

**No. 18341**

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**BULGARIA  
and  
CZECHOSLOVAKIA**

**Agreement concerning legal assistance and the regulation of relations in civil, family and criminal cases. Signed at Sofia on 25 November 1976**

*Authentic texts: Bulgarian and Czech.  
Registered by Bulgaria on 4 March 1980.*

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**BULGARIE  
et  
TCHÉCOSLOVAQUIE**

**Accord sur l'assistance juridique et le règlement des relations en matière civile, familiale et pénale. Signé à Sofia le 25 novembre 1976**

*Textes authentiques : bulgare et tchèque.  
Enregistré par la Bulgarie le 4 mars 1980.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA  
AND THE CZECHOSLOVAK SOCIALIST REPUBLIC CONCERN-  
ING LEGAL ASSISTANCE AND THE REGULATION OF RELA-  
TIONS IN CIVIL, FAMILY AND CRIMINAL CASES

The State Council of the People's Republic of Bulgaria and the President of the Czechoslovak Socialist Republic,

Desiring to develop further the friendly relations existing between the two States in accordance with the Treaty of friendship, co-operation and mutual assistance between the People's Republic of Bulgaria and the Czechoslovak Socialist Republic, dated 26 April 1968,<sup>2</sup> and

Desiring to deepen and improve their bonds in the field of legal relations, governed hitherto by the Treaty between the Czechoslovak Republic and the People's Republic of Bulgaria concerning legal assistance in civil and criminal cases, dated 13 April 1954,<sup>3</sup>

Have decided to conclude the present Agreement, and for this purpose have appointed as their plenipotentiaries:

The State Council of the People's Republic of Bulgaria: Svetla Daskalova, Minister of Justice; and

The President of the Czechoslovak Socialist Republic: Dr. Yan Nemetz, 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 one of the Contracting Parties shall enjoy in the territory of the other Party, in respect of their personal and property rights, the same legal protection as nationals of such other Party.

2. The nationals of one of the Contracting Parties shall have the right, in order to exercise and defend their rights and interests, to appear before the judicial authorities (courts, public prosecutors' offices, notaries' offices) and other authorities of the other party, in respect of the matters to which the present Agreement relates, under the same conditions as nationals of such other Party.

3. The provisions of paragraphs 1 and 2 above shall apply, *mutatis mutandis*, to artificial persons.

<sup>1</sup> Came into force on 6 January 1978, i.e., 30 days after the date of the exchange of the instruments of ratification, which took place at Prague on 7 December 1977, in accordance with article 89.

<sup>2</sup> United Nations, *Treaty Series*, vol. 720, p. 101.

<sup>3</sup> *Ibid.*, vol. 501, p. 3.

*Article 2.* LEGAL ASSISTANCE AND MANNER OF RELATIONS

1. The judicial authorities of the two Contracting Parties shall grant each other legal assistance in civil, family and criminal cases.
2. Other authorities acting in civil, family and criminal cases shall grant each other legal assistance through the judicial authorities.
3. For the purposes of legal assistance, the judicial authorities shall communicate through their central administrations, except as otherwise provided by this Agreement.
4. For the purposes of this Agreement, central administrations are, in the case of the People's Republic of Bulgaria, the Ministry of Justice and the Office of the Chief Prosecutor of the People's Republic of Bulgaria, and, in the case of the Czechoslovak Socialist Republic, the Office of the Chief Prosecutor of the Czechoslovak Socialist Republic, the Ministry of Justice of the Czech Socialist Republic and the Ministry of Justice of the Slovak Socialist Republic.
5. The Contracting Parties shall grant each other legal assistance for carrying out various proceedings, including, in particular, the drawing up, sending and delivery of documents, searches, seizures and delivery of material evidence, expert opinions, examinations of accused persons, experts, witnesses, parties and other persons, official reports, enforcement of decisions and extradition of criminals.

*Article 3.* INFORMATION TO BE FURNISHED IN APPLICATIONS  
FOR LEGAL ASSISTANCE

1. Applications for legal assistance must contain: the designation of the authority making the application and that of the authority to which the application is made, the title of the case in respect of which legal assistance is applied for, the names, nationalities, professions and domiciles of the litigants, the names of their representatives, and the nature of the legal assistance applied for.
2. In criminal cases, the description and legal definition of the offence, and the places and dates of birth of the accused persons.
3. Applications for legal assistance must be signed and bear an official seal.
4. Applications for delivery must state the address of the recipient and the type of document to be delivered.
5. In making applications for legal assistance, the Contracting Parties may use forms whose text shall be agreed upon between them.

PROCEDURE OF COMPLIANCE WITH APPLICATIONS

*Article 4*

1. In complying with an application, the authority applied to shall apply the legislation of its own State.
2. If the authority applied to is not competent to comply with the application, it shall forward it to the competent authority.
3. Where the address of a person named in the application is incorrect, the authority applied to shall take the necessary steps to determine that address. If it does not succeed in doing so, it shall so notify the applicant authority, returning the application.
4. At the request of the applicant authority, the authority applied to shall notify it in good time of the place and time of action to comply with the application.

5. After compliance with the application, the authority applied to shall return the documents to the applicant authority and, where compliance with the application has not been possible, inform it of the circumstances which prevented compliance.

6. The authority applied to shall serve documents in accordance with the procedure applicable under its own legislation for the service of documents of the type concerned, provided that the documents are drawn up in the language of the Party applied to or are accompanied by a certified translation. Otherwise, it shall deliver the documents to the addressee if he is willing to accept them. The authority applied to may, at the request of the applicant authority, effect service in accordance with the procedure indicated in the application.

#### *Article 5*

Service shall be evidenced by a receipt signed by the person who received it, bearing the seal of the authority which effected service and its dated signature, or by a certificate issued by that authority, attesting the manner, place, date and time of service. Where the documents to be delivered are in duplicate, proof of service and receipt may be affixed to the second copy.

