

No. 21787

**FRANCE
and
HUNGARY**

Convention relating to legal assistance in civil and family cases, to the recognition and enforcement of decisions, and to legal assistance in respect of criminal cases and extradition. Signed at Budapest on 31 July 1980

*Authentic texts: French and Hungarian.
Registered by France on 30 March 1983.*

**FRANCE
et
HONGRIE**

Convention relative à l'entraide judiciaire en matière civile et familiale, à la reconnaissance et à l'exécution des décisions ainsi qu'à l'entraide judiciaire en matière pénale et à l'extradition. Signée à Budapest le 31 juillet 1980

*Textes authentiques : français et hongrois.
Enregistrée par la France le 30 mars 1983.*

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC RELATING TO LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES, TO THE RECOGNITION AND ENFORCEMENT OF DECISIONS, AND TO LEGAL ASSISTANCE IN RESPECT OF CRIMINAL CASES AND EXTRADITION

The President of the French Republic and the Presidential Council of the Hungarian People's Republic,

Desiring to promote co-operation between their countries in the sphere of law,

Have decided to conclude a convention relating to legal assistance in civil and family cases, to the recognition and enforcement of decisions, and to legal assistance in respect of criminal cases and extradition. To that end, they have appointed as their plenipotentiaries:

The President of the French Republic: Mr. Jean François-Poncet, Minister for Foreign Affairs;

The Presidential Council of the Hungarian People's Republic: Mr. Puja Frigyes, Minister for Foreign Affairs,

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

SECTION I. LEGAL ASSISTANCE RELATIONS AND CENTRAL AUTHORITIES

Article 1. 1. The competent authorities of the two Contracting States acting in civil, commercial, family and criminal cases shall provide each other with legal assistance. Legal assistance shall also relate to those administrative procedures in respect of which recourse to the courts is admissible.

2. The Ministries of Justice of the French Republic and of the Hungarian People's Republic, and in criminal cases, where it is competent, the Office of the Procurator-General of the Hungarian People's Republic, are designated as central authorities responsible for receiving requests for legal assistance in civil, commercial, family, administrative and criminal cases and for transmitting them for execution to the competent authority.

3. In the course of legal assistance relations, the said central authorities shall communicate with each other directly.

4. The execution of an application for legal assistance may be denied by the authority applied to if it deems the said application liable to impair its public policy or to be outside its competence. In the event of denial of execution, the central authority of the State applied to shall inform the applicant central authority without delay and state the reasons for the denial.

¹ Came into force on 1 February 1982, i.e., the first day of the second month following the date of the exchange of the instruments of ratification, which took place at Paris on 9 December 1981, in accordance with article 66 (1).

SECTION II. LEGAL ASSISTANCE IN CIVIL CASES

Article 2. Judicial and extra-judicial documents relating to civil, commercial, family or administrative cases and intended for persons resident in the territory of one of the two States shall be transmitted directly by the central authorities in accordance with the provisions of section I above.

The provisions of this article shall not preclude either State from transmitting directly and without the use of coercion, through its diplomatic or consular representatives, the judicial and extra-judicial documents intended for its nationals.

Article 3. Judicial and extra-judicial documents shall be transmitted in one copy.

The request for transmittal of a document must be accompanied by a covering letter prepared in duplicate and translated into the language of the State applied to, containing the essential elements of the document, in particular the identities of the parties, the designation of the document, the object of the proceeding, the amount at issue where necessary, the date and place of appearance and the time-limits referred to in the document.

Article 4. Questions relating to the service of judicial and extra-judicial documents shall be governed by the provisions of section I of The Hague Convention of 1 March 1954 relating to civil procedure.¹

Where a translation accompanies the documents to be served, the said translation may be prepared by an official translator of the applicant State.

Article 5. In civil, commercial, family or administrative cases, the judicial authorities of the two States may send each other applications for legal assistance for the purposes of bringing about the performance of such procedural acts and the taking of such judicial decisions as they consider necessary, with the exception of interim measures and documents relating to the enforcement of decisions.

