

No. 27141

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**CZECHOSLOVAKIA  
and  
HUNGARY**

**Treaty concerning legal assistance and the regulation of legal relations in civil, family and criminal cases. Signed at Bratislava on 28 March 1989**

*Authentic texts: Slovak and Hungarian.*

*Registered by Czechoslovakia on 9 March 1990.*

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**TCHÉCOSLOVAQUIE  
et  
HONGRIE**

**Traité concernant l'entraide judiciaire et les relations juridiques en matière civile, familiale et pénale. Signé à Bratislava le 28 mars 1989**

*Textes authentiques : slovaque et hongrois.*

*Enregistré par la Tchécoslovaquie le 9 mars 1990.*

## [TRANSLATION — TRADUCTION]

TREATY<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING LEGAL ASSISTANCE AND THE REGULATION OF LEGAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL CASES

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

Desiring to strengthen as much as possible comprehensive friendly relations and to develop cooperation between the two States and their peoples in keeping with the Treaty of Friendship, Co-operation and Mutual Assistance between the Czechoslovak Socialist Republic and the Hungarian People's Republic of 14 June 1968,<sup>2</sup>

Endeavouring to deepen and improve the provision of legal assistance and the legal relations between those judicial and other authorities which act in the legal affairs of nationals and in the defence of their rights and interests,

Have decided to conclude this Treaty and

For that purpose have appointed as their plenipotentiaries:

The President of the Czechoslovak Socialist Republic: Academician Milan Čič, Minister of Justice of the Slovak Socialist Republic;

The Presidential Council of the Hungarian People's Republic: Academician Kálmán Kúlczás, Minister of Justice,

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

## PART ONE. GENERAL PROVISIONS

*Article 1.* LEGAL PROTECTION

(1) Nationals of either Contracting Party shall, in the territory of the other Contracting Party, enjoy the same legal protection in personal and property cases as nationals of the other Contracting Party.

(2) Nationals of either Contracting Party may appear, present petitions, take initiatives and perform other acts relating to proceedings before the authorities of the other Contracting Party which act in civil, family and criminal cases, under the same conditions as nationals of the other Contracting Party.

(3) The provisions of this Treaty shall also apply *mutatis mutandis* to bodies corporate.

<sup>1</sup> Came into force on 12 February 1990, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Budapest on 13 January 1990, in accordance with article 93.

<sup>2</sup> United Nations, *Treaty Series*, vol. 678, p. 45.

(4) For the purposes of the application of this Treaty, the term “civil cases” shall also be understood to mean labour cases and relations pertaining to membership in a cooperative.

*Article 2. LEGAL ASSISTANCE*

(1) The courts, procurator’s offices and State notarial offices (hereinafter referred to as “judicial authorities”) and other authorities which act in civil, family and criminal cases shall provide one another with legal assistance in such cases.

(2) In labour cases only the judicial authorities competent to do so shall provide one another with legal assistance.

*Article 3. METHOD OF COMMUNICATION*

(1) The judicial authorities of the Contracting Parties shall, in the implementation of this Treaty, communicate with one another direct, except as otherwise provided in this Treaty.

(2) Other authorities which act in civil, family and criminal cases shall, in the implementation of this Treaty, communicate with one another through the competent judicial authorities, except as otherwise provided in this Treaty.

(3) The central authorities within the meaning of this Treaty shall be: for the Czechoslovak Socialist Republic the Office of the Chief Procurator of the Czechoslovak Socialist Republic, the Ministry of Justice of the Czech Socialist Republic and the Ministry of Justice of the Slovak Socialist Republic; for the Hungarian People’s Republic the Ministry of Justice of the Hungarian People’s Republic and the Office of the Chief Procurator of the Hungarian People’s Republic.

*Article 4. USE OF LANGUAGES*

(1) The authorities of the Contracting Parties shall, in communicating with one another in the implementation of this Treaty, use their own official language or the Russian language.

(2) With a view to facilitating relations in connection with legal assistance, translations of documents into the language of the Contracting Party applied to shall be attached even in those cases in which the Treaty does not prescribe such attachment as mandatory.

*Article 5. SCOPE OF LEGAL ASSISTANCE*

The Contracting Parties shall extend legal assistance to each other by performing specific acts, in particular, the preparation, sending and service of documents, the conduct of inspections, the receipt and delivery of physical evidence, the preparation and implementation of expert opinions, the interrogation of parties, defendants, witnesses, experts and other persons and the enforcement of decisions.

*Article 6. CONTENT OF APPLICATIONS FOR LEGAL ASSISTANCE*

(1) Applications for legal assistance must contain:

- (a) The designation of the applicant authority;
- (b) The designation of the authority applied to;
- (c) The designation of the case in which legal assistance is being requested;

(d) The given names and family names of the parties, their permanent or temporary places of residence, nationalities and occupations and, in criminal cases, where possible, the place and date of birth of the accused, indicted or convicted persons, as well as the names of the parents; in the case of bodies corporate, the designation and headquarters of the bodies corporate;

(e) The given names, family names and addresses of the witnesses and of the representatives of the persons referred to in item (d);

(f) The subject of the application and the data necessary for its execution;

(g) In criminal cases also a description and definition of the criminal act committed.

(2) The application must bear the signature of the competent official and the official seal of the applicant authority.

(3) In the provision of legal assistance, the Contracting Parties may use bilingual forms.

#### *Article 7. PROCEDURES FOR EXECUTING THE APPLICATION*

(1) In executing an application, the authority applied to shall follow the law of its own State. If the applicant authority so requests, the application shall be executed in the manner indicated in the application, provided that it does not conflict with the law of the Contracting Party applied to.

(2) If the authority applied to is not competent, it shall transmit the application to the competent authority and shall notify the applicant authority accordingly.

(3) Where the exact address of the person referred to in the application is unknown, the authority applied to shall take the necessary steps to determine the address. If it is unable to determine the address, it shall notify the applicant authority accordingly and shall at the same time return the application.

(4) The authority applied to shall, at the request of the applicant authority, notify the applicant authority and the parties to the case in good time of the place and date of execution of the application.

(5) After the execution of an application, the authority applied to shall return the documents to the applicant authority; if it has not been possible to execute the application, the authority applied to shall, at the same time as it returns the documents, inform the applicant authority of the circumstances which prevented its execution.

#### *Article 8. PROTECTION OF WITNESSES AND EXPERTS*

(1) A summons issued to a witness or expert who is resident in the territory of one Contracting State and who is to appear before a judicial authority of the other Contracting Party may not contain any threat of the use of coercive measures in the event of failure to appear.

(2) A witness or expert, irrespective of nationality, who, in response to a summons, appears before an applicant authority of the other Contracting Party may not be subjected to prosecution under criminal or administrative regulations in respect of the criminal act to which the summons relates or in respect of any other act which he committed prior to crossing the frontier of the applicant Contracting Party, and no penalty to which he has been sentenced for such an act may be executed.

(3) The witness or expert shall, however, forfeit such protection if he fails to quit the territory of the applicant Contracting Party within one week from the date on which the applicant authority informs him that his presence is no longer necessary. Such time-limit shall not be deemed to include any period of time during which the witness or expert has been unable through no fault of his own to quit the territory of the applicant Contracting Party.

