



Treaty Series No. 5 (1938)

Convention

between His Majesty in respect of the United Kingdom
and His Majesty the King of the Hellenes

regarding

Legal Proceedings in Civil and Commercial Matters

London, February 27, 1936

[Ratifications exchanged in Athens on November 16, 1937]

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM AND HIS MAJESTY THE KING OF THE
HELLENES REGARDING LEGAL PROCEEDINGS IN CIVIL
AND COMMERCIAL MATTERS.

London, February 27, 1936.

[*Ratifications exchanged in Athens on November 16, 1937.*]

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of the Hellenes;

Being desirous to render mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with or which it is anticipated may be dealt with by their respective judicial authorities;

Have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

The Right Honourable Robert Anthony Eden, M.C.,
M.P., His Principal Secretary of State for Foreign
Affairs;

and

His Majesty the King of the Hellenes:

Monsieur Charalambos Simopoulos, His Envoy Extraordinary
and Minister Plenipotentiary in London;

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

I.—*Preliminary.*

ARTICLE 1.

(a) Except where the contrary is expressly stated, this Convention applies only to civil and commercial matters, including non-contentious matters.

Ἡ Α. Μεγαλειότης ὁ Βασιλεὺς τῆς Μεγάλης Βρεττανίας, Ἰρλανδίας καὶ τῶν Ὑπερθαλασσίων Βρεττανικῶν Ἐπικρατειῶν, καὶ Αὐτοκράτωρ τῶν Ἰνδιῶν, καὶ ἡ Α. Μεγαλειότης ὁ Βασιλεὺς τῶν Ἑλλήνων :

Κατεχόμενοι ὑπὸ τῆς ἐπιθυμίας ὅπως ὑποβοηθήσουν ἀμοιβαίως τὴν διεξαγωγὴν τῆς διαδικασίας ἐπὶ πολιτικῶν καὶ ἐμπορικῶν ὑποθέσεων τῶν ὁποίων ἐπελήφθησαν ἢ θὰ ἐπιληφθῶσιν ἐνδεχομένως αἱ οἰκεῖαι δικαστικαὶ ἀρχαί,

Ἀπεφάσισαν νὰ συνομολογήσωσι Σύμβασιν πρὸς τὸν σκοπὸν τοῦτον καὶ διώρισαν ὡς πληρεξουσίου αὐτῶν :

Ἡ Α. Μεγαλειότης ὁ Βασιλεὺς τῆς Μεγάλης Βρεττανίας, Ἰρλανδίας καὶ τῶν Ὑπερθαλασσίων Βρεττανικῶν Ἐπικρατειῶν, καὶ Αὐτοκράτωρ τῶν Ἰνδιῶν :

Διὰ τὴν Μεγάλην Βρεττανίαν καὶ Βόρειον Ἰρλανδίαν :

Τὸν Ἐντιμώτατον Κύριον Robert Anthony Eden, M.C., Ὑπουργὸν ἐπὶ τῶν Ἐξωτερικῶν τῆς Α. Μεγαλειότητος,

καὶ

Ἡ Α. Μεγαλειότης ὁ Βασιλεὺς τῶν Ἑλλήνων :

Τὸν Κύριον Χαράλαμπον Σιμόπουλον, Ἐκτακτον Ἀπεσταλμένον καὶ Πληρεξούσιον Ὑπουργὸν τῆς Α. Μεγαλειότητος ἐν Λονδίῳ,

Οἷτινες, ἀφοῦ ἀνεκοίνωσαν ἀλλήλοις τὰ πληρεξούσια αὐτῶν, εὐρεθέντα ἐν τάξει καὶ κατὰ τοὺς ἀπαιτούμενους τύπους, συνεφώνησαν τὰ ἑξῆς :

I.—Προκαταρκτικά.

Ἄρθρον 1.

(α) Ἐκτὸς ὅπου ὀρίζεται ῥητῶς τὸ ἐναντίον, ἡ Σύμβασις αὕτη ἐφαρμόζεται μόνον ἐπὶ πολιτικῶν καὶ ἐμπορικῶν ὑποθέσεων, συμπεριλαμβανομένων καὶ τῶν μὴ ἀμφισβητούμενων.

(b) In this Convention the words:—

- (1) "territory of one (or of the other) High Contracting Party" shall be interpreted (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the Convention is in force by reason of extensions under Article 15 or accessions under Article 16; and (b) in relation to His Majesty the King of the Hellenes, Greece;
- (2) "persons" shall be deemed to mean individuals and artificial persons;
- (3) "artificial persons" shall be deemed to include partnerships, companies, societies and other corporations;
- (4) "subjects of a High Contracting Party" shall be deemed to include artificial persons constituted or incorporated under the laws of the territory of such High Contracting Party;
- (5) "subjects of one (or of the other) High Contracting Party" shall be deemed (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and all persons under His protection; and (b) in relation to His Majesty the King of the Hellenes, all Greek subjects.

II.—*Service of Judicial and Extra-Judicial Documents.*

ARTICLE 2.

(a) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a

(β) Ἐν τῇ συμβάσει ταύτῃ αἱ λέξεις :—

- (1) “χώρα τοῦ ἑνὸς (ἢ τοῦ ἑτέρου) Ὑψηλοῦ Συμβαλλομένου Μέρους” θὰ ἐρμηνεύωνται (α) καθ’ ὅ,τι ἀφορᾷ μὲν τὴν Α. Μεγαλειότητα τὸν Βασιλέα τῆς Μεγάλῃς Βρεττανίας, Ἰρλανδίας καὶ τῶν Ὑπερθαλασσιῶν Βρεττανικῶν Ἐπικρατειῶν καὶ Αὐτοκράτορα τῶν Ἰνδιῶν, ὡς νοοῦσαι τὴν Ἀγγλίαν καὶ τὴν Οὐαλλίαν καὶ πᾶν ἔδαφος ἐν σχέσει πρὸς τὸ ὁποῖον ἡ παροῦσα Συνθήκη εὐρῆται ἐν ἰσχυρῷ λόγῳ ἐπεκτάσεων δυνάμει τοῦ ἄρθρου 15 ἢ προσχωρήσεων δυνάμει τοῦ ἄρθρου 16: (β), καθ’ ὅ,τι ἀφορᾷ δὲ τὴν Α. Μεγαλειότητα τὸν Βασιλέα τῶν Ἑλλήνων, τὴν Ἑλλάδα.
- (2) Ἡ λέξις “πρόσωπα” θὰ θεωρῆται ὡς νοοῦσα φυσικὰ καὶ νομικὰ πρόσωπα.
- (3) Ἡ φράσις “νομικὰ πρόσωπα” θὰ θεωρῆται ὡς συμπεριλαμβάνουσα προσωπικὰς καὶ ἀωνύμους ἐταιρίας, συνεταιρισμοὺς καὶ ἄλλα σωματεῖα.
- (4) Ἡ φράσις “ὑπήκοοι Ὑψηλοῦ Συμβαλλομένου Μέρους” θὰ θεωρῆται ὡς συμπεριλαμβάνουσα ἐπίσης νομικὰ πρόσωπα συσταθέντα ἢ ἰδρυθέντα κατὰ τοὺς νόμους τῆς χώρας τοῦ τοιοῦτου Ὑψηλοῦ Συμβαλλομένου Μέρους.
- (5) Ἡ φράσις “ὑπήκοοι τοῦ ἑνὸς (ἢ τοῦ ἑτέρου) Ὑψηλοῦ Συμβαλλομένου Μέρους” θὰ θεωρῆται (α) καθ’ ὅ,τι ἀφορᾷ μὲν τὴν Α. Μεγαλειότητα τὸν Βασιλέα τῆς Μεγάλῃς Βρεττανίας, Ἰρλανδίας καὶ τῶν Ὑπερθαλασσιῶν Βρεττανικῶν Ἐπικρατειῶν καὶ Αὐτοκράτορα τῶν Ἰνδιῶν, ὡς σημαίνουσα πάντας τοὺς ὑπηκόους τῆς Α. Μεγαλειότητος ὅπουδήποτε ἔχοντας τὴν κατοικίαν τῶν, καὶ πάντα τὰ ὑπὸ τὴν προστασίαν Αὐτοῦ πρόσωπα, (β) καθ’ ὅ,τι ἀφορᾷ δὲ τὴν Α. Μεγαλειότητα τὸν Βασιλέα τῶν Ἑλλήνων, πάντας τοὺς Ἑλληνας ὑπηκόους.