A procedural act may be applied for in order to enable the parties concerned to obtain items of evidence for use in a future proceeding.

This provision shall be without prejudice to the option of having the application for legal assistance executed without use of coercion, through diplomatic or consular representatives.

Article 6. The application for legal assistance shall be transmitted through the central authorities in accordance with the provisions of section I above. Documents signifying the execution thereof shall be transmitted by the same route.

When the application for legal assistance is not executed, in whole or in part, the authority applied to shall so inform the applicant authority through the same channel, stating the reasons therefor.

Article 7. Applications for legal assistance and the documents annexed thereto must be prepared in the language of the applicant State and accompanied by a translation into the language of the State applied to.

They must, in particular, indicate the following:

(a) The applicant authority and, if possible, the authority applied to;

¹ United Nations, *Treaty Series*, vol. 286, p. 265.

- (b) The identities and addresses of the parties and, where necessary, their representatives;
- (c) The object of the proceeding;
- (d) The procedural acts or other judicial actions to be carried out;
- (e) The names and addresses of the persons to be interrogated;
- (f) The documents or other articles to be examined.

Article 8. The application for legal assistance shall be executed by the judicial authority applied to in accordance with its law, unless the applicant judicial authority has requested that the procedure should be carried out in accordance with a particular form.

The judicial authority applied to shall inform the applicant judicial authority, at the latter's request, of the place, date and hour of the execution of the application.

Article 9. The execution of an application for legal assistance shall take place without costs or charges for the services rendered by the judicial authorities applied to.

However, amounts payable to experts shall be paid by the applicant authority. The same shall apply to the costs incurred in connection with the application of a special form requested by the applicant authority.

SECTION III. ACCESS TO COURTS AND DEPOSIT OF SECURITY

Article 10. 1. Nationals of either State shall in the territory of the other State, under the same conditions as the latter's nationals, have free access to the judicial authorities for the assertion and defence of their rights and interests.

2. They shall enjoy in the territory of the other State the same legal protection as the latter affords to its own nationals.

3. The preceding paragraphs shall also apply to bodies corporate established, authorized or registered in accordance with the laws of either State.

Article 11. Nationals of either State may not in the territory of the other State be required to deposit security for legal costs or to make any other deposit by reason of their status as foreigners or of their actual residence in a third State.

The preceding paragraph shall also apply to bodies corporate established, authorized or registered in accordance with the laws of either State.

SECTION IV. PREFERENTIAL TREATMENT WITH REGARD TO COSTS

Article 12. 1. Nationals of either State shall enjoy in the territory of the other State the benefit of preferential treatment with regard to costs to the same extent as the latter State's own nationals, irrespective of their place of actual residence, even if that place is situated in a third State.

2. A person granted preferential treatment with regard to costs in his State of origin shall enjoy the same preferential treatment in the State applied to, without any new examination and to the extent provided for by the legislation of the latter State, in respect of the service of documents relating to his case, in respect of the execution of applications for legal assistance, except with regard to the

expenses and fees of experts, in respect of acts and procedures designed to secure recognition of a decision or to make it enforceable, as well as for acts and procedures relating to the execution of a decision declaring enforceability.

Article 13. Requests for preferential treatment with regard to costs and the documents submitted in support of such requests shall be prepared in the language of the applicant State and accompanied by a translation into the language of the State applied to. Costs incurred in connection with any such translation shall not be reimbursed.

Article 14. The competent authorities of the Contracting State which is requested to grant preferential treatment with regard to costs may communicate directly with the competent authorities of the other Contracting State for the purpose of obtaining information concerning the financial situation of the requestor.

Article 15. 1. Requests for preferential treatment with regard to costs, accompanied by the supporting documents necessary for their evaluation, shall be transmitted through the central authorities.

2. A party who wishes to secure recognition or enforcement in either State of a decision which has been rendered in the other State and in connection with which he has been granted preferential treatment with regard to costs may transmit his request through the central authorities.

SECTION V. PUBLIC DOCUMENTS

Article 16. Certified documents prepared in the territory of either State in accordance with its legislation shall in the territory of the other State have the same evidentiary force as corresponding documents prepared in the territory of the other State.

