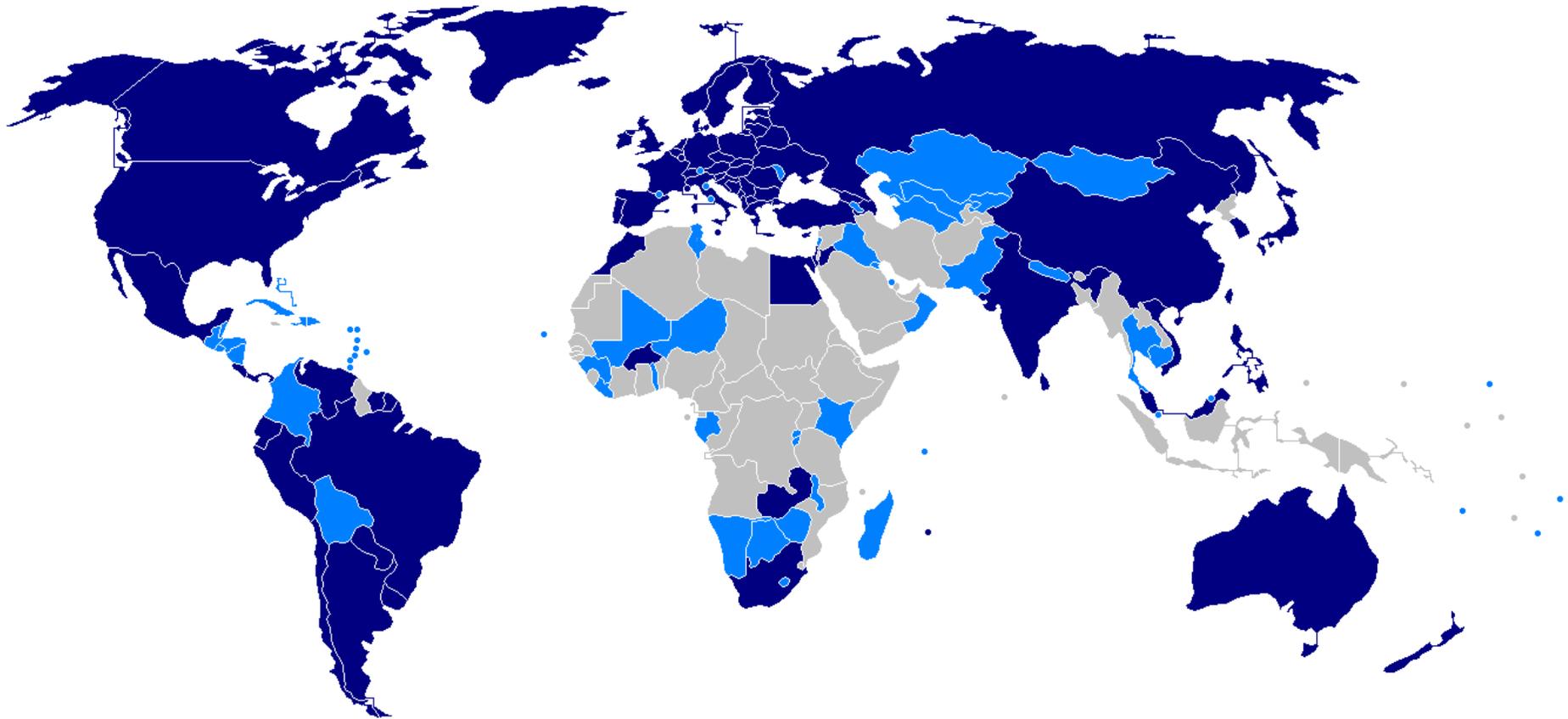


# Global coverage of the Hague Conference



Member State  
76 States (the EU as such is also a Member  
of the Hague Conference, which thus has  
77 Members)

Non-Member State that is a  
Contracting State (or signatory) to  
at least 1 Hague Convention  
(67 States) or State in the process of  
becoming a Member

Total of 144 "Connected States"

# CERTIFICATE

## ATTESTATION

**The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,**

L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

**1. that the document has been served\***  
que la demande a été exécutée\*

|   |             |
|---|-------------|
| <b>– the (date) / le (date):</b>                                    | <u>2016</u> |
| <b>– at (place, street, number):</b><br>à (localité, rue, numéro) : |             |

|  |  |
|--|--|
| <b>– in one of the following methods authorised by Article 5:</b><br>dans une des formes suivantes prévues à l'article 5 : |  |
| <input checked="" type="checkbox"/> a)   | <b>in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*</b><br>selon les formes légales (article 5, alinéa premier, lettre a)* |
| <input checked="" type="checkbox"/> b)   | <b>in accordance with the following particular method*:</b><br>selon la forme particulière suivante* :<br><u>Application of Article 10 (a) of the Hague Convention of 1965</u>         |
| <input checked="" type="checkbox"/> c)   | <b>by delivery to the addressee, if he accepts it voluntarily*</b><br>par remise simple*   |