#### *Article 6. SERVICE TO OWN NATIONALS*

1. The Contracting Parties shall have the right to serve documents on their own nationals through their diplomatic or consular missions.

2. Such service shall not be accompanied by coercive measures.

#### *Article 7. DENIAL OF LEGAL ASSISTANCE*

An application pursuant to this Agreement may be denied where compliance with it would interfere with the sovereignty or security of the Party applied to.

#### *Article 8. COST OF LEGAL ASSISTANCE*

1. The Contracting Parties shall not require reimbursement of the costs of assistance applied for. Such costs shall be borne by the party applied to.

2. The authority applied to shall inform the applicant authority of the amount of the costs. If the applicant authority recovers such costs from the person liable therefor, the sums so recovered shall accrue to the Contracting Party whose authority recovered them.

#### *Article 9. IMMUNITY OF WITNESSES AND EXPERTS*

1. A witness or expert served by an authority of the Party applied to with a summons to appear in that capacity before an authority of the applicant Party shall not, whatever his nationality may be, be prosecuted or punished for an offence which he committed before crossing the border of the applicant State.

2. The witness or expert shall cease to enjoy immunity if he does not leave the territory of the applicant State within a week of the date on which the applicant authority informs him that his presence is no longer necessary. For the calculation of this time-limit, no account shall be taken of any period during which the witness or expert was unable, through no fault of his own, to leave the territory of the applicant Party.

*Article 10.* RECOGNITION OF DOCUMENTS

1. Documents drawn up by a competent authority of one of the Contracting Parties and bearing an official seal in accordance with the legislation of that Contracting Party shall be accepted in the territory of the other Party without further certification. The same shall be true of signatures affixed on such documents, provided that they are legalized, in accordance with the legislation of the Contracting Party concerned.

2. Documents which in the territory of one of the Contracting Parties are considered official documents shall be considered in the territory of the other Party as having the probative force of official documents.

*Article 11.* INFORMATION CONCERNING LEGAL QUESTIONS

The central administrations of justice of the two Contracting Parties shall inform each other of the legislation which is or was in force in their territory and concerning legal questions.

*Article 12.* LANGUAGE

In their respective contacts, the Bulgarian authorities shall use the Bulgarian language or the Russian language and the Czechoslovak authorities shall use the Czech language, the Slovak language or the Russian language.

*Article 13.* EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS

A national of one of the Contracting Parties who appears before authorities of the other Party shall not be required, if he is resident in the territory of either Contracting Party, to deposit security for legal costs solely on the ground that he is an alien and has no domicile or residence in the territory of the Contracting Party before whose authority he is to appear.

ENFORCEMENT OF DECISIONS RELATING TO THE AWARD OF COSTS

*Article 14*

1. If a litigant who is exempt under article 13 of this Agreement from the deposit of security for legal costs is required by a final judgement of a court of one of the Contracting Parties to pay the legal costs of his adversary, the competent court of the other Contracting Party shall, on application, authorize enforcement.

2. To the legal costs there shall be added the costs of translation and certification of the documents referred to in article 15.

*Article 15*

1. The court authorizing enforcement shall confine itself to determining whether the judgement has become final and is enforceable.

2. The petition for such authorization shall be accompanied by a copy, certified by the court of first instance, of that part of the judgement which contains the award of costs and by a certificate issued by the same court to the effect that the judgement has become final and is enforceable. These documents shall be accompanied by a translation, in accordance with article 4, paragraph 6, into the language of the Contracting Party in whose territory enforcement is sought.

3. The authorities of the Contracting Party in whose territory the legal costs were advanced by the State shall request the appropriate court of the other Party to

recover such costs and charges. The court shall pay the sums recovered to the diplomatic or consular mission of the other Contracting Party.

#### *Article 16*

1. A petition for enforcement in respect of court costs payable in the territory of the other Contracting Party may be addressed to the court which rendered the judgement containing the award of costs or which dealt with the case in the first instance.

2. The court referred to in paragraph 1 above shall transmit the petition to the competent court of the other Contracting Party in accordance with article 2, paragraph 3.

#### *Article 17*

The court which examines the petition for authorization of enforcement shall do so without hearing the parties even where the petitioner has not deposited security for enforcement costs. An order authorizing or denying enforcement shall be subject to appeal in accordance with the legislation of the Contracting Party in whose territory the petition is examined.

#### EXEMPTION FROM FEES AND COSTS

#### *Article 18*

Nationals of each Contracting Party shall be exempt from court fees and costs for proceedings before the authorities of the other Contracting Party and shall be granted legal assistance free of charge in the same manner and under the same conditions as nationals of the said other Contracting Party.

#### *Article 19*

1. Certificates relating to personal, family and property status shall be issued by the competent authorities of the Contracting Party in whose territory the petitioner has his domicile or residence.

2. If the petitioner is not domiciled and has no residence in the territory of either Contracting Party, the certificate may be issued by the diplomatic or consular mission of the State of which the petitioner is a national.

3. The authority called upon to rule on exemption in accordance with article 18 shall have the right to request additional information from the authority which issued the certificate.

#### *Article 20*

If the competent court of either Contracting Party has recognized the right of a national of the other Party to exemption from court costs and fees, he shall be recognized as having that right in respect of all proceedings, including enforcement of a judgement.

#### *Article 21*

If a national of one of the Contracting Parties wishes to enjoy exemptions under article 18 *vis-à-vis* the corresponding authorities of the other Contracting Party, he may file his petition with the competent authorities of his place of domicile or residence. The last-mentioned authorities shall address the petition and the record,

together with the documents issued in accordance with article 19, to the competent authorities of the other Contracting Party.