Article 17. 1. Public documents prepared by the judicial or administrative authorities of either State, as well as private documents bearing an official notation—such as those relating to civil registry, or to the certification of a date, a signature or textual conformity—shall be exempt from the requirement of legalization, certification or any other equivalent formality in the territory of the other State.

2. The said documents shall be so prepared as to make their authenticity apparent. They must, in particular, bear the signature and the official seal of the representative of the authority competent to issue them or translate them and, in the case of a copy, must be certified to conform to the original by the said authority. In the event of any doubt concerning the authenticity of a document, a request for information may be made through the central authorities.

SECTION VI. TRANSMITTAL OF CIVIL REGISTRY DATA

Article 18. 1. The two States shall automatically and without cost exchange extracts of all entries in the civil register that concern their nationals. Extracts of death certificates shall be transmitted without delay. Other extracts shall be transmitted in a group every six months.

2. Where an official request is made for administrative purposes or in behalf of persons who may enjoy preferential treatment with regard to costs, each State undertakes to transmit without cost to the other State, depending on the case, copies or extracts of any civil registry entry prepared in its territory

and relating to nationals of the applicant State, as well as copies of judicial decisions rendered in respect of civil registry information.

3. When requested by nationals of the two States who have an interest in the matter, the competent authorities in France and in Hungary shall, in accordance with their regulations, issue copies of judicial decisions rendered in respect of civil status.

4. The transmittal of civil registry entries shall be carried out through the diplomatic or consular channel. However, nationals of either State may also communicate directly with the competent authority of the other State.

5. The fact that a copy of or an extract from a civil register has been issued does not preclude the nationality of the person concerned.

SECTION VII. REQUESTS FOR INFORMATION. PROTECTION OF MINORS

Article 19. The central authorities of the two States shall, as part of legal assistance, ask each other for information in connection with civil or administrative procedures and shall upon request transmit to each other, free of charge, copies of judicial decisions, including, in particular, decisions relating to civil status and to the legal capacity of persons or their capacity for legal action.

Article 20. As part of the procedures relating to the custody or protection of minors, the central authorities of the two States:

- (a) Shall upon request transmit to each other any information relating to measures taken concerning the custody or protection of minors, the implementation of those measures and the material and moral situation of the said minor's environment;
- (b) Provide each other with assistance in conducting searches in their territory and for the voluntary return of minors who have disappeared from their residences, in cases in which the right of custody has been violated. Where the right of custody is in dispute, the central authorities shall, upon request or of their own motion, urgently submit the matter to their competent authority in order that the latter may take the necessary protective measures and rule on the request for the return of the minor. The authority to which the case is so submitted must rule with due regard to all the elements of the case, including the decisions and measures taken in the State of origin;
- (c) Co-operate in securing visitation rights for the parent who does not hold custody and in ensuring compliance with the conditions imposed by their respective authorities for the implementation and free exercise of such visitation rights, as well as with the commitments made by the parties with regard to it.

SECTION VIII. RECOGNITION AND EXECUTION OF DECISIONS AND ACCREDITED LEGAL DOCUMENTS

Article 21. 1. The provisions of this section shall apply to the recognition and execution of decisions rendered after the entry into force of this Convention by the judicial authorities of the two States in civil, family, commercial and administrative cases. Those authorities of each of the two States which are competent in family matters (status of children, guardianship and custody of minors) shall be assimilated to the said judicial authorities.

2. The provisions of this section shall also apply to decisions rendered by criminal courts with regard to compensation for damage and to the return of property.

Article 22. All decisions rendered in adversary and non-adversary proceedings by any court having its headquarters in France or in Hungary shall be recognized as having full legal validity in the territory of the other State.

