

No. 22314

**GREECE
and
POLAND**

Convention concerning legal assistance in civil and criminal matters. Signed at Athens on 24 October 1979

Authentic texts: Greek, Polish and French.

Registered by Greece on 23 August 1983.

**GRÈCE
et
POLOGNE**

Convention relative à l'entraide judiciaire en matières civile et pénale. Signée à Athènes le 24 octobre 1979

Textes authentiques : grec, polonais et français.

Enregistrée par la Grèce le 23 août 1983.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE HELLENIC REPUBLIC AND THE
POLISH PEOPLE'S REPUBLIC CONCERNING LEGAL ASSIS-
TANCE IN CIVIL AND CRIMINAL MATTERS

The President of the Hellenic Republic and the Council of State of the Polish People's Republic, desiring to strengthen the close and lasting friendship between the two countries and to demonstrate their interest in co-operation in the legal sphere, have decided to conclude a Convention concerning legal assistance in civil and criminal matters and have, for that purpose, appointed as their plenipotentiaries:
The President of the Hellenic Republic:

Mr. Georges Stamatis, Minister of Justice of the Hellenic Republic;

The Council of State of the Polish People's Republic:

Professor Jerzy Bafia, Minister of Justice of the Polish People's Republic,
who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I. GENERAL PROVISIONS

Article 1. SCOPE OF LEGAL ASSISTANCE

1. Nationals of either Contracting Party shall enjoy in the territory of the other Contracting Party the same protection in respect of their personal and property rights as the latter Contracting Party accords to its own nationals.

2. Nationals of either Contracting Party shall have free access to the courts and other authorities of the other Contracting Party which are competent in civil and criminal matters. They may appear before those authorities to defend their rights, present petitions and institute proceedings under the same conditions as nationals of the latter Party.

3. The provisions of paragraphs 1 and 2 shall apply *mutatis mutandis* to bodies corporate of the two Contracting Parties.

Article 2. METHOD OF COMMUNICATION

1. In the matters to which this Convention relates, the Ministry of Justice of the Hellenic Republic and the Ministry of Justice or the Office of the Procurator General of the Polish People's Republic shall, save as otherwise provided in this Convention, communicate with one another direct.

2. The courts and other authorities of the Contracting Parties which are competent in civil and criminal matters shall communicate with one another through the Ministry of Justice of the Hellenic Republic and the Ministry of Justice or the Office of the Procurator General of the Polish People's Republic.

¹ Came into force on 23 December 1981, i.e., the thirtieth day following the date of the exchange of the instruments of ratification, which took place at Warsaw on 23 November 1981, in accordance with article 55 (1).

Article 3. OFFICIAL LANGUAGES

Documents transmitted in the matters to which this Convention relates shall be drawn up in the language of the applicant Party and shall be accompanied by a translation into the language of the Party applied to or the French language.

Article 4. INFORMATION ON LAW

The Ministry of Justice of the Hellenic Republic and the Ministry of Justice of the Polish People's Republic, as well as the Offices of the Procurators General of the two Contracting Parties, shall inform each other on request concerning the law in force in their respective States, the interpretation of legislative provisions by the competent authorities of the Contracting Parties, the most important legislative acts and, where necessary, specific legal questions.

Article 5

For the purposes of this Convention, the expression "in civil matters" also includes questions relating to commercial law and to family law.

CHAPTER II. LEGAL ASSISTANCE

Article 6. PROVISION OF LEGAL ASSISTANCE

1. The Contracting Parties undertake to provide each other with legal assistance in civil and criminal matters.
2. Legal assistance may be provided through the performance of specific procedural acts, including the transmittal of documents, the conduct of searches, the seizure and delivery of evidence, the conduct of expert examinations, the interrogation of accused persons and defendants, the interrogation of litigants, witnesses and experts and the conduct of judicial inspections *in situ*.