#### *Article 22*

If a national of one Contracting Party must pay court fees and costs to authorities of the other Contracting Party and has no domicile or residence in the territory of the said other Party, he shall be granted a sufficient time-limit to pay such court fees and costs.

#### TRANSMITTAL OF CIVIL REGISTRATION (CIVIL STATUS) CERTIFICATES AND OTHER DOCUMENTS

#### *Article 23*

1. The Contracting Parties shall transmit to each other copies of civil registration (civil status) certificates which concern nationals of one of the Contracting Parties and are contained in the registers of the other Party. Such copies shall be transmitted free of charge, through the diplomatic channel, immediately after entry in the registers.

2. The authorities keeping the civil registers (civil status records) of each of the two Contracting Parties shall, at the request of the courts and administrations of the other Party, send such copies for official purposes free of charge.

3. A petition of a national of one of the Contracting Parties for a copy of a civil registration (civil status) certificate may be transmitted directly to the competent authority of the other Party. The document requested shall be sent to the petitioner through the diplomatic or consular mission of the State which issued the document. The diplomatic or consular mission shall charge the petitioner the fees payable for drawing up such documents.

4. Where changes or corrections are made in the civil registers (civil status records) of one Contracting Party in respect of a national of the other Contracting Party, the authorities of the first-mentioned Party shall duly send copies or extracts of such civil registration (civil status) certificates containing the entries, changes or corrections thus made.

#### *Article 24*

The Contracting Parties shall transmit to each other copies of final rulings concerning the personal status of nationals of the other Party. Such rulings shall contain information concerning the nationality of the person to whom the ruling pertains.

#### *Article 25*

Petitions of nationals of one of the Contracting Parties for the drawing up and transmission of documents relating to education, seniority or other personal rights or property rights and interests of such persons shall be addressed to the authorities of the other Contracting Party through the diplomatic channel. Any required fees and charges shall be collected by the authorities of the applicant party and shall accrue thereto.

#### *Article 26.* COMMUNICATION OF ADDRESSES AND OTHER INFORMATION

1. The judicial authorities of the Contracting Parties shall assist each other, on request, in determining the addresses of persons who are in the territory of their State where this is necessary for the exercise of the rights of their nationals.

2. Where a claim for maintenance is filed with the courts of one of the Contracting Parties against a defendant who is in the territory of the other Contracting Party, the court of the said other Contracting Party shall, on application, grant assistance for the purpose of determining the defendant's employer and the amount of the defendant's wages or salary.

## PART II. CIVIL LAW AND FAMILY LAW

### CHAPTER I. PERSONAL LAW

#### *Article 27.* LEGAL CAPACITY

1. The legal capacity of natural persons shall be determined according to the legislation of the Contracting Party of which the person concerned is a national.

2. The legal capacity of bodies corporate shall be determined according to the legislation of the Contracting Party under whose legislation the body corporate was established.

#### *Article 28.* DECLARATION AND CERTIFIED REPORT OF DEATH

1. Declarations and certified reports of death shall be made by the authorities of the Contracting Party of which the person concerned was a national at the time of the last available information concerning him.

2. The judicial authorities of one of the Contracting Parties may declare a national of the other Party dead or certify his death at the request of a person resident in its territory on the basis of rights arising under the legislation of the last-mentioned Party.

3. In the cases specified in paragraphs 1 and 2 above, the competent authorities shall apply the legislation of the Party of which the person concerned was a national while he was still alive, according to the last available information.

4. The provisions of the foregoing paragraphs of this article shall also apply in respect of the declaration of persons as missing where such matters are governed by the legislation of the Contracting Party in question.

### DEPRIVATION AND RESTRICTION OF LEGAL CAPACITY

#### *Article 29*

Except as otherwise provided in this Agreement, in matters of deprivation and restriction of legal capacity the competent court and applicable legislation shall be those of the Contracting Party of which the person who is to be deprived of his legal capacity, or whose legal capacity is to be restricted, is a national.

#### *Article 30*

1. If a court of one of the Contracting Parties deems it necessary to deprive a national of the other Party having a domicile or residence in the territory of that Party of his legal capacity or to restrict such legal capacity, it shall inform the competent court of the said other Contracting Party thereof. In urgent cases, it may provisionally take the necessary measures for the protection of such person or his property. Information concerning the measures taken shall be addressed to the court of the Contracting Party of which the person concerned is a national.



2. Where the court of the Contracting Party which was informed in accordance with the preceding paragraph does not itself institute a judicial proceeding within three months or does not render its judgement within that time limit, the court of the Contracting Party in whose territory the person concerned has his domicile or place of residence shall apply the procedure of deprivation or restriction of legal capacity. In such cases only, deprivation or restriction of legal capacity shall be declared on the basis of the provisions of the legislation of the two Contracting Parties. A judgement of deprivation or restriction of legal capacity must be communicated to the competent court of the other Contracting Party.

#### Article 31

The provisions of articles 29 and 30 of this Agreement shall apply, as appropriate, in the case of revocation of the deprivation or restriction of legal capacity.

### CHAPTER II. FAMILY LAW

#### Article 32. MARRIAGE

1. The conditions governing the conclusion of marriage for each of the intended spouses are defined by the legislation of the Contracting Party of which he or she is a national.

2. The provisions of paragraph 1 above do not exclude the application of the legislation of the Contracting Party in whose territory the marriage is contracted, where circumstances unconditionally excluding marriage are involved.

3. The form of the marriage shall be governed by the legislation of the Contracting Party in whose territory the marriage is contracted.

#### Article 33. PERSONAL AND PROPERTY RELATIONS BETWEEN SPOUSES

1. Where the spouses are nationals of one of the Contracting Parties but are domiciled in the territory of the other Contracting Party, their personal and property relations shall be governed by the legislation of the Contracting Party of which they are nationals.

