

## GUIDELINES FOR COMPLETING THE MODEL FORM

These guidelines will help you complete the Model Form annexed to the HCCH *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

The Model Form is comprised of three (3) parts: (i) Request; (ii) Certificate; and (iii) Summary + Warning.

| If you are using<br>the <b>main channel of transmission</b> ...  | If you are using<br>an <b>alternative channel of transmission</b> ...           |
|--|---|
| ↓  | ↓   |
| the use of the Model Form is <b>mandatory</b> .  | the use of the Model Form is <b>recommended</b> (but not mandatory).            |
| Complete Part 1 (Request) and Part 3 (Summary + Warning). The use of the Warning is recommended (but not mandatory).   | Complete Part 3 <b>only</b> (Summary + Warning).                                |
| Do <b>not</b> complete Part 2. Part 2 of the Model Form ( <b>Certificate</b> ) will be completed later by the Central Authority or other competent authority in the Requested State. | Do <b>not</b> complete Parts 1 ( <b>Request</b> ) and 2 ( <b>Certificate</b> ). |

Choosing a bilingual or trilingual Model Form: The Permanent Bureau (PB) has developed several bilingual and trilingual fillable forms in both Word and PDF formats, which can be easily completed and saved (available on the Service Section of the HCCH website ([www.hcch.net](http://www.hcch.net))). Check if there is a bilingual or trilingual form that would suit your needs. In the absence of a trilingual form in the desired language, use the bilingual forms (English / French or French / English).

Filling out the fields: Complete the Model Form electronically. Use plain, understandable language and avoid unnecessary legal or technical language. Do not change or rearrange the items in the Model Form. Write out dates in full (e.g., 1 January 2025). If a particular item does not apply, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable.

**Forwarding authority:** Details about the forwarding authority (**including contact e-mail**) and its **competence** to request service abroad should be included in or attached to the Model Form.

The notes accompanying this form provide further information on filling out each field.

Language: The **fields** in the Model Form must be filled out in English, French, or (one of) the official language(s) of the Requested State (Art. 7(2)). (Please note that in some Requested States language requirements are different depending on the specific location of the person to be served.)

Copies: Part 1 of the Model Form (**Request**) and the document to be served must be furnished in *duplicate* (Art. 3(2)), unless otherwise specified by the Requested State. If in doubt, check the Country Profile of the Requested State or contact the relevant Central Authority.

No legalisation: The Request does not need to be legalised (or apostilled) (Art. 3(1)). This exemption also applies to the documents to be served.

Translation of the documents to be served: The Requested State may require that the documents to be served be translated into (one of) its official language(s) (Art. 5(3)) if service under Article 5(1) is requested. To find out the particular language requirements of the Requested State, check the Country Profile or contact the relevant Central Authority.

Costs: Services rendered by the Central Authority shall not give rise to any payment or reimbursement of costs. However, under Article 12(2), a forwarding authority may be required to pay or reimburse costs occasioned by the employment of a judicial officer or other competent person, or occasioned by the use of a particular method of service. A Central Authority may request that such costs be paid in advance. To find out whether service in the Requested State gives rise to these costs, and whether the Requested State requires reimbursement of them, check the Country Profile or contact the relevant Central Authority.

Terminology: In this Form:

**Applicant** means the forwarding authority (see below).

**Central Authority** means the authority designated by a Contracting Party to receive Requests for service from another Contracting Party and to execute them or cause them to be executed.

**C&R of the SC** refers to the Conclusions & Recommendations of the Special Commission.

**Convention** means the *HCCH Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, the full text of which is available on the Service Section of the HCCH website.

**Forwarding authority** means the authority or judicial officer competent under the law of the Requesting State to forward Requests for service to the Central Authority of the Requested State. In the Model Form, the terms "applicant" and "requesting authority" are also used to refer to "forwarding authority".

**Hague Conference on Private International Law** (HCCH) means the intergovernmental organisation under the auspices of which the Convention was negotiated and adopted.

**Model Form** means the form annexed to the Convention.

**Country Profile** means the online profile containing practical and country-specific information about a Contracting Party to the Service Convention, which is available on the Service Section of the HCCH website. When filling in the Model Form, applicants are strongly encouraged to consult the Country Profile of the Requested State to ascertain if the Requested State has any preferred practices that would facilitate the smooth processing of a Request.

**Requested State** means the State to which the request for service is addressed.

**Requesting authority** means the forwarding authority (see above).

**Requesting State** means the State from which the request for service is issued.

Further information: For further information on serving judicial and extrajudicial documents abroad under the Convention, visit the Service Section of HCCH website, at [www.hcch.net](http://www.hcch.net). Applicants are encouraged to visit the website when filling in the Model Form as Contracting Parties may revise their practical information regularly.