For this purpose, they must satisfy the following conditions:

- (a) The judicial authority of the State in whose territory the decision was rendered was competent to judge the case in accordance with the laws concerning international competence which are in force in the State in whose territory enforcement of the decision is sought;
- (b) Under the law of the State in which the decision was rendered, an ordinary appeal can no longer be lodged against it;
- (c) The parties have been duly summoned, represented or declared to be in default;
- (d) The decision contains nothing contrary to the public policy of the State in which its recognition is sought;
- (e) No proceeding between the same parties, based on the same facts and having the same object, is pending before a judicial authority of the State first applied to by the party, or no final decision has been rendered in such a proceeding in the State applied to, or no decision has been rendered in such a proceeding in a third State which in the State applied to satisfies all the conditions on the basis of which the decision is to be recognized as having full legal validity.

Article 23. Recognition or enforcement may not be denied solely on the ground that the original judicial authority applied a law other than the law which would have been applicable under the rules of international private law of the State applied to, except with regard to the civil status or legal capacity of such persons.

Article 24. 1. Decisions rendered in either State and enforceable there—provided that they have been recognized in accordance with the provisions of article 22—shall be enforced in the State applied to in accordance with its internal rules of procedure.

2. Enforceability may also be declared in respect of individual parts of the decision whose recognition is sought.

Article 25. 1. A party to a proceeding who seeks recognition of a judicial decision or who requests enforcement thereof must submit the following documents:

- (a) A copy of the decision which meets the conditions necessary for authenticity;
- (b) The original certificate of service of the decision, or the original of any other document that may be used instead of the certificate of service;
- (c) A certificate from the competent authority attesting that an ordinary appeal can no longer be lodged against the decision;
- (d) Where necessary, a copy, certified correct by the competent authority, of the summons issued to the party that was in default at first instance, and all

documents that may serve to establish that such summons was received in good time by the person concerned.

2. The documents referred to in paragraph 1 must be accompanied by a certified translation.

Article 26. 1. Certified legal documents, including in particular notarized documents and documents authenticated by the courts, which are enforceable in either State shall be declared enforceable in the other State in accordance with its internal law by the competent authority. The same shall apply to compromise settlements concluded or approved before a court or competent authority of either State.

2. The said authority shall examine only the question whether the documents meet the requirements for authenticity in the State in which they were prepared and whether the provisions whose enforcement is sought are not contrary to the public policy of the State in which enforcement is requested.

Article 27. The enforcement of decisions relating to the costs of proceedings shall be ensured in accordance with the provisions of articles 18 and 19 of The Hague Convention of 1 March 1954 relating to civil procedure.

The request for enforcement submitted in pursuance of this article may be made directly by the party concerned or may be transmitted through the central authorities referred to in article 1.

Article 28. Arbitral awards rendered in either State shall be recognized and enforced in the other State in accordance with the provisions of the New York Convention of 10 June 1958 on the recognition and enforcement of foreign arbitral awards.¹

SECTION IX. JUDICIAL ASSISTANCE IN CRIMINAL CASES

Article 29. The two States undertake to provide each other with legal assistance in cases relating to serious offences [*crimes, büntettek*] or correctional offences [*délits, vétségek*] under the conditions provided for by this section.

Article 30. 1. In criminal cases, request for legal assistance shall be addressed:

—On the one hand, by the Ministry of Justice of the French Republic to the Ministry of Justice of the Hungarian People's Republic;

—On the other hand, by the Ministry of Justice or the Office of the Procurator-General of the Hungarian People's Republic to the Ministry of Justice of the French Republic.

2. Documents relating to execution shall be transmitted by the same route.

Article 31. Applications for legal assistance and documents relating to execution shall be prepared in the language of the applicant State and shall be accompanied by a certified translation into the language of the State applied to.

Article 32. 1. Applications for legal assistance and the documents accompanying them shall bear the signature and seal of the competent authority or be authenticated by the said authority. Legalization of the documents referred to shall not be required.

¹ United Nations, *Treaty Series*, vol. 330, p. 3.

2. The form of applications for legal assistance shall be determined by the law of the applicant State.

Article 33. 1. Applications for legal assistance shall contain the following information:

- A brief description of the case;
- The authority submitting the application;
- The authority applied to;
- The designation of the offence;
- The personal data of the person accused, including his family name and given name, his date and place of birth, his place of domicile or residence, his nationality and his occupation, in so far as the said information is available.

