

**No. 19831**

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**BULGARIA  
and  
GREECE**

**Convention on legal assistance in civil and criminal cases.  
Signed at Athens on 10 April 1976**

*Authentic text: French.*

*Registered by Bulgaria on 9 June 1981.*

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**BULGARIE  
et  
GRÈCE**

**Convention d'assistance judiciaire en matière civile et  
pénale. Signée à Athènes le 10 avril 1976**

*Texte authentique : français.*

*Enregistrée par la Bulgarie le 9 juin 1981.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON LEGAL ASSISTANCE IN CIVIL AND CRIMINAL  
CASES BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA  
AND THE HELLENIC REPUBLIC

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

Attaching great importance to co-operation between their two countries in the field of judicial relations,

Have decided to conclude a Convention on legal assistance in civil and criminal cases and for this purpose have appointed as their plenipotentiaries:

The Council of State of the People's Republic of Bulgaria: Mr. Peter Mladenov, Minister for Foreign Affairs;

The President of the Hellenic Republic: Mr. Dimitri Bitsios, Minister for Foreign Affairs,

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

CHAPTER I. GENERAL PROVISIONS

*Article 1.* LEGAL PROTECTION

1. Nationals of either Contracting Party shall enjoy in the territory of the other 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, procurator's offices, notarial authorities (hereinafter called "judicial authorities") having jurisdiction in the matters to which this Convention relates and other authorities of the other Contracting Party; they may appear before them, present petitions and institute proceedings under the same conditions as nationals of the latter Contracting Party.

3. The provisions of chapter I of this Convention shall apply, *mutatis mutandis*, to corporate bodies in both Contracting Parties.

*Article 2.* LEGAL ASSISTANCE

1. The judicial authorities of both Contracting Parties shall provide one another with legal assistance in civil cases, including commercial and family law, and in criminal cases.

2. The judicial authorities shall provide legal assistance to the other authorities which have jurisdiction in the cases referred to in paragraph 1 of this article.

*Article 3.* METHOD OF COMMUNICATION

The judicial authorities of the Contracting Parties shall, in providing legal assistance, communicate through their central organs, namely, for the People's

<sup>1</sup> Came into force on 26 April 1980, i.e., 30 days after the exchange of the instruments of ratification, which took place at Sofia on 27 March 1980, in accordance with article 57.

Republic of Bulgaria, the Ministry of Justice or the Procurator General, and for the Hellenic Republic, the Ministry of Justice.

*Article 4. SCOPE OF LEGAL ASSISTANCE*

The Contracting Parties shall provide one another with legal assistance by performing various procedural acts, in particular: the transmittal and delivery of documents, the execution of searches, seizure and delivery of physical evidence, the conduct of expert examinations, the interrogation of accused persons, witnesses and experts, the hearing of litigants and other persons and the conduct of judicial inspections *in situ*.

*Article 5. INFORMATION TO BE FURNISHED IN APPLICATIONS FOR LEGAL ASSISTANCE*

1. Applications for legal assistance must contain the following particulars:

- (a) The designation of the applicant authority;
- (b) The designation of the authority applied to;
- (c) The title of the case in respect of which legal assistance is applied for;
- (d) The names, addresses and nationality of the litigants, accused, detained or convicted persons;
- (e) The names and addresses of the legal representatives of the litigants;
- (f) The subject of the application for legal assistance and any necessary information concerning its execution; and
- (g) In criminal cases, a description and the definition of the offence.

2. Applications for legal assistance must be signed and sealed.

*Article 6. PROCEDURE FOR EXECUTING APPLICATIONS FOR LEGAL ASSISTANCE*

1. In executing an application for legal assistance, the authority applied to shall comply with its national legislation.

2. If the authority applied to does not have jurisdiction, it shall transmit the application for legal assistance to the authority having jurisdiction.

3. Where the exact address of the person referred to in the application for legal assistance is unknown, the authority applied to shall take the necessary steps to determine the address; if it is impossible to execute the application, the documents shall be returned to the authority that sent them.

4. After executing an application for legal assistance, the authority applied to shall return to the applicant authority the documents relating to the application and, if it has not been possible to execute the application, the authority applied to shall advise the applicant authority of the circumstances which have prevented execution.

*Article 7. IMMUNITY OF WITNESSES AND EXPERTS*

1. No person of whatsoever nationality who appears as a witness or expert before an authority of the applicant Party, in response to a summons from the legal authority of the Party applied to, may be criminally prosecuted or be subject to the execution of a sentence for an offence committed before he crossed the frontier of the applicant State.