Article 7. OBJECT AND FORM OF APPLICATION FOR LEGAL ASSISTANCE

1. An application for legal assistance must include: (a) the titles of the applicant authorities and of the authorities applied to; (b) the case to which the application for legal assistance relates; (c) the family names and given names of the parties, accused persons, defendants or convicted persons, their place of domicile or residence, nationality and occupation and, in criminal matters, in so far as possible, the place and date of birth of the accused persons, defendants or convicted persons and the given names of their parents; (d) the family names, given names and addresses of legal representatives; (e) the object of the application for legal assistance and the information necessary for its execution and, in criminal matters, the specification of the offence.
2. Applications for legal assistance and documents annexed thereto must be signed and sealed with the seal of the authority which issued them.

Article 8. EXECUTION OF APPLICATIONS FOR LEGAL ASSISTANCE

1. In executing an application for legal assistance, the authority applied to shall follow the law of its own State. However, the authority applied to may, at the request of the applicant Contracting Party, apply the procedural regulations of the other Contracting Party, provided that it does not conflict with the law of the Party applied to.

2. If the authority applied to is not competent to execute the application for legal assistance, it shall transmit the application to the competent authority of the Party applied to and shall notify the applicant authority accordingly.

3. The authority applied to shall, at the request of the applicant authority, notify the latter of the time and place at which the application was executed.

4. The authority applied to shall, after executing the application for legal assistance, return the documents to the applicant authority or shall inform it of the obstacles to the execution of the application.

Article 9. WITNESSES AND EXPERTS

1. If, in the course of proceedings before a court or other authority of either Contracting Party, need arises for the appearance of a witness or an expert resident in the territory of the other Contracting Party, application for service of a summons may be made to the court or other competent authority of the latter Party.

2. In the case referred to in paragraph 1, the summons shall contain no threat of a fine or other measure of constraint in the event of failure to appear.

3. The costs of the witness's or expert's travel and stay, as well as the payment of compensation to the witness or expert, shall be borne by the applicant Party.

4. A witness or expert who appears before an authority of the applicant Contracting Party in response to a summons served by an authority of the Party applied to may not be arrested, prosecuted or punished for an offence committed before he crossed the frontier of the applicant Party.

5. The witness or expert shall forfeit the privilege referred to in paragraph 4 if he does not quit the territory of the applicant Party before the expiry of a period of 15 days counted from the date on which the authority which heard his testimony informs him that his presence is no longer required. Such period shall not be deemed to include any time during which the witness or expert has been unable, though no fault of his own, to quit the territory of the applicant Party.

Article 10. SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall comply with the legal provisions governing the matter in its own State, provided that the documents to be served are drawn up in the language of the Party applied to or are accompanied by a certified correct translation into the language of that Party. Otherwise the authority applied to shall serve the document upon the addressee only if the latter is willing to accept it.

2. The application for legal assistance must indicate the exact address of the addressee and the nature of the document to be served.

3. If the documents cannot be served at the address indicated in the application for legal assistance, the authority applied to shall take the necessary steps to determine the exact address. If the address cannot be determined, the authority applied to shall so inform the applicant authority and shall return to it the documents it had been asked to serve.

Article 11. CONFIRMATION OF SERVICE OF DOCUMENTS

The service of documents shall be confirmed in accordance with the provisions concerning service which are in force in the territory of the Party applied to. Such confirmation must specify the date and place of service.

Article 12. COSTS OF LEGAL ASSISTANCE

1. The Contracting Party applied to shall bear all costs incurred in its territory in providing legal assistance and shall not make any claim for reimbursement of such costs.

2. The authority applied to shall inform the applicant authority of the amount of the costs incurred. If the applicant authority recovers such costs from the person liable therefor, the sums recovered shall be retained by the applicant Party.

Article 13. DENIAL OF LEGAL ASSISTANCE

1. The performance of acts as part of legal assistance may be denied if such performance might be prejudicial to the sovereignty, security or public policy (*ordre public*) of the Contracting Party applied to.