2. If one of the spouses is a national of one of the Contracting Parties and the other is a national of the other Party, their personal and property relations shall be governed by the legislation of the Contracting Party in whose territory the conjugal domicile was last situated.

3. In the cases specified in the preceding paragraphs, the judicial authorities of the two Contracting Parties shall be competent. The provisions of article 34, paragraph 6, shall apply *mutatis mutandis*.

#### Article 34. DIVORCE

1. Divorce shall be governed by the law of the Contracting Party of which the spouses are nationals at the time of the petition for divorce.

2. Where the spouses are of different nationalities, each court shall apply its own legislation.

3. In the cases specified in paragraph 1 above, the competent court shall be that of the Contracting Party of which the spouses are nationals at the time when the divorce suit is instituted, but if at the time of the petition for divorce they are domiciled in another country, the court of the place of residence shall be competent to decide the divorce action.

4. In the cases specified in paragraph 2 above, the court of the Contracting Party in whose territory the domicile of the spouses is situated shall be competent.

5. Where one of the spouses is domiciled in the territory of one of the Contracting Parties and the other is domiciled in the territory of the other Contracting Party, the courts of the two Contracting Parties shall be competent.

6. In cases where an action is pending in one of the Contracting Parties, an action before the court of the other Contracting Party shall not be admissible. If, notwithstanding, an action is brought, the court with which it is filed must declare itself incompetent.

*Article 35. ESTABLISHMENT OF THE VALIDITY, INVALIDITY  
OR NULLITY OF A MARRIAGE*

1. The establishment of the validity or invalidity of a marriage or the annulment of a marriage owing to failure to comply with the requirements for contracting marriage shall be governed by the legislation specified in accordance with article 32, paragraph 1.

2. The establishment of the validity or invalidity of a marriage or the annulment of a marriage owing to a defect of form shall be governed by the legislation of the State in which the marriage was contracted.

3. With respect to competence, the provisions of article 34 shall apply.

*Article 36. LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN*

1. The recognition, determination and contestation of paternity and the establishment of maternity are governed by the legislation of the Contracting Party of which the child was a national at the time of birth. The competent court in such matters is that of the Contracting Party in whose territory the child is domiciled at the time when action is instituted.

2. As relates to the form of the recognition of paternity, it shall suffice to apply the legislation of the Contracting Party in whose territory action is instituted.

3. Other legal relations between parents and children, especially those relating to the education and care of the child, shall be determined by the legislation of the Contracting Party of which the child is a national. In such matters, the competent authority shall be that of the Contracting Party in whose territory the child is domiciled at the time when action is instituted.

*Article 37. MAINTENANCE OBLIGATIONS*

1. The maintenance obligation specified by family law shall be determined in accordance with the legislation of the Contracting Party of which the entitled person is a national.

2. In cases coming under the preceding paragraph, the competent court shall be that of the Contracting Party in whose territory the entitled person is domiciled.

*Article 38. ADOPTION*

1. Adoption shall be governed by the legislation of the Contracting Party of which the adopter is a national at the time of adoption.

2. Adoption shall be subject to the consent of the child and to that of such other persons or authorities as the legislation of the Contracting Party of which the child is a national requires.

3. Where a child is adopted by spouses of whom one is a national of one of the Contracting Parties and the other is a national of the other Party, the legislation of both Contracting Parties shall apply.

4. The competent authorities in matters of adoption shall be those of the Contracting Party of which the adopter is a national. In cases coming under paragraph 3 of the present article, the competent authorities shall be those of the Contracting Party in whose territory the conjugal domicile is situated or was last situated.

5. The Provisions of this article shall also apply to the revocation of adoption.

#### GUARDIANSHIP AND CURATORSHIP

##### *Article 39*

1. Save as otherwise provided by this Agreement, the competent authorities in matters pertaining to guardianship and curatorship shall be those of the Contracting Party of which the person placed under guardianship or curatorship is a national.

2. The establishment and cessation of guardianship or curatorship shall be governed by the legislation of the Contracting Party of which the person referred to in paragraph 1 above is a national.

3. The legal relations between the guardian or curator and the person placed under guardianship or curatorship shall be governed by the legislation of the Contracting Party whose authority instituted the guardianship or curatorship.

4. The obligation to accept the charge of guardianship or curatorship shall be governed by the legislation of the Contracting Party of which the person to be appointed 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 Party provided that he is domiciled in the territory of the Contracting Party where he will be required to exercise such guardianship or curatorship and that his appointment is likely to serve the interests of the person placed under guardianship or curatorship.

##### *Article 40*

1. If a guardianship or curatorship must be set up in the interest of a national of one of the Contracting Parties whose domicile, residence or property is in the territory of the other Contracting Party, the competent authorities of the said other Party shall immediately notify the competent authorities specified in article 39, paragraph 1, of this Agreement.

2. In case of urgency, the authorities of the said other Contracting Party may themselves take the necessary provisional measures in accordance with their own legislation, provided that they immediately notify the competent authorities specified in article 39, paragraph 1, concerning such measures. The measures thus taken shall remain in force as long as the last mentioned authorities have not decided otherwise.

##### *Article 41*

1. The authorities of the Contracting Party of which the person to be placed under guardianship or curatorship is a national may address themselves to the authorities of the other Contracting Party for setting up the guardianship or curatorship or taking provisional measures, if the person has a domicile or residence in the territory of the said other Party. The authorities applied to shall notify the applicant

authorities of the setting up of the guardianship or curatorship or of the provisional measures taken.

2. The authority which is competent pursuant to article 39, paragraph 1, shall have the right to transfer the exercise of the guardianship or curatorship to an authority of the other Contracting Party, if the person placed under the guardianship or curatorship has his domicile or residence in the territory of the said other Contracting Party. The transfer shall take effect when the authority applied to has assumed the guardianship or curatorship and has notified the applicant authority to that effect.