2. The immunity provided for in the preceding paragraph shall cease when the witness or expert, who has had the opportunity of leaving the territory of the applicant Party for a period of 10 consecutive days after the judicial authorities have informed him that his presence is no longer necessary and has nevertheless remained in

this territory or has returned after leaving it. The time during which the witness or expert was unable to leave the territory of the country for reasons beyond his control shall not be counted in this period.

#### *Article 8. DOCUMENTS*

1. Documents drawn up in the territory of either Contracting Party or authenticated by its authorities, in the area in which they have jurisdiction, in due form and bearing a seal, shall not require authentication in the territory of the other Contracting Party.

2. Private documents authenticated by a court or other competent authority of either Contracting Party for use in the courts or other organs of the other Contracting Party shall also be exempt from authentication.

#### *Article 9. SERVICE OF DOCUMENTS*

1. In serving documents, the authority applied to shall comply with the legal provisions in force in its own country, provided that the document to be served is drawn up in its national language or is accompanied by a certified translation into that language. Otherwise, the documents to be served shall be delivered to the addressee if he is willing to accept them.

2. The letter of request shall indicate the correct address of the addressee and the title of the document to be served.

3. If the documents cannot be served at the address indicated, the authority applied to shall take the necessary steps to determine the correct address; if the address cannot be determined, the documents shall be returned to the applicant authority.

#### *Article 10. CONFIRMATION OF SERVICE OF DOCUMENTS*

The authority applied to shall confirm the service of documents in accordance with the relevant regulations of the Party applied to. Such confirmation shall contain particulars regarding the place and date of service and the name of the person to whom the documents were delivered.

#### *Article 11. SERVICE OF DOCUMENTS ON OWN NATIONALS*

1. Each Contracting Party shall have the right to serve documents on its own nationals through its diplomatic or consular missions also.

2. In such cases, no compulsion may be used.

#### *Article 12. COSTS OF LEGAL ASSISTANCE*

1. The Contracting Party applied to shall make no claim for repayment of the costs of legal assistance. Each Contracting Party shall bear the costs incurred in providing legal assistance in its territory.

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

#### *Article 13. INFORMATION ON LEGAL QUESTIONS*

The central legal authorities of the two Contracting Parties shall provide each other with information on their current legislation.

*Article 14.* REFUSAL OF LEGAL ASSISTANCE

Legal assistance may be refused:

1. If the application relates to offences considered to be political by the Party applied to;
2. If the Party applied to considers that execution of the application is likely to be prejudicial to its sovereignty, security or public order.

*Article 15.* BIRTH, MARRIAGE AND DEATH CERTIFICATES

1. Each Contracting Party shall transmit to the other copies from its civil registers relating to the births, marriages and deaths of nationals of the other Contracting Party, as well as any amendments and additions thereto.

2. Death certificates shall be sent automatically, other certificates upon request. All these certificates shall be transmitted free of charge through the diplomatic channel.

*Article 16.* TRANSMITTAL OF ARTICLES AND TRANSFER OF CURRENCY

The transmittal of articles and the transfer of currencies shall be effected in accordance with the legislation of the Party applied to.

*Article 17.* LANGUAGES

The judicial authorities of the two Contracting Parties shall use their national language in their relations with one another; the certificates and documents to be exchanged shall also be translated into the language of the country applied to or into the French language.

CHAPTER II. LEGAL COSTS AND PRIVILEGES

*Article 18.* EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS

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

*Article 19.* LEGAL PRIVILEGES

Nationals of one Contracting Party shall be entitled in the territory of the other Party to exemption from stamp taxes and legal costs and shall enjoy other privileges and the right to free legal counsel under the same conditions and to the same extent as nationals of the latter Party.

*Article 20*

1. Documents relating to the personal, family and material status of the applicant wishing to avail himself of the privileges provided for in article 19 shall be issued by the competent authorities of the Contracting Party in whose territory he is domiciled.

2. If the applicant who wishes to benefit from the said facilities has no domicile or residence in the territory of either Contracting Party, the document may be issued by a diplomatic or consular mission.

3. The judicial authority that rules on the application for exemption under article 19 may request additional information from the authority which issued the document.

#### *Article 21*

If a national of one of the Contracting Parties wishes to benefit from the privileges provided for in article 19 and applies for them to the competent authorities of the other Contracting Party, he may submit his application to the competent authorities in his place of domicile or residence. They shall transmit the application request and the minute concerning it, together with the documents issued in accordance with article 20, to the competent authorities of the other Contracting Party.

#### *Article 22*

If a national of one Contracting Party is required to pay stamp taxes and legal costs to the authorities of the other Contracting Party in whose territory he has his domicile or residence, he shall be allowed sufficient time to do so.