**The documents referred to in the request have been delivered to:**

Les documents mentionnés dans la demande ont été remis à :

|   |  |
|---|--|
| <b>Identity and description of person:</b><br>Identité et qualité de la personne :  |  |
| <b>Relationship to the addressee (family, business or other):</b><br>Liens de parenté, de subordination ou autres, avec le destinataire de l'acte : |  |

**2. that the document has not been served, by reason of the following facts\*:**  
que la demande n'a pas été exécutée, en raison des faits suivants\*:

|       |
|-------|
| <hr/> |
|-------|

**In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.**  
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

### Annexes / Annexes

|  |                                     |
|--|-------------------------------------|
| <b>Documents Served:</b><br>Pièces Notifiées :   |                                     |
| <b>In appropriate cases, documents establishing the service:</b><br>Le cas échéant, les documents justificatifs de l'exécution : | <u>Reception receipt (Attached)</u> |

\* if appropriate / s'il y a lieu

|  |   |
|--|---|
| <b>Done at / Fait à</b> _____<br><b>The / le</b> _____ | <b>Signature and/or stamp</b><br>Signature et / ou cachet |
|--|---|

# WARNING

## AVERTISSEMENT

### Identity and address of the addressee

Identité et adresse du destinataire

### IMPORTANT

**THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.**

**IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.**

**ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:**

### TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES « ÉLÉMENTS ESSENTIELS DE L'ACTE » VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE, SOIT DANS VOTRE PAYS, SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES À :

**It is recommended that the standard terms in the notice be written in English and French and where appropriate also in the official language, or in one of the official languages of the State in which the document originated. The blanks could be completed either in the language of the State to which the document is to be sent, or in English or French.**

Il est recommandé que les mentions imprimées dans cette note soient rédigées en langue française et en langue anglaise et le cas échéant, en outre, dans la langue ou l'une des langues officielles de l'État d'origine de l'acte. Les blancs pourraient être remplis, soit dans la langue de l'État où le document doit être adressé, soit en langue française, soit en langue anglaise.

**14. CONVENTION ON THE SERVICE ABROAD OF  
JUDICIAL AND EXTRAJUDICIAL DOCUMENTS  
IN CIVIL OR COMMERCIAL MATTERS<sup>1</sup>**

*(Concluded 15 November 1965)*

The States signatory to the present Convention,  
Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,  
Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,  
Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.  
This Convention shall not apply where the address of the person to be served with the document is not known.

CHAPTER I – JUDICIAL DOCUMENTS

Article 2

Each Contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other Contracting States and to proceed in conformity with the provisions of Articles 3 to 6.  
Each State shall organise the Central Authority in conformity with its own law.

Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.  
The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

Article 4

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

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<sup>1</sup> This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law ([www.hcch.net](http://www.hcch.net)), under “Conventions” or under the “Service Section”. For the full history of the Convention, see Hague Conference on Private International Law, *Actes et documents de la Dixième session (1964)*, Tome III, *Notification* (391 pp.).

#### Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either –

- a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or
- b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this Article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

#### Article 6

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

#### Article 7

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

#### Article 8

Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

#### Article 9

Each Contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another Contracting State which are designated by the latter for this purpose.

Each Contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

#### Article 10

Provided the State of destination does not object, the present Convention shall not interfere with –

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,

- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,
- c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

#### Article 11

The present Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding Articles and, in particular, direct communication between their respective authorities.

#### Article 12

The service of judicial documents coming from a Contracting State shall not give rise to any payment or reimbursement of taxes or costs for the services rendered by the State addressed.

The applicant shall pay or reimburse the costs occasioned by --

- a) the employment of a judicial officer or of a person competent under the law of the State of destination,
- b) the use of a particular method of service.

#### Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security. It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

#### Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

#### Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that --

- a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or
- b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention, and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each Contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled --

- a) the document was transmitted by one of the methods provided for in this Convention,
- b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,
- c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

#### Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled –

- a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and
- b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

This Article shall not apply to judgments concerning status or capacity of persons.

### CHAPTER II – EXTRAJUDICIAL DOCUMENTS

#### Article 17

Extrajudicial documents emanating from authorities and judicial officers of a Contracting State may be transmitted for the purpose of service in another Contracting State by the methods and under the provisions of the present Convention.

### CHAPTER III – GENERAL CLAUSES

#### Article 18

Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

#### Article 19

To the extent that the internal law of a Contracting State permits methods of transmission, other than those provided for in the preceding Articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

#### Article 20

The present Convention shall not prevent an agreement between any two or more Contracting States to dispense with –

- a) the necessity for duplicate copies of transmitted documents as required by the second paragraph of Article 3,
- b) the language requirements of the third paragraph of Article 5 and Article 7,
- c) the provisions of the fourth paragraph of Article 5,
- d) the provisions of the second paragraph of Article 12.

#### Article 21

Each Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following –

- a) the designation of authorities, pursuant to Articles 2 and 18,
- b) the designation of the authority competent to complete the certificate pursuant to Article 6,
- c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to Article 9.