II.—Ἐπίδοσις δικογράφων καὶ ἐξωδίκων ἐγγράφων.

Ἄρθρον 2.

(α) Ὅσαίς δικαστικῇ τις ἀρχῇ ἐδρεύουσα ἐν τῇ χώρᾳ τοῦ ἑνὸς τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν ἔχει ἀνάγκη

judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in Articles 3 and 4 in all cases where such method of service is recognised by the law of the country of origin.

(b) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to be effected.

ARTICLE 3.

(a) A request for service shall be addressed and sent by a Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin.

(d) Requests for service shall be addressed and sent—

In England to the Senior Master of the Supreme Court of Judicature.

In Greece to the Procureur of the Tribunal of First Instance within whose jurisdiction the person, on whom the documents are to be served, resides, or, in case of doubt, to the Ministry of Justice.

ὅπως δικόγραφα ἢ ἐξώδικα ἔγγραφα συνταχθέντα αὐτόθι, ἐπιδοθῶσι πρὸς πρόσωπα εὐρισκόμενα ἐν τῇ χώρᾳ τοῦ ἑτέρου Ὑψηλοῦ Συμβαλλομένου Μέρους, τὰ τοιαῦτα ἔγγραφα δύνανται νὰ ἐπιδίδωνται πρὸς τὸν πρὸς ὃν γίνεται ἡ ἐπίδοσις, ἀνεξαρτήτως τῆς ἐθνικότητος αὐτοῦ, καθ' οἷονδῆποτε τρόπον ἐκ τῶν προβλεπομένων ἐν ἀρθροῖς 3 καὶ 4 ἐπὶ οἰασδῆποτε περιπτώσεως καθ' ἣν ὁ τοιοῦτος τρόπος ἐπίδοσεως ἀναγνωρίζεται ὑπὸ τῆς νομοθεσίας τῆς χώρας προελεύσεως.

(β) Ἐν τῷ ΙΙ Μέρει τῆς Συμβάσεως ταύτης ἡ φράσις “χώρα προελεύσεως” σημαίνει τὴν χώραν ἐξ ἧς προέρχονται τὰ ἐπιδοτέα ἔγγραφα, καὶ ἡ φράσις “χώρα ἐκτελέσεως” σημαίνει τὴν χώραν ἐνθα πρόκειται νὰ γίνῃ ἡ ἐπίδοσις.

Ἄρθρον 3.

(α) Αἰτήσιν πρὸς ἐπίδοσιν θὰ ἀπευθύνῃ καὶ θὰ ἀποστέλλῃ Προξενικὸς ὑπάλληλος ἐνεργῶν ἐξ ὀνόματος τῆς χώρας προελεύσεως πρὸς τὴν ἀρμοδίαν ἀρχὴν τῆς χώρας ἐκτελέσεως, ἐξαίτουμένος ὅπως ἡ ἀρχὴ αὕτη ἐνεργήσῃ τὴν ἐπίδοσιν τοῦ ἐν λόγῳ ἔγγράφου.

(β) Ἡ αἰτήσις πρὸς ἐπίδοσιν θὰ συντάσσῃται ἐν τῇ γλώσσῃ τῆς χώρας ἐκτελέσεως καὶ θὰ ἐμφαίνῃ τὰ ὀνόματα, τὸ ἐπάγγελμα κλ. τῶν διαδίκων, τὸ ὄνομα, τὸ ἐπάγγελμα καὶ διεύθυνσιν τοῦ πρὸς ὃν γίνεται ἡ ἐπίδοσις, καὶ τὸν χαρακτῆρα τοῦ ἐπιδοτέου ἔγγράφου, θὰ ἐγκλείῃ δὲ εἰς διπλοῦν τὸ ἐπιδοτέον ἔγγραφον.

(γ) Τὸ ἐπιδοτέον ἔγγραφον εἴτε θὰ συντάσσῃται ἐν τῇ γλώσσῃ τῆς χώρας ἐκτελέσεως, εἴτε θὰ συνοδεύῃται διὰ μεταφράσεως εἰς τὴν γλωσσάν ταύτην. Τὸ ἀκριβὲς τῆς τοιαύτης μεταφράσεως θὰ πιστοποιῇ Προξενικὸς ὑπάλληλος ἐνεργῶν ἐξ ὀνόματος τῆς χώρας προελεύσεως.

(δ) Αἰτήσεις πρὸς ἐπίδοσιν θὰ ἀπευθύνωνται καὶ θ' ἀποστέλλωνται :—

Ἐν Ἀγγλίᾳ : πρὸς τὸν Senior Master of the Supreme Court of Judicature.

Ἐν Ἑλλάδι : πρὸς τὸν Εἰσαγγελέα τῶν Πρωτοδικῶν, ἐντὸς τῆς δικαιοδοσίας τοῦ ὁποίου διαμένει τὸ πρόσωπον πρὸς ὃ δέον νὰ ἐπιδοθῶσι τὰ ἔγγραφα, ἢ, ἐν περιπτώσει ἀμφιβολίας, πρὸς τὸ Ὑπουργεῖον τῆς Δικαιοσύνης.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the request to the competent authority of the country of execution.

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this Article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been forwarded.

(h) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Consular Officer by whom the request for service was sent. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

Ἐάν ἡ ἀρχὴ πρὸς ἣν διεβιβάσθη αἴτησις πρὸς ἐπίδοσιν ἐγγράφου δὲν εἶνε ἀρμοδία ὅπως προβῆ εἰς τὴν ἐκτέλεσίν της, ἡ τοιαύτη ἀρχὴ (ἐξαιρουμένων τῶν περιπτώσεων καθ' ἃς προβάλλεται ἄρνησις ἐκτελέσεως τῆς ἐπιδόσεως συμφώνως πρὸς τὴν παράγραφον στ' τοῦ παρόντος ἀρθρου) θέλει αὐτεπαγγέλτως διαβιβάζει τὴν αἴτησιν πρὸς τὴν ἀρμοδίαν ἀρχὴν τῆς χώρας ἐκτελέσεως.

(ε) Ἡ ἐπίδοσις θὰ ἐνεργῆται ὑπὸ τῆς ἀρμοδίας ἀρχῆς τῆς χώρας ἐκτελέσεως, ἣτις θέλει ἐπιδίδει τὸ ἐγγραφοῦ καθ' ὃν τρόπον διαγράφει ὁ ἐσωτερικὸς νόμος τῆς τοιαύτης χώρας διὰ τὴν ἐπίδοσιν ὁμοίων ἐγγράφων, ἐξαιρέσει τῆς περιπτώσεως καθ' ἣν ἐν τῇ αἰτήσῃ πρὸς ἐπίδοσιν διατυποῦται προτίμησις πρὸς εἰδικόν τινα τρόπον ἐπιδόσεως, ὅποτε θὰ ἀκολουθηταί ὁ τρόπος οὗτος τῆς ἐπιδόσεως ἐφ' ὅσον δὲν ἀντιβαίνει πρὸς τὴν νομοθεσίαν τῆς χώρας ταύτης.

(στ) Δὲν θὰ προβάλλεται ἄρνησις πρὸς ἐκτέλεσιν αἰτήσεως δι' ἐπίδοσιν, δεόντως γενομένης συμφώνως πρὸς τὰς προλαβούσας διατάξεις τοῦ ἀρθρου τούτου, ἐκτὸς ἐὰν (1) δὲν ἔχη διαπιστωθῆ ἡ ἀυθεντικότης τῆς γενομένης αἰτήσεως πρὸς ἐπίδοσιν ἢ (2) τὸ Ὑψηλὸν Συμβαλλόμενον Μέρος, ἐν τῇ χώρᾳ τοῦ ὁποίου πρόκειται νὰ ἐκτελεσθῆ ἡ ἐπίδοσις, θεωρῆ ὅτι θὰ ἐξετίθεντο δι' αὐτῆς εἰς κίνδυνον τὰ κυριαρχικὰ δικαιώματα ἢ ἡ ἀσφάλειά του.