(4) The witness or expert shall be entitled to reimbursement of the costs of his travel and stay and of his lost income; an expert shall, in addition, be entitled to remuneration in his capacity as an expert. The summons shall indicate what compensation the witness or expert is entitled to receive. An advance payment for his expenditures shall be made upon his request.

#### Article 9. SERVICE OF DOCUMENTS

The authority applied to shall serve documents in accordance with the law of its own State if the document to be served is written in the language of the Contracting Party applied to or is accompanied by a certified translation into that language. Otherwise it shall serve the document upon the addressee if he is willing to accept it. The provisions of articles 6 and 7 shall be applied *mutatis mutandis*.

#### Article 10. CONFIRMATION OF SERVICE

Service shall be confirmed by a certification signed by the recipient and bearing an imprint of the official seal of the authority applied to, the date and the signature of the competent official of the authority applied to, or by a certification issued by the authority applied to which confirms the manner, place and time of service. If the document to be served was sent in duplicate, its acceptance and the fact that service has taken place may also be certified on the second copy.

#### Article 11. SERVICE OF DOCUMENTS ON OWN NATIONALS

The Contracting Parties may also serve documents on their own nationals through their diplomatic missions or consular posts.

#### Article 12. COSTS OF LEGAL ASSISTANCE

(1) The Contracting Party applied to shall make no claim for reimbursement of the costs of executing the application. Each Contracting Party shall bear all the costs incurred in providing legal assistance in its territory.

(2) The authority applied to shall inform the applicant authority of the amount of the costs incurred. If the applicant authority recovers the costs from the person liable therefor, the reimbursed costs shall accrue to the applicant Contracting Party.

#### Article 13. INFORMATION ON LEGAL QUESTIONS

The central authorities of the Contracting Parties shall, on request, provide each other with information concerning the legislation which is or has been in force in their territory, as well as concerning the legal practice of the judicial authorities and concerning other legal questions.

#### Article 14. DETERMINATION OF ADDRESSES AND OTHER DATA

(1) The judicial authorities of the Contracting Parties shall, on request, provide assistance in the determination of the addresses of persons present in their territory if that is necessary for the exercise of the rights of their nationals.

(2) If a claim for maintenance is asserted before a judicial authority of either Contracting Party against a person who is present in the territory of the other Contracting Party, the judicial authority of the latter Contracting Party shall, on request, also provide assistance in the determination of the employer of the person concerned and of the amount of his income.

*Article 15.* VALIDITY OF DOCUMENTS

(1) Documents issued or authenticated by a competent authority of either Contracting Party and bearing an imprint of its official seal and the signature of the competent official shall be used in the territory of the other Contracting Party without further authentication. The same shall apply to copies and translations of documents if such copies and translations have been authenticated by the competent authority.

(2) Documents which are considered official documents in the territory of one Contracting Party shall have the evidentiary value of official documents in the territory of the other Contracting Party.

SENDING OF DOCUMENTS RELATING TO PERSONAL STATUS

*Article 16*

(1) The competent authorities of the Contracting Parties shall send to each other civil register extracts which relate to notations made concerning nationals of one Contracting Party in the civil registers of the other Contracting Party. After the notation has been made in the civil register, the extracts shall be sent to the other Contracting Party without delay, free of charge, through the diplomatic channel. The same shall apply to subsequent notations and to changes or corrections of notations.

(2) The competent authorities of either Contracting Party shall, at the request of the authorities of the other Contracting Party, send the requested extracts for official use, free of charge, through the diplomatic channel.

(3) Requests from nationals of either Contracting Party for the sending of extracts from the civil register may be addressed direct to the competent authority of the other Contracting Party. The requested documents shall be sent to the requestor through the diplomatic mission or consular post of the Contracting Party whose authority issued the document. The diplomatic mission or consular post shall, at the time of delivery, collect from the requestor the fee due for the preparation of the document.

*Article 17*

The competent authorities of either Contracting Party shall send to those of the other Contracting Party copies of decisions concerning the personal status of nationals of the latter Contracting Party which have become final.

*Article 18*

Requests from nationals of either Contracting Party for the issuance and sending of documents which relate to the said nationals' training or to the duration of their employment relationship, including wages and salaries, or other documents which relate to their personal or property rights and interests may be addressed direct to the competent authority of the other Contracting Party. If the authority is not com-

petent to issue and send the said documents, it shall transmit the request to the competent authority and shall inform the requestor accordingly. The requested documents shall be sent to the requestor through the diplomatic mission or consular post of the Contracting Party whose authority issued the document. The diplomatic mission or consular post shall, at the time of delivery, collect from the requestor the fee due for the preparation of the document.

*Article 19.* DELIVERY OF ARTICLES AND TRANSFER OF FUNDS

If, pursuant to the provisions of this Treaty, articles, means of payment or claims are delivered, exported or transferred, such action shall take place in accordance with the laws of the Contracting Party applied to.

PART TWO. CIVIL AND FAMILY CASES

*Chapter One. Obstacles constituted by proceedings already instituted and by res judicata*

*Article 20*

If, in accordance with this Treaty, the judicial authorities of both Contracting Parties are competent and proceedings are instituted in the same case between the same parties before the judicial authorities of both Contracting Parties, the judicial authority before which the proceedings were instituted later shall, in accordance with the law of its own State, either terminate the proceedings or reject the application or the request for the institution of proceedings. This shall also apply *mutatis mutandis* to cases of *res judicata* in which the decision has become final.

*Chapter Two. Cases relating to personal status*

LEGAL CAPACITY AND CAPACITY FOR LEGAL ACTION

*Article 21*

(1) The legal capacity and capacity for legal action of individuals shall be governed by the law of the Contracting Party of which the individual concerned is a national.

(2) The legal capacity and capacity for legal action of bodies corporate shall be governed by the law of the Contracting Party under whose law the body corporate was established.

*Article 22*

Unless otherwise provided in this Treaty, proceedings for the nullification or limitation of capacity for legal action shall be within the competence of the court of the Contracting Party of which the person concerning whose capacity for legal action a decision is to be taken is a national.

*Article 23*

(1) If a court of either Contracting Party determines that there are grounds for nullifying or limiting the capacity for legal action of a national of the other Contracting Party who is resident in the territory of the first-mentioned Contracting Party, it shall so notify the competent court of the other Contracting Party. This shall

also apply to cases in which the court adopts the temporary measures necessary for the protection of the said national or his property.

(2) If the court of the other Contracting Party which has been notified of the grounds for the nullification or limitation of capacity for legal action does not institute proceedings within three months or fails to state its view within the said time-limit, the proceedings for the nullification or limitation of capacity for legal action shall be instituted by the court of the Contracting Party in whose territory the said national is resident. In such case the decision to nullify or limit capacity for legal action may be rendered only on such grounds as are specified by the law of both Contracting Parties. The decision to nullify or limit capacity for legal action shall be sent to the competent court of the other Contracting Party.