Each Contracting State shall similarly inform the Ministry, where appropriate, of –

- a) opposition to the use of methods of transmission pursuant to Articles 8 and 10,
- b) declarations pursuant to the second paragraph of Article 15 and the third paragraph of Article 16,
- c) all modifications of the above designations, oppositions and declarations.

#### Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on 17th July 1905, and on 1st March 1954, this Convention shall replace as between them Articles 1 to 7 of the earlier Conventions.

#### Article 23

The present Convention shall not affect the application of Article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of Article 24 of the Convention on civil procedure signed at The Hague on 1st March 1954.

These Articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

#### Article 24

Supplementary agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

#### Article 25

Without prejudice to the provisions of Articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the Contracting States are, or shall become, Parties.

#### Article 26

The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

#### Article 27

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

#### Article 28

Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 27. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such deposit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

#### Article 29

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

#### Article 30

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

#### Article 31

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 26, and to the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications referred to in Article 26;
- b) the date on which the present Convention enters into force in accordance with the first paragraph of Article 27;
- c) the accessions referred to in Article 28 and the dates on which they take effect;
- d) the extensions referred to in Article 29 and the dates on which they take effect;
- e) the designations, oppositions and declarations referred to in Article 21;
- f) the denunciations referred to in the third paragraph of Article 30.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|    | Contracting States         | Art. 8(2)                     | Art. 10                              |  |  | Art. 15(2)                                   | Art. 16(3)  |
|----|----------------------------|-------------------------------|--------------------------------------|--|--|--|---|
|    |                            |                               | (a)                                  | (b)                                    | (c)                                    |  |   |
| 1. | <b>Albania</b>             | No opposition                 | No opposition                        | No opposition                          | No opposition                          | No declaration of applicability              | No declaration  |
| 2. | <b>Antigua and Barbuda</b> | No opposition                 | No opposition                        | <a href="#">Additional information</a> | <a href="#">Additional information</a> | <a href="#">Declaration of applicability</a> | No declaration  |
| 3. | <b>Argentina</b>           | No opposition                 | <a href="#">Opposition</a>           | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration of applicability</a>  |
| 4. | <b>Armenia</b>             | No opposition                 | No opposition                        | No opposition                          | No opposition                          | No declaration of applicability              | No declaration  |
| 5. | <b>Australia</b>           | <a href="#">No opposition</a> | <a href="#">Qualified opposition</a> | No opposition                          | No opposition                          | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment, except where it is determined otherwise by the Court seized by the matter |
| 6. | <b>Bahamas</b>             | No opposition                 | No opposition                        | No opposition                          | No opposition                          | No declaration of applicability              | No declaration  |
| 7. | <b>Barbados</b>            | No opposition                 | No opposition                        | No opposition                          | No opposition                          | No declaration of applicability              | No declaration  |
| 8. | <b>Belarus</b>             | No opposition                 | No opposition                        | No opposition                          | No opposition                          | No declaration of applicability              | No declaration  |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States            | Art. 8(2)                  | Art. 10                    |                            |                            | Art. 15(2)                                   | Art. 16(3)   |
|-----|-------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|--|--|
|     |                               |                            | (a)                        | (b)                        | (c)                        |  |  |
| 9.  | <b>Belgium</b>                | <a href="#">Opposition</a> | No opposition              | No opposition              | No opposition              | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 10. | <b>Belize</b>                 | No opposition                                | No opposition  |
| 11. | <b>Bosnia and Herzegovina</b> | No opposition                                | No opposition  |
| 12. | <b>Botswana</b>               | No opposition              | No opposition              | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | No declaration   |
| 13. | <b>Bulgaria</b>               | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States          | Art. 8(2)                     | Art. 10                       |  |  | Art. 15(2)                                   | Art. 16(3)  |
|-----|-----------------------------|-------------------------------|-------------------------------|--|--|--|---|
|     |                             |                               | (a)                           | (b)                                    | (c)                                    |  |   |
| 14. | Canada                      | <a href="#">No opposition</a> | <a href="#">No opposition</a> | <a href="#">No opposition</a>          | <a href="#">No opposition</a>          | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of judgment, except in exceptional cases determined by the rules of the Court seized of the matter |
| 15. | China, People's Republic of | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment  |
|     | China (Hong Kong)           | <a href="#">Opposition</a>    | No opposition                 | <a href="#">Additional information</a> | <a href="#">Additional information</a> | No declaration of applicability              | No declaration  |
|     | China (Macao)               | <a href="#">Opposition</a>    | No opposition                 | No opposition                          | No opposition                          | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the   |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States    | Art. 8(2)                     | Art. 10                       |                               |                               | Art. 15(2)                                   | Art. 16(3)   |
|-----|-----------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--|--|
|     |                       |                               | (a)                           | (b)                           | (c)                           |  |  |
|     |                       |                               |                               |                               |                               |  | date of the judgment   |
| 16. | <b>Colombia</b>       | No opposition                 | No opposition                 | No opposition                 | No opposition                 | No declaration of applicability              | No declaration   |
| 17. | <b>Croatia</b>        | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 18. | <b>Cyprus</b>         | <a href="#">No opposition</a> | <a href="#">No opposition</a> | <a href="#">No opposition</a> | <a href="#">No opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 19. | <b>Czech Republic</b> | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Declaration of applicability</a> | No declaration   |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10  |  |  | Art. 15(2)                                   | Art. 16(3)  |