3. An authority which has assumed guardianship or curatorship pursuant to paragraph 1 above shall apply the legislation of its own State, provided, however, that in respect of legal capacity, it shall apply the legislation of the Contracting Party of which the person placed under guardianship or curatorship is a national. The said authority shall not be qualified to rule on the personal status of the person concerned, but it may give its consent to marriage, where such consent is required by the legislation of the State of which the person placed under guardianship or curatorship is a national.

### CHAPTER III. PROPERTY

#### *Article 42. FORM OF TRANSACTIONS*

1. The form of transactions shall be governed by the legislation applicable to such transactions. It will suffice, however, to comply with the legislation of the place of the transaction.

2. The form of transactions involving immovable property shall be governed by the legislation of the Contracting Party in whose territory the property is situated.

#### *Article 43. IMMOVABLE PROPERTY*

In respect of immovable property, the legislation of the Contracting Party in whose territory such property is situated shall be applicable and that Party's authority shall be the competent authority.

#### *Article 44. COMPENSATION FOR DAMAGES*

Debts occasioned by violations of the law or by other acts giving rise to an obligation of compensation for damages shall be governed by the legislation of the Contracting Party in whose territory the violation or act in question took place. The court of that Contracting Party shall be competent.

### CHAPTER IV. SUCCESSION

#### *Article 45. PRINCIPLE OF EQUALITY*

1. Nationals of one Contracting Party may acquire by intestate succession or by testamentary succession property situated in the territory of the other Contracting Party, under the same conditions as nationals of such other Party.

2. Nationals of one Contracting Party may make testamentary dispositions relating to their property situated in the territory of the other Contracting Party.

#### *Article 46. APPLICABLE LEGISLATION*

1. Rights of succession shall be governed by the legislation of the Contracting Party of which the deceased person was a national at the time of his death.

2. Rights of succession in respect of immobile property shall be governed by the legislation of the Contracting Party in whose territory the property is situated.

*Article 47. ESCHEATED SUCCESSION*

Where, under the legislation of the Contracting Party whose legislation governs the rights of succession, there are no heirs, movable property shall lapse to the State of which the deceased person was a national at the time of his death and immovable property shall lapse to the State in whose territory it is situated.

*Article 48. WILLS*

1. The capacity to make or revoke a will and the legal consequences of defective testamentary dispositions shall be governed by the legislation of the Contracting Party of which the deceased person was a national at the time of making or revoking the testamentary disposition.

2. The form of a will shall be governed by the legislation of the Contracting Party of which the deceased person was a national at the time of making the will. It shall, however, be deemed sufficient, if the legislation of the Contracting Party in whose territory the will was made is complied with. This provision shall apply also to the revocation of a will.

*Article 49. PUBLICATION OF WILLS*

The competent authority for the publication of a will shall be the authority of the Contracting Party in whose territory the will was taken down. A certified copy of the will and a record of its publication shall be sent to the authority having jurisdiction for the succession, along with the original of the will, where so requested and if possible.

*Article 50. JURISDICTION IN MATTERS OF SUCCESSION*

1. In respect of successions relating to movable property, the competent authority, except in the case specified in paragraph 4 of this article, shall be that of the Contracting Party of which the deceased person was a national at the time of his death.

2. The competent authority in respect of successions involving immovable property shall be that of the Contracting Party in whose territory such immovable property is situated.

3. The provisions of paragraphs 1 and 2 above shall apply in respect of disputes concerning successions.

4. Where the deceased person was a national of one Contracting Party and had his last domicile in the territory of the other Contracting Party, heirs having their domicile or residence in the territory of the said other Contracting Party may, within a period of six months following the death of the deceased person, request an examination by the competent authority of that Contracting Party of the matter of succession as relates to immobile property situated in the territory of the said other Contracting Party. If, three months after the notice of the said request, no heir has lodged an objection, the request shall be complied with.

5. The determination of the movable or immovable character of property shall be made pursuant to the legislation of the Contracting Party in whose territory such property is to be found.

*Article 51. PROTECTIVE MEASURES*

1. The authorities of one Contracting Party shall, when in the territory of that Party a national of the other Party has left an estate, take, in accordance with the legislation of the State to which they belong, the necessary measures for the conservation or administration of the estate. The competent authorities of the Contracting Parties shall be obliged to do the same in cases where a national of the other Contracting Party comes forward as an heir.

2. Protective measures taken pursuant to paragraph 1 above shall be brought to the attention of the diplomatic or consular mission of the other Contracting Party, which may co-operate in carrying out the protective measures either directly or through its agent. At its request, such measures may be postponed, modified or cancelled.

3. At the request of the authority having jurisdiction in the matter of succession, measures taken under paragraph 1 above shall be modified or cancelled.

*Article 52. NOTICE OF DEATH OF DECEASED PERSONS*

1. If a national of one Contracting Party dies in the territory of the other Party, the competent authority shall immediately notify the diplomatic or consular mission of the Party of which the deceased person was a national, communicating to it all available information concerning the heirs, their domicile and address and the size of the estate and concerning the will and legatees, if any. The said authority shall also provide information if it learns that the deceased person left an estate in a third State.

2. Where succession proceedings are instituted in the territory of one of the Contracting Parties and it is established that the heirs and legatees are nationals of the other Contracting Party and are domiciled in the territory of the said other Party, the competent authority of the territory in which the proceedings have been instituted shall immediately notify the diplomatic or consular mission of the Contracting Party concerned.

POWERS OF DIPLOMATIC AND CONSULAR MISSIONS IN MATTERS OF SUCCESSION

*Article 53*

In connection with successions and disputes over successions, the diplomatic or consular missions of the Contracting Parties may, without any special authorization, represent their nationals before the authorities of the other Party in cases in which such nationals are absent or have not appointed attorneys.

