



Good Practices for

**Central Authorities and
other designated Authorities
under the**

**1970 Evidence
Convention**

Recalling the framework of the 1970 Evidence Convention and the practical importance and impact of effective cross-border judicial and administrative cooperation, and reiterating that the spirit and letter of the Convention do not constitute an obstacle to the use of information technology (IT), the Working Group on the Good Practices has endorsed the following compilation of good practices.

These good practices are applicable to those engaged in the preparation, transmission, and execution of Letters of Request for the taking of evidence and performance of other judicial acts.

These good practices are aimed at enhancing the effective operation of the Convention, including by promoting the appropriate use of IT and supporting timely and efficient communication between all parties involved. By facilitating more streamlined procedures, these practices contribute to improving the overall efficiency and responsiveness of cross-border judicial cooperation in the taking of evidence.

This document is non-binding, and Contracting Parties retain discretion in the implementation of the practices set out below, in accordance with the respective applicable laws, including regulations relating to privacy and data protection.

* Click [here](#) for a glossary of key terms used in this document.

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I. Good practices relating to the general operation of Central Authorities and other designated Authorities

Good practices include:

1. Ensuring that the [e-Country Profile](#)^{GL,1}, relevant national websites, any guidelines prepared by the requested State^{GL}, and the internal mailing list of Central Authorities^{GL} are complete, remain up to date, and contain the contact details for the Central Authority(ies) and other Authorities^{GL} designated under the Convention^{GL}.

(C&R No 9 of the 2024 SC)

2. Communicating effectively with relevant authorities by electronic means, while taking into account data security and privacy considerations, as appropriate. To safeguard personal data and sensitive information, authorities may consider, where possible, the use of digital signatures^{GL}, secure platforms with end-to-end encryption, encrypted e-mails, and password-protected documents. Care should be taken to ensure that only the data strictly necessary for processing the Letter of Request^{GL} is included. Further information, including available communication methods and other relevant considerations, can be found in the [e-Country Profile](#)^{GL} of the requested State^{GL} (item numbers 7 and 22).²

(C&R No 10 of the 2024 SC)

3. Promptly responding, preferably within 15 to 20 calendar days of receipt, to enquiries from requesting Authorities^{GL} and interested parties about the presentation, transmission, receipt, and execution of requests^{GL}.

(C&R Nos 23 and 24 of the 2024 SC)

¹ The e-Country Profiles pertaining to the 1970 Evidence Convention are available on the HCCH website (www.hcch.net) under "Evidence" => "e-Country Profiles".

² Some Contracting Parties may not have access to certain platforms or may be unable to open documents with specific protections. Accordingly, before using such methods, authorities are encouraged to consult the relevant e-Country Profile.

4. Promoting the [e-Country Profile](#)^{GL} and publicising the [Evidence Section](#)^{GL} of the HCCH website, in addition to promoting the Conclusions & Recommendations^{GL} of Special Commission^{GL} meetings,³ the [Practical Handbook](#)^{GL,4} [Guidelines for completing the Model Form](#),⁵ and other supporting documents among users of the Convention^{GL}, including judicial authorities and officers, practitioners, and other designated Authorities^{GL}.

(C&R Nos 7, 8, 49 and 134 of the 2024 SC)

5. Supporting regular training and the exchange of experience among relevant officials, as well as participation in meetings of and for Central Authorities^{GL} operating under the Convention^{GL}, to ensure familiarity with applicable methods and procedures, evolving practices, and the effective use of IT.
6. Ensuring, as far as practicable, that the Central Authority^{GL} and other designated Authorities^{GL} are appropriately resourced to perform their functions under the Convention^{GL}.

II. Good practices relating to the preparation and transmission of Letters of Request

Good practices include:

1. Consulting the [e-Country Profile](#)^{GL,6} other relevant national websites, and any guidelines prepared by the requested State^{GL}, and reviewing the information provided therein, before making a request^{GL}. Relevant information to review includes translation requirements, methods for transmitting Letters of Request^{GL}, and applicable declarations / reservations / notifications made by the requested State.

(C&R No 134 of the 2024 SC)

³ The Conclusions & Recommendations (C&R) of Special Commissions (SC) are available on the HCCH website (www.hcch.net) under "Evidence" => "Special Commissions".

⁴ The Practical Handbook on the Operation of the 1970 Evidence Convention is available for purchase in both paper and e-Book format. Further information, including the table of contents and order forms, can be found on the HCCH website (www.hcch.net) under "Evidence" => "Practical Handbook".

⁵ The Guidelines for completing the Model Form are available on the HCCH website (www.hcch.net) under "Evidence" => "Recommended Model for Letters of Request" => "Fillable version".

⁶ The e-Country Profiles pertaining to the 1970 Evidence Convention are available on the HCCH website (www.hcch.net) under "Evidence" => "e-Country Profiles".