|-----|--------------------|----------------------------|--|--|--|--|---|
|     |                    |                            | (a)  | (b)                                    | (c)                                    |  |   |
| 20. | <b>Denmark</b>     | No opposition              | <a href="#">No opposition</a> - Additional information , <a href="#">see practical information chart</a> | No opposition                          | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment ( <a href="#">additional information, see declarations</a> ) |
| 21. | <b>Egypt</b>       | <a href="#">Opposition</a> | <a href="#">Opposition</a>   | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | No declaration of applicability              | No declaration  |
| 22. | <b>Estonia</b>     | No opposition              | No opposition  | No opposition                          | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of three years following the date of the judgment   |
| 23. | <b>Finland</b>     | No opposition              | No opposition  | <a href="#">Additional information</a> | <a href="#">Additional information</a> | No declaration of applicability              | No declaration  |
| 24. | <b>France</b>      | <a href="#">Opposition</a> | No opposition  | No opposition                          | No opposition                          | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of twelve   |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                    |                            |                            | Art. 15(2)                                   | Art. 16(3)  |
|-----|--------------------|----------------------------|----------------------------|----------------------------|----------------------------|--|---|
|     |                    |                            | (a)                        | (b)                        | (c)                        |  |   |
|     |                    |                            |                            |                            |                            |  | months following the date of the judgment   |
| 25. | <b>Germany</b>     | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the termination of the time limit which has not been observed |
| 26. | <b>Greece</b>      | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | No declaration  |
| 27. | <b>Hungary</b>     | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment                                      |
| 28. | <b>Iceland</b>     | No opposition              | No opposition              | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the  |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                    |  |  | Art. 15(2)                                   | Art. 16(3)   |
|-----|--------------------|----------------------------|----------------------------|--|--|--|--|
|     |                    |                            | (a)                        | (b)                                    | (c)                                    |  |  |
|     |                    |                            |                            |  |  |  | expiration of one year following the date of the judgment  |
| 29. | <b>India</b>       | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 30. | <b>Ireland</b>     | No opposition              | No opposition              | <a href="#">Additional information</a> | <a href="#">Additional information</a> | <a href="#">Declaration of applicability</a> | No declaration   |
| 31. | <b>Israel</b>      | No opposition              | No opposition              | <a href="#">Additional information</a> | <a href="#">Additional information</a> | No declaration of applicability              | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States        | Art. 8(2)                  | Art. 10  |                            |                            | Art. 15(2)                                       | Art. 16(3)   |
|-----|---------------------------|----------------------------|--|----------------------------|----------------------------|--|--|
|     |                           |                            | (a)  | (b)                        | (c)                        |  |  |
| 32. | <b>Italy</b>              | No opposition              | No opposition  | No opposition              | No opposition              | No declaration of applicability                  | No declaration   |
| 33. | <b>Japan</b>              | No opposition              | <a href="#">No opposition</a><br>Additional information<br>– <a href="#">See practical information chart</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a>     | No declaration   |
| 34. | <b>Kazakhstan</b>         | No opposition              | No opposition  | No opposition              | No opposition              | No declaration of applicability                  | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after expiration of one year following the date of the judgment             |
| 35. | <b>Korea, Republic of</b> | <a href="#">Opposition</a> | <a href="#">Opposition</a>   | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a>     | No declaration   |
| 36. | <b>Kuwait</b>             | <a href="#">Opposition</a> | <a href="#">Opposition</a>   | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of non-applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of the time fixed by the law of the trial judge or one |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                              |                            |                            | Art. 15(2)                                   | Art. 16(3)   |
|-----|--------------------|----------------------------|--------------------------------------|----------------------------|----------------------------|--|--|
|     |                    |                            | (a)                                  | (b)                        | (c)                        |  |  |
|     |                    |                            |                                      |                            |                            |  | year following the date of judgment, whichever is longer   |
| 37. | <b>Latvia</b>      | <a href="#">Opposition</a> | <a href="#">Qualified opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | No declaration   |
| 38. | <b>Lithuania</b>   | <a href="#">Opposition</a> | <a href="#">Opposition</a>           | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 39. | <b>Luxembourg</b>  | <a href="#">Opposition</a> | No opposition                        | No opposition              | No opposition              | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after expiration of one year following the date of the judgment     |
| 40. | <b>Malawi</b>      | No opposition              | No opposition                        | No opposition              | No opposition              | No declaration of applicability              | No declaration   |
| 41. | <b>Malta</b>       | <a href="#">Opposition</a> | <a href="#">Opposition</a>           | <a href="#">Opposition</a> | <a href="#">Opposition</a> | No declaration of applicability              | No declaration   |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                    |                            |                            | Art. 15(2)                                       | Art. 16(3)  |
|-----|--------------------|----------------------------|----------------------------|----------------------------|----------------------------|--|---|
|     |                    |                            | (a)                        | (b)                        | (c)                        |  |   |
| 42. | <b>Mexico</b>      | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of non-applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of judgment, or a longer period which the judge may deem reasonable ( <a href="#">additional information, see declarations</a> ) |
| 43. | <b>Monaco</b>      | <a href="#">Opposition</a> | <a href="#">Opposition</a> | No opposition              | No opposition              | <a href="#">Declaration of applicability</a>     | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after expiration of twelve months following the date of the judgment   |
