

**No. 23581**

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**GREECE  
and  
CYPRUS**

**Convention on legal co-operation in matters of civil, family,  
commercial and criminal law. Signed at Nicosia on  
5 March 1984**

*Authentic text: Greek.*

*Registered by Greece on 8 October 1985.*

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**GRÈCE  
et  
CHYPRE**

**Convention de coopération judiciaire en matière civile, fami-  
liale, commerciale et pénale. Signée à Nicosie le 5 mars  
1984**

*Texte authentique : grec.*

*Enregistré par la Grèce le 8 octobre 1985.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON LEGAL CO-OPERATION BETWEEN THE HELLENIC REPUBLIC AND THE REPUBLIC OF CYPRUS IN MATTERS OF CIVIL, FAMILY, COMMERCIAL AND CRIMINAL LAW

The President of the Hellenic Republic and the President of the Republic of Cyprus, attaching great importance to legal co-operation between the two countries, have decided to conclude a convention on co-operation in matters of civil, family, commercial and criminal law and for that purpose have appointed as their plenipotentiaries:

The President of the Hellenic Republic: Mr. Georges-Alexandre Mangakis, Minister of Justice;

The President of the Republic of Cyprus: Mr. Phibos Clerides, Minister of Justice.

The two Ministers, having exchanged their full powers, have agreed as follows:

CHAPTER I. GENERAL PROVISIONS

*Article 1.* LEGAL PROTECTION

1. Nationals of and persons customarily resident in either Contracting Party, as well as Greeks by descent and Cypriots in origin, shall enjoy in the territory of the other Contracting Party the same legal protection as nationals of the said other Contracting Party in respect of their personal and property rights in matters of civil, family, commercial and criminal law. Wherever in this Convention the terms “commercial law” or “commercial cases” are used, they include admiralty law and admiralty cases, respectively.

2. The provisions of this Convention shall apply *mutatis mutandis* to bodies corporate having their principal place of business in one of the Contracting Parties or founded or established in one of them in accordance with its laws.

3. The persons referred to in paragraphs 1 and 2 above shall have free access to the courts, procurators’ offices and notarial services (hereinafter referred to as “judicial authorities”) having jurisdiction in the matters governed by this Convention and to any other competent authority of the other Contracting Party. Such persons may appear, present petitions and institute proceedings before the said authorities under the same conditions under which that possibility is granted to nationals of the said other Contracting Party.

*Article 2.* LEGAL ASSISTANCE

1. The judicial authorities of the two Contracting Parties shall provide each other with legal assistance in civil, family, commercial and criminal cases.

2. The judicial authorities shall also provide legal assistance to other authorities whose jurisdiction extends to the matters referred to in paragraph 1 of this article.

<sup>1</sup> Came into force on 25 August 1985, i.e., one month after the exchange of the instruments of ratification, which took place at Athens on 25 July 1985, in accordance with article 34 (2).

### *Article 3. METHOD OF COMMUNICATION*

For the purposes of legal assistance, the judicial authorities of the Contracting Parties shall communicate with each other through their respective Ministries of Justice. The possibility of using the diplomatic channel is not excluded.

### *Article 4. SCOPE OF LEGAL ASSISTANCE*

Legal assistance shall include the transmittal and service of documents as well as the conduct of evidentiary proceedings.

### *Article 5. CONTENT OF APPLICATIONS FOR LEGAL ASSISTANCE*

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

- (a) The name of the applicant authority;
- (b) The name of the authority applied to;
- (c) The designation of the case in respect of which legal assistance is applied for;
- (d) The full name, nationality, permanent residence, occupation and time and place of birth of the parties;
- (e) Full name and address of the legal agents or attorneys of the parties, in so far as they are known;
- (f) The subject of the application and the data necessary for its execution.

2. Applications must bear the signature and seal of the competent judicial authority.

3. Applications shall be transmitted together with a document of the authorities referred to in article 3 of the Convention.

### *Article 6. EXECUTION OF APPLICATIONS FOR LEGAL ASSISTANCE*

1. In executing an application for legal assistance, the authority applied to shall apply its own national law.

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.

3. Where the person referred to in the application cannot be found at the address given or is unknown, the authority applied to shall take the necessary steps to determine his actual address. If ultimately the person cannot be found, the related documents shall be returned to the applicant authority with a notice to that effect.