(ζ) Ἐν πάσῃ περιπτώσει καθ' ἣν αἴτησις πρὸς ἐπίδοσιν δὲν ἐκτελεῖται ὑπὸ τῆς ἀρχῆς πρὸς ἣν ἀπεστάλη, αὕτη θὰ εἰδοποιῆ πάραυτα τὸν ἀποστείλαντα τὴν αἴτησιν Προξενικὸν ὑπάλληλον, δηλοῦσα τοὺς λόγους ὧν ἐνεκα ἀπεποιήθη τὴν ἐκτέλεσιν τῆς αἰτήσεως, ἢ τὴν ἀρμοδίαν ἀρχὴν πρὸς ἣν αὕτη διεβιβάσθη.

(η) Ἡ ἐκτελοῦσα τὴν αἴτησιν πρὸς ἐπίδοσιν ἀρχὴ θέλει παρέχει πιστοποιητικὸν ἀποδεικνῦον τὴν γενομένην ἐπίδοσιν ἢ ἐπεξηγοῦν τοὺς λόγους ὧν ἐνεκα ἐκωλύθη αὕτη, ἐκθέτον τὸ γεγονός, τὸν τρόπον καὶ τὴν ἡμερομηνίαν τῆς τοιαύτης ἐπιδόσεως ἢ ἀποπειραθείσης ἐπιδόσεως, θέλει δὲ ἀποστέλλει τὸ ὡς εἶρηται πιστοποιητικὸν πρὸς τὸν Προξενικὸν ὑπάλληλον τὸν ἐξαποστείλαντα τὴν πρὸς ἐπίδοσιν αἴτησιν. Τὸ πιστοποιητικὸν τῆς ἐπιδόσεως ἢ τῆς ἀποπειραθείσης ἐπιδόσεως θὰ σημειοῦται ἐπὶ τοῦ ἐνὸς τῶν διπλοτύπων ἢ θὰ ἐπισυνάπτεται εἰς τοῦτο.

ARTICLE 4.

(a) Service may be effected, without any request to or intervention of the authorities of the country of execution, by any of the following methods :—

- (1) By a Consular Officer acting for the country of origin ;
- (2) By an agent appointed for the purpose either by the judicial authority of the country of origin or by the party on whose application the document was issued ;
- (3) Through the post ; or
- (4) By any other method of service which is not illegal, under the law existing at the time of service, in the country of execution.

(b) All documents served in the manner provided in (1) of the preceding paragraph shall, unless the recipient is a subject of the High Contracting Party from whose territory the document to be served emanates, either be drawn up in the language of the country of execution or be accompanied by a translation into such language, certified as correct as prescribed in Article 3 (c).

(c) The High Contracting Parties agree that in principle it is also desirable that the provisions of paragraph (b) of this article should apply to documents served in the manner provided in (2), (3) and (4) of paragraph (a) of this Article. Nevertheless, in the absence of any legislation in their respective territories making translations obligatory in such cases, the High Contracting Parties do not accept any obligation in this respect.

(d) It is understood that the question of the validity of any service effected by the use of any of the methods referred to in paragraph (a) of this Article will remain a matter for the free determination of the respective courts of the High Contracting Parties in accordance with their laws.

Ἔρκρον 4.

(α) Ἐπίδοσις δύναται νὰ ἐνεργηθῆ, ἄνευ οἰασδῆποτε αἰτήσεως πρὸς τὰς ἀρχὰς τῆς χώρας ἐκτελέσεως, ἢ μεσολαβήσεως τούτων, καθ' οἰονδῆποτε τῶν κάτωθι ἐκτιθεμένων τρόπων :—

- (1) Ὑπὸ Προξενικοῦ ὑπαλλήλου ἐνεργοῦντος ἐξ ὀνόματος τῆς χώρας προελεύσεως.
- (2) Ὑπὸ ἀντιπροσώπου εἰδικῶς πρὸς τὸν σκοπὸν διορισθέντος εἴτε ὑπὸ τῆς δικαστικῆς ἀρχῆς τῆς χώρας προελεύσεως εἴτε ὑπὸ τοῦ διαδίκου, τῇ αἰτήσει τοῦ ὁποῖου ἐξεδόθη τὸ ἔγγραφον.
- (3) Μέσω τοῦ ταχυδρομείου, ἢ
- (4) Δι' οἰασδῆποτε ἄλλης μεθόδου ἐπιδόσεως ἣτις, ὑπὸ τὴν ἰσχύουσαν κατὰ τὸν χρόνον τῆς ἐπιδόσεως νομοθεσίαν ἐν τῇ χώρᾳ ἐκτελέσεως, δὲν εἶνε παράνομος.

(β) Πᾶν ἔγγραφον ἐπιδιδόμενον καθ' ὃν τρόπον προνοεῖται ἐν

(1) τῆς προλαβούσης παραγράφου θέλει, ἐξαιρουμένης τῆς περιπτώσεως καθ' ἣν ὁ πρὸς ὃν γίνεται ἡ ἐπίδοσις τυγχάνει ὑπήκοος τοῦ Ὑψηλοῦ Συμβαλλομένου Μέρους ἐκ τῆς χώρας τοῦ ὁποῖου προέρχεται τὸ ἐπιδοτέον ἔγγραφον, εἴτε συντάσσεσθαι ἐν τῇ γλώσσῃ τῆς χώρας ἐκτελέσεως, εἴτε συνοδεύεσθαι διὰ μεταφράσεως εἰς τὴν γλώσσαν ταύτην, πιστοποιουμένης ὡς ἀκριβοῦς καθ' ἃ ὀρίζεται ἐν Ἔρκρῳ 3 (γ).

(γ) Τὰ Ὑψηλὰ Συμβαλλόμενα Μέρη συναινοῦν ὅτι κατ' ἀρχὴν εἶνε ἐπίσης ἐπιθυμητὸν ὅπως αἱ διατάξεις τῆς παραγράφου (β) τοῦ ἄρκρου τούτου ἐφαρμόζωνται καὶ ἐπὶ ἐγγράφων ἐπιδιδομένων καθ' οὓς τρόπους ὀρίζεται ἐν (2), (3) καὶ (4) τῆς παραγράφου (α) τοῦ ἄρκρου τούτου. Οὐχ ἦττον, ἐν ἐλλείψει νομοθεσίας ἐν ταῖς οἰκείαις χώραις καθιστώσης ὑποχρεωτικὴν τὴν μετάφρασιν εἰς τοιαύτας περιπτώσεις, τὰ Ὑψηλὰ Συμβαλλόμενα Μέρη οὐδεμίαν ἀναδέχονται σχετικὴν ὑποχρέωσιν.

(δ) Νοητέον ὅτι τὸ ζήτημα τῆς ἐγκυρότητος οἰασδῆποτε ἐπιδόσεως συντελουμένης καθ' οἰανδῆτινα τῶν μεθόδων τῶν ἀναγραφομένων ἐν παραγράφῳ (α) τοῦ παρόντος Ἔρκρου θὰ παραμένῃ ἀντικείμενον τῆς ἐλευθέρας κρίσεως τῶν οἰκείων δικαστικῶν ἀρχῶν τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν συμφώνως πρὸς τὴν νομοθεσίαν αὐτῶν.

ARTICLE 5.

(a) In any case where documents have been served in accordance with the provisions of Article 3, the High Contracting Party, by whose Consular Officer the request for service was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Consular Officer by whom the request was addressed, when sending to him the certificate provided for in Article 3 (h).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III.—*Taking of Evidence.*

ARTICLE 6.

(a) When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of the other High Contracting Party, such evidence may be taken, whatever the nationality of the parties or witnesses may be, in any one of the ways prescribed in Articles 7 or 8.

