

3. The formal requirements for the application shall be determined by the law of the Party in whose territory the judgement is to be enforced.

Article 49

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

- (a) a copy of the judgement, certified by the court, 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 document showing that he or his representative was served at least once, in due time and proper form, with a summons to appear in court;
- (c) certified translations of the documents referred to in this article and of the application.

Article 50

1. The procedure for recognition and enforcement shall be determined by the law of the Contracting Party in whose territory such recognition and enforcement take place. Material and territorial jurisdiction in such cases shall be determined in accordance with the law of the said Contracting Party.

2. If enforcement of a judgement rendered by a court of either Contracting Party is halted in the territory of that Contracting Party in accordance with its law, proceedings for authorization of enforcement shall also be halted; where enforcement has already been authorized, it shall be halted.

3. If the court has any doubts as to authorizing enforcement, it may require the applicant to furnish clarification, it may interrogate the debtor concerning the application, and if necessary, it may request the court which rendered the judgement to furnish additional information.

4. A court which has ruled on an application for authorization of enforcement shall notify the Ministry of Justice of the other Contracting Party of the judgement it has rendered.

Article 51

1. The enforcement procedure shall be determined by the law of the Contracting Party in whose territory the judgement is enforced.

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

Article 52

Recognition and enforcement of a judgement may 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 to appear in court or because he was summoned only by public notice or in some other form not in accordance with the provisions of this Treaty;
- (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 or enforcement is sought;
- (c) if the competent authority of the Contracting Party in whose territory recognition and enforcement are sought has exclusive jurisdiction under this Treaty to render judgement in the case.

Article 53

The provisions of articles 46 to 52 of this Treaty shall also apply to amicable agreements arrived at before the courts.

Enforcement of awards of legal costs

Article 54

1. If a national of one Contracting Party exempted from the deposit of security for legal costs under article 41 is required in the territory of the other Contracting Party to pay

legal costs, the competent court in the territory of the former Contracting Party shall, on application, authorize without charge the recovery of such costs.

2. In addition to legal costs, the costs of translation and certification of the documents referred to in article 49 may also be recovered.

Article 55

1. Applications for authorization of enforcement must be accompanied by a copy of the award of costs certified by the court, 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 of an award of legal costs, the court shall consider only:

(a) whether the award has become final and enforceable;

(b) whether the documents referred to in paragraph 1 above are accompanied by a certified translation.

4. An order of enforcement may be contested in accordance with the law of the Contracting Party whose court made the order.

Article 56

Applications for authorization of enforcement of an award of legal costs in the territory of the other Contracting Party shall be submitted to the court of the said Party which is competent to authorize enforcement, or to the court which made the award. In the latter case, the court shall transmit the application to the competent court of the other Contracting Party together with the documents referred to in article 55.

Article 57

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.

Costs of enforcement

Article 58

For the purposes of determining and recovering the costs of enforcement, the applicable law shall be that of the Contracting Party in whose territory the judgement is enforced.

Delivery of articles and transfer of funds

Article 59

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

PART III. LEGAL ASSISTANCE IN CRIMINAL CASES

Article 60. OBLIGATION TO EXTRADITE

1. Each Contracting Party undertakes to extradite to the other on request persons in its territory whose presence is required for the purpose of criminal prosecution or for the execution of a sentence.

2. Extradition shall be admissible in respect of actions which under the law of both Contracting Parties are offences punishable by deprivation of liberty for a period of more than one year or by a heavier penalty (hereinafter called "extraditable offences"). In the case of sentences which have become final, extradition shall be admissible in respect of sentences for such offences involving deprivation of liberty for a period of not less than one year or a heavier penalty.

Article 61. REFUSAL OF EXTRADITION

Extradition shall not be admissible if:

- (a) the offence was committed by 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, and such sentence has become final, or has been discharged;
- (e) proceedings in respect of the offence are initiated under the law of both Contracting Parties by way of private complaint.

Article 62. OBLIGATION TO PROSECUTE

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

2. The request for prosecution shall be accompanied by a certificate containing the particulars of the offence and all available evidence pertaining thereto. The Contracting Party in whose territory prosecution takes place may require further evidence to be furnished.

3. The Contracting Party in whose territory prosecution takes place shall notify the other Contracting Party of the result of the prosecution and, if sentence has been passed and has become final, shall transmit a copy thereof.

Article 63. METHOD OF COMMUNICATION

In matters of extradition and prosecution the channel of communication shall be between the Procurator's Office or the Ministry of Justice of the Union of Soviet Socialist Republics and the Chief Procurator's Office or the Ministry of Justice of the People's Republic of Bulgaria.

Article 64. REQUISITION FOR EXTRADITION

1. A requisition for extradition must contain: the full name and nationality of the person claimed, information concerning his domicile or residence, and particulars concerning the nature of the offence and the damages resulting from the offence.

2. A requisition for extradition shall be accompanied by:

- (a) in the case of a requisition for the purpose of criminal prosecution, a certified copy of the indictment and warrant of arrest together with a description of the circumstances of the offence and the legal definition of the offence, and, in the case of a requisition for the purpose of execution of a sentence, a certified copy of the final sentence;
- (b) the text of the statute of the applicant Contracting Party defining the offence;
- (c) a personal description of the person claimed and, where possible, his photograph and fingerprints.