2. In criminal matters, legal assistance may also be denied if, in the view of the Party applied to, the act, on which the application for legal assistance is based, is a political or military offence.

CHAPTER III. DOCUMENTS

Article 14. TRANSMITTAL OF EXTRACTS FROM THE CIVIL REGISTER

At the request of the courts and other competent authorities of either Contracting Party, the other Contracting Party shall transmit to them, free of taxes and charges, extracts from the civil register and other documents relating thereto concerning nationals of the Party making the request.

Article 15. LEGALIZATION AND EVIDENTIARY VALUE OF DOCUMENTS

1. Documents and copies or extracts therefrom which are drawn up, issued or certified correct by a competent authority in the territory of either Contracting Party and bear its official seal shall not require legalization in order to be valid in the territory of the other Party.

2. Official documents drawn up in the territory of either Contracting Party shall have the evidentiary value of official documents in the territory of the other Party.

CHAPTER IV. EXEMPTION FROM THE DEPOSIT OF SECURITY COSTS OF PROCEEDINGS AND FREE LEGAL ASSISTANCE IN CIVIL MATTERS

Article 16

Nationals of either Contracting Party who are domiciled or resident in the territory of a Contracting Party and appear before the courts of the other Contracting Party shall not be required to deposit security for the cost of proceedings solely on the ground that they are aliens or that they are not domiciled or resident in the territory of the Party before whose court they are appearing.

Article 17

1. Nationals of either Contracting Party shall be entitled in the territory of the other Contracting Party to exemption from the payment of court costs and to free legal representation under the same conditions and to the same extent as nationals of that Contracting Party.

2. Exemption from the payment of court costs and free legal representation shall extend to all acts forming part of the proceedings, including enforcement actions.

3. Nationals who, in conformity with the legal provisions of one of the Contracting Parties, have been exempted from the payment of court costs in connection with a proceeding shall also be exempt from the payment of such costs in connection with acts which are performed in the same case in the territory of the other Party.

Article 18

1. Certificates relating to personal, family and property status shall be issued by the competent authorities of the Contracting Party in whose territory the person applying for exemption from the payment of court costs is domiciled or resident.

2. If the person concerned is not domiciled or resident in the territory of either Contracting Party, the diplomatic mission or a consular post of the State of which the said person is a national may issue the certificate in question.

3. The court ruling on exemption from the payment of court costs may, following the procedure referred to in article 2 of this Convention, request additional information from the authority which issued the certificate.

Article 19

A national of either Contracting Party may make an oral application, to be taken down in writing in the record of the court competent by reason of his place of domicile or residence, for exemption from the payments of court costs or for the appointment of a legal representative in a proceeding before a court of the other Party. The competent court shall, in accordance with the procedure referred to in article 2 of this Convention, transmit its records to the court of the other Party, together with the certificate referred to in article 18 of this Convention and with the other documents annexed by the person making the application.

Article 20

1. Where the court of a Contracting Party before which proceedings have been instituted requires the payment of court costs or charges from a person domiciled in the territory of the other Contracting Party, the time-limit specified for payment may not be less than two months.

2. Where the court of either Contracting Party fixes a time-limit for the performance of a specific procedural act by a person domiciled in the territory of the other Contracting Party, the time-limit shall begin to run on the date of the postmark of the Contracting Party from whose territory the document certifying the performance of the act is sent.

CHAPTER V. RECOGNITION AND ENFORCEMENT OF DECISIONS IN CIVIL MATTERS

Article 21

1. Final judgements of courts of either Contracting Party in civil cases not relating to property shall be recognized in the territory of the other Contracting Party, provided that they are not contrary to this Convention. This provision is also applicable to judgements rendered before the entry into force of this Convention.

2. A declaration of the enforceability of final judgements rendered in the territory of one of the Contracting Parties in civil cases relating to property relations may be issued in the territory of the other Party if they were rendered after the entry into force of this Convention. The same shall apply to judgements relating to civil actions in connection with criminal matters.

