

**33. Treaty<sup>1</sup> between the Polish People's Republic and the German Democratic Republic concerning legal relations in civil, family and criminal cases, signed at Warsaw, on 1 February 1957<sup>2</sup>**

*Article 46*

NOTIFICATION OF DEATH

1. If a citizen of one of the Contracting Parties dies in the territory of the other Party, the local authority shall immediately notify the diplomatic or consular mission of the former Party of such death, communicating to it whatever information is available concerning the heirs, their domicile or residence, the size and value of the estate and the existence of a will.

2. If the diplomatic or consular mission learns of the death first, it shall notify the competent succession authority with a view to the protection of the estate.

*Article 47*

RIGHT OF DIPLOMATIC AND CONSULAR MISSIONS TO ACT IN MATTERS OF SUCCESSION

1. In all succession proceedings arising in the territory of one of the Contracting Parties, diplomatic or consular missions shall have the right to represent the interests of citizens of their State before the authorities of such Party, where such citizens do not take part in the proceedings and have appointed no other representatives ; in such cases no special power of attorney shall be necessary.

2. If a citizen of one of the Contracting Parties not domiciled or resident in the territory of the other Party dies while travelling in such territory, his personal effects shall be delivered to the diplomatic or consular mission without any formal proceedings.

*Article 49*

MEASURES FOR THE PROTECTION OF THE ESTATE

1. The succession authorities of each Contracting Party shall take, in accordance with their law, such measures as are necessary to ensure the protection or the administration of estates left in the territory of their State by citizens of the other Party. The succession authority having local jurisdiction shall be the authority in whose district all or most of the estate is situated.

2. The diplomatic or consular mission shall be informed immediately of any measures taken under paragraph 1 ; it may participate in carrying out such measures either direct or through its representative. At the request of the diplomatic or consular mission, measures taken under paragraph 1 and any other necessary measures may be modified, postponed or rescinded.

3. Measures taken under paragraph 1 of this article must be rescinded

<sup>1</sup> United Nations, *Treaty Series*, vol. 319, p. 168.

<sup>2</sup> Came into force on 11 October 1957.

at the request of the succession authority of the home country (article 45, paragraph 1).<sup>1</sup>

*Article 50*

DELIVERY OF THE ESTATE

1. If, after the completion of succession (probate, partition) proceedings, the decedent's movable estate or the moneys realized from the sale of his movable or immovable estate are to be delivered to heirs in the territory of the other Contracting Party, the estate or the moneys realized shall be delivered to the diplomatic or consular mission of such Party.

2. The succession authority shall issue instructions for the delivery of the estate to the diplomatic or consular mission if:

- (a) The deceased's creditors have failed to present their claims within three months after having been duly summoned to do so or the claims, having been presented, have been paid or secured.
- (b) All estate duties and other duties owed by the testator have been paid or secured ;
- (c) The competent authorities have approved the export of the estate, where such approval is required. Moneys shall be transferred in accordance with the applicable currency laws.

NOTE: Similar provisions may be found in the treaties concluded between the Union of Soviet Socialist Republics and Poland, 28 December 1957, articles 46, 48, 49 and 50. (United Nations, *Treaty Series*, vol. 320, p. 54); between Czechoslovakia and Albania, 16 January 1959, articles 35, 36, 38, 39 (*ibid.*, vol. 363, p. 242;) and between Romania and Hungary, 7 October 1958, articles 40, 41, 43 and 44 (*ibid.*, vol. 416). These treaties have been ratified.

**34. Treaty<sup>2</sup> of Commerce and Navigation between Japan and Norway, signed at Tokyo, on 28 February 1957<sup>3</sup>**

*Article 5*

1. Either Party shall have the right to appoint consular officers in the ports, towns and other localities within the territories of the other Party where any third country is permitted to have consular officers or in such other places as may be agreed upon by the Parties.

2. Consular officers of either Party, on a basis of reciprocity, shall enjoy, within the territories of the other Party, treatment no less favourable than that accorded to consular officers of any third country with respect to the rights, competence, honours, privileges, immunities and exemptions of a consular officer performing functions in the territories of such other Party.

<sup>1</sup> Article 45, para. 1, says: "Proceedings in matters of succession shall, with the exception specified in paragraph 4, be conducted by the succession authorities of the Contracting Party of which the testator was a citizen at the time of death."

<sup>2</sup> United Nations, *Treaty Series*, vol. 280, p. 88.

<sup>3</sup> Came into force on 14 October 1957.