2. In addition, the following information must be transmitted:

(a) In the case of a request for service of documents:

- The designation of the document or decision;
- The name and address of the addressee;
- The status of the addressee in the dispute;

(b) In the case of an application for legal assistance, all necessary information concerning the facts of the case and concerning the task entrusted to the authority applied to, in particular the names and addresses of the witnesses and the questions which are to be put to them.

Article 34. Legal assistance in criminal cases shall include:

- The delivery or service of documents;
- The interrogation of the accused person;
- The hearing of witnesses or experts, the search of premises, the seizure of property, the transmittal of items of physical evidence and any other investigative action.

Article 35. 1. Applications for legal assistance shall be executed in accordance with the law of the State applied to.

2. Notification or service of documents shall be regarded as having been duly effected if it is confirmed either by a receipt dated and signed by the addressee or by an authenticated document issued by the competent authority mentioning the fact, method and date of delivery.

Article 36. If the State applied to is unable to execute the application for legal assistance, it shall so inform the applicant State without delay, stating the reasons why execution has not taken place and returning the documents which have been transmitted to it.

Article 37. The State applied to shall not ask for any reimbursement of the costs incurred as a result of legal assistance in implementation of this section, except with regard to the expenses and fees of experts.

Article 38. 1. A witness or expert, irrespective of his nationality, who, in response to a summons, voluntarily appears before the judicial authorities of the applicant State may not be prosecuted, detained or subjected to any restric-

tion of his individual freedom in that State by reason of any acts or convictions prior to his entry into the territory of the applicant State.

2. Any person, irrespective of his nationality, who is summoned or cited before the judicial authorities of the applicant State in order to respond before them in respect of acts for which he has been prosecuted may not be prosecuted, detained or subjected to any restriction of his individual freedom in that State by reason of any acts or convictions prior to his entry into the territory of the applicant State which are not referred to in the summons or citation.

3. Such immunity shall cease if the witness or expert or the prosecuted person, having had the opportunity to quit the territory of the applicant State for an uninterrupted period of 15 days after his presence was no longer required by the judicial authorities, has nevertheless remained in that territory or has returned thereto after quitting it.

Article 39. Any citation issued in either Contracting State and relating to a person who is in the territory of the other Contracting State must be transmitted to the authorities of the said other State for the purpose of service at least 30 days before the date marked on the said citation.

Article 40. 1. A witness or expert shall be entitled to reimbursement of his travel and subsistence expenses, as well as to a fee, which shall be payable by the applicant State. The expenses of his stay and the fee shall be at least equal to those provided for in accordance with the rates and regulations in force in the State in which the hearing is to take place.

2. If the witness or expert so requests, all or part of his travel and subsistence expenses shall be advanced to him through the diplomatic mission or consular post of the applicant State.

Article 41. 1. The Contracting States shall inform each other of criminal convictions which have been pronounced by the judicial authorities of one State upon nationals of the other State and which in the territory of the first-mentioned State constitute grounds for entering the names of such nationals in the criminal records.

2. Such notifications shall be sent every six months by the Ministries of Justice of the two States.

Article 42. The Contracting States shall, at the request of their judicial authorities, transmit to each other extracts from the criminal records, in accordance with the legislation of the State applied to. Such extracts shall show only those sentences which were pronounced after the entry into force of this Convention.

Article 43. 1. Either Contracting State may, for the purpose of conducting a criminal proceeding, notify the other State of any offences committed in its territory by nationals of the said other State.

2. For this purpose the records, information and articles relating to the offence shall be transmitted to the State applied to; such information shall relate *inter alia* to the legislation in force at the place where the offence was committed, and more particularly, in the event of a road traffic offence, to the traffic regulations in force at the said place.

3. The State applied to shall undertake to place the case in the hands of its prosecutorial authorities, in accordance with its legislation, to report the actions taken as a result and to transmit a copy of the decision rendered.