4. After the execution of the application, the authority applied to shall return the related documents to the applicant authority, informing it of the time and place of execution of the application. If the authority applied to has been unable to execute the application for any reason other than that referred to in paragraph 3, it shall inform the applicant authority of that reason.

### *Article 7. SERVICE OF DOCUMENTS AND CONFIRMATION OF SERVICE*

1. The authority applied to shall effect the service of documents in accordance with the regulations in force in the State in which service is to be made. Service shall be effected provided that the document concerned is drawn up in the official language of the authority applied to or is accompanied by a certified translation into that language.

2. Service shall be confirmed in accordance with the regulations in force in the State where the document is to be served.

*Article 8. 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.

2. No compulsion may be used in such service.

*Article 9. COSTS OF LEGAL ASSISTANCE*

The Contracting Party applied to shall make no claim on the other Party for payment of the costs of the legal assistance provided for in article 4. Each Contracting Party shall bear all the costs incurred in its territory in providing legal assistance.

*Article 10. DENIAL OF LEGAL ASSISTANCE*

Each Contracting Party shall have the right to deny legal assistance to the other Party:

- (a) If the application does not fall within the jurisdiction of the courts of the country applied to; or
- (b) If it deems the application to involve questions that may be prejudicial to its sovereignty, security or public order.

*Article 11. INFORMATION ON LEGAL QUESTIONS*

The Ministries of Justice of the Contracting Party shall, on request, provide each other with information concerning the law in force in their respective countries in matters of civil, family, commercial and criminal law.

*Article 12. DOCUMENTS*

1. Documents drawn up in due form by a competent authority in the territory of one Contracting Party shall be accepted in the territory of the other Contracting Party.

2. Private documents duly authenticated by the competent authorities of one Contracting Party shall be accepted in the territory of the other as if authenticated by its own competent authorities.

*Article 13. BIRTH, MARRIAGE AND DEATH CERTIFICATES*

1. Each Contracting Party shall transmit to the other Contracting Party copies or extracts of the civil records of births, marriages and deaths which relate to nationals of the said other Contracting Party, as well as corrections and subsequent annotations entered in those records.

2. Copies or extracts of death certificates shall be transmitted *ex officio*, and all other copies and extracts concerning personal status shall be forwarded on the request of a person having a legal interest therein; all the said documents being transmitted through the diplomatic channel.

*Article 14. DELIVERY OF ARTICLES AND TRANSFER OF SUMS OF MONEY*

The delivery of articles or export or transfer of credits or means of payment pursuant to this Convention shall take place in accordance with the law of the Contracting Party applied to.

*Article 15.* PROTECTION OF WITNESSES AND EXPERTS

1. A witness or expert who is summoned to appear in a court of one Contracting Party and is resident in the territory of the other Contracting Party shall not be required to appear in that court. In consequence, the summons shall not contain any threat of sanction in the event of non-appearance.

2. Witnesses or experts resident in the territory of one Contracting Party who are summoned in the territory of the other shall be entitled to indemnification for their travel and living expenses and for their loss of income or gain. Experts shall further be entitled to remuneration. The amounts to which a person so summoned is entitled by way of indemnification and remuneration shall be paid to him in advance by the summoning party.

3. A witness or expert—irrespective of his nationality—who, in response to a summons served by a judicial authority of the Contracting Party applied to, appears before an authority of the applicant Contracting Party shall not be prosecuted or punished for an offence committed before he entered the territory of the applicant Party.

4. The immunity provided for in the preceding paragraph shall cease if the witness or expert, having had an opportunity to quit the territory of the applicant Contracting Party within a period of 15 consecutive days after the judicial authorities informed him that his presence was no longer necessary, has remained in that territory. Such period shall not be deemed to include any period of time during which the witness or expert has been unable to quit the territory of the country for reasons beyond his control. The immunity shall also cease if the witness or expert returns to the territory of the applicant Contracting Party after quitting it.

## CHAPTER II. COSTS IN CONNECTION WITH LEGAL PROCEEDINGS

*Article 16.* EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS

When the persons referred to in paragraphs 1 and 2 of article 1 of the Convention appear as plaintiffs in the courts of the other Contracting Party, they shall not be required to deposit security for legal costs.

