

No. 24454

**CZECHOSLOVAKIA
and
BELGIUM**

**Convention concerning mutual legal assistance in civil,
family and commercial matters. Signed at Prague on
15 October 1984**

Authentic texts: Czech, French and Dutch.

Registered by Czechoslovakia on 12 November 1986.

**TCHÉCOSLOVAQUIE
et
BELGIQUE**

**Convention relative à l'entraide judiciaire en matière civile,
familiale et commerciale. Signée à Prague le 15 octobre
1984**

Textes authentiques : tchèque, français et néerlandais.

Enregistrée par la Tchécoslovaquie le 12 novembre 1986.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE KINGDOM OF BELGIUM CONCERNING MUTUAL LEGAL ASSISTANCE IN CIVIL, FAMILY AND COMMERCIAL MATTERS

The President of the Czechoslovak Socialist Republic and His Majesty the King of the Belgians, concerned with promoting the relations of friendship and co-operation between the two States in accordance with the Final Act of the Conference on Security and Co-operation in Europe,² desiring to regulate, by mutual agreement, questions relating to mutual legal assistance in civil, family and commercial matters and to facilitate, in the relations between the two States, the implementation of certain provisions of the Hague Convention of 1 March 1954³ relating to civil procedure,

Have decided to conclude this Convention and have for that purpose appointed as their plenipotentiaries:

The President of the Czechoslovak Socialist Republic: Bohuslav Chňoupek, Minister for Foreign Affairs,

His Majesty the King of the Belgians: Leo Tindemans, Minister for Foreign Affairs,

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

CHAPTER I. GENERAL PROVISIONS

Article 1

1. Each of the two States shall guarantee, in its territory, to the nationals of the other State, legal protection of their personal or property rights and interests under the same conditions as in the case of their own nationals.

2. The nationals of each of the two States shall accordingly have free and unimpeded access to the judicial authorities, in the territory of the other State, under the same conditions as in the case of the nationals of that other State, for the pursuit and defence of their rights and interests.

3. The provisions of this Convention concerning the nationals of one of the two States shall apply equally to bodies corporate having their head office in the territory of that State.

¹ Came into force on 1 September 1986, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Brussels on 3 July 1986, in accordance with article 17 (2).

² *International Legal Materials*, vol. 14 (1975), p. 1292 (American Society of International Law).

³ United Nations, *Treaty Series*, vol. 286, p. 265.

CHAPTER II. PROVISIONS TO FACILITATE THE APPLICATION OF THE CONVENTION RELATING TO CIVIL PROCEDURE, CONCLUDED ON 1 MARCH 1954 AT THE HAGUE

SERVICE OF WRITS AND EXTRAJUDICIAL DOCUMENTS

Article 2

1. Writs and extrajudicial documents in civil, family and commercial matters addressed to persons present in the territory of one of the two States shall be transmitted by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State.

2. Receipts and attestations of delivery or of service of the documents shall be sent back directly to the Ministry of Justice of the requesting State.

3. The provisions of the foregoing paragraphs shall be without prejudice to the application of article 6, first paragraph, subparagraphs 1 and 2, of the Convention relating to civil procedure, concluded on 1 March 1954 at The Hague (hereinafter called "The Hague Convention".)

Article 3

The request shall state the main particulars of the document such as the requesting authority, the identity of the parties, the address of the addressee, the nature of the document and, as appropriate, the day and place of appearance, the time limits specified in the document, the judicial authority rendering the decision and any other relevant information.

Article 4

1. The requested authority shall ensure that the documents are served under the conditions prescribed by the regulations applicable on the subject in the requested State. If the documents are not drawn up in the language of the requested authority or are not accompanied by a certified translation, such authority shall deliver the documents to the addressee if he agrees to accept them.

2. The two States reciprocally waive the reimbursement of costs incurred by the intervention of a law officer or by the use of a special form in the cases mentioned in article 3 of The Hague Convention.

LETTERS ROGATORY

Article 5

1. Letters rogatory in civil, family and commercial matters shall be transmitted through the Ministries of Justice of the two States.

2. They shall be accompanied by a translation in the language or one of the languages of the requested authority, certified as correct by a diplomatic or consular agent or by a sworn translator.