#### Article 24

The provisions of article 23 of this Treaty shall also be applicable *mutatis mutandis* in the event of a decision to restore capacity for legal action.

#### Article 25. DECLARATION OF PERSONS AS DEAD OR MISSING AND ESTABLISHMENT OF THE FACT OF DEATH

(1) The declaration of persons as dead shall be governed by the law of the Contracting Party of which the person who is to be declared dead was a national at the time when he was last known to be alive.

(2) The declaration of a national as dead shall be within the competence of the court of the Contracting Party of which the person who is to be declared dead was a national at the time when he was last known to be alive.

(3) A court of either Contracting Party may declare a national of the other Contracting Party to be dead:

(a) Upon the application of a person who intends to assert a claim arising from the right of succession or matrimonial property rights to an item of immovable property owned by the missing person and situated in the territory of the Contracting Party whose authority conducts the proceedings;

(b) Upon the application of the spouse of the missing person, provided that at the time of submitting the application the said spouse is a resident of the Contracting Party whose authority conducts the proceedings.

(4) In the cases referred to in paragraph (3) the applicable law shall be that referred to in paragraph (1). Decisions rendered in accordance with paragraph (3) shall have legal consequences only in the territory of the Contracting Party whose court rendered the decision.

(5) The provisions of paragraphs (1) to (4) shall apply *mutatis mutandis* to the declaration of persons as missing and to the establishment of the fact of death.

#### Chapter Three. Family cases

#### Article 26. CONTRACTING OF MARRIAGE

(1) The conditions for the contracting of marriage shall be governed for each national who intends to contract marriage by the law of the Contracting Party of which he or she is a national.



(2) The form of contracting marriage shall be governed by the law of the Contracting Party in whose territory the marriage is contracted.

*Article 27. PERSONAL AND PROPERTY RELATIONS BETWEEN SPOUSES*

(1) The personal and property relations of spouses who are nationals of one Contracting Party and are resident in the territory of the other Contracting Party shall be governed by the law of the Contracting Party of which they are nationals.

(2) If one spouse is a national of one Contracting Party and the other is a national of the other Contracting Party, their personal and property relations shall be governed by the law of the Contracting Party in whose territory they have, or last had, their common residence. If they have had no such common residence, the court shall apply the law of its own State.

(3) The courts of both Contracting Parties shall be competent to conduct proceedings relating to the personal and property relations of the spouses.

*Article 28. DISSOLUTION OF MARRIAGE*

(1) The dissolution of marriage between spouses who are nationals of one Contracting Party and who, at the time when the application is submitted, are resident in the territory of the other Contracting Party shall be governed by the law of the Contracting Party of which the spouses are nationals at the time when the application is submitted.

(2) If one spouse is a national of one Contracting Party and the other spouse a national of the other Contracting Party, the court shall apply the law of its own State.

(3) The courts of both Contracting Parties shall be competent to conduct proceedings relating to the dissolution of marriage.

*Article 29. DETERMINATION OF THE NON-EXISTENCE  
AND NULLITY OF MARRIAGE*

(1) The determination of the non-existence of a marriage and the declaration of the nullity of a marriage on the grounds of failure to satisfy the fundamental conditions for the contracting of marriage shall be governed by the law which is applicable in accordance with article 26, paragraph (1), of this Treaty.

(2) The determination of the non-existence of a marriage and the declaration of the nullity of a marriage on the grounds of violation of the form prescribed for the contracting of marriage shall be governed by the law of the place where the marriage was contracted.

(3) The courts of both Contracting Parties shall be competent to conduct proceedings for the determination of the non-existence of a marriage and the declaration of the nullity of a marriage.

*Article 30. LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN*

(1) The determination, acknowledgement or denial of paternity shall be governed by the law of the Contracting Party in whose territory the child was born.

(2) With regard to the form of the acknowledgement of paternity, it shall be sufficient if the proceedings were conducted in accordance with the law of the Contracting Party in whose territory the acknowledgement took place.

(3) Other legal relations between parents and children — in particular, the regulation of the child's upbringing and maintenance — shall be governed by the law of the Contracting Party in whose territory the child is resident.

(4) The authority competent to conduct proceedings in connection with legal relations between parents and children shall be that of the Contracting Party in whose territory the child is resident. In the event of the dissolution of the parents' marriage, the competent authority shall be the one before which the proceedings for the dissolution of marriage are conducted.

#### *Article 31.* OTHER TYPES OF MAINTENANCE OBLIGATION

(1) Other types of maintenance obligation in accordance with family law shall be governed by the law of the Contracting Party of which the person asserting the claim to maintenance is a national.

(2) The court of the Contracting Party in whose territory the person asserting the claim to maintenance is resident shall be competent to conduct the proceedings.

#### *Article 32.* ADOPTION

(1) Adoption shall be governed by the law of the Contracting Party of which the adopter is a national at the time of the submission of the application for adoption.

(2) The consent of the child and also that of other persons or authorities must be obtained for adoption if this is required by the law of the Contracting Party of which the child being adopted is a national.

(3) If the child is adopted by a married couple of whom one spouse is a national of one Contracting Party and the other spouse is a national of the other Contracting Party, the conditions established by the law of both Contracting Parties must be met.

(4) The authority competent to conduct the proceedings for adoption shall be that of the Contracting Party of which the adopter is a national at the time of the submission of the application for adoption; if the child is adopted by a married couple of whom one spouse is a national of one Contracting Party and the other spouse is a national of the other Contracting Party, the competent authority shall be that of the Contracting Party in whose territory the spouses have, or last had, their common residence.

(5) The provisions of the preceding paragraphs shall also be applicable *mutatis mutandis* to the termination of adoption.

#### CURATORSHIP AND GUARDIANSHIP

#### *Article 33*

(1) The establishment or termination of curatorship and guardianship shall be governed by the law of the Contracting Party of which the ward is a national.

(2) The legal relations between a curator or guardian and his ward shall be governed by the law of the Contracting Party whose authority appointed the curator or guardian.

(3) The obligation to accept the office of curator or guardian shall be governed by the law of the Contracting Party of which the person to be appointed curator or guardian is a national.

(4) The authority competent to conduct proceedings relating to curatorship and guardianship shall be that of the Contracting Party of which the ward is a national.

(5) The post of curator or guardian of a ward resident in the territory of one Contracting Party may also be filled by a national of the other Contracting Party if the said national is resident in the territory of the Contracting Party in which he is to exercise the duties of curatorship or guardianship and his appointment best serves the interests of the ward.

#### *Article 34*

(1) Where measures connected with curatorship or guardianship are necessary for the protection of the interests of a national of one Contracting Party whose residence or property is in the territory of the other Contracting Party, the authority of the latter Contracting Party shall without delay notify the fact to the authority referred to in article 33, paragraph (4), of this Treaty.

(2) In urgent cases, the authority of the other Contracting Party may take appropriate provisional measures in accordance with its own law, but it must without delay notify the fact to the competent authority referred to in article 33, paragraph (4), of this Treaty. The said provisional measures shall remain in effect until such time as the latter authority decides otherwise.