Article 22

Applications for the recognition, or for a declaration of the enforceability, of a judgement must be submitted to the court before which the proceedings were instituted in the first instance or to the competent court of the other Party. In the former case, the court shall transmit the application to the competent court of the other Party in accordance with the procedure referred to in article 2 of this Convention.

Article 23

1. The application for recognition or for a declaration of enforceability must be accompanied by the following:

- (a) A certified correct copy of the judgement together with a statement of grounds and with an official document attesting that the decision has become final, unless that fact is evident from the content of the judgement;
- (b) A document attesting that the defendant who did not participate in the proceedings, or his representative, had been summoned at least once, in good time and in accordance with the legal procedure;
- (c) A certified correct translation of the documents referred to in subparagraphs (a) and (b) into one of the languages referred to in article 3 of this Convention.

2. The application for a declaration of enforceability may be accompanied by an application for enforcement.

Article 24

In ruling on the recognition, or on a declaration of the enforceability, of a decision, the court may, if necessary, require the applicant to furnish clarification or to furnish additional information needed to complete the application. The court may also interrogate the defendant concerning the content of the application and may request information from the court which rendered the judgement.

Article 25

The defendant may not lodge an objection with the court ruling on a declaration of enforceability, either with regard to the admissibility of the application for a declaration of enforceability or with regard to the claims adjudicated by the court, unless the law of the Contracting Party in whose territory the judgement was rendered provides for such an objection.

Article 26. DENIAL OF RECOGNITION OR OF A DECLARATION OF ENFORCEABILITY

Recognition of a declaration of enforceability may be denied in the following cases:

- (a) If the defendant or the person required by the judgement to satisfy a claim did not participate in the judicial proceeding by reason of the fact that he was not summoned, or his representatives were not summoned, in good time and in accordance with the legal procedure;

- (b) If the judgement is contrary to a previous judgement which has become final and which was rendered in the same case between the same Parties by a court of the Contracting Party in whose territory the judgement is to be recognized or enforced;
- (c) If the judgement is contrary to the public policy (*ordre public*) of the Contracting Party in whose territory that judgement is to be recognized or enforced;
- (d) If, according to the law of the Contracting Party in whose territory the judgement is to be recognized or enforced, a court of the latter Party has exclusive competence to judge the matter.

Article 27

The provisions of article 21, subparagraph 2, and of articles 22 to 26 of this Convention shall also apply to judicial settlements.

SPECIAL CASES OF ENFORCEMENT OF JUDGEMENTS RELATING TO COSTS

Article 28

1. Where persons exempt from the obligation to deposit security for the costs of proceedings by virtue of article 16 of this Convention have been ordered, by the judgement closing the proceedings, to pay such costs, the competent court of the Contracting Party in whose territory the costs are to be recovered shall rule, in conformity with its own law and free of charge, concerning the enforcement.

2. The costs of proceedings shall be deemed to include the costs incurred in providing certificates attesting that the judgement has become final and enforceable, as well as the costs of translation of the required documents. The said costs shall, upon request, be fixed by the court which rules on the declaration of enforceability.

Article 29

1. Applications for a declaration of the enforceability of a judgement relating to the costs of proceedings shall be submitted, in accordance with the procedure referred to in article 22 of this Convention, by the person to whom the costs have been adjudicated.

2. The application must be accompanied by the judgement adjudicating costs, together with a certificate attesting that it has become final and enforceable, as well as by a certified correct translation into one of the languages referred to in article 3 of this Convention.

3. The application for a declaration of enforceability of the judgement relating to costs may be accompanied by an application for enforcement.

Article 30

1. The court of the Contracting Party applied to shall consider the application for a declaration of enforceability of the judgement relating to costs without hearing the Parties and shall confine itself to verifying whether the judgement has become final and enforceable.

2. An application for enforced collection of costs may not be rejected solely on the ground that the applicant has not deposited security in connection with the costs of such collection.

