

No. 27088

**FRANCE
and
BULGARIA**

**Convention concerning judicial assistance in civil matters
(with annex). Signed at Sofia on 18 January 1989**

Authentic texts: French and Bulgarian.

Registered by France on 29 January 1990.

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et
BULGARIE**

**Convention d'entraide judiciaire en matière civile (avec an-
nexe). Signée à Sofia le 18 janvier 1989**

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Enregistrée par la France le 29 janvier 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING RECIPROCAL LEGAL ASSISTANCE IN CIVIL MATTERS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA

The Government of the French Republic and the Government of the People's Republic of Bulgaria,

Desiring to establish closer cooperation in legal matters between the two countries,

Have decided to conclude this Convention:

Article 1

1. Each Contracting Party undertakes to provide the other Party with legal assistance in civil matters. For the purposes of this Convention, civil matters comprise civil law, family law and commercial law.

2. Reciprocal legal assistance shall, subject to the other provisions of this Convention, be provided through the central authorities, namely, the Ministries of Justice.

3. The central authorities shall communicate directly with each other in the language of the requesting Party and such communication shall be free of charge.

CHAPTER I

ACCESS TO JUDICIAL ORGANS

Article 2

1. Nationals of each Contracting Party shall, in the territory of the other Party, enjoy the same protection of their personal and property rights as that enjoyed by nationals of that other Contracting Party.

They shall accordingly, in the territory of the other Contracting Party, have free access to the judicial organs for the purpose of establishing and defending their rights.

2. Bodies corporate established in accordance with the laws of either Party and having their head office in its territory shall enjoy the same legal protection as nationals of the two Parties.

¹ Came into force on 1 October 1989, i.e., the first day of the second month following the date of the last of the notifications by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 26.

Article 3

Nationals of each Contracting Party may not, in the territory of the other Party, be required to pay any security or deposit under any designation, by reason of their status as aliens or the lack of domicile or residence in the country.

Article 4

Nationals of each Contracting Party shall, in the territory of the other Party, be entitled to legal aid on the same basis as nationals of that Party, in accordance with the relevant laws of the Contracting Party in whose territory aid is requested.

Article 5

Where, in the territory of either Party, a person has been granted the right to legal aid in respect of a proceeding which gave rise to a decision, he shall, without further scrutiny, be granted the right to legal aid in the territory of the other Party for the purpose of securing recognition and enforcement of the decision.

Article 6

1. A request for legal aid shall either be addressed to the competent authority of the requested Party or transmitted through the central authorities.
2. Subject to the provisions of article 5 above, the request shall be accompanied by an official document attesting to the means of the applicant.

CHAPTER II

TRANSMITTAL AND SERVICE OF DOCUMENTS

Article 7

1. Where a judicial or extrajudicial document is addressed to a person residing in the territory of the other Contracting Party, the competent authority shall address the request for service to the central authority of the requested Party.
2. The request shall be accompanied by the untranslated document, in duplicate, and by the model bilingual form annexed to this Convention, indicating the basic data to be contained in such a document.
3. The model form shall be completed in the language of the requesting Party.

Article 8

1. The central authority of the requested Party shall serve the document, or arrange for it to be served, through the channel which it deems most appropriate.
2. Proof of service, or of attempted service, shall be established by means of a receipt, a certificate or a report. These documents, together with a copy of the document served, shall be returned directly to the requesting authority.
3. The services of the requested Party may not give rise to the payment or the reimbursement of fees or costs.

Article 9

Each Party shall have the option to cause judicial and extrajudicial documents pertaining to its own nationals who are in the territory of the other Party to be served directly and without constraints.

Article 10

The preceding articles shall be without prejudice to:

- The option to send the document directly to the addressee by post;
- The option for any person concerned to arrange for service or notification of a legal document at his own expense and in accordance with the procedures in force in the territory of the Contracting Party to which it is addressed.

CHAPTER III

TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 11

1. The judicial authority of either Contracting Party may, by a letter rogatory, request the judicial authority of the other Party to conduct such examination proceedings as it may deem necessary in respect of a case pending before it.