Article 44. Legal assistance shall not be granted if:

- (a) The offence in respect of which it is applied for is regarded by the State applied to as a political offence or as an offence connected with a political offence;
- (b) The offence giving rise to the application for legal assistance is regarded by the State applied to as a military offence which does not constitute an offence under ordinary law;
- (c) The offence by reason of which the legal assistance is applied for is regarded by the State applied to as an offence relating to taxes and charges, customs duties or foreign currency;
- (d) Without prejudice to the provisions of article 1, paragraph 4, the State applied to finds that the execution of the application for legal assistance is such as to damage its sovereignty or security.

Article 45. The Ministries of Justice of the Contracting States shall, upon request, transmit to each other information relating to their legislation.

SECTION X. EXTRADITION

Article 46. The Contracting States undertake to deliver to each other, at the request of the judicial authorities, in accordance with the rules and subject to the conditions specified in the following articles, any persons who, being in the territory of either State, are prosecuted or have been convicted by those authorities.

Article 47. 1. Extradition shall be granted only if the act constituting the object of the requisition for extradition constitutes an offence under the provisions of the legislation of both States.

2. Accordingly, the following shall constitute grounds for extradition:

- (a) An act which, in accordance with the laws of the Contracting States, is punishable by deprivation of freedom for a maximum term of at least two years or by a more severe penalty;
- (b) Sentences pronounced by the courts of the applicant State in respect of the acts referred to in subparagraph (a) if the duration of the penalty to be served is at least six months.

Article 48. Extradition shall not be granted if:

- (a) The person whose extradition is requested was a national of the State applied to at the time when the offence was committed;
- (b) The act was committed in the territory of the State applied to;
- (c) The act in respect of which extradition is requested was committed in the territory of a third State and the legislation of the State applied to does not provide for prosecution in respect of such an act if it was committed outside its territory or if it is not punishable in accordance with the law of the State applied to;

- (d) Under the legislation of both Contracting States, criminal prosecution may not be undertaken without a prior complaint lodged by the injured person;
- (e) In accordance with the legislation of the applicant State or the State applied to, the offence in respect of which extradition is requested has been amnestied or prescription of the prosecution or penalty has taken effect at the time when the requisition is received;
- (f) A final judgment has been pronounced for the same act by the judicial authorities of the State applied to against the person whose extradition is requested.

Article 49. Extradition shall not be granted if:

- (a) The offence in respect of which it is requested is regarded by the State applied to as a political offence or as an offence connected with a political offence, or if it is found from the circumstances that extradition is being requested for political reasons;
- (b) The offence in respect of which it is requested is regarded by the State applied to as a military offence which does not constitute an offence under ordinary law;
- (c) The offence in respect of which it is requested is regarded by the State applied to as an offence relating to taxes and charges, customs duties or foreign currency.

Article 50. Extradition may be denied if prosecution has been undertaken by the judicial authorities of the State applied to, in respect of the same act, against the person whose extradition is requested.

Article 51. An extradited person may not be prosecuted or judged for an offence other than the one in respect of which his extradition was obtained, may not be subjected to the execution of any penalty other than the one in respect of which his extradition was obtained and may not be delivered to a third State, except:

- (a) Where the State applied to has agreed in advance to do so;
- (b) Where, having had an opportunity to do so, the person has not, during the 30 days following his final release, left the territory of the applicant State or has returned thereto voluntarily after leaving it. Such period shall not include any time during which the extradited person was unable, for reasons beyond his control, to leave the said territory.

Article 52. If the designation of the criminal act is changed during the proceedings, the extradited individual shall not be prosecuted or judged except to the extent to which the constituent elements of the offence, as newly designated, would justify extradition.

Article 53. Communications relating to extradition shall take place through the diplomatic channel.

Article 54. 1. The requisition for the extradition of a prosecuted person shall be accompanied by the original or an authenticated copy of a warrant for arrest or of any other document having the same force and prepared in the form prescribed by the law of the applicant State. The document must indicate the circumstances under which the offence was committed, the date and place at which it was committed, the legal designation of the offence and the references

to the legal provisions applicable thereto, and also, if the offence has caused material damage, all possible information concerning its nature and magnitude.