*Article 54*

If a national of one of the Contracting Parties dies while temporarily residing in the territory of the other Party, the effects which he was carrying with him shall, following the payment of his debts, be turned over with an inventory, without any further formality, to the diplomatic or consular mission of the Contracting Party of which he was a national.

*Article 55. DELIVERY OF THE ESTATE*

1. Where movable property or the proceeds of the sale of movable or immovable property must be delivered after proceedings which have taken place in the territory of the other Contracting Party and it is not possible to deliver direct to the heir or his attorney the estate or the proceeds of the sale, such delivery shall be made to the diplomatic or consular mission of that Contracting Party.

2. Delivery of the estate shall take place, pursuant to paragraph 1 of this article:

- (a) On condition that all claims submitted by creditors within the prescribed time-limits have been guaranteed or paid in accordance with the legislation of the Contracting Party in whose territory the estate is situated;
- (b) On condition that the prescribed fees and duties have been paid or guaranteed;
- (c) And on condition that the competent authorities have authorized the export of the movable property and the transfer of the proceeds of the sale.

#### CHAPTER V. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

##### *Article 56*

1. Each of the Contracting Parties shall recognize and enforce the following judgements rendered in the territory of the other Contracting Party under the conditions established by this Agreement:

- (a) Final judgements rendered in civil and family actions and judgements in respect of settlements arrived at in court made final for ownership interests;
- (b) Final judgements in actions for damages in criminal cases and other civil claims.

2. Also to be recognized as final judgements within the meaning of paragraph 1 above are judgements in matters of succession rendered by an authority of one of the Contracting Parties competent in such matters under the legislation of its own State.

3. The settlements referred to in paragraph 1 (a) of this article shall also be considered final judgements.

##### *Article 57*

Final judgements rendered by the authorities of one of the Contracting Parties in civil and family cases not involving ownership interests shall be recognized without any further formality in the territory of the other Contracting Party, provided that the authorities of the said other Party have not already rendered a final judgement in respect of the same matter and that such matter does not fall, pursuant to this Agreement, within the exclusive jurisdiction of the judicial authorities of the said other Contracting Party.

##### *Article 58*

Judgements in accordance with article 56 of this Agreement shall be recognized and applied on condition:

- (a) That the judgement is final and enforceable under the legislation of the Contracting Party in whose territory it was rendered;
- (b) That the court of the Contracting Party in whose territory the judgement was rendered is competent in such matters pursuant to this Agreement or under the legislation of the Contracting Party in whose territory the recognition or enforcement is applied for;
- (c) That, where the Party against which the judgement was rendered did not participate in the proceedings but was duly summoned within the prescribed time-limits to participate therein in accordance with the legislation of the Contracting Party in whose territory the judgement was rendered, that party was duly represented by reason of legal incapacity;

- (d) That no final judgement concerning the same matter between the same Parties and on the same grounds has previously been rendered by the court of the Contracting Party in whose territory the judgement is to be recognized or enforced.

#### *Article 59*

Decisions in respect of recognition of a judgement or authorization of enforcement shall be pronounced by the court of the Contracting Party in whose territory the judgement is to be recognized or enforced.

#### *Article 60*

1. An application for recognition of a judgement or for authorization of enforcement may be filed directly with the competent court of the Contracting Party in whose territory the judgement must be recognized or enforced or with the court which rendered the judgement in the first instance; in the latter case, the application shall be filed with the court of the other Contracting Party in accordance with article 2 of this Agreement.

2. The application shall be accompanied by the following documents:

- (a) An official copy of the complete text of the judgement and a document certifying that it has become final and enforceable, if this is not clear from the text;
- (b) Where the party against whom the judgement was rendered did not participate in the proceedings, a document certifying that that party duly received the summons in good time;
- (c) A certified translation of the application and the documents specified under (a) and (b) into the language of the Party applied to.

#### *Article 61*

1. In respect of recognition, authorization of enforcement and enforcement of a judgement and concerning judicial methods of defense against such enforcement, the legislation of the Contracting Party in whose territory such actions take place shall apply. Jurisdiction by reason of the matter involved and by reason of place shall be determined in accordance with the legislation of that Party.

2. The court deciding on the authorization of enforcement shall confine itself to determining whether the conditions set out in articles 56 and 58 of this Agreement have been satisfied and, having determined this to be the case, shall pronounce the judgement enforcement decision.

3. Where, in the territory of the Contracting Party whose court pronounced the judgement, enforcement has been stayed due to the fact that proceedings have been instituted to reverse or amend the judgement, authorization of enforcement shall not be issued, or, if such authorization has already been issued, enforcement shall be stayed in the territory of the Contracting Party whose authority must enforce the judgement.

4. Before pronouncing on an application for authorization of enforcement, the court shall have the right, where it so sees fit, to summon the litigants. It shall also have the right to require additional information from the court which pronounced the judgement.

#### *Article 62*

1. As relates to enforcement, the legislation of the Party in whose territory such enforcement takes place shall apply.



2. The defendant may lodge objections against enforcement, where this is admissible under the legislation of the Party whose court pronounced the judgement.

#### *Article 63*

The provisions of this Agreement relating to enforcement shall not violate the statutory regulations of the Contracting Parties concerning any transfer of moneys or export of property resulting from enforcement.

#### *Article 64*

1. In the case of proceedings for the recognition and enforcement of judgements concerning maintenance for persons not having reached majority, the Contracting Parties shall ensure rapid proceedings in order for the purpose for which the judgement was rendered to be achieved.

2. Sums of money collected through enforcement and those paid voluntarily by debtors shall be transferred without any special request and within the shortest possible time to the account of the Contracting Party in whose territory the person entitled thereto is domiciled.

