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**Turkey
and
Romania**

**Agreement between the Republic of Turkey and Romania on legal assistance in civil matters.
Ankara, 28 September 2005**

Entry into force: *20 June 2008, in accordance with article 24*

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**Turquie
et
Roumanie**

Accord entre la République turque et la Roumanie relatif à l'assistance juridique en matière civile. Ankara, 28 septembre 2005

Entrée en vigueur : *20 juin 2008, conformément à l'article 24*

Textes authentiques : *anglais, roumain et turc*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN THE REPUBLIC OF TURKEY AND ROMANIA
ON LEGAL ASSISTANCE IN CIVIL MATTERS**

The Republic of Turkey and Romania hereinafter referred to as “Contracting Parties”,

On the basis of the principles of national sovereignty, equality of rights and of non-interference in the internal affairs of Contracting Parties,

Wishing to further promote their cooperation in the field of legal assistance in civil matters,

Have decided to conclude this Agreement and for this purpose they agreed on the following;

CHAPTER ONE

GENERAL PROVISIONS

Article 1 - Purpose and definitions

(1) The purpose of the present Agreement is to regulate the legal protection of nationals of one Contracting Party in civil proceedings before the judicial authorities of the other Contracting Party, and the co-operation of judicial authorities of Contracting Parties in providing mutual legal assistance in civil matters and the matters of recognition and enforcement of court decisions in civil matters.

(2) For the purpose of this Agreement, the term of “civil matters” shall cover civil law cases, including family law cases, and commercial law cases.

Article 2 – Legal protection

(1) Nationals of one Contracting Party shall be entitled to legal protection in the proceedings before the judicial authorities of the other Contracting Party in civil matters on the same conditions as if they themselves were nationals of that Contracting Party.

(2) Nationals of one Contracting Party shall be entitled to free access to judicial authorities of the other Contracting Party to lodge claims in civil matters on the same conditions as if they themselves were nationals of that Contracting Party.

(3) Legal persons whose headquarters are located in the territory of one of the Contracting Parties and have been set up in accordance with the law of that Contracting Party shall be entitled to benefit from the provisions of the present Agreement.

Article 3 – Ways of communication

(1) Unless otherwise provided by the present Agreement, the judicial authorities of the Contracting Parties shall communicate with each other through the Central Authorities designated by the Contracting Parties. The Central Authority on the part of the Republic of Turkey is the Ministry of Justice. The Central Authority on the part of Romania is the Ministry of Justice.

(2) The provisions of the present Agreement shall not prevent the communication through diplomatic or consular channels.

(3) For the purposes of the present Agreement, the judicial authorities shall be determined in accordance with the internal law of each of the Contracting Parties.

Article 4 - Language

(1) The Central Authorities shall communicate with each other in the language of the requested Contracting Party or in English.

(2) Requests for legal assistance and their supporting documents thereof shall be drawn up in the language of the requesting Contracting Party and accompanied by certified translations into the language of the requested Contracting Party or into English.

(3) Any documents obtained through the execution of a request for legal assistance shall be transmitted in the language of the requested Contracting Party.

Article 5 – Exchange of information

The Ministries of Justice of the Contracting Parties shall, upon request, give information to each other on their law and practices in their countries with regard to legal problems that constitute the subject of the present Agreement.

CHAPTER TWO
LEGAL ASSISTANCE

Section 1

Legal assistance in civil matters

Article 6 – Scope of assistance

Judicial authorities of the Contracting Parties shall provide each other assistance in civil matters in particular serving documents, hearing parties and witnesses, examination of experts and performing any other judicial act under the legislation of the Contracting Parties.

Article 7 – Content of the request

(1) A request for legal assistance shall specify:

a) The name of the requesting judicial authority and the requested judicial authority, if known;

b) The nature of the proceedings for which assistance is required;

c) The names and addresses of the parties to the proceedings - in the case of legal persons their names and headquarters - and the names and addresses of their representatives, if any;

d) If the subject of the request is service of documents, the full address of the addressee and the documents to be served;

e) The names and addresses of the persons to be examined and their date of birth, nationality and occupation, if available;

f) The questions to be put to the persons giving evidence;

g) The nature of the evidence to be obtained or other judicial act to be performed;

h) Other information necessary to execute the request;

i) Documents or other subjects to be inspected.

(2) A request for judicial assistance shall be signed and officially sealed by the requesting authority. Its supporting documents shall be certified according to the law of the requesting Contracting Party.

Article 8 – Procedures of assistance

(1) The requested judicial authority shall apply the provisions of its own law for the execution of the request. However, it will follow a request of the requesting judicial authority that a special method or procedure be followed, unless this is incompatible with the internal law of the requested Contracting Party.

(2) The requesting judicial authority shall, if it so desires, be informed of the time when, and the place where the proceedings will take place in order that the parties concerned, and their representatives, if any, may be present.

(3) The requested judicial authority shall send the documents establishing the execution of the request to the requesting judicial authority or shall inform the latter where the request is not executed, about the reasons thereof and shall return all the attachments.

(4) The requested Contracting Party shall bear all the costs incurred in its territory in the execution of the request for assistance and shall not claim the reimbursement thereof.

Article 9 – Refusal of assistance

The execution of a request for legal assistance may be refused if it is deemed that granting such request would infringe sovereignty, security or public order of the requested Contracting Party.

Article 10 - Immunity

(1) A witness or expert, whatever his/her nationality, appearing on a summons before a judicial authority of the requesting Contracting Party shall not be liable to prosecution or detention, or subjected to any other restriction on his/her personal liberty, in the territory of the Contracting Party in respect of any act or conviction occurring before his/her arrival in that Contracting Party. A witness or expert shall also not be prosecuted, detained or subjected to execution of a sentence in respect of a witness testimony or an expert opinion.

(2) The immunity under paragraph (1) shall cease when the witness or expert, having had for a period of a seven consecutive days from the date when he/she was informed by the judicial authorities that his/her presence is no longer required an opportunity of leaving has nevertheless remained in the territory, or having left it, has returned voluntarily.

(3) The summons for witnesses or experts shall contain information about the conditions for the reimbursement of their travel expenses, subsistence allowances and expert fees under the law of the requesting Contracting Party. Upon request by such a person, an advance for travel and subsistence expenses shall be paid by the requesting judicial authority.