#### *Article 23. ENFORCEMENT OF AWARDS OF LEGAL COSTS*

1. If a litigant exempt under article 18 of this Convention from depositing security for legal costs must pay legal costs as the result of a final judgement rendered in the territory of either Contracting Party, the competent court of the other Contracting Party shall, on application and without charge, authorize the enforcement of the obligatory recovery of the said costs.

2. Legal costs shall also include the costs of translation and notarization of the documents referred to in article 24.

#### *Article 24*

1. Applications for authorization of enforcement of recovery of legal costs must be accompanied by an official copy of the decision relating to legal costs and an official document attesting that the decision is final and enforceable.

2. The documents referred to above shall be accompanied by a translation in the language of the Contracting Party in whose territory the costs will be recovered.

3. The court authorizing enforcement of an award of legal costs shall determine whether:

(a) The judgement which is to be enforced is final and enforceable;

(b) A certified translation is included with the documents referred to in paragraph 1 of this article.

#### *Article 25*

Where an award of legal costs is to be enforced in the territory of the other Contracting Party, application for authorization of enforcement shall be made to the court of the Contracting Party which is competent to issue the authorization of enforcement or to the court which decided on the award of legal costs. The court in question shall transmit the application to the competent court of the other Contracting Party together with the documents referred to in article 24 of this Convention.

#### *Article 26*

1. The court shall authorize enforcement of an award of legal costs without hearing the litigants.

2. Enforcement of awards of legal costs may not be refused merely on the ground that the persons requesting enforcement of the award have not paid the deposit of security for legal costs.

### CHAPTER III. RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS

#### *Article 27*

Each Contracting Party shall undertake to recognize and make enforceable in its territory the following decisions rendered in the territory of the other Contracting Party:

- (a) Judicial decisions that are final and enforceable in civil, family or commercial cases;
- (b) Criminal court decisions that are final and enforceable in cases of civil claims for damages;
- (c) Judicial transactions.

#### *Article 28*

An application for the recognition and enforcement of a decision may be made directly by the litigant concerned to the competent body of the Contracting Party in whose territory the decision is to be enforced or to the court of first instance in the case.

#### *Article 29*

The following must be enclosed with an application for authorization of enforcement:

- (a) The complete text of the decision; if it is not evident that it has been enforced and if it is enforceable, a certificate attesting the enforcement of the decision should be attached;
- (b) A certificate attesting that a summons was served in due time on the defendant by default, or upon his representative;
- (c) A certified translation of the application and of the documents referred to in paragraphs (a) and (b) of this article.

#### *Article 30*

Before ruling on the application, the court may, if necessary, request clarification from the litigants and, after hearing them, call for additional evidence. The court dealing with the application may also request clarification from the court which rendered the decision.

#### *Article 31*

1. When a judgement is enforced, the legislation of the country in whose territory the judgement is enforced shall apply.

2. The respondent may raise objections against enforcement of a judgement, if it is so permitted under the legislation of the country whose court rendered the judgement.

### Article 32

Recognition and enforcement of a judgement shall be refused:

- (a) If the respondent has not appeared at the proceedings because neither he nor his representative was served a summons in due form or if the summons was merely served by publication;
- (b) If the judgement conflicts with a previously enforced judgement that was in an action rendered between the same litigants on the same subject and on the same grounds by a court of the Contracting Party in whose territory the judgement is to be recognized or enforced;
- (c) If recognition or enforcement of the decision is prejudicial to the public order of the State in which recognition or enforcement is to take place;
- (d) In cases where the court in whose territory the judgement is to be enforced is the only body competent to judge the case in question.

### Article 33. COSTS ARISING IN CONNECTION WITH ENFORCEMENT OF JUDGEMENTS

With regard to costs arising in connection with the enforcement of judgements, the legislation of the Contracting Party on whose territory the judgement is to be enforced shall apply.

## CHAPTER IV. EXTRADITION

### Article 34. OBLIGATION TO EXTRADITE

1. Each Contracting Party shall agree to extradite to the other, under the conditions laid down by this Convention, persons residing in its territory whose presence is required for the purpose of criminal prosecution or execution of a sentence pronounced by the court of the applicant Party.

2. Extradition shall only take place in respect of offences which, under the law of both Contracting Parties, are punishable with deprivation of liberty for a term of at least one year or with a heavier penalty or in respect of which a sentence involving deprivation of liberty for a term of at least six months has been pronounced by a court of the applicant Party (offences hereinafter called "extraditable offences").