### PART III. CRIMINAL LAW

#### *Article 65. OBLIGATION TO EXTRADITE*

1. The Contracting Parties undertake in accordance with this Agreement to extradite to each other, on application, individuals in their territory who are required to answer a criminal charge or to serve a sentence.

2. Extradition for the purpose of answering a criminal charge shall take place only for an offence which, under the law of both Contracting Parties, entails a penalty of deprivation of liberty for a term greater than one year or a heavier penalty.

3. Extradition for the purpose of serving a sentence shall take place only for offences punishable under the law of both Contracting Parties by a penalty of deprivation of liberty for a term of more than one year or a heavier penalty.

#### *Article 66. REFUSAL TO EXTRADITE*

Extradition shall not take place:

- (a) If the offence was committed by a national of the Party applied to;
- (b) If the offence was committed in the territory of the Party applied to;
- (c) If the offence was committed outside of the territory of the applicant Party and the legislation of the Party applied to does not permit prosecution for such offence;
- (d) If, under the legislation of the two Contracting Parties, prosecution or the serving of a sentence cannot take place because it is barred by the statute of limitations or due to any other cause which rules them out;
- (e) If the person whose surrender is demanded has already been prosecuted for the same offence before the judicial authorities of the Contracting Party applied to and a final judgement has been rendered concerning him or he has been discharged;
- (f) If, under the law of both Contracting Parties, criminal proceedings must be instituted on a charge by the injured party.

*Article 67. OBLIGATION TO PROSECUTE*

1. Each of the Contracting Parties shall be required, on application by the other Party, to prosecute, in accordance with its own legislation, its nationals who have committed an extraditable offence in the territory of the applicant Party.

2. The application shall be accompanied by information including the following: information concerning the offence committed, the hearing of witnesses or the holding of a judicial inquiry and material evidence and objects or data bearing witness to the damage caused. Where the latter are unavailable or incomplete, they shall be sent subsequently at the request of the Contracting Party in whose territory the criminal proceedings have been started.

3. The Contracting Party in whose territory criminal proceedings have been instituted shall communicate the results to the other Contracting Party and, in the event that a final judgement has already been pronounced, shall send it a copy thereof.

*Article 68. EXTRADITION PROCEDURE*

In matters of extradition and prosecution, the judicial authorities of the two Contracting Parties shall enter into contact with each other through their central authorities.

*Article 69. REQUISITION FOR EXTRADITION*

1. A requisition for extradition shall contain the names, date and place of birth and nationality of the person whose surrender is demanded, information concerning his domicile or residence and particulars concerning the nature of the offence and the damage which resulted therefrom.

2. A requisition for extradition for the purpose of criminal prosecution shall be accompanied by a certified copy of the warrant of arrest, a description of the circumstances of the offence and the text of the legislative provisions pertaining to the offence committed by the person whose surrender is demanded. In the case of an offence in respect of property, the extent of the damage which was caused or might have been caused by the offence shall also be stated.

3. A requisition for extradition for the purpose of serving a sentence shall be accompanied by a copy of the final judgement and the text of the legislative provisions concerning the offence committed by the convicted and sentenced person. If that person has already served part of the sentence, the part thus served must be specified.

*Article 70. ARREST WITH A VIEW TO EXTRADITION*

If a requisition for extradition is sufficiently well-founded in accordance with this Agreement, the Party applied to shall immediately take the measures provided by law for the arrest of the person whose extradition is demanded.

*Article 71. SUPPLEMENTARY INFORMATION*

1. If a requisition for extradition does not contain all necessary particulars, the Party applied to may request supplementary information, fixing a time-limit of not more than two months for the furnishing thereof. This time-limit may be extended for valid reasons.

2. If the supplementary information is not received within the specified or extended time-limit, the competent authority of the Party applied to may declare the proceedings closed and release the arrested person.

*Article 72. PROVISIONAL DETENTION*

1. An arrest may be made pending receipt of a requisition for extradition if the applicant Party formally applies therefor, stating that a warrant has been issued for the arrest of the person concerned or a sentence has been passed on him, on which its requisition for extradition is based. An application for provisional detention may be made by post, telephone, telegraph or wireless.

2. Even in the absence of such application, the competent authorities of the Contracting Parties may arrest a person resident in their territory if, according to the information in their possession, he has committed an extraditable offence in the territory of the other Party.

3. The other Contracting Party shall be notified of the arrest immediately.

*Article 73. RELEASE FROM PROVISIONAL DETENTION*

1. A person detained under article 72, paragraph 1, may be released if within a period of 30 days from the notice of arrest no requisition for his provisional detention has been received.

2. A person detained under article 72 may be released if within a period of two months from the date of his arrest no requisition for his extradition has been received.

*Article 74. POSTPONEMENT OF EXTRADITION*

If a person whose extradition is demanded is being prosecuted or is serving a sentence for another offence in the territory of the Contracting Party applied to, his extradition may be postponed pending the termination of the proceedings or the completion or cancellation of the sentence.

*Article 75. TEMPORARY EXTRADITION*

Where the postponement of extradition in accordance with article 74 of this Agreement is likely to result in a bar under the statute of limitations or seriously to compromise the judicial inquiry, the person whose surrender is demanded may be temporarily extradited to the applicant Contracting Party.

2. A person temporarily extradited shall be returned upon the termination of the criminal proceedings for which he was extradited.

*Article 76. CONCURRENT REQUISITIONS FOR EXTRADITION*

Where the extradition of a person is demanded by more than one State, the Contracting Party applied to shall decide which requisition it will comply with, taking into consideration the nationality of the person whose surrender is demanded, the nature of the offence and the place where it was committed.

*Article 77. LIMITS TO THE PROSECUTION OF EXTRADITED PERSONS*

1. An extradited person shall not, without the consent of the Party applied to, be prosecuted or punished for an offence other than the offence for which he was extradited.