(b) In Part III of this Convention, the expressions—

(1) "Taking of evidence" shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise; the submission

"Αρθρον 5.

(α) Ἐν οἰαδήποτε περιπτώσει καθ' ἣν ἐγένετο ἐπίδοσις ἐγγράφων συμφώνως πρὸς τὰς διατάξεις τοῦ "Αρθρου 3, τὸ Ὑψηλὸν Συμβαλλόμενον Μέρος, ὁ Προξενικὸς ὑπάλληλος τοῦ ὁποίου ἀπηύθυνε τὴν αἴτησιν πρὸς ἐπίδοσιν, θέλει ἀποδίδει εἰς τὸ ἕτερον Ὑψηλὸν Συμβαλλόμενον Μέρος οἰαδήποτε δικαιώματα καὶ ἔξοδα πληρωτέα δυνάμει τῆς νομοθεσίας τῆς χώρας ἐκτελέσεως πρὸς τὰ πρόσωπα τὰ χρησιμοποιούμενα πρὸς ἐνέργειαν τῆς τοιαύτης ἐπίδοσεως, καθὼς καὶ οἰαδήποτε ἔξοδα καὶ ἐπιβαρύνσεις προκληθέντα ἐκ τῆς ἐνεργείας τῆς ἐπίδοσεως κατὰ εἰδικὸν τινὰ τρόπον. Τοιαῦτα ἔξοδα καὶ ἐπιβαρύνσεις δὲν θέλουσιν ὑπερβαίνει τὰ συνήθως ἐπιτρεπόμενα ποσὰ ἐν τοῖς δικαστηρίοις τῆς χώρας ταύτης.

(β) Τὴν ἀπότισιν τῶν ἐξόδων καὶ ἐπιβαρύνσεων τούτων θὰ ἀπαιτῆ ἢ ἀρμοδία ἀρχὴ ἢ ἐνεργήσασα τὴν ἐπίδοσιν παρὰ τοῦ Προξενικοῦ ὑπαλλήλου τοῦ ἀπευθύναντος τὴν πρὸς ἐπίδοσιν αἴτησιν, ταύτοχρόνως μετὰ τῆς ἀποστολῆς τοῦ πιστοποιητικοῦ περὶ οὗ προνοεῖ τὸ ἄρθρον 3(η).

(γ) Ἐξαιρέσει τῶν ὡς ἄνω προβλεπομένων, οὐδὲν ἄλλο δικαίωμα οἰασδήποτε φύσεως θὰ καταβάλλεται παρὰ τοῦ ἐνὸς Ὑψηλοῦ Συμβαλλομένου Μέρους πρὸς τὸ ἕτερον ἐν σχέσει μὲ τὴν ἐπίδοσιν οἰουδήποτε ἐγγράφου.

III.—Λῆψις ἀποδεικτικῶν στοιχείων.

"Αρθρον 6.

(α) Ὄταν δικαστικὴ τις ἀρχὴ ἐδρεύουσα ἐν τῇ χώρᾳ τοῦ ἐνὸς τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν αἰτεῖται τὴν λῆψιν ἀποδεικτικῶν στοιχείων ἐν τῇ χώρᾳ τοῦ ἐτέρου Ὑψηλοῦ Συμβαλλομένου Μέρους, τὰ τοιαῦτα ἀποδεικτικὰ στοιχεῖα δύνανται νὰ λαμβάνωνται ἀνεξαρτήτως τῆς ἐθνικότητος τῶν διαδίκων ἢ μαρτύρων, καθ' οἰονδήποτε τρόπον ἐκ τῶν καθοριζομένων ἐν ἄρθροις 7 ἢ 8.

(β) Ἐν τῷ III Μέρει τῆς παρούσης Συμβάσεως αἱ ἐκφράσεις—

(1) "Λῆψις ἀποδεικτικῶν στοιχείων" θὰ θεωρῆται ὡς συμπεριλαμβανούσα τὴν λῆψιν τῶν καταθέσεων ἐνάγοντος, ἐναγομένου, ἐμπειρογνώμονος, ἢ οἰουδήποτε

to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings; and the production, identification and examination of documents, samples or other objects.

- (2) "Witness" shall be deemed to include any person from whom any evidence, as defined above, is required to be taken.
- (3) "Country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required; and "country of execution," the country in which the evidence is to be taken.

ARTICLE 7.

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. They shall also either (1) be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced, identified or examined, and a translation thereof, certified as correct in the manner heretofore provided; or (2) shall request the competent authority to allow such questions to be asked *vivâ voce* as the parties or their representatives shall desire to ask.

ἄλλου προσώπου, δι' ὀρκοδοσίας ἢ ἄλλως τὴν ἐπαγωγὴν εἰς ἐνάγοντα, ἐναγόμενον, ἐμπειρογνώμονα ἢ πᾶν ἄλλο πρόσωπον οἰουδὴποτε ὄρκου ἀναφορικῶς πρὸς οἰανδὴποτε δίκην· καὶ τὴν προσαγωγὴν, ἀναγνώρισιν καὶ ἐξέτασιν ἐγγράφων, δειγμάτων ἢ ἄλλων ἀντικειμένων.

- (2) Ἡ λέξις “μάρτυς” θὰ θεωρῆται ὡς συμπεριλαμβανούσα οἰονδὴποτε πρόσωπον, παρ' οὗ ἀπαιτεῖται ἢ λῆψις οἰουδὴποτε ἀποδεικτικοῦ στοιχείου, ὡς ἀνωτέρω καθώρισται.
- (3) Ἡ φράσις “χώρα προελεύσεως” θὰ θεωρῆται ὡς νοοῦσα τὴν χώραν, ὑπὸ τῆς δικαστικῆς ἀρχῆς τῆς ὁποίας ἀπαιτοῦνται τὰ ἀποδεικτικὰ στοιχεῖα, καὶ “χώρα ἐκτελέσεως” ἢ χώρα ἐν ἣ ὑπάρχει νὰ ληφθῶσι τὰ ἀποδεικτικὰ ταῦτα στοιχεῖα.

Ἄρθρον 7.

(α) Ἡ δικαστικὴ ἀρχὴ τῆς χώρας προελεύσεως δύναται, συμφώνως πρὸς τὰς διατάξεις τῆς νομοθεσίας τῆς οἰκείας χώρας, νὰ ἀπευθυνθῇ ἢ ἰδίᾳ δι' Ἐγγράφου ἐξαιτήσεως πρὸς τὴν ἀρμοδίαν ἀρχὴν τῆς χώρας ἐκτελέσεως, αἰτουμένη παρ' αὐτῆς τὴν λῆψιν τῶν ἀποδεικτικῶν στοιχείων.

(β) Τὸ Ἐγγράφον ἐξαιτήσεως θὰ εἶνε συντεταγμένον ἐν τῇ γλώσσῃ τῆς χώρας ἐκτελέσεως, ἢ θὰ συνοδεύεται ὑπὸ μεταφράσεως εἰς τὴν γλώσσαν ταύτην. Τὸ ἀκριβὲς τῆς μεταφράσεως ταύτης θὰ πιστοποιῆ Προξενικὸς ὑπάλληλος τῆς χώρας προελεύσεως. Ἐν τῷ Ἐγγράφῳ ἐξαιτήσεως δεόν νὰ σημειῶνται ἢ φύσις τῆς διαδικασίας δι' ἣν ἀπαιτοῦνται τὰ ἀποδεικτικὰ στοιχεῖα, παρεχομένης πάσης ἀναγκαίας σχετικῆς πληροφορίας, καὶ νὰ σημειῶνται τὰ ὀνόματα τῶν διαδίκων, καὶ τὰ ὀνόματα, τὸ ἐπάγγελμα κλ. καὶ αἱ διευθύνσεις τῶν μαρτύρων. Ἐπίσης (1) εἴτε θὰ συνοδεύεται ὑπὸ πίνακος ἐρωτημάτων ἅτινα δεόν νὰ τεθῶσιν εἰς τὸν μάρτυρα ἢ τοὺς μάρτυρας ἢ, κατὰ τὴν περίπτωσιν, ὑπὸ περιγραφῆς τῶν προσακτέων, ἀναγνωριστέων ἢ ἐξεταστέων ἐγγράφων, δειγμάτων ἢ ἄλλων ἀντικειμένων, καὶ ὑπὸ μεταφράσεως τούτων πιστοποιουμένης ὡς ἀκριβοῦς καθ' ὃν τρόπον ἀνωτέρω

(c) Letters of Request shall be transmitted—

In England by a Greek Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Greece by a British Consular Officer to the Procureur of the Tribunal of First Instance within whose jurisdiction the witnesses are resident, or, in case of doubt, to the Ministry of Justice.