2. The letter rogatory shall contain the following particulars:

(a) The designation of the requesting authority and, where possible, that of the requested authority;

(b) The names and addresses of the parties and, where applicable, of their representatives;

(c) The nature and subject of the proceeding and a brief statement of the facts;

(d) The examination proceedings to be conducted.

The letter rogatory shall bear the signature and the seal of the requesting authority.

3. The letter rogatory shall be accompanied by a translation in the language of the requested Party; it shall be sent by the central authority of the requesting Party to the central authority of the requested Party, which shall transmit it to the competent judicial authority.

Article 12

The requesting judicial authority may request that the parties concerned and, where applicable, their representatives, should be directly informed of the date and the place of the proceedings requested so that they may be present.

Article 13

1. The judicial authority executing a letter rogatory shall apply the laws of its own country with regard to the procedures to be followed.

2. Where, however, the requesting authority requests that a special procedure should be followed, such a request shall be complied with, provided that the procedure is not incompatible with the laws of the requested Party, and that it is not impossible to apply it, either because of the judicial practices of the requested Party, or because of practical difficulties.

3. The letter rogatory shall be executed as a matter of urgency.

Article 14

The execution of a letter rogatory may be refused only if execution does not lie within the competence of the judicial authority of the requested Party or if the latter deems such execution to be liable to impair its sovereignty or security.

Article 15

The documents establishing the execution of the letter rogatory shall be transmitted by the requested judicial authority to the requesting judicial authority through the central authorities.

Article 16

1. The execution of a letter rogatory may not give rise to the reimbursement of any fees or costs of any kind.

2. The requested Party shall, however, be entitled to claim reimbursement from the requesting Party in respect of compensation paid to experts and of costs arising from the application of a special procedure requested by the requesting Party.

Article 17

Each Contracting Party shall have the option to cause letters rogatory to be executed without constraint by its diplomatic agents or consular officers where they pertain to its own nationals.

CHAPTER IV

RECOGNITION AND ENFORCEMENT OF JUDICIAL AND ARBITRAL DECISIONS

Article 18

This chapter shall apply, in civil, family and commercial matters, to decisions rendered by the courts of the Contracting Parties, including decisions rendered by criminal courts adjudicating in civil actions involving compensation for damages.

Article 19

Decisions rendered by the courts of a Contracting Party shall be recognized and may be declared enforceable in the territory of the other Contracting Party on condition that:

1. The court which rendered the decision, the recognition and enforcement of which have been requested, was competent under the laws of the Contracting Party in whose territory such recognition and enforcement are requested;

2. The law applied to the dispute is that designated by the rules governing conflicts of laws which are applied in the territory of the requested Party; however, where the application of either law leads to the same result, the law applied may be different from the law designated by the conflict rules of the requested Party;

3. The decision is no longer subject to an ordinary appeal in the territory of the Party in which it was rendered, and is enforceable; however, in matters involving maintenance obligations, the rights to custody of a minor or visiting rights, the decision may simply be enforceable in the territory of the Party in which it was rendered;

4. The document instituting proceedings was served on or notified to the defaulting party in a regular manner and in due time to enable him to defend himself;

5. The decision contains nothing which contravenes the public policy (*ordre public*) of the requested Party;

6. A dispute between the same parties, based on the same facts, and concerning the same subject as that in the territory of the Party in which the decision was rendered:

- Is not pending before a court of the requested Party which was seized of its first, or
- Has not given rise to a decision rendered in the territory of the requested Party on a date prior to that of the decision submitted for enforcement,
- Has not given rise to a decision rendered in a third State on a date prior to that of the decision submitted for enforcement which meets the requirements for recognition in the territory of the requested Party.