Article 31

1. If a national of either Contracting Party is ordered to pay costs due to a court of the other Contracting Party, the said court shall submit a request for recovery of the said costs to the competent court of the Contracting Party in whose territory the debtor is domiciled. The court before which the proceedings are brought shall take steps for enforced collection in accordance with its own law and without exacting any charges.

2. The request must be accompanied by the documents referred to in article 29, paragraph 2, of this Convention. The provisions of article 30 shall also apply in such case.

CHAPTER VI. EXTRADITION AND CONVEYANCE IN TRANSIT

Article 32. OBLIGATION TO EXTRADITE

1. The Contracting Parties undertake, in conformity with the provisions of this Convention, to extradite to each other on request persons in their territory whose presence is required for the purpose of prosecution or execution of a sentence.

2. Extradition for the purpose of prosecution shall be admissible only in respect of offences which are punishable under the law of both Contracting States by deprivation of liberty for a period whose maximum limit is at least one year or by a heavier penalty.

3. Extradition for the purpose of execution of a sentence shall be admissible only in respect of offences which are punishable under the law of both Contracting Parties and only when the person concerned has been sentenced to deprivation of liberty for a period of more than one year or to a more severe penalty.

4. If the offence giving rise to the requisition for extradition is punishable by death under the law of the applicant Party and the death penalty is not provided for by the law of the Party applied to, extradition may be granted on condition that the death penalty shall not be imposed or carried out in the territory of the applicant Party.

5. If the requisition for extradition relates to several distinct offences each of which is punishable under the law of both Contracting Parties by a penalty of deprivation of liberty but some of which do not meet the condition referred to in paragraphs 2 and 3, the Party applied to may, at its own discretion, also grant extradition in respect of the latter offences.

Article 33. DENIAL OF EXTRADITION

1. Extradition in response to a requisition shall not take place in the following cases:

- (a) If the person whose extradition is requested is a national of the Party applied to or has been granted asylum in its territory;
- (b) If, under the law of the Party applied to, the accusation relates to a political or military offence, or if prosecution is inadmissible or the judgement cannot be executed by reason of lapse of time or other legal circumstance;
- (c) If the person whose extradition is requested has been convicted in the territory of the Party applied to by a judgement which has become final in connection with the same offence, or if prosecution against him has been dismissed;

(d) If the offence in respect of which extradition is requested is, under the law of both Contracting Parties, prosecutable only upon complaint by the injured person;

(e) If the offence was committed in the territory of the Party applied to.

2. The Party applied to may, in addition, deny extradition if it is requested by reason of an offence committed in the territory of a third State and a judgement has already been rendered in that State.

Article 34. REQUISITION FOR EXTRADITION

1. A requisition for extradition must be accompanied by a certified correct copy of the judgement which has become final and the complete text of the legal provision which gives the specification of the offence. If the convicted person has already served part of the sentence, that fact must be specified.

2. The requisition for extradition for the purpose of prosecution must be accompanied by a certified correct copy of the judgement requiring provisional detention, a description of the circumstances and the text of the legal provision which gives the specification of the offence. If the offence has caused material damage, the amount of that damage must be stated.

3. The requisition must be accompanied, where possible, by a description of the person whose extradition is being requested, by information concerning his identity, personal status, nationality and domicile and by his photograph and fingerprints.

4. The Contracting Party submitting the requisition for extradition shall not be required to annex to it the evidence relating to the act committed by the person whose extradition is being requested.

Article 35. SUPPLEMENTARY INFORMATION

If the requisition for extradition does not include all the information required, the Party applied to may request supplementary information. To that end, it may fix a time-limit, which must not exceed two months but which may be extended for valid reasons.

Article 36. DETENTION OF THE PERSON TO BE EXTRADITED

After receiving the requisition for extradition, the Party applied to shall without delay take the necessary steps to detain the person referred to in the requisition, except where extradition is not permitted under the terms of this Convention.