In case the authority to whom any Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the competent authority of the country of execution.

(d) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by barristers or solicitors or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

ὀρίζεται· εἴτε (2) θὰ παρακαλεῖται δι' αὐτῆς ἡ ἀρμοδία ἀρχὴ ὅπως ἐπιτρέψῃ νὰ ὑποβληθοῦν προφορικῶς οἶας ἐρωτήσεις θὰ ἐπεθύμουν νὰ ἀπευθύνουν οἱ διάδικοι ἢ οἱ ἀντιπρόσωποι αὐτῶν.

(γ) Ἐγγραφα ἐξαιτήσεως θὰ διαβιβάζονται—

Ἐν Ἀγγλίᾳ ὑπὸ Ἑλληνος Προξενικοῦ ὑπαλλήλου πρὸς τὸν Senior Master of the Supreme Court of Judicature,

Καὶ ἐν Ἑλλάδι ὑπὸ Βρεττανοῦ Προξενικοῦ ὑπαλλήλου πρὸς τὸν Εἰσαγγελέα τῶν Πρωτοδικῶν, ἐν τῇ δικαιοδοσίᾳ τοῦ ὁποίου κεῖται ἡ διαμονὴ τῶν μαρτύρων, ἢ, ἐν περιπτώσει ἀμφιβολίας, πρὸς τὸ Ὑπουργεῖον τῆς Δικαιοσύνης.

Ἐν περιπτώσει καθ' ἣν ἡ πρὸς ἣν διεβιβάσθη Ἐγγραφον ἐξαιτήσεως Ἀρχὴ δὲν εἶνε ἀρμοδία ὅπως προβῇ εἰς τὴν ἐκτέλεσιν αὐτῆς, ἡ τοιαύτη ἀρχὴ θέλει (ἐξαιρέσει τῶν περιπτώσεων καθ' ἃς προβάλλεται ἀποποίησης ἐκτελέσεως συμφώνως πρὸς τὴν παράγραφον (στ) τοῦ παρόντος ἄρθρου) αὐτεπαγγέλτως διαβιβάζει τὸ Ἐγγραφον ἐξαιτήσεως πρὸς τὴν ἀρμοδίαν ἀρχὴν ἐν τῇ χώρᾳ ἐκτελέσεως.

(δ) Ἡ ἀρμοδία ἀρχὴ τῆς χώρας ἐκτελέσεως θέλει διενεργεῖ τὸ Ἐγγραφον ἐξαιτήσεως καὶ προβαίνει εἰς τὴν λήψιν τῶν ἀπαιτούμενων ἀποδεικτικῶν στοιχείων χρησιμοποιοῦσα τὰ αὐτὰ καταναγκαστικὰ μέτρα καὶ τὴν αὐτὴν διαδικασίαν οἷα χρησιμοποιοῦνται διὰ τὴν ἐκτέλεσιν ἐντολῆς ἢ ἐπιταγῆς ἐκπηγαζουσῶν ἐκ τῶν ἀρχῶν τῆς ἰδίας αὐτῆς χώρας, ἐξαιρέσει τῆς περιπτώσεως καθ' ἣν, ἐὰν ἐν τῷ Ἐγγράφῳ ἐξαιτήσεως ἐκφράζεται ἐπιθυμία τις ὅπως τηρηθῇ ἰδιαιτέρα τις διαδικασία, ἡ τοιαύτη εἰδικὴ διαδικασία θὰ τηρῆται ἐφ' ὅσον δὲν ἀντιβαίνει πρὸς τὴν νομοθεσίαν τῆς χώρας ἐκτελέσεως.

(ε) Εἰς τὸν προξενικὸν ὑπάλληλον τὸν διαβιβάζοντα τὸ Ἐγγραφον ἐξαιτήσεως θὰ παρέχωνται πληροφορίαι, ἐὰν ἐκδηλώσῃ τὴν πρὸς τοῦτο ἐπιθυμίαν, περὶ τῆς ἡμερομηνίας καὶ τοῦ τόπου, καθ' ἣν καὶ ὅπου θὰ λάβῃ χώραν ἡ διαδικασία, ἐπὶ τῷ τέλει ὅπως δυνηθῇ νὰ εἰδοποιήσῃ τὸν ἐνδιαφερόμενον διάδικον ἢ διαδίκους, οἵτινες θὰ ἐπιτρέπεται νὰ παρίστανται εἴτε αὐτοπροσώπως εἴτε διὰ δικηγόρων ἢ δικολάβων (solicitors) εἴτε δι' οἰωνδῆποτε ἀντιπροσώπων ἀρμοδίων νὰ παρίστανται πρὸ τῶν δικαστηρίων εἴτε τῆς χώρας προελεύσεως εἴτε τῆς χώρας ἐκτελέσεως.

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

- (1) If the authenticity of the Letter of Request is not established ;
- (2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary ;
- (3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Consular Officer by whom it was transmitted the necessary documents establishing its execution.

ARTICLE 8.

(a) The evidence may also be taken, without any request to or the intervention of the authorities of the country of execution by a person in that country directly appointed for the purpose by the court of the country of origin. A Consular Officer acting for the country of origin or any other suitable individual may be so appointed.

(b) A person so appointed to take evidence may request the individuals named by the court appointing him to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution, and shall have power to administer an oath. The attendance and giving of evidence before any such person shall be entirely voluntary and no measures of compulsion shall be employed.

(στ) Ἀποποίησης ἐκτελέσεως Ἐγγράφου ἐξαιτήσεως ἀνταποκρινομένης εἰς τὰς προλαβούσας διατάξεις τοῦ παρόντος Ἄρθρου δύναται νὰ γίνῃ μόνον—

- (1) Ἐάν δὲν ἔχῃ διαπιστωθῆ ἡ αὐθεντικότης τοῦ Ἐγγράφου ἐξαιτήσεως·
- (2) Ἐάν, ἐν τῇ χώρᾳ ἐκτελέσεως, ἡ ἐκτέλεσις τοῦ ἐν προκειμένῳ Ἐγγράφου ἐξαιτήσεως δὲν ὑπάγεται εἰς τὰ καθήκοντα τῶν δικαστῶν·
- (3) Ἐάν τὸ Ὑψηλὸν Συμβαλλόμενον Μέρος ἐν τῇ χώρᾳ τοῦ ὁποίου πρόκειται νὰ ἐκτελεσθῆ, θεωρῆ ὅτι θὰ ἐξετίθεντο δι' αὐτῆς εἰς κίνδυνον τὰ κυριαρχικὰ δικαιώματα ἢ ἡ ἀσφάλεια αὐτοῦ.

(ζ) Ἐν ἐκάστη περιπτώσει καθ' ἣν Ἐγγραφον ἐξαιτήσεως δὲν ἐξετελέσθη ὑπὸ τῆς πρὸς ἣν ἀπεστάλη ἀρχῆς, αὕτη θέλει εἰδοποιεῖ πάραυτα τὸν ἐξαποστείλαντα Προξενικὸν ὑπάλληλον, ἀναφέρουσα τοὺς λόγους ὧν ἔνεκα ἀπεποιήθη τὴν ἐκτέλεσιν τοῦ Ἐγγράφου ἐξαιτήσεως καὶ ἐμφαίνουσα τὴν ἀρμοδίαν ἀρχὴν πρὸς ἣν τοῦτο διεβιβάσθη.