#### *Article 35*

(1) The authority which is competent in accordance with article 33, paragraph (4), of this Treaty may transfer the guardianship or curatorship to the authority of the other Contracting Party if the person for whom a guardian or curator has been appointed is resident or temporarily present, or has property, in the territory of the latter Contracting Party. The transfer of guardianship or curatorship shall become effective when the authority applied to assumes the guardianship or curatorship and notifies the applicant authority accordingly.

(2) The authority which, in accordance with paragraph (1), has assumed the exercise of curatorship or guardianship shall exercise it in accordance with the law of its own State; in respect of legal capacity and capacity for legal action, however, it shall proceed in accordance with the law of the Contracting Party of which the ward is a national. It shall not be empowered to render decisions relating to personal status; it may, however, give its consent to the contracting of marriage if that is necessary in accordance with the law of the ward's State.

### *Chapter Four. Property cases*

#### *Article 36. FORM OF LEGAL ACTIONS*

(1) The form of legal actions shall be governed by the law of the Contracting Party whose law governs the legal action itself. It shall, however, be sufficient if the proceedings are conducted in accordance with the law of the Contracting Party in whose territory the action was taken.

(2) The form of legal actions relating to immovable property shall be governed by the law of the Contracting Party in whose territory the immovable property is situated.

*Article 37. LEGAL RELATIONS IN CONNECTION WITH IMMOVABLE PROPERTY*

(1) Legal relations in connection with immovable property shall be governed by the law of the Contracting Party in whose territory the immovable property is situated.

(2) The authority which is competent in cases connected with immovable property shall be that of the Contracting Party in whose territory the immovable property is situated.

*Article 38. RELATIONS ARISING OUT OF CONTRACTUAL OBLIGATIONS*

(1) Relations arising out of contractual obligations, with the exception of obligations relating to immovable property, shall be governed by the law of the Contracting Party chosen by the parties to the contract.

(2) If no such choice of law has been made, the relations arising out of contractual obligations shall be governed by the law of the Contracting Party in whose territory the contract was concluded. If the contract was concluded between parties who were not present, the proceedings shall be governed by the law of the residence (headquarters) of the party accepting the proposal to conclude the contract.

(3) The court competent to conduct proceedings concerning relations arising out of contractual obligations shall be that of the Contracting Party agreed upon in writing by the parties to the contract. If there is no such agreement, the competent court shall be that of the Contracting Party in whose territory the defendant has his residence (has its headquarters). The court of the Contracting Party in whose territory the plaintiff has his residence (has its headquarters) shall also be competent if the subject of the proceedings or the property of the defendant is situated in the said territory.

*Article 39. LIABILITY FOR COMPENSATION*

(1) Liability in respect of damage caused through circumstances not covered in the contract shall be governed by the law of the Contracting Party in whose territory the damage occurred. If the person causing the damage and the person suffering the damage are nationals of the other Contracting Party and are resident in its territory, the applicable law shall be that of the last-mentioned Contracting Party.

(2) Counterclaims arising in connection with damage to health or with death shall be governed by the law of the Contracting Party which, under its social-security regulations or other regulations, provided the service which constituted the grounds for the counterclaims.

(3) The court competent to decide legal disputes arising out of damage caused through circumstances not covered in the contract shall be that of the Contracting Party in whose territory the damage occurred or in whose territory the person causing the damage has his residence (has its headquarters). The court of the Contracting Party in whose territory the person suffering the damage has his residence (has its headquarters) shall also be competent if the person causing the damage has property in that territory.

*Chapter Five. Matters of succession*

*Article 40. PRINCIPLE OF EQUALITY*

(1) Nationals of either Contracting Party shall have in the territory of the other Contracting Party the same standing as the latter Party's own nationals in respect of the acquisition of property or of other rights existing in the territory of the other Contracting Party through statutory or testamentary succession, and also in respect of the capacity to make or revoke testamentary dispositions.

(2) Nationals of either Contracting Party may make testamentary disposition of their property situated in the territory of the other Contracting Party.

*Article 41. APPLICATION OF LAW*

(1) Succession to movable property shall be governed by the law of the Contracting Party of which the decedent was a national at the time of his death.

(2) Succession to immovable property shall be governed by the law of the Contracting Party in whose territory the property is situated.

(3) The determination whether the property concerned is movable or immovable shall be governed by the law of the Contracting Party in whose territory the property is to be found.

*Article 42. ESCHEAT*

Where an estate has been left and, under a Contracting Party's law which governs is applicable to the succession, no heir exists, movable property shall revert to the State of which the decedent was a national at the time of his death, and immovable property to the Contracting Party in whose territory it is situated.

*Article 43. WILLS*

(1) The capacity to make or revoke a will or to disinherit any person and the legal consequences of defects in testamentary dispositions shall be governed by the law of the Contracting Party of which the testator was a national at the time of making the testamentary disposition. The same law shall apply to the determination of the question what testamentary dispositions are permissible.

(2) The form of the making or revocation of a will and of the disinheriting of any person shall be governed by the law of the Contracting Party of which the testator was a national at the time of taking the legal action. It shall, however, be sufficient if the procedure was in accordance with the law of the Contracting Party in whose territory the said legal action was taken.

*Article 44. COMPETENCE IN MATTERS OF SUCCESSION*

(1) In proceedings relating to the movable estate, with the exception of the case referred to in paragraph (4), the competent judicial authority shall be that of the Contracting Party of which the decedent was a national at the time of his death.

(2) In proceedings relating to the immovable estate, the competent judicial authority shall be that of the Contracting Party in whose territory the immovable property is situated.

(3) The provisions of paragraphs (1) and (2) shall also apply to the determination of competence in legal disputes which arise in connection with succession.

(4) If the subject of the inheritance consists of movable property which, after the death of a national of one Contracting Party, is in the territory of the other Contracting Party and if all known heirs and legatees agree thereto, the succession proceedings shall, at the request of an heir or legatee, be conducted by the competent judicial authority of the latter Contracting Party.

*Article 45.* NOTIFICATION OF DEATH

If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent authority shall, without delay, send notification of the death direct to the diplomatic mission or consular post of the other Contracting Party and transmit to it any information known to the said authority with regard to the heirs and legatees, their places of residence or sojourn, the value of the estate and the testamentary disposition if any. If the said authority has learned that the decedent has left property in another State as well, it shall likewise notify that fact.

*Article 46.* ENTITLEMENTS OF THE DIPLOMATIC MISSION OR CONSULAR POST  
IN MATTERS OF SUCCESSION

(1) The diplomatic missions or consular posts of either Contracting Party shall be entitled to represent their own nationals before the authorities of the other Contracting Party in matters of succession, including legal disputes relating to succession — except with regard to the right to reject an inheritance — without special authorization if the said nationals are not present and have no agent.

(2) If a national of one Contracting Party dies during a temporary stay in the territory of the other Contracting Party, his personal effects, together with a list thereof, shall be delivered without further proceedings to the diplomatic mission or consular post of the Contracting Party of which he was a national. The provisions of article 19 of this Treaty shall apply *mutatis mutandis* to the export of such effects.