| 44. | <b>Montenegro</b>  | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a>     | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after expiration of one year following the date of the judgment  |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                       |                               |                            | Art. 15(2)                                   | Art. 16(3)  |
|-----|--------------------|----------------------------|-------------------------------|-------------------------------|----------------------------|--|---|
|     |                    |                            | (a)                           | (b)                           | (c)                        |  |   |
| 45. | <b>Morocco</b>     | No opposition              | No opposition                 | No opposition                 | No opposition              | No declaration of applicability              | No declaration  |
| 46. | <b>Netherlands</b> | No opposition              | No opposition                 | No opposition                 | No opposition              | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment  |
| 47. | <b>Norway</b>      | <a href="#">Opposition</a> | <a href="#">Opposition</a>    | <a href="#">Opposition</a>    | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> if delivered to the competent Norwegian authorities after the expiration of three years following the date of the judgment |
| 48. | <b>Pakistan</b>    | <a href="#">Opposition</a> | <a href="#">No opposition</a> | <a href="#">No opposition</a> | No opposition              | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief from ex parte decisions will not be entertained if it is filed</a> after the  |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States         | Art. 8(2)                  | Art. 10                    |                            |                            | Art. 15(2)                                   | Art. 16(3)   |
|-----|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|--|--|
|     |                            |                            | (a)                        | (b)                        | (c)                        |  |  |
|     |                            |                            |                            |                            |                            |  | expiration of the period of limitation prescribed by the law of Pakistan   |
| 49. | <b>Poland</b>              | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | No declaration of applicability              | No declaration   |
| 50. | <b>Portugal</b>            | <a href="#">Opposition</a> | No opposition              | No opposition              | No opposition              | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 51. | <b>Republic of Moldova</b> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 52. | <b>Romania</b>             | <a href="#">Opposition</a> | No opposition              | No opposition              | No opposition              | No declaration of applicability              | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one   |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States                      | Art. 8(2)                  | Art. 10                    |  |  | Art. 15(2)                                   | Art. 16(3)   |
|-----|---|----------------------------|----------------------------|--|--|--|--|
|     |   |                            | (a)                        | (b)                                    | (c)                                    |  |  |
|     |   |                            |                            |  |  |  | year following the date of the judgment  |
| 53. | <b>Russian Federation</b>               | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | No declaration   |
| 54. | <b>Saint Vincent and the Grenadines</b> | No opposition              | No opposition              | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | No declaration   |
| 55. | <b>San Marino</b>                       | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | No declaration   |
| 56. | <b>Serbia</b>                           | <a href="#">Opposition</a> | <a href="#">Opposition</a> | No opposition                          | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |
| 57. | <b>Seychelles</b>                       | <a href="#">Opposition</a> | No opposition              | <a href="#">Additional information</a> | <a href="#">Additional information</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                              |  |  | Art. 15(2)                                   | Art. 16(3)   |
|-----|--------------------|----------------------------|--------------------------------------|--|--|--|--|
|     |                    |                            | (a)                                  | (b)                                    | (c)                                    |  |  |
| 58. | <b>Slovakia</b>    | <a href="#">Opposition</a> | <a href="#">Opposition</a>           | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | No declaration   |
| 59. | <b>Slovenia</b>    | <a href="#">Opposition</a> | <a href="#">Qualified opposition</a> | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment       |
| 60. | <b>Spain</b>       | No opposition              | No opposition                        | No opposition                          | No opposition                          | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of sixteen months following the date of the judgment |
| 61. | <b>Sri Lanka</b>   | <a href="#">Opposition</a> | <a href="#">Opposition</a>           | <a href="#">No opposition</a>          | <a href="#">Opposition</a>             | <a href="#">Declaration of applicability</a> | No declaration   |
| 62. | <b>Sweden</b>      | No opposition              | No opposition                        | <a href="#">Additional information</a> | <a href="#">Additional information</a> | No declaration of applicability              | No declaration   |
| 63. | <b>Switzerland</b> | <a href="#">Opposition</a> | <a href="#">Opposition</a>           | <a href="#">Opposition</a>             | <a href="#">Opposition</a>             | No declaration of applicability              | No declaration   |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States                               | Art. 8(2)                  | Art. 10                    |                            |                            | Art. 15(2)                                   | Art. 16(3)   |
|-----|--|----------------------------|----------------------------|----------------------------|----------------------------|--|--|
|     |  |                            | (a)                        | (b)                        | (c)                        |  |  |
| 64. | <b>The Former Yugoslav Republic of Macedonia</b> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment       |
| 65. | <b>Turkey</b>                                    | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the expiration of one year following the date of the judgment       |
| 66. | <b>Ukraine</b>                                   | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Opposition</a> | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after the after expiration of one year following the date of the judgment |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States              | Art. 8(2)   | Art. 10       |   |   | Art. 15(2)                                   | Art. 16(3)  |
|-----|---------------------------------|---|---------------|---|---|--|---|
|     |                                 |   | (a)           | (b)   | (c)   |  |   |
| 67. | <b>United Kingdom</b>           | No opposition   | No opposition | Additional information – See <a href="#">declarations and practical information chart</a> | Additional information - See <a href="#">declarations and practical information chart</a> | <a href="#">Declaration of applicability</a> | <a href="#">In relation to Scotland only</a> , applications for setting aside judgments on the grounds that the defendant did not have knowledge of the proceedings in sufficient time to defend the action <a href="#">will not be entertained if filed</a> more than one year after the date of judgment. |
| 68. | <b>United States of America</b> | No opposition – See <a href="#">Practical information chart</a> | No opposition | No opposition   | No opposition   | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed after:</a><br>a) after the expiration of the period within which the same may be filed under the procedural regulations of the court in which the judgment has been entered, or                                  |