2. Using and completing all relevant parts of the recommended [Model Form](#)^{GL,7}, including the optional [Form for video-link evidence](#)^{GL,8}, when transmitting a Letter of Request^{GL}.
(C&R No 30 of the 2024 SC)
3. Completing the recommended [Model Form](#)^{GL} electronically and consulting the [Guidelines for completing the Model Form](#),⁹ the multilingual versions of the Model Form available on the HCCH website, and any additional instructions when preparing a Letter of Request^{GL}.
(C&R Nos 31 and 32 of the 2024 SC)
4. Ensuring that Letters of Request^{GL} are legible and use appropriate grammar and form, including avoiding the use of full capital letters or poor-quality copies of exhibits or other documents.
5. Identifying points of contact and providing sufficient and, where possible, specific contact information, including e-mail addresses, in the Letter of Request^{GL}, to facilitate direct follow up queries and communication with Central Authorities^{GL} and other designated Authorities^{GL}.
(C&R No 12 of the 2024 SC)
6. Presenting the Letter of Request^{GL} to the Central Authority^{GL} or other designated Authority^{GL} of the requested State^{GL} as soon as practicable, to allow sufficient time for its execution.
(C&R No 36 of the 2024 SC)
7. Where possible or appropriate, transmitting the Letter of Request^{GL} and related documents by electronic means, while taking into account data security and privacy considerations. To safeguard personal data and sensitive information, requesting Authorities^{GL} may consider, where possible, the use of digital signatures^{GL}, secure platforms with end-to-end encryption, encrypted e-mails, and password-protected

⁷ Fillable versions of the recommended Model Form are available on the HCCH website (www.hcch.net) in multiple languages under "Evidence" => "Recommended Model for Letters of Request" => "Fillable version".

⁸ Fillable versions of the optional Form for video-link evidence are available on the HCCH website (www.hcch.net) under "Evidence" => "Model Forms" => "Optional Form for Video-Link Evidence".

⁹ The Guidelines for completing the Model Form are available on the HCCH website (www.hcch.net) under "Evidence" => "Recommended Model for Letters of Request" => "Fillable version".

documents. Care should be taken to ensure that only the data strictly necessary for processing the Letter of Request is included. Further information, including available communication methods and other relevant considerations, can be found in the [e-Country Profile^{GL}](#) of the requested State^{GL} (item numbers 7 and 22).¹⁰

(C&R Nos 13 and 26 of the 2024 SC)

8. Contacting the relevant Central Authority^{GL} or other designated Authority^{GL} of the requested State^{GL}, preferably by electronic means, to enquire about the status of the request^{GL} if no acknowledgement of receipt is received within 30 calendar days of sending the request, or if no document establishing execution or non-execution is received from the relevant authority in the requested State within a reasonable time, generally within six months.

III. Good practices relating to the receipt and execution of Letters of Request

Good practices include:

1. Where possible, implementing procedures and structures to facilitate the acceptance of Letters of Request^{GL} transmitted by electronic means and ensuring that methods of acceptance are reflected in the relevant [e-Country Profile^{GL}](#).¹¹

(C&R Nos 13 and 26 of the 2024 SC)

2. Promptly acknowledging receipt of the Letter of Request^{GL}, preferably within 30 calendar days of receiving it from the requesting Authority^{GL}.

(C&R No 24(a) of the 2024 SC)

3. Tracking or recording incoming Letters of Request^{GL} through electronic case registers or management systems.

(C&R No 14 of the 2024 SC)

¹⁰ Some Contracting Parties may not have access to certain platforms or may be unable to open documents with specific protections. Accordingly, before using such methods, authorities are encouraged to consult the relevant e-Country Profile.

¹¹ The e-Country Profiles pertaining to the 1970 Evidence Convention are available on the HCCH website (www.hcch.net) under "Evidence" => "e-Country Profiles".

4. Contacting the relevant authorities or persons, including the requesting and / or Central Authority^{GL} in the requesting State^{GL}, preferably by electronic means, when there are doubts about the nature of the cause of action or to secure any missing information or documents.

(C&R No 123 of the 2024 SC)

5. Deciding whether the request^{GL} complies with the provisions of the Convention^{GL} within 30 calendar days of its receipt.
6. Where possible and appropriate, in cases of refusal to execute a Letter of Request, providing the reasons underlying the refusal to the requesting Authority^{GL}.
7. Encouraging the requesting Authority^{GL} to reformulate and resubmit deficient Letters of Request^{GL}, with a view to avoiding unnecessary delays.

(C&R No 37 of the 2024 SC)

8. Where appropriate, and where a Letter of Request^{GL} appears to be partially deficient, executing the non-deficient portions of the request^{GL} rather than rejecting it in its entirety.

(C&R No 37 of the 2024 SC)

9. Taking measures to ensure the timely and expeditious execution of a Letter of Request^{GL}, usually within six months following its receipt.

(C&R Nos 22 and 35 of the 2024 SC)

10. Promptly communicating with the requesting Authority^{GL}, preferably by electronic means, if, at any time during the execution of the Letter of Request^{GL}, an obstacle arises which may significantly delay or even prevent its execution.
11. Implementing mechanisms to facilitate, where necessary, the payment or reimbursement by electronic means of costs permitted by Article 14(2) and (3) of the Convention^{GL}, and providing any relevant information in this regard in the [e-Country Profile^{GL}](#).