(η) Ἐκτελουμένου Ἐγγράφου ἐξαιτήσεως, ἡ ἀρμοδία ἀρχὴ πρὸς ἣν αὕτη ἀπεστάλη ἢ διεβιβάσθη, θέλει πέμπει πρὸς τὸν ἐξαποστείλαντα Προξενικὸν ὑπάλληλον τὰ ἀναγκαῖα ἔγγραφα τὰ διαπιστοῦντα τὴν ἐκτέλεσιν αὐτοῦ.

Ἄρθρον 8.

(α) Τὰ ἀποδεικτικὰ στοιχεῖα δύνανται ἐπίσης νὰ ληφθῶσιν, ἄνευ οἰασδῆποτε αἰτήσεως πρὸς τὰς ἀρχὰς τῆς χώρας ἐκτελέσεως ἢ μεσολαβήσεως τούτων, ὑπὸ προσώπου ἐν τῇ χώρᾳ ταύτῃ ἀπ' εὐθείας διορισθέντος πρὸς τὸν σκοπὸν τοῦτον ὑπὸ τοῦ δικαστηρίου τῆς χώρας προελεύσεως. Προξενικὸς ὑπάλληλος ἐν τῇ ὑπηρεσίᾳ τῆς χώρας προελεύσεως ἢ οἰονδήποτε ἄλλο κατάλληλον πρόσωπον δύναται νὰ διορισθῆ ἐπὶ τούτῳ.

(β) Πρόσωπον οὕτω διορισμένον ἐπὶ τῶ σκοπῷ λήψεως ἀποδεικτικῶν στοιχείων δύναται νὰ καλέσῃ τὰ πρόσωπα τὰ κατονομαζόμενα ὑπὸ τοῦ διορίσαντος αὐτὸν δικαστηρίου νὰ ἐμφανισθῶσιν ἐνώπιόν του ὅπως δώσουν τὰς μαρτυρικὰς των καταθέσεις. Δύναται νὰ προβῆ εἰς τὴν λῆψιν παντὸς εἴδους ἀποδεικτικῶν στοιχείων μὴ ἀντικειμένων εἰς τὴν νομοθεσίαν τῆς χώρας ἐκτελέσεως, καὶ θὰ δύναται νὰ ἐπαγάγῃ ὄρκον.

(c) Requests to appear issued by such person shall, unless the recipient is a subject of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country of execution or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognised by the law of the country of origin, and the parties will have the right to be present in person or to be represented by barristers or solicitors of that country or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

ARTICLE 9.

The fact that an attempt to take evidence by the method laid down in Article 8 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 7.

ARTICLE 10.

(a) Where evidence is taken in the manner provided in Article 7 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done,

Ἡ ἐμφάνισις καὶ δόσις τῆς μαρτυρίας ἐνώπιον οἰουδήποτε τοιούτου προσώπου θέλει εἶναι ἀπολύτως ἐθελουσία, καὶ δὲν θὰ ἐνασκῶνται κατὰναγκαστικά μέτρα.

(γ) Προσκλήσεις πρὸς ἐμφάνισιν ἐκδιδόμεναι ὑπὸ τοιούτου προσώπου θέλουσι συντάσσεσθαι ἐν τῇ γλώσῃ τῆς χώρας ἐκτελέσεως ἢ συνοδεύεσθαι ὑπὸ μεταφράσεως εἰς τὴν γλώσσαν ταύτην, ἐκτὸς ἐὰν ὁ πρὸς ὃν γίνεται ἡ πρόσκλησις εἶνε ὑπήκοος τοῦ Ὑψηλοῦ Συμβαλλομένου Μέρους, διὰ τὴν δικαστικὴν ἀρχὴν τοῦ ὁποίου ἀπαιτοῦνται τὰ ἀποδεικτικὰ στοιχεῖα.

(δ) Τὰ ἀποδεικτικὰ στοιχεῖα δύνανται νὰ λαμβάνωνται συναδὰ πρὸς τὴν διαδικασίαν τὴν ἀνεγνωρισμένην ὑπὸ τῆς νομοθεσίας τῆς χώρας προελεύσεως, καὶ οἱ διάδικοι θὰ ἔχωσι τὸ δικαίωμα νὰ παρίστανται αὐτοπροσώπως ἢ ν' ἀντιπροσωπεύωνται ὑπὸ δικηγόρων ἢ δικολάβων (solicitors) τῆς χώρας ταύτης ἢ ὑπὸ οἰωνδήποτε ἀντιπροσώπων ἀρμοδίων νὰ ἐμφανισθῶσιν ἐνώπιον τῶν δικαστηρίων εἴτε τῆς χώρας προελεύσεως εἴτε τῆς χώρας ἐκτελέσεως.

Ἄρθρον 9.

Τὸ γεγονός ὅτι ἀπόπειρά τις πρὸς λήψιν ἀποδεικτικῶν στοιχείων διὰ τῆς μεθόδου τῆς καθοριζομένης ἐν Ἄρθρῳ 8 ἀπέτυχε, συνεπεία τῆς ἀρνήσεως μάρτυρός τινος ὅπως ἐμφανισθῇ ἢ ὅπως δώσῃ μαρτυρίαν, δὲν ἀποκλείει τὴν διαβίβασιν ἐτέρας προσκλήσεως συμφώνως πρὸς τὸ Ἄρθρον 7.

Ἄρθρον 10.

(α) Ἐν περιπτώσει λήψεως τῶν ἀποδεικτικῶν στοιχείων καθ' ὃν τρόπον ὀρίζεται ἐν Ἄρθρῳ 7, τὸ Ὑψηλὸν Συμβαλλόμενον Μέρος, ὑπὸ τῆς δικαστικῆς ἀρχῆς τοῦ ὁποίου ἀπηυθύνθη τὸ Ἐγγραφον ἐξαιτήσεως, θέλει ἀποδίδει εἰς τὸ ἕτερον Ὑψηλὸν Συμβαλλόμενον Μέρος οἰαδήποτε ἔξοδα εἰς ἃ ὑπεβλήθη ἢ ἀρμοδία δικαστικὴ ἀρχὴ τούτου ἐν τῇ ἐκτελέσει τῆς αἰτήσεως ἐν σχέσει πρὸς οἰαδήποτε δικαιώματα καὶ δαπάνας πληρωτέας εἰς μάρτυρας, πραγματογνώμονας, διερμηνεῖς ἢ μεταφραστάς, τὴν δαπάνην ἣτις ἀπλητήθη διὰ τὴν προσαγωγὴν μαρτύρων μὴ ἐμφανισθέντων ἐθελουσίως, καὶ τὰ δικαιώματα

and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 7 (h).

(c) Except as above provided no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—*Judicial Assistance for Poor Persons and Security for Costs.*

ARTICLE 11.

The subjects of one High Contracting Party resident in the territory of the other High Contracting Party shall not be compelled to give security for costs in any case where a subject of such other High Contracting Party would not be so compelled.

ARTICLE 12.

(1) The subjects of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects of the latter High Contracting Party as regards free legal assistance for poor persons.

(2) The provisions of this Article apply to criminal as well as to civil and commercial matters, but do not apply to artificial persons.

καὶ ἔξοδα τὰ πληρωτέα εἰς οἰονδήποτε πρόσωπον εἰς ὃ ἡ τοιαύτη ἀρχὴ ἀνέθηκε νὰ ἐνεργήσῃ ἀντ' αὐτῆς, ἐν περιπτώσει καθ' ἃς ἡ νομοθεσία τῆς χώρας ἐκτελέσεως ἐπιτρέπει τὸ τοιοῦτον, καθὼς καὶ οἰαδήποτε δικαιώματα καὶ ἔξοδα ἀπαιτηθέντα συνεπείᾳ τοῦ ὅτι ἐζητήθη καὶ ἐτηρήθη εἰδικὴ διαδικασία. Τὰ ἔξοδα ταῦτα θὰ εἶνε οἷα συνήθως ἐπιτρέπονται ἐν παρομοίαις περιστάσεσιν παρὰ τοῖς δικαστηρίοις τῆς χώρας ἐκτελέσεως.