*Article 47.* PUBLICATION OF THE WILL

The authority competent to publish the will shall be that of the Contracting Party in whose territory the will is to be found. A certified copy of the will and of the protocol relating to its publication must be sent to the authority competent to conduct the succession proceedings.

*Article 48.* MEASURES TO ENSURE THE SAFETY OF THE ESTATE

(1) The authority of a Contracting Party in whose territory an estate has been left by a national of the other Contracting Party shall take the measures necessary for the protection and handling of the estate in accordance with the law of its own State. The competent authorities of the Contracting Parties shall also proceed similarly in those cases in which a national of the other Contracting Party comes into consideration in the matter as an heir or legatee.

(2) The measures adopted pursuant to paragraph (1) must be notified to the diplomatic mission or consular post of the other Contracting Party, which may intervene direct or through an agent in carrying them out. At their recommendation, the measures may be amended or terminated, or their execution may be postponed.

(3) Upon the application of the authority competent to conduct the succession proceedings, the measures adopted pursuant to paragraph (1) shall be amended or terminated, or their execution shall be postponed.

*Article 49. DELIVERY OF THE ESTATE*

(1) The movable estate or the proceeds of the sale of the movable and immovable property forming part of the estate shall, after completion of the succession proceedings, be delivered to the heirs or legatees resident in the territory of the other Contracting Party. If the estate or the proceeds derived therefrom cannot be delivered direct to the heirs or legatees or to their agents, it shall be delivered to the diplomatic mission or consular post of the other Contracting Party.

(2) Delivery of the estate pursuant to paragraph (1) may take place if:

(a) All claims of the decedent's creditors presented within the time-limit prescribed by the law of the Contracting Party whose judicial authority is competent to conduct the succession proceedings have been paid or secured;

(b) All taxes and charges owed have been paid or secured;

(c) The competent authorities have approved the export of the articles forming part of the estate or the transfer of the proceeds from the sale thereof, where such approval is necessary.

*Chapter Six. Labour cases*

*Article 50*

(1) Save as otherwise agreed by the parties, employment relationships shall be governed by the law of the Contracting Party in whose territory the employee performs his work.

(2) If a national of one Contracting Party performs his work in the territory of the other Contracting Party, the employment relationship shall be governed by the law of the Contracting Party in whose territory the organization sending the employee has its headquarters, unless the employee's residence is also in the territory of the Contracting Party where he performs the work.

(3) The employment relationship of an employee who performs his work on board a water-borne or airborne means of transport shall be governed by the law of the Contracting Party in whose territory the means of transport is registered; the employment relationship of an employee of a rail or road carrier shall be governed by the law of the Contracting Party where the carrier has its headquarters.

(4) The law having decisive force in respect of the employment relationship shall also be followed in judging the substantive and formal requirements for the validity of the contract of employment, the consequences of invalidity of the contract of employment and also the content and termination of the employment relationship, including legal disputes arising out of the employment relationship.

(5) The authority competent to conduct proceedings in labour cases shall be the court, or the other authority empowered to judge labour disputes, of the Contracting Party in whose territory the defendant has his residence (has its headquarters). The court (authority) of the Contracting Party in whose territory the employee performs the work shall also be competent.

*Chapter Seven. Costs of proceedings*

*Article 51. EXEMPTION FROM THE DEPOSIT OF SECURITY  
FOR THE COSTS OF PROCEEDINGS*

Nationals of either Contracting Party appearing before the authorities of the other Contracting Party shall, if they have their place of residence or sojourn or their headquarters in the territory of one of the Contracting Parties, not be required to deposit security for the costs of proceedings on the sole ground that they are aliens or have no place of residence or sojourn and no headquarters in the territory of the other Contracting Party.

EXEMPTION FROM THE PAYMENT OF FEES

*Article 52*

(1) Nationals of either Contracting Party shall, in the territory of the other Contracting Party, be entitled to exemption from the payment of judicial, notarial or administrative fees and to other preferences concerning fees and concerning other procedural costs under the same conditions as the latter Contracting Party's own nationals. The same shall apply to exemption from the payment of the cash expenditures incurred by legal representatives and of the representation fee.

(2) The exemption shall also apply to proceedings relating to enforcement of the decision.

*Article 53*

(1) The exemption in accordance with article 52 of this Treaty shall be granted on the basis of a certification of the applicant's personal, family and property relationships. Such certification shall be issued by the competent authority of the Contracting Party in whose territory the applicant has a place of residence or sojourn.

(2) If the applicant has no place of residence or sojourn in the territory of either Contracting Party, the certification may be issued by the diplomatic mission or consular post of the Contracting Party of which he is a national.

(3) The authority ruling on the application may request the authority which issued the certification to provide additional data or necessary clarification.

*Article 54*

(1) If a national of one Contracting Party submits to the competent authority of the other Contracting Party an application for exemption in accordance with article 52 of this Treaty, he may do so before the authority competent for his place of residence or sojourn. The latter authority shall transmit the application, together with the certification issued in accordance with article 53 of this Treaty, to the competent authority of the other Contracting Party.

(2) Applications for the granting of exemption in accordance with article 52 of this Treaty may be submitted at the same time as the application for the institution of the proceedings in connection with which the exemption is being applied for.

*Article 55*

An exemption in accordance with article 52 of this Treaty which has been recognized by a competent authority of one Contracting Party in a particular case



shall apply to all procedural actions taken in the course of the same proceedings by an authority of the other Contracting Party.

*Chapter Eight. Recognition and enforcement of decisions*

*Article 56. RECOGNITION AND ENFORCEMENT OF DECISIONS  
RENDERED IN CASES NOT RELATING TO PROPERTY*

(1) Final and enforceable decisions rendered by the judicial authorities of one Contracting Party in civil and family cases and not relating to property shall be recognized in the territory of the other Contracting Party without further proceedings, provided that no judicial authority of the latter Contracting Party has previously rendered a final decision in the same case or that, pursuant to this Treaty or in cases not governed by this Treaty, under the law of the Contracting Party in whose territory recognition is sought such proceedings are not within the exclusive competence of the judicial authorities of the latter Contracting Party.

(2) If an authority of one Contracting Party has rendered a final and enforceable decision relating to the placement of a child, the said decision must also be enforced in the territory of the other Contracting Party where the child is living, provided that the child is a national of one of the Contracting Parties. The provisions applicable to the enforcement of such decisions shall be, *mutatis mutandis*, the provisions concerning the enforcement of decisions in cases relating to property.

*RECOGNITION AND ENFORCEMENT OF DECISIONS  
RENDERED IN CASES RELATING TO PROPERTY*

*Article 57*

(1) Each Contracting Party shall, under the conditions specified in this Treaty, recognize and enforce in its territory the following decisions rendered in the territory of the other Contracting Party:

(a) Decisions relating to property which have been rendered by courts in civil and family cases and settlements approved by courts in such cases;

(b) Decisions rendered by courts in criminal cases which relate to compensation for damage.

(2) Decisions rendered in matters of succession by those authorities of a Contracting Party which, under the law of the same Contracting Party, are competent to conduct the proceedings shall also be deemed to be court decisions within the meaning of paragraph (1).