2. The requisition for the extradition of a person who has been sentenced shall be accompanied by the original or an authenticated copy of the judgement which has become final. If the person sentenced has already served part of his sentence, details relating to that fact must be supplied.

3. In either case, the requisition shall be accompanied by the text of the legal provisions applicable to the offence and, where possible, by the description of the person and his photograph, as well as any indication that may serve to establish his identity and nationality.

4. The State applied to may ask the applicant State to provide it with additional information if the information already furnished for the application of the preceding paragraphs appears to be incomplete or insufficient.

Article 55. 1. In urgent cases and upon the request of the competent authorities of the applicant State, the State applied to may, in accordance with its legislation, provisionally arrest the person claimed, pending the receipt of the requisition for extradition and of the documents referred to in article 54.

2. The request for provisional arrest shall be transmitted either directly by post or telegraph or by any other means which leaves a written trace. It must mention the existence of one of the documents referred to in article 54 and must state that the requisition for extradition will be sent as soon as possible. It must mention the offence in respect of which the extradition is requested, the time and place at which it was committed and as precise a description as possible of the person claimed. The applicant authority shall be informed without delay of the action taken in response to its request.

Article 56. 1. The State applied to may terminate the provisional arrest if, within 30 days after the arrest, it has not received the requisition for extradition and the documents referred to in article 54.

At the request of the applicant State, the time-limit referred to may be extended to 45 days if special circumstances so require.

However, provisional release may be ordered at any time, but the State applied to must take all such measures as it deems necessary to prevent the flight of the person claimed.

2. Such release shall be without prejudice to a new arrest and to extradition if the requisition for extradition arrives after the expiry of the time-limits referred to in paragraph 1 of this article.

Article 57. 1. The State applied to shall inform the applicant State of its decision concerning the extradition.

2. If extradition is granted, the applicant State shall be informed of the place and date of delivery and of the duration of the period during which the person claimed has been detained with a view to extradition.

3. If the representative of the applicant State, by reason of exceptional circumstances, does not appear at the time and place indicated for delivery to him of the person whose extradition has been granted and if no postponement has been requested, the arrested person shall be released within a period of five

days. If a postponement has been requested, such period may be extended to 15 days.

If the person claimed has not been received under the above-mentioned conditions, the State applied to may, in the event of a new requisition, refuse to extradite him for the same act.

4. If extradition is denied, the State applied to shall inform the applicant State of the reason for its decision.

Article 58. 1. The State applied to may postpone the delivery of a person who is being prosecuted in its territory, or who has there been sentenced to a penalty of deprivation of freedom, for an offence other than the one constituting grounds for the extradition.

2. In the event of a postponement, the delivery of the person may not take place until after judgement has been pronounced and, in the event of conviction, until after the sentence has been served.

3. If postponement of delivery may result in prescription of the action in the applicant State or may seriously impede the course of judicial proceedings, the State applied to may temporarily deliver the person claimed. The person delivered shall be returned to the State applied to after the procedural acts for which extradition was granted have been completed.

Article 59. 1. If extradition is requested simultaneously by several States, either for the same act or for different acts, the State applied to shall make its decision freely, giving due regard to all circumstances, and in particular to the possibility of subsequent extradition between the applicant States, the respective dates of the requisitions, the relative seriousness of the offences and the places where they were committed.

2. In the case referred to in the preceding paragraph, the State applied to may, when granting extradition, authorize the applicant State to deliver the extradited person to the third State which has concurrently applied for his extradition.

Article 60. If the extradited person escapes prosecution or the execution of the sentence and returns to the territory of the State applied to, he may be re-extradited.

Article 61. 1. At the request of the applicant State, the State applied to shall, under the conditions provided for by its legislation, seize and deliver any articles:

- (a) Which may serve as evidence;
- (b) Which, having been obtained as a result of the commission of the offence, have been found before or after the delivery of the extradited person;
- (c) Which have been acquired in exchange for articles acquired as a result of the commission of the attempts.

Such delivery shall take place even if extradition cannot be carried out by reason of the escape or death of the person claimed.