(β) Τὴν ἀπότισιν τῶν ἐξόδων τούτων θὰ ἀπαιτῆ ἡ ἀρμοδιὰ ἀρχὴ ἢ ἐκτελέσασα τὸ "Ἐγγραφοῦν ἐξαιτήσεως, παρὰ τοῦ ἀπευθύναντος ταύτην Προξενικοῦ ὑπαλλήλου, ταῦτοχρόνος μετὰ τῆς ἀποστολῆς πρὸς αὐτὸν τῶν ἀναγκαίων ἐγγράφων τῶν διαπιστούντων τὴν ἐκτέλεσιν αὐτῆς καθ' ἃ προνοεῖ τὸ "Ἀρθρον 7 (η).

(γ) Ἐξαιρέσει τῶν ὡς ἄνω προβλεπομένων, οὐδὲν ἄλλο δικαίωμα οἰασδήποτε φύσεως θὰ καταβάλλεται παρὰ τοῦ ἐνὸς Ὑψηλοῦ Συμβαλλομένου Μέρους πρὸς τὸ ἕτερον ἐν σχέσει μετὰ τὴν λήψιν ἀποδεικτικῶν στοιχείων.

IV.—Δικαστικὴ βοήθεια δι' ἀπόρους καὶ ἐγγυοδοσία δι' ἔξοδα.

"Ἀρθρον 11.

Οἱ ὑπήκοοι τοῦ ἐνὸς Ὑψηλοῦ Συμβαλλομένου Μέρους οἱ διαμένοντες ἐν τῇ χώρᾳ τοῦ ἐτέρου Ὑψηλοῦ Συμβαλλομένου Μέρους δὲν θὰ ἐξαναγκάζονται εἰς ἐγγυοδοσίαν δι' ἔξοδα ἐν οἰαδήποτε περιπτώσει καθ' ἣν ὑπήκοος τοῦ ἐτέρου τούτου Ὑψηλοῦ Συμβαλλομένου Μέρους δὲν θὰ ἐξαναγκάζετο εἰς τοιαύτην.

"Ἀρθρον 12.

(1) Οἱ ὑπήκοοι τοῦ ἐνὸς Ὑψηλοῦ Συμβαλλομένου Μέρους θέλουσιν ἀπολαύει ἐν τῇ χώρᾳ τοῦ ἐτέρου Ὑψηλοῦ Συμβαλλομένου Μέρους πλήρους ἰσότητος ὄρων πρὸς τοὺς ὑπηκόους τοῦ τελευταίου τούτου Ὑψηλοῦ Συμβαλλομένου Μέρους καθ' ὅ,τι ἀφορᾷ τὴν δωρεὰν παροχὴν νομικῆς βοήθειας εἰς ἄπορα πρόσωπα.

(2) Αἱ διατάξεις τοῦ "Ἀρθρου τούτου ἐφαρμόζονται εἰς ποινικὰς ὅσον καὶ εἰς πολιτικὰς καὶ ἐμπορικὰς ὑποθέσεις, δὲν ἐφαρμόζονται ὅμως ἐπὶ νομικῶν προσώπων.

V.—General Provisions.

ARTICLE 13.

Any difficulties which may arise in connexion with the operation of this Convention shall be settled through the diplomatic channel.

ARTICLE 14.

The present Convention, of which the English and Greek texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in Athens. The Convention shall come into force one month after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 15.

(a) This Convention shall not apply *ipso jure* to Scotland, Northern Ireland, the Channel Islands, the Isle of Man, nor to any of the Colonies, overseas territories or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories under His suzerainty, nor to any mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom, but His Majesty may at any time, while this Convention is in force under Article 14 by a notification given through His Minister at Athens, extend the operation of the Convention to any of the above-mentioned territories.

V.—Γενικαὶ διατάξεις.

* Ἀρθρον 13.

Οἰαιδὴποτε δυσχέρειαί αἵτινες ἤθελον προκύψει ἐν τῇ ἐφαρμογῇ τῆς παρούσης Συμβάσεως θὰ διακανονίζονται διὰ τῆς διπλωματικῆς ὁδοῦ.

* Ἀρθρον 14.

Ἡ παροῦσα Σύμβασις, τῆς ὁποίας τό τε Ἀγγλικὸν καὶ τὸ Ἑλληνικὸν κείμενον εἶνε ἐξίσου αὐθεντικά, θὰ ὑπόκηται εἰς ἐπικυρώσιν. Ἡ ἀνταλλαγὴ τῶν ἐπικυρώσεων θὰ γίνῃ ἐν Ἀθήναις. Ἡ Σύμβασις θὰ τεθῇ εἰς ἰσχὺν μετὰ πάροδον μηνὸς ἀπὸ τῆς ἡμέρας τῆς ἀνταλλαγῆς τῶν ἐπικυρώσεων καὶ θὰ παραμείνῃ ἐν ἰσχύϊ ἐπὶ τριετίαν ἀπὸ τῆς ἡμέρας καθ' ἣν ἐτέθη εἰς ἰσχὺν. Ἐὰν μηδέτερον τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν ἤθελε προειδοποιήσῃ διὰ τῆς διπλωματικῆς ὁδοῦ τὸ ἕτερον, ἔξ τοῦλάχιστον μῆνας πρὸ τῆς ἐκπνοῆς τῆς ὡς εἴρηται τριετοῦς περιόδου, περὶ τῆς προθέσεώς του ὅπως τερματίσῃ τὴν Σύμβασιν, αὕτη θὰ παραμείνῃ ἐν ἰσχύϊ μέχρι τῆς παρελεύσεως ἑξαμήνου ἀπὸ τῆς ἡμέρας καθ' ἣν τὸ ἕτερον τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν ἤθελε προειδοποιήσῃ περὶ τοῦ τερματισμοῦ τῆς.

* Ἀρθρον 15.

(α) Ἡ Σύμβασις αὕτη δὲν θέλει αὐτοδικαίως ἐφαρμόζεσθαι εἰς τὴν Σκωτίαν, τὴν Βόρειον Ἰρλανδίαν, τὰς νήσους τῆς θαλάσσης τῆς Μάγχης, τὴν Νησίδα τοῦ Μάν (Isle of Man), οὐδὲ εἰς οἰανδὴποτε ἐκ τῶν Ἀποικιῶν, οὐδὲ εἰς τὰς ὑπερθαλασσίους χώρας ἢ Προτεκτοράτα τῆς Α. Μεγαλειότητος τοῦ Βασιλέως τῆς Μεγάλης Βρετανίας, Ἰρλανδίας καὶ τῶν Ὑπερθαλασσίων Βρεττανικῶν Ἐπικρατειῶν, καὶ Αὐτοκράτορος τῶν Ἰνδιῶν, οὐδὲ εἰς οἰασδὴποτε χώρας ὑπὸ τὴν ἐπικυριαρχίαν Αὐτοῦ, οὐδὲ εἰς χώρας ὑπὸ Ἐντολήν ἐν σχέσει πρὸς τὰς ὁποίας τὴν ἐντολήν ἐνασκεῖ ἢ ἐν τῷ Ἡνωμένῳ Βασιλείῳ Κυβέρνησις Αὐτοῦ, δύναται ὅμως ἡ Αὐτοῦ Μεγαλειότης καθ' οἰονδὴποτε χρόνον, τῆς Συμβάσεως ταύτης διατελοῦσης ἐν ἰσχύϊ δυνάμει τοῦ * Ἀρθρου 14, νὰ ἐπεκτείνῃ διὰ γνωστοποιήσεως παρεχομένης μέσῳ τοῦ ἐν Ἀθήναις Βρεττανοῦ

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Article 7 are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such extension shall be one month from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 14 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso jure* terminate it in respect of any territories to which it has been extended under paragraph (a) of this Article.

ARTICLE 16.

