

No. 26074

**AUSTRIA
and
FINLAND**

Agreement for the simplification of arrangements for judicial assistance under The Hague Convention of 1 March 1954 relating to civil procedure. Signed at Vienna on 17 November 1986

Authentic texts: German and Finnish.

Registered by Austria on 12 July 1988.

**AUTRICHE
et
FINLANDE**

Accord en vue de la simplification des arrangements pour l'assistance judiciaire en vertu de la Convention de La Haye du 1^{er} mars 1954 relative à la procédure civile. Signé à Vienne le 17 novembre 1986

Textes authentiques : allemand et finnois.

Enregistré par l'Autriche le 12 juillet 1988.

AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND
FINLAND FOR THE SIMPLIFICATION OF ARRANGEMENTS
FOR JUDICIAL ASSISTANCE UNDER THE HAGUE CONVEN-
TION OF 1 MARCH 1954² RELATING TO CIVIL PROCEDURE²

The Republic of Austria and Finland have agreed as follows:

Article 1

Nationals of one of the two States and persons normally resident in that State shall, in the territory of the other State, enjoy the same treatment in respect of legal protection of their person and property as that which is afforded to nationals of that other State. They shall have free access to the courts and may appear before them under the same conditions and in the same manner as nationals of the other State.

Article 2

(1) The letters rogatory and requests for the service of writs and extrajudicial documents referred to in The Hague Convention of 1 March 1954 shall be transmitted directly through the Federal Ministry of Justice of the Republic of Austria and the Ministry of Justice of Finland.

(2) Documents to be served may be transmitted in a single copy.

(3) Documents for execution shall likewise be transmitted from the requested authority to the requesting authority through the Ministries of Justice of the two countries.

Article 3

(1) The translations referred to in article 3, paragraphs 2 and 3, and article 10 of The Hague Convention of 1 March 1954 may also be certified by a duly authorized translator of the requesting State.

(2) Letters rogatory to be executed in Finland shall be accompanied by translations into Finnish or Swedish. The same shall apply in respect of documents to be served in Finland, in so far as a translation is required.

Article 4

(1) The two States shall, on the basis of reciprocity, waive reimbursement of all costs incurred by them in connection with the service of documents and the execution of letters rogatory.

(2) Paragraph 1 shall apply also in respect of fees paid to experts; nevertheless, the requesting authority shall be informed of the costs so incurred.

¹ Came into force on 1 July 1988, i.e., the first day of the third month following the month of the exchange of the instruments of ratification, which took place at Helsinki on 26 April 1988, in accordance with article 10.

² United Nations, *Treaty Series*, vol. 286, p. 265.

Article 5

(1) Requests for the execution of decisions relating to the costs of proceedings pursuant to article 18 of The Hague Convention of 1 March 1954 may be made directly by the interested party to the competent court or competent authority. Such requests may also be transmitted through the Ministries of Justice of the two countries.

(2) Should a request referred to in paragraph 1 be addressed to a court or an authority which has no jurisdiction in the matter, that court or authority shall automatically forward the request to the competent court or competent authority.

Article 6

(1) The two States shall waive the certification by the highest official in charge of the administration of justice in the requesting State referred to in the third paragraph of article 19, second sentence, of The Hague Convention of 1 March 1954.

(2) The translation referred to in the second paragraph, subparagraph 2, and the third sentence of the third paragraph of article 19 of The Hague Convention of 1 March 1954 may also be certified by a duly authorized translator of the State in which the decision was rendered.

Article 7

The provisions of this Agreement and those of articles 17, 18 and 19 of The Hague Convention of 1 March 1954 shall also apply in respect of juridical persons and entities which, while not possessing juridical personality, are capable of appearing before the courts, on condition that such juridical persons or entities have their statutory or actual residence in the territory of one of the two States.

Article 8

Public and private documents, and copies thereof, whose authenticity has been established by a judicial or administrative authority or a notary public in one of the two States shall require no further authentication or similar formality for purposes of their recognition in the other State.

Article 9

The Federal Ministry of Justice of the Republic of Austria and the Ministry of Justice of Finland shall upon request communicate to each other, directly and free of charge, information on legislative provisions in the field of civil law and civil procedural law that are or have been in force in their State.

Article 10

This Agreement shall be ratified. The instruments of ratification shall be exchanged at Helsinki. The Agreement shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

Article 11

Either Contracting State may denounce this Agreement by notifying the other Contracting State in writing. The denunciation shall take effect six months after the date of such notification.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement.

DONE at Vienna on 17 November 1986 in two original copies, in the German and Finnish languages, both texts being equally authentic.

For the Republic of Austria:

PETER JANKOWITSCH

For Finland:

KAARLO YRJÖ-KOSKINEN