Article 37. TEMPORARY DETENTION PENDING RECEIPT OF THE REQUISITION FOR EXTRADITION

1. The person whose extradition is being requested may be temporarily detained before receipt of the requisition for extradition if such detention is requested by one of the Contracting Parties, affirming that a warrant for his arrest has been issued or that a final sentence has been pronounced or another decision of the court has been rendered. Such a request may be communicated by mail, telegraph or any other means which transmits the content of the request in writing.

2. By way of exception, in urgent cases, the competent authorities of the Contracting Parties may temporarily detain a person who is in their territory even without the request referred to in paragraph 1 if they have knowledge that the said person has committed an extraditable offence in the territory of the other Party.

3. The other Contracting Party must be informed without delay of the date of the temporary detention referred to in paragraphs 1 and 2 of this article.

Article 38. RELEASE OF DETAINED PERSONS

A person temporarily detained under article 36 or 37 of this Convention may be released if the requisition for extradition or the request for supplementary information to complete the requisition is not received within one month after the notification of the other Party that the said person has been arrested.

Article 39. POSTPONEMENT OF EXTRADITION

If the person whose extradition is being requested 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 until the termination of the prosecution or until the completion or remission of the sentence.

Article 40. TEMPORARY EXTRADITION

1. If the postponement of extradition referred to in article 39 might result in the acquisition of exemption from prosecution by reason of lapse of time or might seriously prejudice the proceedings, the person whose extradition is being requested may be extradited temporarily on receipt of a requisition with statement of grounds.

2. A person who has been temporarily extradited must be returned immediately after the completion of the criminal proceedings for the purpose of which he was extradited.

Article 41. CONCURRENT REQUISITIONS FOR EXTRADITION

If requisitions for a person's extradition are received from more than one State, the Contracting Party applied to shall decide which requisition should be given precedence.

Article 42. LIMITS TO PROSECUTION

1. An extradited person may not, without the consent of the Party applied to, be prosecuted or punished for an offence which was committed before his extradition and is other than the offence for which he was extradited; similarly, he may not be extradited to a third State.

2. Consent shall not be required if:

(a) The person extradited fails to quit the territory of the Contracting Party to which he had been extradited within one month after the termination of the criminal proceedings or from the date of the completion or remission of the sentence if one has been imposed. The said time-limit shall not include any time during which the extradited person was unable, through no fault of his own, to quit the territory of the applicant Party;

(b) The extradited person quits the territory of the applicant Party and thereafter returns thereto of his own free will.

Article 43. NOTIFICATION OF DECISIONS CONCERNING EXTRADITION

1. The Party applied to shall communicate to the applicant Party its decision concerning extradition.

2. In the event of total or partial rejection of the requisition for extradition, the grounds for the decision shall be communicated to the applicant Party.

3. If extradition is granted, the Contracting Party applied to shall inform the applicant Contracting Party of the place and date of surrender. If the applicant Party does not take charge of the person claimed within one month from the date fixed for surrender, the person may be released.

Article 44. RE-EXTRADITION

If the person extradited evades prosecution and returns to the territory of the Party applied to, a new requisition for his extradition may be made without the requirement of transmittal of the documents referred to in article 34 of this Convention.

Article 45. COMMUNICATION IN MATTERS RELATING TO EXTRADITION

The requisition for extradition and the reply thereto shall be transmitted through the diplomatic channel. Other acts relating to extradition shall be performed in accordance with article 2 of this Convention.

Article 46. CONVEYANCE IN TRANSIT

1. Each Contracting Party shall authorize, at the request of the other Party, the conveyance in transit through its territory of persons extradited to that Party by another State. The Contracting Parties shall not be bound to authorize such conveyance in cases in which no obligation to extradite exists under the provisions of this Convention.

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

3. The competent authorities of the Contracting Parties shall consult in each case concerning the methods, route and other conditions of the conveyance in transit.

Article 47. COMMUNICATION OF THE RESULTS OF PROSECUTION

The Contracting Parties shall notify each other of the results of the prosecution of extradited persons. They shall also transmit to each other, on request, a copy of the judgement which has become final.