**TABLE REFLECTING APPLICABILITY OF ARTICLES 8(2), 10(a)(b) AND (c), 15(2) AND 16(3)  
OF THE HAGUE SERVICE CONVENTION**

|     | Contracting States | Art. 8(2)                  | Art. 10                    |               |               | Art. 15(2)                                   | Art. 16(3)  |
|-----|--------------------|----------------------------|----------------------------|---------------|---------------|--|---|
|     |                    |                            | (a)                        | (b)           | (c)           |  |   |
|     |                    |                            |                            |               |               |  | b) after the expiration of one year following the date of judgment, whichever is later.   |
| 69. | Venezuela          | <a href="#">Opposition</a> | <a href="#">Opposition</a> | No opposition | No opposition | <a href="#">Declaration of applicability</a> | <a href="#">Declaration that application for relief will not be entertained if it is filed</a> after expiration of the period specified in Venezuelan law |

## **Conclusions and Recommendations of the Special Commission on the practical operation of the Hague Service, Evidence and Access to Justice Conventions (20-23 May 2014)**

A Special Commission met in The Hague from 20 to 23 May 2014 to review the practical operation of the Hague Conventions of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention), of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (Evidence Convention), and of 25 October 1980 on International Access to Justice (Access to Justice Convention). The Special Commission (SC) was attended by 130 participants from 53 States and eight international governmental and non-governmental organisations, representing Members of the Hague Conference on Private International Law, Contracting States to one or more of the Conventions under review, non-Contracting States that are actively exploring the possibility of joining at least one of the Conventions under review, and interested international organisations. A primary focus of the meeting was a draft new edition of the Practical Handbook on the Operation of the Evidence Convention (Draft Evidence Handbook) and a draft updated edition of the Practical Handbook on the Operation of the Service Convention (Draft Revised Service Handbook), which had been prepared by the Permanent Bureau in consultation with Contracting States to the Conventions concerned.

Participants unanimously approved the following Conclusions and Recommendations (C&R), developed in furtherance of prior C&R of the SC.

### **I. GENERAL COMMENTS**

1. The SC reaffirms the importance of effective cross-border judicial and administrative co-operation in civil and commercial matters, and notes with great satisfaction that a number of States have become, or are considering becoming, party to the Service, Evidence and / or Access to Justice Conventions. The SC encourages States that are party to the *Hague Convention of 1 March 1954 on civil procedure* to consider becoming party to the Conventions. The SC welcomes the accession of Albania, Armenia, Australia, Belize, Brazil, Colombia, Croatia, Korea, Moldova, Montenegro, Morocco, Serbia and The former Yugoslav Republic of Macedonia to one or more of the Conventions since its last meeting in 2009.
2. The SC encourages Contracting States to publicise the C&R among users of the Conventions, including judicial authorities, judicial officers, practitioners, and Central Authorities.
3. The SC recalls the requirement for Contracting States to designate a Central Authority for each Convention, and to inform the depositary of this designation. The SC calls on Contracting States that have not done so to fulfil this requirement.
4. The SC notes that the Service Section and Evidence Section of the Hague Conference website are a very helpful source of information relating to the practical operation of the Conventions concerned, and encourages Central Authorities to publicise them. The SC encourages Contracting States to provide the Permanent Bureau with information to be published in the practical information charts available on these Sections, and to update this information as required, in particular the contact details for Central Authorities.