(C&R No 41 of the 2024 SC)

IV. Good practices relating to the return of documents establishing the execution of a Letter of Request

Good practices include:

1. Returning the documents establishing execution, if not requested otherwise, to the requesting Authority^{GL} in the requesting State^{GL}.

2. Where possible or appropriate, transmitting the evidence and related documents by electronic means, while taking into account data security and privacy considerations. To safeguard personal data and sensitive information, authorities may consider, where possible, the use of digital signatures^{GL}, secure platforms with end-to-end encryption, encrypted e-mails, and password-protected documents. Further information, including available communication methods and other relevant considerations, can be found in the [e-Country Profile^{GL}](#) of the requesting State^{GL} (item number 22).¹²

(C&R Nos 13 and 28 of the 2024 SC)

¹² Some Contracting Parties may not have access to certain platforms or may be unable to open documents with specific protections. Accordingly, before using such methods, authorities are encouraged to consult the relevant e-Country Profile. The e-Country Profiles pertaining to the 1970 Evidence Convention are available on the HCCH website (www.hcch.net) under "Evidence" => "e-Country Profiles".

Glossary

The following key terms are used in this Good Practices document (for the 1970 Evidence Convention):

1970 Evidence Convention (or the Convention)

An international treaty developed and adopted under the auspices of the HCCH, the full title of which is the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*. The full text of the Convention is available on the [Evidence Section](#) of the HCCH website.

Central Authority

The authority designated by a Contracting Party pursuant to Article 2(1) of the 1970 Evidence Convention. Information about Central Authorities designated by Contracting Parties is available on the [Evidence Section](#) of the HCCH website and in the relevant [e-Country Profile](#).

Conclusions & Recommendations (C&R)

The form in which outcomes of meetings of the Special Commission (SC) are developed, reflected and adopted. Under the [HCCH Rules of Procedure](#), Special Commission meetings adopt Conclusions & Recommendations. References to the Conclusions & Recommendations are made throughout this document together with the year of the relevant meeting (e.g., C&R of the 2024 SC refers to the Conclusions & Recommendations adopted by the 2024 meeting of the Special Commission). Conclusions & Recommendations are submitted to the governing body of the HCCH, the Council on General Affairs and Policy, for approval.

Digital signature

A name, initial, mark, or symbol that is affixed to, or logically associated with, a document in electronic form and authenticated using a digital certificate.

e-Country Profile

The online profile containing practical and country-specific information about a Contracting Party to the 1970 Evidence Convention, which is available on the [Evidence Section](#) of the HCCH website.

Evidence Section

A section of the HCCH website dedicated to the 1970 Evidence Convention. The Evidence Section can be accessed via a link on the home page of the HCCH website (www.hcch.net).

Letter of Request (or request)

For the purposes of Chapter I, a device used to request the obtaining of evidence or the performance of some other judicial act.

Model Form

The [model Letter of Request form](#) recommended by the Special Commission. Fillable versions of the Model Form in English, French, and Spanish, as well as instructions for completion, are available on the [Evidence Section](#) of the HCCH website.

Practical Handbook on the Operation of the 1970 Evidence Convention (or Practical Handbook)

The [Practical Handbook](#), intended to assist all users of the 1970 Evidence Convention, offers detailed explanations and practical guidance on the general operation of the 1970 Evidence Convention, as well as authoritative commentaries on the major issues that have arisen in practice.

Optional Form for Video-link Evidence

A [form](#) intended to be used as an attachment to the Recommended Model Form for Letters of Request, available on the [Evidence Section](#) of the HCCH website.

Other (designated) Authorities

In general, the organisation of Central Authorities is centralised. However, Article 24(1) permits Contracting Parties to designate other Authorities in addition to the Central Authority and to determine the extent of their competence. However, requesting Authorities shall always retain the right to address a request directly to the Central Authority.

Requested State

For the purposes of Chapter I, the Contracting Party to which a Letter of Request is, or will be, addressed (as the case may be).

Requesting Authority

For the purposes of Chapter I, the authority that issues a Letter of Request. The 1970 Evidence Convention provides that the requesting Authority is a judicial authority of the requesting State that is competent to issue Letters of Request under its internal law. Requesting authorities not only include courts and judges but also other persons (such as notaries) insofar as these persons may perform, in certain Contracting Parties, functions of judicial authorities.

Requesting State

For the purposes of Chapter I, the Contracting Party from which a Letter of Request is, or will be, issued.

Special Commission

A Special Commission is a body established under Article 8 of the [HCCH Statute](#) and convened by announcement of the Secretary General to develop and negotiate new HCCH Conventions (or other Instruments) or to review the practical operation of existing HCCH Conventions. In this document, Special Commission refers to the Special Commission that meets periodically to review the practical operation of the 1970 Evidence Convention.

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