## NOTES ON THE MODEL FORM

**Note 1:** The fields of the Model Form must be completed in English, French, or in (one of) the language(s) of the Requested State. (Please note that in some Requested States language requirements are different depending on the specific location of the person to be served.)

**Note 2:** Where service is to be effected on multiple persons (even when multiple persons have the same address), a separate request for service may need to be issued for each person. If in doubt, consult the Country Profile or contact the relevant Central Authority of the Requested State to check whether separate Requests for Service are needed.

**Note 3:** Information entered in the Model Form should be consistent with information contained in the documents attached to the Model Form.

**Note 4:** The use of electronic versions of the Model Form is encouraged (C&R No 84 of the 2024 SC). Completion of the Model Form electronically, rather than by hand, is strongly encouraged.

**Note 5:** When filling in the Model Form, applicants are strongly encouraged to consult the Country Profile of the Requested State to ascertain if the Requested State has any preferred practices that would facilitate the smooth processing of a Request.

**Note 6:** If a forwarding authority proposes to use a digital or electronic signature on the Model Form, please consult the Country Profile or contact the relevant Central Authority of the Requested State to confirm whether such digital or electronic signatures can be accepted in the manner provided on the original document, without requiring further formalities or authentication, consistent with Article 3. Note that digital or electronic signatures on Requests can generally be accepted, especially if they are transmitted from a competent forwarding authority and, where applicable, can be easily verified (C&R No 84 of the 2024 SC).

## NOTES ON PART 1 – REQUEST

**Item 1:** The name of the plaintiff, or of the counsel representing the plaintiff (when different from the forwarding authority), should **not** be included in this box. Information about the forwarding authorities for each Contracting Party is included in the relevant Country Profile.

When filling in the Model Form, forwarding authorities are encouraged to provide information on their competences under the Convention (C&R No 87 of the 2024 SC). Forwarding authorities are also strongly encouraged to provide their complete contact information, including, if possible, a specific contact person, telephone number, and e-mail address.

**Item 2:** Information about the Central Authorities and their contact details is included in the relevant Country Profile.

**Item 3:** Complete this field carefully and provide full address information. The Convention does not apply if the address of the person to be served with the document is not known (Art. 1(2)). Where available, insert the addressee's date of birth (C&R No 30 of the 2009 SC). For Requests addressed to Contracting Parties that use a writing system other than the Latin alphabet, it might also be helpful to include the name and address of the recipient in (one of) the official language(s) of that State.

When assistance in locating the addressee(s) is needed, forwarding authorities are encouraged to consult the Country Profile or contact the relevant Central Authority of the Requested State to check whether the Central Authority or other authorities in the Requested State provide such assistance.

**Option a):** Select this option (by checking the corresponding box) if you would like the documents to be served by a method prescribed by the internal law of the Requested State (formal service) and chosen by that State. The most common methods of service are personal service or service by post. Costs may be incurred if a judicial officer or a person competent under the law of the State of destination is employed to effect service (Art. 12(2)(a)).

**Option b):** Select this option (by checking the corresponding box) if you would like the documents to be served by a particular method. Describe the specific method requested in the field. Note that costs may be incurred when a particular method is chosen (Art. 12(2)(b)).

**Option c):** Select this option (by checking the corresponding box) if you would like the documents to be served by delivery to an addressee who accepts them voluntarily (informal delivery). The available methods of effecting informal delivery vary among Contracting Parties and may include postal service, personal service in court in response to summons to attend for service, or service by procedural agents or police.

## NOTES ON PART 2 – CERTIFICATE

**Note 1:** The Certificate is to be completed by the **Central Authority** or **other competent authority** of the Requested State (Art. 6). As such, the forwarding authority should leave the Certificate blank.

**Note 2:** Properly completed Certificates should be returned to the forwarding authority (C&R No 83 of the 2024 SC), **not** to the Central Authority of the Requesting State (unless the Central Authority is also the forwarding authority).

The Certificate contemplates two main options to choose from, depending on whether or not the documents have been served:

**Option 1:** Select this option (by checking the corresponding box) if the documents have been served or are deemed to be served and proceed to answer items 1 to 4.

**Option 2:** Select this option (by checking the corresponding box) if the documents have **not** been served and proceed to answer item 5. Do not complete items 1 to 4.

**Item 1:** The date of service is important to both plaintiff and defendant. Write out the date in full.

**Item 2:** The place where service has occurred should be indicated here. If your State uses a writing system other than the Latin alphabet, it might also be helpful to include the address in the Latin alphabet if this is used in the Requesting State.

**Option a):** Select this option (by checking the corresponding box) if the documents have been served by a method prescribed by the internal law of your State (formal service). Specify the provisions in the law of your State under which service was effected or include them by way of an attachment (C&R No 30 of the 2009 SC).