## II. PRACTICAL HANDBOOKS ON THE OPERATION OF THE SERVICE AND EVIDENCE CONVENTIONS

5. The SC acknowledges the importance of the Practical Handbooks on the operation of both the Service and Evidence Conventions. The SC invites the Permanent Bureau to finalise the text of the draft versions presented at the meeting, incorporating the outcome of the discussions and case law and practice reported by States in response to the Questionnaires, in co-operation with the Drafting Committee. The SC notes that once finalised, these texts will be circulated to the SC for comment and endorsement before being submitted to the Council on General Affairs and Policy of the Hague Conference ("the Council") for final approval.
6. Acknowledging the general invitation of the Council of Diplomatic Representatives that the Permanent Bureau attempt to increase revenue from the sale of its publications, the SC recommends that the Permanent Bureau identify ways in which the Service and Evidence Handbooks may be disseminated, and to whom, free of charge.
7. The SC encourages States to arrange for the translation of the Service and Evidence Handbooks into their languages, and expresses its gratitude to the People's Republic of China and the American Association of Private International Law (ASADIP) for their offers to translate the Handbooks into Chinese (simplified and traditional) and Spanish, respectively.

## III. EVIDENCE CONVENTION

### *Status and operation of the Evidence Convention in general*

8. The SC recalls that, pursuant to Article 39(4), the Evidence Convention only applies between an acceding State and an existing Contracting State if the accession is accepted by that existing Contracting State. The SC urges all Contracting States to consider each accession with a view to its acceptance.
9. The SC notes that the practical operation of the Evidence Convention would be further improved by more timely execution of Letters of Request, and better communication with Central Authorities, including by e-mail, at all stages of the execution of a Letter of Request.

### *Functions of Central Authorities*

10. The SC welcomes the practice reported by Contracting States whereby Central Authorities:
  - a. promptly acknowledge the receipt of Letters of Request to the Requesting Authority and / or interested parties;
  - b. promptly respond to enquiries from Requesting Authorities and / or interested parties about the status of execution;
  - c. communicate to the Requesting Authority and / or interested parties an indication of steps to be taken for execution.
11. The SC welcomes the use of electronic tools that allow the status of requests to be checked online, noting the importance of taking into account considerations of privacy and confidentiality.

### *Use of the Model Form*

12. The SC recalls its recommendation for the Model Form to be used (*cf.* C&R No 54 of the [2009 SC](#)) and notes that many Central Authorities prefer Letters of Request to be issued using the Model Form, and welcomes the *Guidelines for Completing the Model Form* developed by the Permanent Bureau.

### *Costs for execution and reimbursement*

13. The SC notes that Article 14(2) of the Evidence Convention confers a right to require the reimbursement of "fees paid to experts and interpreters" and the "costs occasioned by the use of special procedure" requested under Article 9(2). The SC concludes that Article 14(2) does not provide for the Requested State to require advance payment of costs.

14. The SC concludes that a Requested State may require reimbursement of fees paid and / or costs occasioned pursuant to Articles 9(2) and 14(2) even if the evidence is no longer sought (*e.g.*, where the Requesting Authority withdraws the Letter of Request).
15. The SC acknowledges that electronic payment facilitates reimbursement, and encourages Contracting States to provide the Permanent Bureau with relevant information for inclusion in the practical information charts on the Evidence Section.

*Grounds for refusal (incl. Art. 23)*

16. The SC recalls the exhaustive nature of the grounds for refusal set out in Articles 12(1) and 23 of the Evidence Convention.
17. In addition to providing the information specified in C&R No 4, the SC invites Contracting States to provide the Permanent Bureau with information concerning acts that typically do not fall within the functions of the judiciary in their State (*cf.* Art. 12(1)(a)) for inclusion in the practical information charts on the Evidence Section.
18. Recalling the objective of Article 23 to “ensure that a request for the production of documents must be *sufficiently substantiated*” (*cf.* C&R No 29 of the [2003 SC](#) and C&R No 51 of the [2009 SC](#)), the SC recommends that States refrain from applying Article 23 to refuse the execution of Letters of Request for the production of documents that are specified in the request, or otherwise reasonably identified. The SC notes that one Contracting State that regards the Evidence Convention as mandatory, and that has revisited its Article 23 declaration, considers that the making of a “qualified declaration” has encouraged Requesting Authorities in States that do not regard the Evidence Convention as mandatory to use the Convention.
19. The SC notes that, while Article 23 only applies to Chapter I of the Evidence Convention, applications for permission to take evidence under Chapter II may be subjected to the same conditions of specificity.

*Taking of evidence by video-link*

20. The SC recalls that the use of video-links to assist the taking of evidence abroad is consistent with the framework of the Evidence Convention (*cf.* C&R No 55 of the [2009 SC](#)). The SC acknowledges that Article 17 does not preclude a member of judicial personnel of the court of origin (or other duly appointed person), who is located in one Contracting State, from examining a person located in another Contracting State by video link.
21. Further to a proposal by the delegation of Australia to consider an optional protocol to facilitate the taking of evidence, without compulsion, by video-link under the Evidence Convention, and with a view to promoting the further use of modern technologies, the SC recommends that the Council establish an Experts’ Group at its next meeting to investigate the issues that may arise with the use of video-link and other modern technologies in the taking of evidence abroad. The SC further recommends that the Experts’ Group study existing instruments and current practice, and explore potential ways to address these issues, including the desirability and feasibility of an optional protocol or any other instrument.