Article 20

1. The procedure for securing the enforcement of the decision shall be governed by the laws of the requested Party.

2. The requested judicial authority shall not consider the merits of the decision.

3. If the decision pertains to a number of items, partial enforcement may be granted.

Article 21

The party requesting recognition or enforcement shall produce:

1. A complete copy of the decision which meets the authenticity requirements;

2. Any document constituting proof that the decision was served or notified;

3. Where applicable, a certified copy of the summons served on the defaulting party and any documents constituting proof that the summons was served in due time;

4. Any documents constituting proof that the decision is enforceable in the territory of the Party in which it was rendered and, with the exception of decisions

relating to maintenance obligations, the custody of a minor or visiting rights, is no longer subject to appeal.

5. These documents shall be accompanied by a translation certified either by a diplomatic agent or consular officer, or by any person authorized for the purpose in the territory of either Party.

Article 22

Each Contracting Party shall recognize and shall enforce arbitral awards handed down in the territory of the other Party in accordance with the provisions of the New York Convention of 10 June 1958 on the Recognition and Enforcement of Foreign Arbitral Awards.¹

CHAPTER V

EXEMPTION FROM AUTHENTICATION, CIVIL STATUS AND EXCHANGE OF INFORMATION

Article 23

Where authentic instruments drawn up in the territory of either Contracting Party are to be produced in the territory of the other Party, they shall be exempt from authentication and all similar formalities.

The following shall be considered to be authentic instruments for the purpose of this Convention:

- Documents emanating from a court, the government procurator's office, a clerk of a court or a bailiff;
- Administrative documents;
- Notarized documents;
- Official certificates, such as certificates of registration and authentications of legal dates and of signatures affixed to private deeds.

Article 24

1. Each Party shall transmit free of charge to the other Party, at its request and for a duly specified administrative purpose, records and copies of judicial decisions concerning the civil status of nationals of the requesting Party.

2. Requests and records of civil status shall be transmitted through the diplomatic or consular channel; requests and copies of judicial decisions shall be transmitted through the central authorities.

Article 25

The central authorities shall transmit to each other, upon request, all information concerning the legislation and jurisprudence in force in their territory, as well as copies of judicial decisions rendered by the courts.

¹ United Nations, *Treaty Series*, vol. 330, p. 3.

CHAPTER VI

FINAL PROVISIONS

Article 26

Each Contracting Party shall notify the other of the completion of the procedures required by its Constitution for the entry into force of this Convention, which shall take effect on the first day of the second month following the last such notification.

Article 27

This Convention is concluded for an indefinite period. Either Contracting Party may denounce it at any time, and the denunciation shall take effect six months after the date on which notice of denunciation is received by the other Party.

DONE at Sofia on 18 January 1989, in duplicate in the French and Bulgarian languages, both texts being equally authentic.

For the Government
of the French Republic:

[ROLAND DUMAS]

For the Government
of the People's Republic
of Bulgaria:

[PETAR MLADENOV]

ANNEX

FORM INDICATING THE DATA TO BE CONTAINED IN JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL MATTERS, ISSUED BY THE FRENCH REPUBLIC AND INTENDED FOR PERSONS IN THE TERRITORY OF THE PEOPLE'S REPUBLIC OF BULGARIA, OR ISSUED BY THE PEOPLE'S REPUBLIC OF BULGARIA AND INTENDED FOR PERSONS IN THE TERRITORY OF THE FRENCH REPUBLIC

Basic data to be included in the document pursuant to the Convention of 18 January 1989 concerning legal assistance in civil matters between the Government of the French Republic and the Government of the People's Republic of Bulgaria

ARTICLE 7

Requesting authority:

Name and address of the addressee:

JUDICIAL DOCUMENT⁽¹⁾

Names of the parties

Nature and subject of the document

Nature and subject of the proceeding and amount of the claim

Date and place of appearance⁽¹⁾

Judge or court that rendered the decision⁽¹⁾

Date of the decision⁽¹⁾

Time-limits stipulated in the document⁽¹⁾

EXTRAJUDICIAL DOCUMENT

Nature and subject of the document⁽¹⁾

Date and place of appearance⁽¹⁾

Authority that ordered the service of the document⁽¹⁾

Date of the decision ordering service⁽¹⁾

Time-limits stipulated in the document⁽¹⁾

⁽¹⁾ Delete inapplicable items.