*Article 58*

The Contracting Parties shall recognize and enforce final awards of arbitral tribunals which have been made after the entry into force of the Treaty and settlements arrived at before such tribunals if the conditions of the arbitral agreement or clause are consistent with the law of both Contracting Parties.

*Article 59*

The decisions referred to in article 57 of this Treaty shall be recognized and enforced provided that:

(a) The decision is final and enforceable under the law of the Contracting Party in whose territory it was rendered; provisionally enforceable decisions and provisional measures may be recognized and enforced in the State applied to even if they are subject to appropriate appeal, provided that they are enforceable according to the law of the Contracting Party in whose territory they were rendered;

(b) The judicial authority of the Contracting Party in whose territory the decision was rendered was competent to rule in the case in accordance with this Treaty, and, in the cases not governed by this Treaty, in accordance with the law of the Contracting Party in whose territory recognition or enforcement is sought;

(c) The party against whom the decision was rendered and who did not participate in the proceedings was duly summoned in good time in accordance with the law of the Contracting Party in whose territory the decision was rendered and, in the event of his inability to participate in the proceedings, was properly represented;

(d) No final decision has previously been rendered in the same case between the same parties by a court of the Contracting Party in whose territory the decision is to be recognized and enforced;

(e) No decision rendered in the same case between the same parties by a judicial authority of a third State has been recognized or enforced.

#### *Article 60*

(1) The application for the recognition or enforcement of the decision may be submitted direct to the competent court of the Contracting Party in whose territory the decision is to be recognized or enforced or to the court which rendered a decision at first instance; in the latter event, the application shall, in the manner specified in article 3 of this Treaty, be transferred to the competent court of the other Contracting Party.

(2) The form of the application for the enforcement of the decision shall be governed by the law of the Contracting Party in whose territory the decision is to be enforced. In the case of an application for the enforcement of a decision ordering the payment of a sum of money, the entitled person shall specify the manner in which the decision is to be enforced.

(3) The application for the recognition or enforcement of the decision must be accompanied by:

(a) The decision or a certified copy thereof and, where this is not evident from the decision itself, a certification that the decision is final and enforceable or provisionally enforceable;

(b) A certification of the fact that a summons to the first proceeding, the application for the institution of the proceedings and the decision in the case were duly delivered, in good time, in accordance with the law of the Contracting Party in whose territory the decision was rendered, to the party against whom the decision was rendered and who did not participate in the proceedings and that in the event of his inability to participate in the proceedings, he was properly represented;

(c) A certified translation of the application for the recognition or enforcement of the decision and of the documents referred to in items (a) and (b) of this paragraph into the language of the Contracting Party in whose territory the decision is to be recognized or enforced.

(4) The application for the enforcement of the decision must be submitted, together with its annexes, in a sufficient number of copies to ensure that one copy will remain with the court which will rule on the order of enforcement and that every party against whom the application is directed receives a copy.

#### PROCEDURE FOR THE RECOGNITION AND ENFORCEMENT OF THE DECISION

##### *Article 61*

(1) The court competent to recognize a decision or to order its enforcement shall be the court of the Contracting Party in whose territory the decision is to be recognized or enforced.

(2) The court ruling on the recognition or the order of enforcement of the decision shall limit itself to determining whether the conditions specified in articles 57, 58 and 59 of this Treaty have been met, and if it finds that the said conditions have been met, it shall recognize the decision or shall order its enforcement. The substantive and geographical competence of the court shall be governed by the law of the Contracting Party in whose territory the decision is to be recognized and enforced.

(3) The law applicable to the enforcement of the decision shall be the law of the Contracting Party in whose territory the decision is to be enforced.

(4) If in the territory of the Contracting Party whose court rendered the decision the enforcement of the decision has been postponed, that fact shall be notified to the court of the Contracting Party applied to. The latter court shall likewise suspend the enforcement proceedings.

(5) The court may, if it considers this necessary, summon and interrogate the parties to the proceedings; it may also request further information from the court which rendered the decision.

##### *Article 62*

The debtor may raise objections against the enforcement of a decision if this is permitted by the law of the Contracting Party whose court rendered the decision.

#### *Article 63.* EXPORT OF ARTICLES AND TRANSFER OF FUNDS

The provisions of this Treaty which relate to the enforcement of decisions shall not affect those legal provisions of the Contracting Parties within the meaning of article 19 of this Treaty which relate to the transfer of the sums of money, or to the export of the articles, acquired through the enforcement of the decision.

#### ENFORCEMENT OF DECISIONS RELATING TO THE REIMBURSEMENT OF THE COSTS OF PROCEEDINGS

##### *Article 64*

(1) If a party granted exemption in accordance with article 52 of this Treaty has been required by a final decision rendered in the territory of one Contracting Party to reimburse the procedural costs incurred by the other party, the competent court of the other Contracting Party shall, at the request of the entitled person, order the enforcement, free of charge, of the decision requiring the collection of the said costs.

(2) The costs of the proceedings relating to the order of enforcement of the decision shall also include the costs of the translation and authentication of the documents referred to in article 60, paragraph (3), item (c), and article 65, paragraph (2), of this Treaty.

#### *Article 65*

(1) The court which ordered the enforcement of a decision relating to the costs of proceedings shall limit its investigation to the question whether the decision has become final and whether it is enforceable.

(2) The application for the enforcement of the decision must be accompanied by the decision or a certified copy of that part of the decision establishing the costs of proceedings and by a certification, from the court which rendered a decision at first instance, attesting that the decision relating to the costs of proceedings is final and enforceable. The said documents must be provided with a certified translation into the language of the Contracting Party in whose territory the decision is to be enforced.

(3) The authority of the Contracting Party in whose territory the costs were incurred shall request the competent court of the other Contracting Party to collect the costs of proceedings. The court shall deliver the collected sum to the diplomatic mission or consular post of the other Contracting Party.

#### *Article 66*

(1) The application for enforcement of the decision relating to the reimbursement of the costs of proceedings which is to be enforced in the territory of the other Contracting Party may be submitted to the court which rendered the decision relating to the costs, or to the court which rendered a decision in the case at first instance.

(2) The court referred to in paragraph (1) shall transmit the application, in the manner specified in article 3 of this Treaty, to the competent court of the other Contracting Party.

#### *Article 67*

The provisions of articles 56, 57 and 59 to 66 of this Treaty shall also be applicable to final and enforceable decisions rendered before the entry into force of the Treaty.

### PART THREE. CRIMINAL CASES

#### *Chapter One. Assumption of criminal prosecution*

##### *Article 68. OBLIGATION TO ASSUME CRIMINAL PROSECUTION*

(1) Each Contracting Party shall, at the request of the other Contracting Party, undertake to institute criminal prosecution against one of its nationals, as well as another person if that person is resident in its territory, who is being prosecuted on the basis of well-founded suspicion of having committed, in the territory of the Contracting Party applied to, acts which are judicially punishable under the law of both Contracting Parties.