**IV. ACCESS TO JUSTICE CONVENTION**

22. Recognising the continuing importance and increasing use of the Access to Justice Convention, the SC recalls the usefulness of creating multi-lingual forms and further translations of the Convention, with a view to encouraging further accessions by States (*cf.* C&R No 64 of the [2009 SC](#)).

## V. SERVICE CONVENTION

### *Assistance in locating the person to be served*

23. Recognising that there is no obligation to provide assistance in locating the person to be served under the Service Convention, the SC notes that many Contracting States have reported employing a variety of practices to assist, as a Requested State, in circumstances when the address is incomplete or incorrect. Some have even reported assistance when the address is unknown. The SC encourages Contracting States to provide such assistance consistent with their legal and structural capabilities, when able to do so.
24. The SC encourages Contracting States to provide the Permanent Bureau with information regarding such assistance for inclusion in the practical information charts on the Service Section of the Hague Conference website.

### *Use of the model form*

25. The SC recalls C&R No 29 of the [2009 SC](#), reaffirming the mandatory use of the Model Form, and welcomes the *Guidelines for Completing the Model Form* developed by the Permanent Bureau. The SC also notes the importance of sending Model Forms that are fully, correctly and clearly completed, preferably with word processing technology and not by hand. The SC also notes that the appropriate use of the Model Form can mitigate delays and avoid unnecessary costs.
26. The SC stresses the importance of returning a properly completed certificate under Article 6 to the applicant (*i.e.*, the forwarding authority).
27. The SC invites Contracting States to submit copies of the Model Form in their languages to the Permanent Bureau so that it can prepare trilingual Model Forms.

### *Informal delivery (Art. 5(2))*

28. The SC recalls that no translation of the documents to be served is required for informal delivery.
29. The SC notes that some Contracting States do not have domestic legislation providing for informal delivery. However, the SC recognises that informal delivery is a valid form of service under the Service Convention when the documents are voluntarily accepted by the addressee.

### *Responding to inquiries regarding the status of execution*

30. The SC welcomes the practice reported by certain Contracting States whereby Central Authorities promptly respond to enquiries from Requesting Authorities and / or interested parties about the status of execution, and encourages all Contracting States to embrace this practice where possible.

### *Costs for service and reimbursement*

31. The SC recalls C&R No 22 of the [2009 SC](#).
32. In response to concerns voiced by some Contracting States about difficulties with payments for costs incurred for service, the SC notes that the methods referred to in C&R No 15 (above) regarding the Evidence Convention are equally applicable to payments under the Service Convention.

### *Service of documents under Article 10(b) and (c)*

33. The SC recommends that persons forwarding requests for service under Article 10(b) (c) inquire with authorities in the receiving State, before sending a request for service in order to properly identify to whom the request should be sent.

### *Protection of the defendant*

34. The SC recognises that the types of relief against a default judgment contemplated in Article 16 (incl. appeal and other forms of redress) are a matter for domestic law.

*Grounds for refusal*

35. The SC recalls the exhaustive nature of the grounds for refusal set out in Article 13(1) of the Service Convention.

*Service by electronic means*

36. The SC welcomes the study conducted by the Permanent Bureau on the use of information technology in the operation of the Service Convention as part of the Draft Revised Service Handbook.
37. The SC notes that, subject to domestic law of the Requested State, requests for service transmitted under the main channel of transmission (the Central Authority) may be executed by electronic means under Article 5. The SC also notes developments in the use of information technology under the alternative channels of Article 10.
38. The SC invites the Permanent Bureau to continue to monitor developments in this area and encourages States to report such developments to the Permanent Bureau.

**VI. MATTERS RELEVANT TO THE OPERATION OF BOTH THE SERVICE AND EVIDENCE CONVENTIONS***Electronic transmission of requests*

39. The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.

*"Civil or commercial matters"*

40. The SC recalls its former C&R on the term "civil or commercial matters" (*cf.* C&R Nos 13, 14 and 46 of the [2009 SC](#)) and recommends that this term be interpreted liberally and in an autonomous manner, and applied consistently across both the Service and Evidence Conventions.
41. The SC welcomes the flexible practice reported by Contracting States, by not refusing to execute requests based solely on the entity making the request, but focussing instead on the substantive nature of the matter referred to in the request.

**VII. TIMING FOR THE NEXT SPECIAL COMMISSION MEETING**

42. The SC recommends that the Council consider, in approximately four to six years, the timing for the next SC meeting. In doing so, the Council may wish to take into account any substantive revisions to the Service and Evidence Handbooks, new or ongoing issues in the practical operation of the Service, Evidence and Access to Justice Conventions, the work of any potential Experts' Group (*cf.* C&R No 21), and other developments in the use of information technology in the context of cross-border civil procedure.