3. If an offender has already served part of his sentence, the particulars in that regard must be transmitted.

Article 65. DETENTION PENDING EXTRADITION

Upon receipt of a requisition, the Contracting Party applied to shall immediately take steps to detain the person claimed, except where extradition is inadmissible under this Treaty.

Article 66. 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 may discontinue the extradition proceedings and release the person detained.

Article 67. DETENTION PENDING RECEIPT OF REQUISITION FOR EXTRADITION

1. In urgent cases, the Contracting Party applied to may, at the request of the applicant Contracting Party, detain a person before receipt of a requisition for his extradition in accordance with article 64. Such requests shall specify that there exists a warrant of arrest or a final sentence in respect of the said person, and shall indicate that a requisition for extradition will be submitted forthwith. Such requests may be made by post, telegraph, telephone, wireless or telex.

2. The competent authorities of either Contracting Party may, even in the absence of such a request, temporarily detain a person found in their territory if there is reason to believe that he has committed an extraditable offence in the territory of the other Contracting Party.

3. Notification of detention under paragraphs 1 and 2 above shall be sent immediately to the other Contracting Party.

Article 68. RELEASE OF TEMPORARILY DETAINED PERSONS

A person detained under article 67 shall be released if the requisition for his extradition is not received from the other Contracting Party within thirty days from the date on which notification of his detention was sent. The release of the said person shall be notified to the other Contracting Party.

Article 69. POSTPONEMENT OF EXTRADITION

If the person claimed is being prosecuted or is serving a sentence for another offence committed in the territory of the Contracting Party applied to, his extradition may be

postponed until the termination of criminal proceedings or the completion or remission of the sentence.

Article 70. TEMPORARY EXTRADITION

1. If postponement of extradition under article 69 may result in exemption from prosecution being acquired by lapse of time or may seriously prejudice the investigation of the offence, the person claimed may be extradited temporarily on receipt of a request 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 71. 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 72. 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 said 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, being at liberty to do so, fails to quit the territory of the applicant Contracting Party within one month after the termination of the criminal proceedings or the completion or remission of his sentence. Such period of one month shall not be deemed to include any period during which the extradited person is unable, owing to circumstances beyond his control, 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 73. EXTRADITION

1. The Contracting Party applied to shall notify the applicant Contracting Party of the time and place of extradition.

2. If the applicant Contracting Party fails to accept the person claimed within fifteen days from the date fixed for his extradition, the said person may be released from custody. This period may be extended by no more than fifteen days by agreement between the Contracting Parties.

Article 74. RE-EXTRADITION

If an extradited person 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 64.

Article 75. NOTIFICATION OF RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of the prosecution of persons extradited to them. Where a final sentence is pronounced in respect of such persons, a copy of the sentence shall be transmitted.

Article 76. CONVEYANCE IN TRANSIT

1. Each Contracting Party shall, at the request of the other Contracting Party, authorize the conveyance through its territory of any person extradited by a third State to the other Contracting Party. The Contracting Parties shall not be bound to authorize the conveyance of persons who are not extraditable under this Treaty.

2. Applications for authorization of conveyance in transit shall be made and considered in the same manner as requisitions for extradition.

Article 77. 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 78. 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 being detained 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 79. DELIVERY OF ARTICLES CONNECTED WITH AN OFFENCE

1. Each Contracting Party undertakes to deliver to the other, on request:

- (a) articles acquired through the commission of an extraditable offence, or the value of such articles;
- (b) articles which may be important as evidence in criminal proceedings; such articles shall be delivered even if the offender cannot be extradited by reason of death, escape or other circumstances.

2. If the Contracting Party applied to has need of the claimed articles as evidence in criminal proceedings, it may postpone the delivery of the articles until such proceedings have been concluded.

3. The rights of third parties to articles delivered to the other Contracting Party shall remain unaffected. After the conclusion of the proceedings, such articles shall be returned free of charge to the Contracting Party which delivered them.

Article 80. 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, on request, transmit to the other Contracting Party information concerning sentences pronounced in respect of persons facing prosecution in the territory of the applicant Contracting Party who were formerly resident in the territory of the Contracting Party applied to.

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 above.

PART IV. FINAL PROVISIONS

Article 81

This Treaty is subject to ratification.

Article 82

1. This Treaty shall enter into force thirty days after the exchange of the instruments of ratification.

2. The Treaty shall remain in force until one year after either the Contracting Party has notified the other Contracting Party of its desire to terminate the Treaty.

Article 83

On the date of the entry into force of this Treaty, the Treaty between the Union of Soviet Socialist Republics and the People's Republic of Bulgaria concerning the provision of legal assistance in civil, family and criminal cases, of 12 December 1957, shall cease to have effect.

DONE at Moscow on 19 February 1975, in duplicate in the Russian and Bulgarian languages, both texts being equally authentic.

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

[V. TEREBILOV]

For the State Council
of the People's Republic of Bulgaria:

[S. DASKALOVA]