*Article 17.* EXEMPTION FROM PAYMENT OF COSTS

When the persons referred to in paragraphs 1 and 2 of article 1 of the Convention appear before the judicial authorities of the other Contracting Party, they shall be entitled to exemption from the payment of taxes, fees and, more generally, legal costs, to such other facilities as may apply and to free legal assistance under the same conditions and to the same extent as nationals of the said other Party.

*Article 18.* CONDITIONS OF EXEMPTION FROM PAYMENT OF COSTS

1. No decision concerning exemption from legal costs shall be required where such exemption is provided for by law with no further prerequisites.

2. A decision to grant exemption from legal costs shall, on application by the party, be issued by the court which tries the case; the said application shall be accompanied by a certificate issued by the competent authority of the place of permanent domicile or customary residence of the applicant attesting that the applicant has insufficient means for the conduct of the proceedings.

3. If the applicant is not permanently domiciled or customarily resident in either of the Contracting Parties, a certificate issued by the diplomatic or consular authorities

of the Contracting Party of which he is a national and which are competent in his place of permanent domicile or customary residence shall suffice.

*Article 19.* TRANSMITTAL OF THE APPLICATION

An application for exemption from the payment of legal costs may be submitted to the competent court of the Contracting Party of which the applicant is a national or in whose territory he has his permanent domicile or customary residence. The court shall transmit the application for exemption from legal costs to the court of the other Contracting Party in accordance with the provisions of article 3.

*Article 20.* REQUEST FOR FURTHER INFORMATION

The court which is to issue a decision on an application for exemption from legal costs may, if need be, request additional information from the court of the other Contracting Party.

CHAPTER III. RECOGNITION AND ENFORCEMENT OF JUDGMENTS

*Article 21.* JUDGMENTS TO BE RECOGNIZED AND ENFORCED

1. Under the conditions specified in this Convention, each Contracting Party shall recognize and enforce in its territory the following judgments in civil, family and commercial cases rendered in the territory of the other:

- (a) Court decisions;
- (b) Arbitral awards; and
- (c) Settlements reached in court or in arbitration proceedings.

2. Judicial decisions and decrees in matters of inheritance and succession shall also be deemed judgments within the meaning indicated above.

*Article 22.* CONDITIONS FOR RECOGNITION AND ENFORCEMENT

The judgments referred to in article 21 shall be recognized and enforced provided that:

- (a) The judgment has become final and enforceable under the laws of the Contracting Party in whose territory it was rendered;
- (b) Under the law of the Contracting Party in whose territory recognition or enforcement is requested, the courts of that Party do not have exclusive competence to judge the matter;
- (c) In case of judgment by default, the party against whom the judgment was rendered had been duly summoned in good time in accordance with the law of the Contracting Party in whose territory the said judgment was rendered or, in the case of a party who failed to appear and did not have the legal capacity to appear in court, that party had the possibility of having himself represented;
- (d) The judgment is not contrary to a previous judgment, handed down by a court of the Contracting Party in whose territory recognition or enforcement is sought, between the same parties, in respect of the same claim and based on the same factual and legal grounds;
- (e) No proceedings had been instituted between the same parties in respect of the same matter, in a court of the Contracting Party in whose territory recognition or

enforcement is sought, prior to the institution of the proceedings in which the judgment in question was rendered;

- (f) The recognition or enforcement of the judgment is not prejudicial to sovereignty or security or contrary to public order or the morality prevailing in the territory of the Contracting Party in whose territory such recognition or enforcement is being sought.

#### *Article 23. ARBITRAL AWARDS*

Awards of courts of arbitration shall be recognized and enforced under the conditions specified in article 22 of this Convention provided that the arbitral award is based on a written arbitration agreement and rendered by the court of arbitration defined in the agreement and within the framework of the competence granted to it under that agreement.

#### *Article 24. DOCUMENTS ACCOMPANYING THE APPLICATION*

1. Applications for recognition or enforcement of a judgment may be submitted direct to the competent court of the Contracting Party in whose territory the recognition or enforcement of the judgment is requested. They may also be submitted to the court which rendered the judgment of first instance in the case in question. In the latter case, the application shall be transmitted in accordance with the procedure laid down in article 3 to the competent court of the other Contracting Party.