**Option b):** Select this option (by checking the corresponding box) if the documents have been served by a particular method requested by the forwarding authority. If necessary, describe the specific method requested in this field.

**Option c):** Select this option (by checking the corresponding box) if the documents have been served by delivery to an addressee who has accepted them voluntarily (informal delivery).

**Item 5:** The facts about / reasons why service failed are of great importance, because they will determine the course of action that the plaintiff / court will take. Where the defendant cannot be physically located, some States proceed to have service effected by other means (e.g., service by publication or by electronic means). Indicate in this field if the address of the defendant was no longer valid, fictitious or incorrect, or if the defendant could not otherwise be found. If informal delivery was attempted, specify whether service failed because the defendant did not accept the documents voluntarily. The notice of a rejection is intended as authoritative confirmation that service was not effected (C&R No 82 of the 2024 SC).

**Item on costs:** The Requested State may require the forwarding authority to pay the costs associated with effecting service whether or not the document has been served in accordance with Article 12(2) of the Convention. Select this option if there are costs that need to be reimbursed and attach a statement with a breakdown of such costs, if necessary.

## NOTES ON PART 3 – SUMMARY + WARNING

### Warning

**Item 1:** When the document is not sent to or served upon the addressee in their private capacity, the addressee should be informed that they are receiving it in an alternative capacity (e.g., as director of a company, tutor, representative of an estate, trustee, receiver in bankruptcy, etc.).

**Item 2:** Examples of authorities or organisations that may be qualified to give details on the availability of legal aid or advice include the court seised, legal aid bureau, or law society.

### Summary

**Note:** The Summary section of the Model Form makes a distinction between **judicial** documents and **extrajudicial** documents. Any document relating to litigation, including summary proceedings or uncontested proceedings, e.g., summons, judgment, order or application, is regarded as a judicial document. Any other legal document is to be classified as an extrajudicial document.

When filling in the Summary, please select the type of documents by checking the corresponding box.

**Item 3:** Forwarding authorities (requesting authorities) are encouraged to provide information on their competences under the Convention (C&R No 87 of the 2024 SC). Forwarding authorities are also strongly encouraged to provide their complete contact information, including, if possible, a specific contact person, telephone number, and e-mail address. Information about the forwarding authorities for each Contracting Party is included in the relevant Country Profile.

If you are using an alternative channel of transmission, insert the name, address, telephone number and particularly the e-mail address of the authority or person who caused the document to be issued.

**Item 4:** Where an extrajudicial document is concerned, the name and address of the person interested in the transmission of the document should be indicated. In the case of a judgment, the names of the person / party entitled to the judgment, and the person / party against whom the judgment is rendered, should be entered.

#### **For requests to serve judicial documents**

**Item 5:** The "nature and purpose of the document" refers to the legal classification of the document (e.g., writ of summons, judgment, order, etc.). A brief summary of the content of the document (e.g., claim or judgment for divorce, alimony or maintenance, or for damages) falls under the "purpose of the document". When the document relates to legal proceedings, the reference to the purpose of the document may be expressed very briefly, since the nature and purpose of the proceedings will be described more in detail under item 6.

**Item 6:** Under this item, the remedy or relief sought by the claimant should be mentioned more in detail than under the preceding item. Thus, for instance, when a sum of money is claimed, the exact sum should be mentioned as well as, where appropriate, a brief description of the grounds for the claim.

Under this item, information about the court where an action is pending, or the nature of the case can also be included.

**Item 7:** If the recipient who is to take action on the document sent or served abroad is required to enter an appearance before a court or an authority, the exact date and place for entering the appearance should be mentioned under this item. If possible, it may be appropriate to mention the qualifications which are required for representation (e.g., a lawyer authorised by the court concerned). If there is no need for the recipient to enter appearance, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable. The exact date and place for entering the appearance specified in the Model Form should be the same as the date and place specified in the documents, if any.

**Items 8 and 9:** In some cases, it may be appropriate to mention the address of the court, e.g., when the judgment is a default judgment and the person against whom the judgment was entered has the possibility to apply to that court for the re-opening of the judgment on the grounds of default. If no judgment has been rendered, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable.

**Item 10:** Any time-limit stated in the document for the institution of legal proceedings, or review of a judgment or a decision, should be mentioned under this item. If there are no time-limits in the document, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable. The time-limit specified in the Model Form should be the same time-limit specified in the documents.

#### **For requests to serve extrajudicial documents**

**Item 11:** The nature and purpose of the document refers to the legal classification of the document. A brief summary of the content of the document (e.g., demands for payment, notice of dates of mediation hearings, notifications to beneficiaries of a deceased estate, and documents related to the execution conducted by a bailiff, etc.) falls under the "purpose of the document".

**Item 12:** If there are no time-limits in the document, insert "not applicable" or "n/a", or otherwise indicate that this item is not applicable