(a) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may at any time, while the present Convention is in force, either under Article 14 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any other Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of the Hellenes has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. The provisions of Article 15 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

Πρεσβευτοῦ τὴν ἐφαρμογὴν τῆς Συμβάσεως εἰς οἰανδήποτε τῶν ἀνωτέρω μνημονευομένων χωρῶν.

(β) Ἡ τοιαύτη γνωστοποίησις θὰ ἐμφαίνῃ τὰς ἐν τῇ ἐνδιαφερομένη χώρᾳ ἀρχάς, πρὸς ἃς δέον ν' ἀποστέλλωνται ἐντολαὶ πρὸς ἐπίδοσιν δυνάμει τοῦ Ἄρθρου 3 ἢ Ἐγγραφα ἐξαιτήσεως δυνάμει τοῦ Ἄρθρου 7, καθὼς καὶ ἡ γλῶσσα εἰς ἣν δέον νὰ γίνωνται αἱ ἀνακοινώσεις καὶ αἱ μεταφράσεις. Οἰαδήποτε τοιαύτη ἐπέκτασις θὰ τίθεται εἰς ἰσχὺν ἓνα μῆνα ἀπὸ τῆς ἡμερομηνίας τῆς τοιαύτης γνωστοποιήσεως.

(γ) Ἐκάτερον τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν δύναται, ὅποτεδήποτε μετὰ τὴν παρέλευσιν τριετίας ἀφότου ἐτέθη εἰς ἰσχὺν ἐπέκτασις τις τῆς παρούσης Συμβάσεως εἰς οἰανδήποτε τῶν ἐν παραγράφῳ (α) τοῦ παρόντος Ἄρθρου μνημονευομένων χωρῶν, νὰ τερματίσῃ τὴν ἐπέκτασιν ταύτην δι' ἑξαμήνου προειδοποιήσεως περὶ τοῦ τερματισμοῦ τούτου παρεχομένης διὰ τῆς διπλωματικῆς ὁδοῦ.

(δ) Ὁ τερματισμὸς τῆς Συμβάσεως δυνάμει τοῦ Ἄρθρου 14 θὰ συνεπάγεται αὐτοδικαίως τὸν τερματισμὸν ταύτης καὶ ἐν σχέσει πρὸς οἰανδήποτε χώραν εἰς ἣν ἐπεξετάθη δυνάμει τῆς παραγράφου (α) τοῦ παρόντος Ἄρθρου, ἐκτὸς ἐὰν ἤθελεν ἄλλως συμφωνηθῆ ῥητῶς μεταξὺ τῶν δύο Ὑψηλῶν Συμβαλλομένων Μερῶν.

Ἄρθρον 16.

(α) Τὰ Ὑψηλὰ Συμβαλλόμενα Μέρη συναινοῦν ὅτι ἡ Αὐτοῦ Μεγαλειότης ὁ Βασιλεὺς τῆς Μεγάλης Βρετανίας, Ἴρλανδίας καὶ τῶν Ὑπερθαλασσίων Βρεττανικῶν Ἐπικρατειῶν καὶ Αὐτοκράτωρ τῶν Ἰνδιῶν, δύναται ὅποτεδήποτε κατὰ τὴν διάρκειαν τῆς ἰσχύος τῆς παρούσης Συμβάσεως, εἴτε δυνάμει τοῦ Ἄρθρου 14 εἴτε λόγῳ οἰαοδήποτε προσχωρήσεως ἐπὶ τῇ βάσει τοῦ παρόντος Ἄρθρου, διὰ γνωστοποιήσεως διακοινομένης διὰ τῆς διπλωματικῆς ὁδοῦ, νὰ προσχωρῇ εἰς τὴν παροῦσαν Σύμβασιν ἐν σχέσει πρὸς οἰανδήποτε ἄλλο Μέλος τῆς Βρεττανικῆς Ὀμοσπονδίας τῶν Ἐθνῶν οὐτινος ἢ Κυβέρνησις θὰ ἐπεθύμει τὴν πραγματοποιήσιν τῆς τοιαύτης προσχωρήσεως, νοουμένου ὅτι οὐδεμία γνωστοποίησις περὶ προσχωρήσεως θὰ γίνεται ὅταν ἡ Α. Μεγαλειότης ὁ Βασιλεὺς τῶν Ἑλλήνων ἔχη ὑποβάλει προειδοποίησιν περὶ τερματισμοῦ ἐν σχέσει πρὸς ὅλας

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 14 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and Greek texts, and have affixed thereto their seals.

Done in duplicate at London, the 27th day of February, 1936.

(L.S.) ANTHONY EDEN.

(L.S.) CHARALAMBOS SIMOPOULOS.

τάς χώρας τῆς Αὐτοῦ Μεγαλειότητος εἰς ἃς ἐφαρμόζεται ἡ Σύμβασις. Αἱ διατάξεις τοῦ "Ἀρθροῦ 15 (β) θὰ ἰσχύωσιν ἐπὶ τῆς τοιαύτης γνωστοποιήσεως. Οἰαδῆποτε τοιαύτη προσχώρησις θὰ λαμβάνη ἰσχὺν μετὰ πάροδον μηνὸς ἀπὸ τῆς ἡμέρας τῆς γνωστοποιήσεως.

(β) Μετὰ τὴν παρέλευσιν τριετίας ἀπὸ τῆς ἐνάρξεως τῆς ἰσχύος προσχωρήσεώς τινος δυνάμει τῆς παραγράφου (α) τοῦ παρόντος "Ἀρθροῦ, ἐκάτερον τῶν Ὑψηλῶν Συμβαλλομένων Μερῶν δύναται, διὰ προειδοποιήσεως ἕξ μηνῶν γινομένης διὰ τῆς διπλωματικῆς ὁδοῦ, νὰ τερματίζῃ τὴν ἐφαρμογὴν τῆς Συμβάσεως ἐπὶ οἰασδῆποτε χώρας ἐν σχέσει πρὸς τὴν ὁποίαν ἐγένετο γνωστοποιήσις προσχωρήσεως. Ὁ τερματισμὸς τῆς Συμβάσεως δυνάμει τοῦ "Ἀρθροῦ 14 δὲν θέλει ἐπηρεάζει τὴν ἐφαρμογὴν αὐτῆς ἐπὶ οἰασδῆποτε τοιαύτης χώρας.

(γ) Πᾶσα γνωστοποιήσις προσχωρήσεως δυνάμει τῆς παραγράφου (α) τοῦ παρόντος "Ἀρθροῦ δύναται νὰ συμπεριλάβῃ οἰονδῆποτε ἐξηρητημένον ἢ ὑπὸ ἐντολὴν ἔδαφος διοικούμενον ὑπὸ τῆς Κυβερνήσεως τῆς χώρας ἐν σχέσει πρὸς τὴν ὁποίαν ἐγένετο ἡ γνωστοποιήσις τῆς προσχωρήσεως οἰαδῆποτε δὲ προειδοποιήσις τερματισμοῦ ἐν σχέσει πρὸς τοιαύτην τινὰ χώραν δυνάμει τῆς παραγράφου (β) θέλει ἐφαρμόζεσθαι καὶ ἐπὶ παντὸς ἐξηρητημένου ἢ ὑπὸ ἐντολὴν ἔδαφους ὅπερ συμπεριελήφθη ἐν τῇ γνωστοποιήσει προσχωρήσεως ἐν σχέσει πρὸς τὴν ἐν λόγῳ χώραν.

Εἰς πίστῳσιν τῶν ἄνω οἱ ὑποφαινόμενοι ὑπέγραψαν τὴν παροῦσαν Σύμβασιν, εἰς Ἀγγλικὸν καὶ εἰς Ἑλληνικὸν κείμενον, καὶ ἐπέθηκαν ἐπὶ τούτων τὰς οἰκειὰς σφραγίδας.

Ἐγένετο εἰς διπλοῦν ἐν Λονδίῳ, τὴν 27ην ἡμέραν τοῦ μηνὸς Φεβρουαρίου, 1936.

(L.S.) ANTHONY EDEN.

(L.S.) CHARALAMBOS SIMOPOULOS.