### Article 35. REFUSAL OF EXTRADITION

1. Extradition shall not take place if:

- (a) The offence was committed by a person who, at the time of the commission of the offence, was a national of the Party applied to;
- (b) The offence was committed in the territory of the Party applied to;
- (c) The offence for which extradition is requested was committed outside the territory of the applicant Party and when the legislation of the Party applied to does not provide for prosecution for similar offences committed outside its territory or does not authorize extradition for the offence which is the subject of the request;
- (d) The offence is of a political nature;
- (e) Under the law of either Contracting Party, exemption from prosecution or punishment has been acquired by lapse of time or for other reasons;
- (f) The person claimed has been tried and a final judgement rendered by the competent authorities of the Party applied to for the act or acts for which extradition is



requested or the competent authorities of the Party applied to have decided not to prosecute or to drop proceedings for the act or acts in question;

(g) Under the legislation of the Contracting Parties, criminal prosecution is subject to a complaint being lodged by the victim of the offence.

2. There shall be no extradition for military offences which consist solely in the violation of purely military obligations unconnected with any other crime under ordinary law.

#### *Article 36.* EXTRADITION PROCEDURE

A requisition for extradition shall be submitted through the diplomatic channel.

#### *Article 37.* REQUISITION FOR EXTRADITION

1. A requisition for extradition shall indicate the name of the person claimed, his nationality, his domicile or residence, the nature of the offence and the damage resulting therefrom.

2. The requisition for extradition must be accompanied:

(a) In the case of a requisition for the purposes of criminal prosecution, by an official copy of the warrant of arrest with a description of the material circumstances in which the offence was committed and its legal definition and, in the case of a requisition for the purpose of execution of a sentence, by an official copy of the final judgement;

(b) By the text of the criminal provisions of the applicant Party defining the offence in question;

(c) By a description of the person claimed and, where possible, his fingerprints and photograph.

3. In the case of a convicted person who has already served a part of his sentence, information must be provided in that regard.

#### *Article 38.* DETENTION PENDING EXTRADITION

Where requisition for extradition meets the conditions provided for under this Convention, the Party applied to shall proceed immediately to arrest the person claimed, in accordance with its legislation.

#### *Article 39.* SUPPLEMENTARY INFORMATION

1. If all the information required is not provided in the requisition for extradition, the Party applied to may request supplementary information and fix a time-limit for its submission not exceeding two months. This 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 Party applied to may discontinue the extradition proceedings and release the person detained.

#### *Article 40.* TEMPORARY DETENTION

1. In urgent cases, the Party applied to may proceed to detain a person claimed before receipt of a requisition for his extradition in accordance with article 37 of this Convention. The applicant Party shall inform the Party applied to that a warrant has been issued for the person's arrest or a final sentence pronounced against him and that it will transmit the requisition for his extradition without delay. In such cases,

the application for detention may be made by telephone, telegraph or any other written form.

2. The competent authorities of both Contracting Parties may, without receiving such an application, proceed to detain temporarily a person resident in their territory if they are aware of his having committed an extraditable offence in the territory of the other Party.

Where a person has been temporarily detained in accordance with paragraph 1 or paragraph 2 of this article, the other Party shall be notified immediately.

*Article 41. RELEASE FROM TEMPORARY DETENTION*

Any person temporarily detained in accordance with article 40 of this Convention shall be released if the requisition for his extradition is not received from the other Party within 30 days of the date of the notification of the detention. The release of the person in question shall be notified to the other Party.

*Article 42. POSTPONEMENT OF EXTRADITION*

If the person claimed is being prosecuted or is serving a sentence for another offence committed in the territory of the Party applied to, his extradition may be postponed until the termination of the proceedings or the completion of the sentence.

*Article 43. TEMPORARY EXTRADITION*

1. If postponement of extradition under article 42 of this Convention might result in exemption from prosecution being acquired by lapse of time or might seriously prejudice the investigation of the offence, the person claimed may be extradited temporarily on receipt of a requisition with statement of grounds.

2. A temporarily extradited person shall be returned after the completion of the criminal proceedings for the purpose of which he was extradited.

*Article 44. CONCURRENT REQUISITIONS FOR EXTRADITION*

If requisitions for a person's extradition are received from more than one State, the Party applied to shall decide which of the requisitions shall be complied with.

*Article 45. LIMITS TO PROSECUTION*

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

2. Likewise, without the consent of the Party applied to, the extradited person may not be surrendered to a third State.

3. Consent shall not be required if:

- (a) The extradited person has not left the territory of the applicant Party within one month after the termination of the criminal proceedings or the completion of a sentence. This period shall not include the time during which an extradited person was unable, through no fault of his own, to leave the territory of the applicant Party;
- (b) The extradited person has left the territory of the applicant Party, but has returned thereto.