2. A receipt shall be given for the articles delivered.

3. If the articles claimed are needed by the State applied to, they may be provisionally retained or may be delivered to the applicant State subject to their subsequent return.

4. The rights of the State applied to or of third parties to the said articles are reserved. The articles to which such rights exist shall be returned to the State applied to as quickly as possible and free of charge.

Article 62. 1. Each Contracting State shall, at the request of the other State, grant the right of transit through its territory of a person delivered to the latter by a third State. In support of such request, there shall be produced, depending on the case, the documents referred to either in article 54, paragraph 1, or in article 54, paragraph 2; in either case, the request shall be accompanied by the text of the legal provisions applicable to the offence and, where possible, the description of the person and his photograph, as well as any indication that may serve to establish his identity and nationality.

2. In the case of air transport, the following provisions shall apply:

(a) If no provision for a landing is made, the applicant State shall notify the States whose territory is overflowed and shall affirm the existence of one of the documents referred to in article 54, paragraphs 1 and 2; it shall also affirm that the provisions of the Convention do not constitute an obstacle to the transit, and in particular the fact that the person to be transferred is not a national of the State whose territory is being overflowed.

In the case of an unexpected landing, such notification shall have the same effect as the request for provisional arrest referred to in article 55, and the applicant State shall transmit a regular request for transit;

(b) If provision for a landing is made, the applicant State shall transmit a regular request for transit.

3. The State requested to grant the right of transit shall not be required to authorize such transit if the person concerned is one whose extradition it has applied for or intends to apply for.

Article 63. 1. Costs incurred in connection with extradition in the territory of the State applied to shall be borne by that State. However, the cost of a transfer by air shall be borne by the applicant State.

2. Costs incurred in connection with transit in the territory of the State requested to grant the right of transit shall be borne by the applicant State.

Article 64. The requisition for extradition and the request for transit, as well as the documents annexed thereto, shall be prepared in the language of the applicant State and shall be accompanied by a certified translation into the language of the State to which they are addressed.

Article 65. The Contracting States shall inform each other of the result of the prosecution undertaken against the extradited person. If a final judgement has been pronounced against that person, a copy of that judgement shall also be transmitted.

SECTION XI. FINAL PROVISIONS

Article 66. 1. This Convention shall be ratified. The instruments of ratification shall be exchanged at Paris as soon as possible. The Convention shall enter into force on the first day of the second month following the date of the exchange of the instruments of ratification.

2. This Convention is concluded for an indefinite period. Either State may denounce it at any time by sending a notice of denunciation in writing to the other through the diplomatic channel; in such case the denunciation shall take effect one year after the date of receipt of the said notice.

Article 67. From the time of its entry into force, this Convention shall replace and abrogate:

- (a) The Convention signed at Paris on 13 November 1855 relating to the reciprocal extradition of criminals;¹
- (b) The additional Convention signed at Paris on 12 February 1869 supplementing the Convention of 13 November 1855;²
- (c) The Convention of 7 April 1933 concerning judicial protection and legal assistance;³
- (d) The Agreement of 1937 relating to the exchange of extracts from civil status records;⁴
- (e) The Agreement signed at Paris on 19 March 1968 to facilitate the application of The Hague Convention of 1 March 1954 relating to civil procedure.⁵

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

DONE at Budapest on 31 July 1980, in duplicate, in the French and Hungarian languages, both texts being equally authentic.

For the President
of the French Republic:

[Signed]

JEAN FRANÇOIS-PONCET
Minister for Foreign Affairs

For the Presidential Council
of the Hungarian People's Republic:

[Signed]

PUJA FRIGYES
Minister for Foreign Affairs

¹ British and Foreign States Papers, 1866, vol. XCVIII, p. 850.

² *Ibid.*, 1874, vol. CIX, p. 469.

³ League of Nations, *Treaty Series*, vol. CLXII, p. 463.

⁴ *Ibid.*, vol. CLXXXV, p. 257.

⁵ United Nations, *Treaty Series*, vol. 670, p. 209.