2. An application for recognition or enforcement of a judgment must be submitted within the period established by the applicable laws of the Contracting Party in whose territory such recognition or enforcement is sought.

3. The application must be accompanied by a certified copy of the judgment and by a certificate of a competent judicial organ attesting that the judgment has become final or irrevocable, unless that fact is evident from the judgment itself.

4. In the case of an arbitral award, in addition to satisfying the conditions laid down in paragraphs 2 and 3 above, the application must be accompanied by a certified copy of the arbitration agreement.

#### *Article 25. APPLICABLE LAW*

1. The judgment shall be enforced in accordance with the law of the Contracting Party in whose territory such enforcement takes place.

2. A court ruling on an application for enforcement shall confine itself to establishing whether the conditions and requirements specified in articles 21, 22, 23 and 24 of this Convention have been satisfied.

### CHAPTER IV. RECOGNITION AND ENFORCEMENT OF MAINTENANCE DECREES

#### *Article 26*

1. In accordance with the conditions laid down in articles 21 to 25 of this Convention, the Contracting Parties shall also recognize and enforce in their territory final court decisions or decrees relating to claims for maintenance rendered in the territory of the other Contracting Party.

2. Settlements concerning the payment of maintenance concluded between litigants and approved by the court, official documents attesting the assumption of an obligation to pay maintenance and drawn up before the competent authorities of the Contracting Parties and court decrees ordering the payment of legal costs shall be deemed judgments within the meaning of paragraph 1.

3. The provisions of this Convention shall also apply to modifications of maintenance decrees.

#### *Article 27. JURISDICTION*

In cases involving the award of maintenance, both the courts of the Contracting Party in whose territory the person against whom the application is submitted had his permanent domicile or customary residence at the time when the application was filed or the case was entered and the courts of the Contracting Party in whose territory the applicant had his permanent domicile or customary residence at the said time shall be competent.

#### *Article 28. TRANSFER OF MONEY*

A Contracting Party whose laws place restrictions on the export of currency shall give special priority to the transfer of sums payable under this Convention by way of maintenance or for covering expenses.

### CHAPTER V. SUCCESSION: ADMINISTRATION OF PROPERTY AND PROBATE

#### *Article 29*

A testament, a document appointing the administrator of an estate or the executor of a will and an instrument of probate or publication of a will which are issued by the competent judicial or other authority of one Contracting Party shall be valid in the territory of the other Contracting Party, provided that the provisions of private international law of the last-mentioned Party are not violated.

#### *Article 30. PROVISIONS RELATING TO WILLS*

1. A will of a national of either Contracting Party shall be valid with regard to form in the territory of both Contracting Parties if it has been drawn up in accordance with the law:

- (a) Of the State in whose territory it was drawn up; or
- (b) Of the Contracting Party of which the testator was a national on the date on which he made his will or at the time of his death; or
- (c) Of the Contracting Party in whose territory the testator had his permanent domicile or customary residence at either of the times specified in sub-paragraph (b) above.

2. The conditions laid down in paragraph 1 of this article shall also apply to the revocation of wills.

### CHAPTER VI. CO-OPERATION IN MATTERS OF CRIMINAL LAW

#### *Article 31*

The Contracting Parties shall provide each other with information on sentences passed upon their nationals in criminal cases.



## CHAPTER VII. SPECIAL PROVISIONS

*Article 32*

This Convention shall not apply to:

- (a) Judgments rendered in bankruptcy proceedings or compositions in bankruptcy;
- (b) Decisions concerning temporary injunctions or conservatory measures.

*Article 33*

This Convention shall not prejudice the provisions of other bilateral or multilateral conventions in force between the two Contracting Parties and governing matters to which the present Convention relates.

## CHAPTER VIII. FINAL PROVISIONS

*Article 34*

1. The instruments of ratification shall be exchanged at Athens.
2. The Convention shall enter into force one month after the exchange of the instruments of ratification.
3. The Convention may be denounced in writing at any time and shall cease to be in force six months after such denunciation.

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

DONE at Nicosia on 5 March 1984, in duplicate in the Greek language, both texts being equally authentic.

For the Hellenic Republic:

[GEORGES-ALEXANDRE MANGAKIS]

For the Republic of Cyprus:

[PHIBOS CLERIDES]