

No. 20623

**DENMARK
and
AUSTRIA**

**Agreement for the simplification of arrangements for
judicial assistance under The Hague Convention of
1 March 1954 relating to civil procedure. Signed at
Copenhagen on 8 November 1979**

Authentic texts: Danish and German.

Registered by Denmark on 11 December 1981.

**DANEMARK
et
AUTRICHE**

**Accord en vue de la simplification des arrangements conclus
en matière d'assistance judiciaire au titre de la Conven-
tion de La Haye du 1^{er} mars 1954 relative à la procédure
civile. Signé à Copenhague le 8 novembre 1979**

Textes authentiques : danois et allemand.

Enregistré par le Danemark le 11 décembre 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF DENMARK AND THE REPUBLIC OF AUSTRIA FOR THE SIMPLIFICATION OF ARRANGEMENTS FOR JUDICIAL ASSISTANCE UNDER THE HAGUE CONVENTION OF 1 MARCH 1954 RELATING TO CIVIL PROCEDURE²

The Contracting States have agreed as follows:

Article 1. (1) The requests for judicial assistance and for the service of writs and extrajudicial documents referred to in The Hague Convention of 1 March 1954² shall be transmitted through the Ministries of Justice of the two countries.

(2) Requests may be drawn up in the language of the requesting State.

Article 2. (1) Translations may also be certified by a translator of the requesting State.

(2) For the purposes of this Agreement, “translator” means, in Austria, a sworn court translator, and, in Denmark, a translator approved by the Minister of Commerce.

Article 3. (1) The two States shall, on the basis of reciprocity, waive reimbursement of all costs incurred by them in connexion with the service of documents and the carrying out of requests for judicial assistance.

(2) The requested authority shall inform the requesting authority of the costs incurred by the requested State in connexion with the service of a document through the use of a special form and in connexion with the carrying out of a request for judicial assistance.

Article 4. Should a request be addressed to an authority which has no jurisdiction in the matter, that authority shall automatically transmit the request to the competent authority.

Article 5. A request for the enforcement of a decision relating to costs (Hague Convention of 1 March 1954, articles 18 and 19) may be made directly by the interested party to the competent court. Such requests may also be transmitted through the Ministry of Justice of the State in which the decision is to be enforced.

Article 6. A statement by the competent authority to the effect that a decision relating to costs has acquired the force of *res judicata* shall not require certification by the highest official in charge of the administration of justice in the requesting State, as provided for in the second sentence of the third paragraph of article 19 of The Hague Convention of 1 March 1954.

¹ Came into force on 1 April 1981, i.e., the first day of the third month following the exchange of the instruments of ratification, which took place at Vienna on 22 January 1981, in accordance with article 9.

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

Article 7. The translation referred to in subparagraph 3 of the second paragraph of article 19 of The Hague Convention of 1 March 1954 may also be certified by a translator (see article 2, paragraph 2) of the State in which the decision was rendered.

Article 8. If a request for the service of a document or for judicial assistance is already in the hands of an authority of the requested State on the date of entry into force of this Agreement, the request shall be dealt with solely in accordance with The Hague Convention of 1 March 1954.

Article 9. (1) This Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Vienna.

(2) The Agreement shall enter into force on the first day of the third month following the exchange of the instruments of ratification.

Article 10. This Agreement may at any time be denounced in writing through the diplomatic channel, subject to one year's notice.

Article 11. Any disputes concerning the interpretation or application of this Agreement shall be settled through the diplomatic channel.

DONE at Copenhagen on 8 November 1979, in duplicate in the Danish and German languages, both texts being equally authentic.

For the Kingdom of Denmark:

LISE ØSTERGAARD

For the Republic of Austria:

LUEGMAYER