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

3. Such consent shall not be required:

- (a) If the extradited person, not being a national of the applicant Party, fails to quit the territory of that Party within a period of 30 days after the conclusion of the criminal proceedings or the completion of the sentence; such period shall not be deemed to include any period during which the person extradited is unable through no fault of his own, to quit the territory of the applicant Party;
- (b) If the person extradited has quitted the territory of the applicant Party and has subsequently returned to it.

*Article 78. SURRENDER OF EXTRADITED PERSONS*

The Party applied to shall notify the applicant Party of the place and time of surrender. If the applicant Party fails to accept the person whose surrender is demanded within a period of 15 days from the appointed date for such surrender, the person may be released. Such period may be extended for a maximum of 15 days by agreement between the two Contracting Parties.

*Article 79. RE-EXTRADITION*

If an extradited person in any way evades prosecution or the serving of a sentence and regains the territory of the Contracting Party applied to, he shall be re-extradited upon a new requisition by the Contracting Party which had made the first requisition, without any need for the information and documents specified in article 69 of this Agreement to be furnished anew.

*Article 80. COMMUNICATION OF THE OUTCOME OF PROCEEDINGS*

The applicant Contracting Party shall inform the Contracting Party applied to of the outcome of proceedings taken against an extradited person. If such person is sentenced, a copy of the sentence shall be sent as soon as it has become final. This obligation shall apply also to the cases provided for in article 77 of this Agreement.

*Article 81. CONVEYANCE IN TRANSIT*

1. Each of the Contracting Parties agrees to authorize, at the request of the other Party, conveyance in transit through its territory of persons extradited by a third State to the said other Party. An application for authorization of conveyance in transit may be denied where, pursuant to article 66, no extradition is provided for.

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

3. The authorities of the Party applied to shall ensure conveyance in transit in whatever manner they deem most suitable.

*Article 82. COSTS OF EXTRADITION AND CONVEYANCE IN TRANSIT*

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

*Article 83. TEMPORARY EXTRADITION OF PERSONS HELD IN CUSTODY*

Where it is necessary to interrogate as witnesses or as experts persons who are held in custody in the territory of the Contracting Party applied to, such persons may be surrendered to the applicant Contracting Party by order of the Minister of Justice or State Counsel General of that Contracting Party.

A person thus extradited shall be held in custody and shall be immediately surrendered to the applicant Party when the taking of his deposition is completed.

*Article 84. DELIVERY OF OBJECTS RELATED TO THE OFFENCE*

1. Objects obtained by an offender as a result of an extraditable offence or objects obtained by him in exchange for such objects as well as objects which may be produced in evidence during criminal proceedings shall be delivered to the applicant Party even if extradition cannot take place owing to the death or escape of the offender or to any other cause.

2. The Party applied to may temporarily postpone the delivery of objects thus demanded if they are needed for other criminal proceedings.

3. Rights of third parties in respect of objects delivered to the other Contracting Party shall be maintained. On the termination of the proceedings, they shall be returned to the Party applied to, in order to be delivered to the persons having title to them.

*Article 85. COMMUNICATION OF SENTENCES*

1. The Contracting Parties shall apprise each other of sentences which have become final, passed by the courts of each of them on nationals of the other Party.

2. The Contracting Parties shall, on application stating the reasons therefor, apprise each other of sentences passed on convicted persons who are not nationals of the applicant Party.

3. The Contracting Parties shall, on application, communicate to each other, if possible, the fingerprints of the persons specified in paragraphs 1 and 2 of this article.

4. Information in respect of the matters referred to in the preceding paragraphs shall be communicated in accordance with the procedure specified in article 2.

*Article 86. REFUSAL OF LEGAL ASSISTANCE IN CRIMINAL CASES*

1. An application for legal assistance in criminal proceedings may be rejected:

- (a) In the case of prosecution for a non-extraditable offence;
- (b) If the judicial authorities of the Party applied to are not competent in the matter in question.

2. The Party applied to shall carry out a search or a seizure of articles only where this does not violate the rights of third persons.

*Article 87. CONVEYANCE IN TRANSIT OF PERSONS  
HELD IN CUSTODY IN A THIRD STATE*

The Minister of Justice of one of the Contracting Parties may, under the conditions laid down in article 81, authorize the conveyance in transit of persons held in custody in a third State for the purpose of interrogation in the territory of the other Contracting Party.

*Article 88. COPIES OF EXTRACTS FROM THE REGISTER OF CONVICTIONS*

The authorities of the Contracting Parties which keep the offices of records of convictions shall send the judicial authorities and the authorities of the State Counsel division of the other Contracting Party, on request, copies of extracts from the register of convictions.

## PART IV. FINAL PROVISIONS

*Article 89*

This Agreement shall be ratified and shall enter into force 30 days after the exchange of the instruments of ratification. The exchange of the instruments of ratification shall take place in Prague.

*Article 90*

This Agreement shall remain in force for five years. Unless one of the Contracting Parties gives notice six months before the expiry of its term, it shall be extended each time for a further period of five years.

*Article 91*

Upon the entry into force of this Agreement, the Treaty between the Czechoslovak Republic and the People's Republic of Bulgaria concerning legal assistance in civil and criminal cases, signed at Prague on 13 April 1954, and the Agreement between the Government of the People's Republic of Bulgaria and the Government of the Czechoslovak Socialist Republic concerning the application of the Treaty between the People's Republic of Bulgaria and the Czechoslovak Republic concerning legal assistance in civil and criminal cases, of 18 February 1963, shall cease to have effect.

DONE at Sofia, on 25 November 1976, in two copies, in the Bulgarian and Czech languages, both texts being equally authentic.

For the People's Republic  
of Bulgaria:

[SVETLA DASKALOVA]

For the Czechoslovak Socialist  
Republic:

[YAN NEMETZ]