CHAPTER VII. MISCELLANEOUS PROVISIONS IN CRIMINAL MATTERS

Article 48. TRANSFER OF PROSECUTION

Each Contracting Party shall be required, at the request of the other Party, to prosecute under its own law its own nationals who have committed offences in the territory of the other Party.

Article 49

1. With a view to undertaking prosecution in accordance with article 48, the Contracting Parties shall transmit to each other requests accompanied by the documents relating to the offence committed, by information relating to the perpetrator of the offence and by other evidence, as well as by the text of the criminal laws applicable to the act in accordance with the law in force at the place at which it was committed.

2. The Contracting Party which receives the aforementioned request shall inform the other Party of the results of the prosecution and shall, upon request, transmit a copy of the judgement which has become final.

Article 50. TEMPORARY SURRENDER OF DETAINED PERSONS AS WITNESSES

1. If need arises to hear as witnesses persons held in custody in the territory of the other Party, the authorities referred to in article 2 of this Convention may authorize the sending of such persons to the territory of the applicant Party, provided that they will continue to be kept in custody and will be returned as soon as possible after interrogation.

2. If the need arises to interrogate as witnesses persons held in custody in the territory of a third State, the authorities referred to in article 2 of this Convention shall authorize the conveyance of such persons in transit through the territory of their State.

3. The provisions of article 9 of this Convention shall apply in the cases referred to in paragraphs 1 and 2 above.

Article 51. DELIVERY OF ARTICLES

1. Articles acquired by the perpetrator of an offence as a result of the offence, and any other articles which may serve as physical evidence in the criminal proceedings, must be delivered to the applicant Party, even if the surrender of the perpetrator of the offence is impossible by reason of his death or for other reasons.

2. The Party applied to may temporarily postpone the delivery of articles which are needed in other criminal proceedings.

3. The rights of third parties to the articles to be delivered shall remain unaffected. After the termination of the criminal proceedings, such articles shall be returned to the Party which delivered them, for transmittal to the persons entitled to them.

4. In the delivery of articles in accordance with the provisions of this article, the provisions restricting the import and export of articles and means of payment shall not be applicable.

Article 52. COSTS OF EXTRADITION AND OF CONVEYANCE IN TRANSIT

The costs arising from preparations for the surrender of offenders and the delivery of articles in accordance with the provisions of this Convention shall be borne by the Contracting Party in whose territory the costs were incurred. The costs of conveyance in transit shall be borne by the applicant Party.

Article 53. COMMUNICATION OF INFORMATION CONCERNING JUDGEMENTS

1. Each Contracting Party shall communicate to the other Party once a year information concerning judgements pronounced against nationals of the said other Party which have become final.

2. The Contracting Parties shall communicate to each other, on request, for the purposes of prosecution, information relating to the criminal records of persons who have lived in the territory of the Party applied to.

3. In the cases referred to in paragraphs 1 and 2 of this article, the Contracting Parties shall also, in so far as possible, transmit to each other the fingerprints of the convicted persons.

CHAPTER VIII. FINAL PROVISIONS

Article 54

This Convention replaces the exchange of notes constituting an agreement regarding free legal assistance and security for costs "*cautio judicatum solvi*" between Greece and Poland dated 10 April 1930.¹

Article 55

1. This Convention is subject to ratification and shall enter into force on the thirtieth day following the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

2. This Convention is concluded for an indefinite period. It may be denounced through notification by either of the Contracting Parties. In such case, it shall cease to have effect six months after the date of denunciation.

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

DONE at Athens on 24 October 1979, in duplicate in the Greek, Polish and French languages, all three texts being equally authentic. In the event of disagreement, the French text shall prevail.

For the President
of the Hellenic Republic:

[Signed]

GEORGES STAMATIS

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

[Signed]

JERZY BAFIA

¹ League of Nations, *Treaty Series*, vol. CXXIII, p. 165.