(2) The provisions of paragraph (1) shall also be applicable if the act in respect of which the application for the assumption of criminal prosecution is submitted is

regarded as a judicially punishable act under the law of the applicant Contracting Party and is regarded only as an infraction under the law of the Contracting Party applied to.

(3) In the cases referred to in paragraphs (1) and (2) the competent authorities of the Contracting Party applied to shall proceed in accordance with their own law.

(4) The compensation claims of persons who have suffered damage shall, if they were asserted in the original proceedings become part of the assumed proceedings.

*Article 69.* APPLICATION FOR THE ASSUMPTION OF CRIMINAL PROSECUTION

(1) The application for the assumption of criminal prosecution must, in particular, contain the following:

(a) The designation of the applicant authority;

(b) The given name and family name, nationality, residence and other personal data of the person believed to have committed the act;

(c) A description of the act in connection with which the application for the assumption of the criminal prosecution is submitted;

(d) The text of the legal provisions of the applicant Contracting Party according to which the act is deemed to be judicially punishable and of other provisions which are relevant in connection with the assumed criminal prosecution;

(e) The amount of the damage caused and the claims, if any, for compensation for damage which have been submitted by the victims.

(2) The provisions of paragraph (1) shall not affect the provisions contained in article 6 of this Treaty concerning the form of the application.

(3) The application shall be accompanied by the criminal-case documents, or certified copies thereof, and the items of evidence which are available to the applicant Contracting Party.

*Article 70.* MEASURES FOR THE RETURN OF THE DEFENDANT

(1) If at the time of the submission of the application for the assumption of the criminal prosecution the defendant is under detention in the territory of the applicant Contracting Party, he shall be transported to the territory of the Contracting Party applied to.

(2) If at the time of the submission of the application for the assumption of the criminal prosecution the defendant is at liberty, the applicant Party shall, if necessary, take appropriate measures in accordance with its own law for his return to the territory of the Contracting Party applied to.

*Article 71.* NOTIFICATION OF THE RESULT  
OF THE ASSUMED CRIMINAL PROSECUTION

The Contracting Party applied to shall be required to notify the applicant Contracting Party of the result of the assumed prosecution. If a final decision is rendered, a copy of the judgement shall also be sent at the request of the applicant Contracting Party.

*Article 72. CONSEQUENCES OF THE ASSUMPTION  
OF THE CRIMINAL PROSECUTION*

(1) If an application for the assumption of the criminal prosecution has been submitted in accordance with article 68 of this Treaty, no criminal prosecution shall be instituted before the authorities of the applicant Contracting Party after the last decision of an authority of the Contracting Party applied to has become final, and if such a prosecution has been instituted, it must be terminated.

(2) The criminal prosecution may be re-instituted in the territory of the applicant Contracting Party if the defendant evades the criminal prosecution in the territory of the Contracting Party applied to.

*Chapter Two. Extradition*

*Article 73. OBLIGATION TO EXTRADITE*

(1) Each Contracting Party undertakes that it will, under the conditions specified in this Treaty, extradite to the other, upon request, for the conduct of criminal proceedings or for the execution of a penalty of deprivation of freedom, persons who are present in its territory.

(2) Extradition for the conduct of criminal proceedings shall be permissible only in respect of a judicially punishable act which is punishable under the law of both Contracting Parties by a penalty of deprivation of freedom for one year.

(3) Extradition for the execution of a penalty of deprivation of freedom shall be permissible only in respect of acts which are judicially punishable under the law of both Contracting Parties and for which the person whose extradition is requested has been sentenced to a penalty of deprivation of freedom.

*Article 74. REFUSAL OF EXTRADITION*

(1) Extradition shall not take place if:

(a) At the time of the receipt of the requisition for extradition the person whose extradition is requested is a national of the Contracting Party applied to;

(b) The judicially punishable act was committed in the territory of the Contracting Party applied to;

(c) Under the law of the Contracting Party applied to, criminal prosecution cannot be instituted, or the sentence cannot be executed, owing to prescription or for other statutory reasons;

(d) A final judgement has already been rendered in the territory of the Contracting Party applied to, for the same judicially punishable act, against the person whose extradition is requested, or the criminal prosecution has been terminated by a decision which has become final.

(2) In the event of refusal of extradition, the Contracting Party applied to shall notify the applicant Contracting Party accordingly, with a statement of the reasons why extradition is being refused.

*Article 75. REQUISITION FOR EXTRADITION*

(1) The requisition for extradition must contain:

(a) The designation of the applicant authority;

(b) The given name and family name, nationality and other personal data of the person whose extradition is requested and, where possible, his personal description and his photograph;

(c) The text of the legal provisions of the applicant Contracting Party according to which the act is deemed to be judicially punishable;

(d) The amount of the damage caused.

(2) The application for extradition for the conduct of criminal proceedings shall be accompanied by the original or a certified copy of the warrant for arrest and a description of the act in connection with which extradition is requested.

(3) A requisition for extradition for the execution of a penalty of deprivation of freedom must be accompanied by a certified copy of the judgement, with a clause stating that it has become final. If the convicted person has already served part of the sentence of deprivation of freedom, the communication shall specify what part.

#### *Article 76.* SUPPLEMENTATION OF THE REQUISITION FOR EXTRADITION

If the requisition for extradition does not contain all the necessary data, the Contracting Party applied to may request their supplementation, for which it may establish a time-limit of up to two months supplementation and may establish a time-limit of up to two months for that purpose. A time-limit established at less than two months may be extended for substantial reasons but may not exceed two months even after extension.

#### *Article 77.* DETENTION FOR THE PURPOSE OF EXTRADITION

Upon receipt of a requisition for extradition, the Contracting Party applied to shall immediately take steps to detain the person whose extradition is requested, except in those cases in which extradition is not permissible.

#### *Article 78.* PROVISIONAL DETENTION

(1) The detention may also be implemented before receipt of the requisition for extradition if the applicant Contracting Party expressly requests it and states that a warrant for arrest, or a judgement, on the basis of which it intends to request extradition has been issued against the person concerned. The request for provisional detention may be submitted by post, telegraph or any other appropriate method which precludes any doubt.

(2) The competent authorities of the Contracting Parties may, even without the request referred to in paragraph (1), provisionally detain a person in their territory who, to their knowledge, has committed in the territory of the other Contracting Party a judicially punishable act for which extradition is permitted.

(3) The detention implemented on the basis of paragraphs (1) and (2) must be notified without delay to the other Contracting Party.

#### *Article 79.* RELEASE OF THE DETAINED PERSON

(1) The Contracting Party applied to may release a person detained pursuant to article 77 of this Treaty if the data whose supplementation is requested have not additionally been sent to it within the time-limit established in accordance with article 76 of this Treaty.

(2) A person detained pursuant to article 78, paragraph (1), of this Treaty may be released if the requisition for extradition is not received within one month after the date on which the provisional detention was notified to the other Contracting Party.

(3) A person detained pursuant to article 78, paragraph (2), of this Treaty shall be released if the requisition for extradition is not received within one month after the date on which the provisional detention was notified to the other Contracting Party.

