

Article 9

Communication

The courts of the Contracting States shall communicate through the Ministries of Justice of the Contracting States unless provided otherwise in the present Treaty.

Article 10

Languages and Translations

(1) Letters rogatory shall be drawn up in the language of the requesting Contracting State.

(2) The documents to be served shall be drawn up in the language of the requesting Contracting State and furnished with an authenticated translation in the language of the requested Contracting State.

Article 11

Substance and Form of Letters Rogatory

(1) The letter rogatory shall contain the following data:

1. the designation of the requesting court and of the requested court;
2. the designation of the matter to which it refers;
3. the names of the persons involved, their respective citizenship, occupation, domicile or abode and their positions in the proceedings;
4. the names and addresses of the legal representatives;
5. the designation of the facts regarding to which evidence is to be taken, or of the act that is to be carried through, the circumstances, as far as this is necessary for proper understanding; with regard to requests for service of documents, especially the address and citizenship of the addressee as well as the documents to be served.

(2) The letters rogatory and the documents enclosed must be signed and furnished with the seal of the court. Consular legalization shall not be required.

(3) Letters rogatory shall be transmitted together with a covering letter of the authority competent according to Article 9.

Execution of Letters Rogatory

Article 12

(1) In executing letters rogatory, the requested court shall apply domestic law.

(2) The requested court shall, on demand, inform the requesting court in time of the date and place of execution of letters rogatory. Such information may be posted directly.

Article 13

(1) If the requested court is not competent for executing the letters rogatory it shall transmit the letters rogatory to the competent court, or to the authority competent according to Paragraph 2 of Article 7.

(2) If the person designated in letters rogatory is not found under the given address the requested court shall take the necessary measures to ascertain the address.

(3) If the requested court is unable to execute letters rogatory it shall notify the requesting court to this effect in the way agreed in Article 9, stating what reasons have prevented it from doing so.

Article 14

(1) Service shall be proved by a receipt which contains the date of service, the signature of the writ-server as well as the seal of the court, or by minutes of the requested court saying in what form and at what time the document concerned has been served.

(2) If the document to be served is not furnished with a translation in the language of the requested Contracting

State, the requested court shall not hand over the document to the addressee unless he is ready to accept it voluntarily.

Article 15

Service to citizens

The Contracting States may carry out service to their own citizens who are resident in the territory of the other Contracting State through their diplomatic and consular representation.

Article 16

Safe Conduct for Witnesses and Expert Witnesses

(1) Any witness or expert witness, irrespective of his citizenship, who upon a summons served to him by the court of the requested Contracting State appears before the courts of the requesting Contracting State to be heard in civil, family, labour law or criminal matters, must not be prosecuted or arrested for an offence committed by him prior to his crossing the borders of the requesting Contracting State. Furthermore he must not be subjected to punishment on the grounds of a former court sentence.

(2) Any witness or expert witness shall lose the protection granted in Paragraph 1 if he has not left the territory of the requesting Contracting State within five days from the day of his being notified that his presence is no longer required, though he had the possibility of leaving that territory.

Article 17

Costs of Judicial Assistance

(1) The requested Contracting State shall bear the costs of the execution of letters rogatory excluding the fees for expert opinions.

(2) The requested court shall, on demand, notify the requesting court of the kind and the amount of the costs accrued.

Article 18

Refusal to Grant Judicial Assistance

Judicial assistance shall be refused if the execution of a letter rogatory could affect the sovereignty, security or the basic principles of the State and Law order of the requested Contracting State.

Chapter III

Information on the Law in Force

Article 19

The Ministries of Justice of the Contracting States shall, at request, inform each other on regulations of civil, family, labour and penal laws as far as this is necessary for the carrying through of legal proceedings.

Chapter IV

Documents

Article 20

Exemption from Legalization

(1) Documents registered, issued or drawn up in due form by a court or another authority or a person authorized to do so according to the legal provisions of the one Contracting State within the framework of their competence shall not be subject to diplomatic or consular legalization if used before the courts or other authorities of the other Contracting State provided they are signed and officially sealed.

(2) Paragraph 1 shall also apply to the authentication of signatures and copies of documents.