

No. 20355



**SPAIN
and
AUSTRIA**

**Agreement supplementary to The Hague Convention of
1 March 1954 relating to civil procedure. Signed at
Vienna on 14 November 1979**

Authentic texts: Spanish and German.

Registered by Spain on 19 August 1981.



**ESPAGNE
et
AUTRICHE**

**Accord complémentaire à la Convention de La Haye du
1^{er} mars 1954 relative à la procédure civile. Signé à
Vienne le 14 novembre 1979**

Textes authentiques : espagnol et allemand.

Enregistré par l'Espagne le 19 août 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN SPAIN AND THE REPUBLIC OF AUSTRIA SUPPLEMENTARY TO THE HAGUE CONVENTION OF 1 MARCH 1954 RELATING TO CIVIL PROCEDURE

His Majesty King Juan Carlos I of Spain and

The Federal President of the Republic of Austria,

Desiring, in relations between the two States, to facilitate the application of The Hague Convention of 1 March 1954 relating to civil procedure² and to supplement that Convention,

Have resolved to conclude the following Agreement and have appointed as their plenipotentiaries:

His Majesty King Juan Carlos I of Spain: Mr. Juan Manuel Castro-Rial y Canosa, Ambassador of Spain in Vienna,

The Federal President of the Republic of Austria: Mr. Alois Reitbauer, General Secretary for Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1. Nationals of either Contracting State shall, in the territory of the other State, enjoy the same treatment in respect of legal protection in civil and commercial procedures as that which is afforded to the nationals of that other State. They shall have free access to the courts and may appear before them under the same conditions as nationals of the other State.

Article 2. 1. In civil or commercial matters, writs and extrajudicial documents originating in one of the Contracting States and to be served on persons in the territory of the other State may be transmitted by the requesting judicial authority to the requested judicial authority through the Ministries of Justice of the two States.

2. Only one copy of the document to be served need be transmitted, in which case the provision in the second paragraph of article 5 of The Hague Convention of 1 March 1954 shall not be applicable.

3. Such documents shall be exempt from authentication, apostil or any other similar formality.

Article 3. The provisions of the foregoing article shall not preclude the right of the Contracting States to serve writs and extrajudicial documents intended for their own nationals through their diplomatic or consular agents. The nationality of the person for whom the document is intended shall be determined in accordance with the law of the country in which service is to be effected.

Article 4. In civil and commercial matters, letters rogatory originating in one of the Contracting States and to be executed in the territory of the other State may be transmitted by the requesting judicial authority to the requested judicial authority through the Ministries of Justice of the two States.

¹ Came into force on 1 August 1981, i.e., the first day of the third month following the date of the exchange of the instruments of ratification, which took place at Madrid on 11 May 1981, in accordance with article 12 (2).

² United Nations, *Treaty Series*, vol. 286, p. 267.

Article 5. The provisions of the foregoing article shall not preclude the right of the Contracting States to have executed by their diplomatic or consular agents letters rogatory relating to the interrogation of their nationals. The nationality of the person to be interrogated shall be determined in accordance with the law of the country in which the letters rogatory are to be executed.

Article 6. The service of writs and extrajudicial documents or the execution of letters rogatory may not be refused on the grounds that the courts of the requested State have exclusive competence to deal with the case.

Article 7. The requested judicial authority must inform the requesting authority direct and in good time of the date, hour and place set for the execution of the letters rogatory.

Article 8. Public documents, and private documents whose authenticity has been established by a judicial or administrative authority or by a notary public of one of the Contracting States, shall be admitted in civil and commercial proceedings before the courts of the other State without there being any need for further authentication, apostil or any other similar formality.

Article 9. Writs and extrajudicial documents, letters rogatory and supplementary communications and documents shall be drawn up in the official language of the requesting State. Communications relating to their execution, together with supplementary communications and documents, shall be drawn up in the official language of the requested State.

Article 10. Should the requested judicial authority have no jurisdiction in the matter, it shall automatically transmit the document or the letters rogatory to the competent judicial authority.

Article 11. Any difficulties which may arise in connection with the application of this Agreement shall be settled through the diplomatic channel.

Article 12. 1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Madrid.

2. It shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

3. Either Contracting State may denounce the Agreement by giving notice in writing through the diplomatic channel. The denunciation shall take effect six months after the date of receipt of such notice.

4. This Agreement shall lapse if The Hague Convention of 1 March 1954 relating to civil procedure ceases to have effect between the two Contracting States.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement and thereto affixed their seals.

DONE at Vienna on 14 November 1979, in duplicate, in the Spanish and German languages, both texts being equally authentic.

For Spain:

[Signed]

JUAN MANUEL CASTRO-RIAL
Y CANOSA

For the Republic of Austria:

[Signed]

ALOIS REITBAUER