#### *Article 80.* POSTPONEMENT OF EXTRADITION

If a person whose extradition is requested is on trial, or has been convicted of another criminal act in the territory of the Contracting Party applied to, the extradition may be postponed until the completion of the criminal prosecution or the completion of the execution of the penalty.

#### *Article 81.* TEMPORARY EXTRADITION

(1) On the basis of a request with statement of grounds from the applicant Contracting Party, the person whose extradition is requested shall be temporarily extradited if postponement of extradition would result in the gaining of exemption by prescription from the criminal prosecution or would make significantly more difficult the investigation of the judicially punishable act.

(2) The temporarily extradited person shall be returned without delay when the procedural acts for the purpose of which he was extradited have been carried out, but not later than three months after the date of the temporary extradition.

#### *Article 82.* REQUISITIONS FROM SEVERAL STATES FOR EXTRADITION

If the extradition of a person is requested by more than one State, the Contracting Party applied to shall decide which requisition it will comply with. In that connection, due regard shall be given to the nationality of the person whose extradition is requested, the place at which the judicially punishable act was committed and the severity thereof.

#### *Article 83.* LIMITS TO THE PROSECUTABILITY OF THE EXTRADITED PERSON

(1) Without the consent of the Contracting Party applied to, the extradited person shall not, in respect of a judicially punishable act committed prior to extradition and other than the one for which the extradition was granted, be subjected to criminal prosecution or to the execution of a penalty to which he has been sentenced or be extradited to a third State.

(2) The consent of the Contracting Party applied to shall not be required if:

(a) The extradited person fails to leave the territory of the applicant Contracting Party within one month after the completion of the criminal proceedings or the execution of the penalty; such time-limit shall not include the time during which the extradited person was unable, through no fault of his own, to quit the territory of the applicant Contracting Party;

(b) The extradited person has left the territory of the applicant Contracting Party but has thereafter returned to that territory voluntarily.



*Article 84.* IMPLEMENTATION OF THE EXTRADITION

The Contracting Party applied to shall notify the applicant Contracting Party of the place and time of delivery. The person whose extradition is requested may be released if the Contracting Party applied to fails to accept him within 15 days after the date designated for delivery.

*Article 85.* RE-EXTRADITION

If the extradited person evades in any manner the criminal prosecution or the execution of the penalty and is present in the territory of the Contracting Party applied to, he shall be re-extradited upon receipt of a new requisition without requiring the sending of the documents referred to in article 75 of this Treaty.

*Article 86.* NOTIFICATION OF THE RESULTS OF THE CRIMINAL PROSECUTION

The applicant Contracting Party shall immediately notify the Contracting Party applied to of the results of the criminal prosecution instituted against the extradited person by transmitting a copy of the decision which has become final.

*Article 87.* CONVEYANCE IN TRANSIT

(1) Each Contracting Party shall, at the other Contracting Party's request, authorize the conveyance in transit through its territory of persons extradited by a third State to the Contracting Party applying for conveyance in transit. The Contracting Party applied to shall not be required to authorize the conveyance in transit of persons whose extradition may be refused in accordance with this Treaty.

(2) An application for the authorization of conveyance in transit shall be submitted and processed in the same manner as a requisition for extradition.

(3) The Contracting Party applied to shall carry out the conveyance in transit in the manner it considers most appropriate.

(4) Consent to the conveyance in transit shall not be required if it is carried out by overflight without any intermediate landing.

*Article 88.* COSTS OF EXTRADITION AND OF CONVEYANCE IN TRANSIT

The costs of extradition shall be borne by the Contracting Party in whose territory they were incurred. The costs of conveyance in transit shall be borne by the Contracting Party which applied for conveyance in transit.

*Chapter Three. Special provisions concerning legal assistance  
in criminal cases*

*Article 89.* DELIVERY OF PERSONS WHO HAVE BEEN DETAINED  
OR WHO ARE SERVING A SENTENCE OF DEPRIVATION OF FREEDOM

If a person summoned as a witness is under detention or serving a sentence of deprivation of freedom in the territory of the Contracting Party applied to and it is essential that he should be personally interrogated, the said Contracting Party shall take steps for his transfer to the territory of the applicant Contracting Party; the said person must be kept under detention and must be returned without delay after being interrogated.

*Article 90.* DELIVERY OF ARTICLES

(1) Articles which the perpetrator has acquired through the criminal act in respect of which his extradition is requested or which he has acquired as the proceeds of the disposition of such articles, as well as articles which serve as evidence in the criminal proceedings, shall be delivered to the applicant Contracting Party, even if the perpetrator is not extradited by reason of his death or escape or for any other reason.

(2) The Contracting Party applied to may temporarily delay the return of the articles requested if they are required in another criminal proceeding.

(3) The rights of third persons to articles delivered to the other Contracting Party shall remain unaffected. After the completion of the criminal proceedings, such articles shall be returned to the Contracting Party which sent them or shall, with its consent, be delivered direct to the entitled persons.

*Article 91.* NOTIFICATION OF CRIMINAL JUDGEMENTS

(1) The competent authorities of the Contracting Parties shall inform one another of those final decisions in criminal cases which the courts of one Contracting Party have rendered against nationals of the other Contracting Party.

(2) On the basis of a request with statement of grounds, the competent authorities of the Contracting Parties shall inform one another of final judgements and of final decisions discontinuing proceedings even if the persons to whom the decision relates are not nationals of the applicant Contracting Party.

(3) The competent authorities of the Contracting Parties shall also inform one another of final decisions relating to nationals of the other Contracting Party if the criminal proceedings ended in a discontinuance.

(4) The competent authorities of the Contracting Parties shall, upon request, transmit to one another, where possible, the fingerprints of the persons referred to in paragraphs (1) and (2).

*Article 92.* TRANSMITTAL OF EXTRACTS FROM THE REGISTER OF PENALTIES

The competent authorities of each Contracting Party shall transmit to the judicial authorities of the other Contracting Party extracts from the register of penalties.

PART FOUR. FINAL PROVISIONS

*Article 93*

This Treaty is subject to ratification and shall enter into force on the thirtieth day after the exchange of the instruments of ratification. The instruments of ratification shall be exchanged at Budapest.

*Article 94*

This Treaty is concluded for five years. Its validity shall be extended for successive periods of five years unless one of the Contracting Parties denounces it in writing at least six months before the expiry of the current five-year period.

*Article 95*

(1) Upon the entry into force of this Treaty, the Treaty Regulating Legal Relations in Civil, Family and Criminal Cases, concluded between the Czechoslovak Socialist Republic and the Hungarian People's Republic on 2 November 1961, shall cease to have effect.

(2) If any reference is made in the Consular Convention of 17 May 1973 between the Czechoslovak Socialist Republic and the Hungarian People's Republic to the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic concerning the regulation of legal relations in civil, family, and criminal cases, the reference shall be understood to mean a reference to this treaty.

DONE at Bratislava on 28 March 1989, in duplicate in the Slovak and Hungarian languages, both texts being equally authentic.

For the Czechoslovak  
Socialist Republic:

MILAN ČIČ

For the Hungarian  
People's Republic:

KÁLMÁN KULCSÁR

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