*Article 46. SURRENDER*

1. The Party applied to shall notify the applicant Party of the time and place of surrender of the person claimed.

2. If the applicant Party fails to accept the person claimed within 15 days after the date fixed for his surrender, that person may be released from custody.

*Article 47. RE-EXTRADITION*

If an extradited person in any way evades prosecution or punishment and returns to the territory of the Party applied to, he shall be re-extradited upon receipt of a new requisition from the applicant Party without the latter having to produce the information and documents specified in article 37 of this Convention.

*Article 48. NOTIFICATION OF THE RESULTS OF PROSECUTION*

The Contracting Parties shall inform each other of the results of the prosecution of an extradited person. If final judgement is pronounced, the Contracting Parties shall transmit to each other an official copy of this judgement.

*Article 49. TRANSIT*

1. Each Contracting Party shall, at the request of the other Party, authorize the transit through its territory of persons extradited by a third State to that other Contracting Party. The Contracting Parties shall not be bound to authorize such transit if under this Convention there is no obligation to extradite.

2. An application for authorization of transit shall be transmitted in the same manner as a requisition for extradition.

3. The authorities of the Party applied to shall ensure transit in whatever manner they consider best.

*Article 50. COSTS OF EXTRADITION*

The costs of extradition shall be borne by the Contracting Party in whose territory they were incurred; the costs of transit shall be borne by the applicant Party.

*Article 51. OBLIGATION TO PROSECUTE*

1. Each Contracting Party shall proceed, at the request of the other Contracting Party and in accordance with its national legislation, with the prosecution of its nationals who have committed an extraditable offence in the territory of the applicant Party.

2. Documents relating to the offence and any other available evidence shall be submitted with the request.

3. The request for prosecution shall be made by the Chief Procurator of the People's Republic of Bulgaria and by the Chief Procurator of the Hellenic Republic.

4. The Party applied to shall notify the applicant Party of the results of the prosecution and, if a judgement is rendered and has become final, shall transmit an official copy thereof.

*Article 52. TEMPORARY DELIVERY OF PERSONS HELD IN CUSTODY*

If, in connection with a prosecution in the territory of one of the Contracting Parties, the need arises for the interrogation as a witness of a person held in custody in the territory of the other Contracting Party, the latter Party shall temporarily extradite him at the request of the applicant Party. The applicant Party shall keep

this person under arrest and shall return him to the Party applied to as soon as the interrogation has been completed.

*Article 53. DELIVERY OF ARTICLES RELATED TO AN OFFENCE*

1. Articles in the possession of a person who has committed an extraditable offence and other articles which may be used as physical evidence in criminal proceedings shall be delivered to the applicant Party even in cases in which the offended cannot be extradited by reason of death or other circumstances.

2. The Party applied to may temporarily postpone the delivery of the claimed articles if it needs them for other criminal proceedings.

3. The rights of third parties to articles delivered to the other Contracting Party shall remain unaffected. After the termination of the proceedings, such articles shall be returned to the Party which sent them so that they may be transmitted to the persons entitled to them.

4. The delivery of articles under paragraph 1 shall take place in accordance with article 16 of this Convention.

*Article 54. NOTIFICATION OF SENTENCES*

1. Each Contracting Party shall notify the other Contracting Party of final sentences pronounced by the courts of one Contracting Party in respect of nationals of the other Party.

2. Upon receipt of an application with statement of grounds, each Contracting Party shall transmit to the other Contracting Party information concerning sentences pronounced in respect of persons who are not nationals of the applicant Party.

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 of this article.

4. The information on the questions referred to in the preceding paragraphs shall be transmitted in accordance with the procedure laid down in article 9 of this Convention.

CHAPTER V. FINAL PROVISIONS

*Article 55*

The Extradition Convention between the Kingdom of Bulgaria and the Hellenic Republic, signed at Sofia on 21 February 1929<sup>1</sup>, and its additional Protocol, no longer have legal effect.

*Article 56*

This Convention is concluded for a term of five years. It shall be automatically extended for successive terms of five years unless one of the Contracting Parties denounces it six months before the expiry of the current term.

*Article 57*

This Convention is subject to ratification and shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place at Sofia.

<sup>1</sup> League of Nations, *Treaty Series*, vol. CVI, p. 443.

DONE at Athens on 10 April 1976 in two original copies in the French language, both texts being equally authentic.

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

*[Signed]*

PETER MLADENOV

For the President  
of the Hellenic Republic:

*[Signed]*

DIMITRI BITSIOS