Article 6

Where the address of the intended recipient of the document or of the person of whom a hearing is requested is incomplete or incorrect, the requested authority shall nevertheless endeavour to comply with the request received. For that

purpose, the requested authority may ask the requesting State to provide any additional information needed to facilitate the identification of the person concerned.

Article 7

The two States reciprocally waive the reimbursement of costs other than the costs of expertise required for the execution of letters rogatory.

“CAUTIO JUDICATUM SOLVI”

Article 8

Nationals of one Contracting Party who are plaintiffs or parties by intervention before the judicial authorities of the other Contracting Party shall be exempted from *cautio judicatum solvi* under the conditions set forth in article 17 of The Hague Convention.

Article 9

Requests for an exequatur of orders to pay the costs and expenses of a lawsuit under articles 18 and 19 of The Hague Convention may be made directly by the interested party to the competent judicial authority.

Article 10

In order to fulfil the conditions set forth in paragraph 2, subparagraph 2, and in paragraph 3 of article 19 of The Hague Convention, the decisions shall be accompanied by a document showing that they have been served on the party against whom enforcement is sought.

The Belgian decisions shall also be accompanied by an attestation establishing that the decisions are not the subject of ordinary appeal or appeals to the Court of Cassation or that they can no longer be the subject of such appeals.

The Czechoslovak decisions shall also be accompanied by an attestation establishing that they have obtained the force of *res judicata*.

LEGAL AID FREE OF CHARGE

Article 11

Requests for legal aid free of charge as provided for in article 23 of The Hague Convention may be transmitted directly between the Ministries of Justice of the two States.

Article 12

Documents produced in support of a request for legal aid free of charge may be drawn up in the language of the requesting authority, and translation costs, if any, shall not be reimbursed.

CHAPTER III. EXEMPTION FROM AUTHENTICATION

Article 13

Documents issued by the judicial authorities of one of the two States, and bearing their seal, as well as documents of which the date, signature or

correspondence to the original has been authenticated by such authorities, shall not require certification for use in the territory of the other State.

CHAPTER IV. TRANSMITTAL OF RECORDS OF BIRTHS, MARRIAGES AND DEATHS

Article 14

The competent authorities of each of the two States shall transmit, free of charge, to the competent authorities of the other State, at their request and as appropriate, copies of or extracts from any record of births, marriages and deaths in addition to copies of decisions concerning civil status, where such documents pertain to nationals of the requesting State and are requested for a duly specified administrative purpose. Such documents shall not require certification.

CHAPTER V. EXCHANGE OF INFORMATION

Article 15

1. The Ministries of Justice shall communicate to each other, upon request, information concerning laws and judicial decisions and any other legal information.

2. The Ministries of Justice shall, on receipt of a reasoned request, provide mutual assistance in finding out the addresses of persons in their territory, if that is deemed necessary to facilitate the implementation of this Convention.

CHAPTER VI. JOINT PROVISIONS

Article 16

In their mutual dealings, the Ministries of Justice shall correspond in their own language and, if necessary, their communications shall be accompanied by a French translation.

For the implementation of this Convention, the “Ministry of Justice” shall be understood to mean:

- (a) In the case of the Czechoslovak Socialist Republic:
 - the Ministry of Justice of the Czech Socialist Republic;
 - the Ministry of Justice of the Slovak Socialist Republic.
- b) In the case of the Kingdom of Belgium:
 - the Ministry of Justice of the Kingdom of Belgium.

CHAPTER VII. FINAL PROVISIONS

Article 17

1. This Convention shall be ratified. The exchange of instruments of ratification shall take place at Brussels as soon as possible.

2. This Convention shall enter into force on the first day of the second month after the date of exchange of the instruments of ratification.

3. This Convention is concluded for an unlimited period.

The Contracting Parties may denounce it by giving notice through the diplomatic channel, which shall take effect one year after the date of transmittal.

4. From the date of entry into force of this Convention, the Agreement of 19 July 1927¹ between the Czechoslovak Republic and the Kingdom of Belgium regarding reciprocal judicial assistance in civil and commercial matters shall be abrogated.

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

DONE at Prague, on 15 October 1984, in two original copies, each in the French, Dutch and Czech languages, the three texts being equally authentic.

For the Czechoslovak
Socialist Republic:
[BOHUSLAV CHŇOUPEK]

For the Kingdom
of Belgium:
[LEO TINDEMANS]

¹ League of Nations, *Treaty Series*, vol. LXXIII, p. 307.