

**APERÇU DES RÉPONSES AU QUESTIONNAIRE DE NOVEMBRE 2013 PORTANT SUR
LA CONVENTION DE LA HAYE DU 15 NOVEMBRE 1965 RELATIVE À LA SIGNIFICATION ET
LA NOTIFICATION À L'ÉTRANGER DES ACTES JUDICIAIRES ET EXTRAJUDICIAIRES EN
MATIÈRE CIVILE OU COMMERCIALE
(CONVENTION NOTIFICATION)**

établi par le Bureau Permanent

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**SYNOPSIS OF RESPONSES TO THE QUESTIONNAIRE OF NOVEMBER 2013 RELATING TO
THE HAGUE CONVENTION OF 15 NOVEMBER 1965 ON THE SERVICE ABROAD OF JUDICIAL
AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS
(SERVICE CONVENTION)**

drawn up by the Permanent Bureau

(Version révisée en août 2014 /
revised version as per August 2014)

*Document d'information No 1 de mai 2014 à l'attention de la
Commission spéciale de mai 2014 sur le fonctionnement pratique
des Conventions de La Haye Notification, Preuves et Accès à la justice*

*Information Document No 1 of May 2014 for the attention of the
Special Commission of May 2014 on the practical operation
of the Hague Service, Evidence and Access to Justice Conventions*

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Ce document n'a pas été traduit. Afin de rendre les réponses facilement accessibles aux experts de la Commission spéciale, celles-ci ont uniquement été compilées telles qu'elles ont été reçues et dans la langue dans laquelle elles ont été reçues. Le Bureau Permanent a apporté quelques corrections mineures au texte à des fins de présentation. Les réponses des États peuvent être consultées dans leur intégralité et dans leur version originale sur l'Espace Notification du site web de la Conférence de La Haye (à l'adresse < www.hcch.net >, sous la rubrique « Questionnaires & Réponses »), à l'exception de celles de certains États, qui ne figurent ni en ligne, ni dans le présent document. Ces États n'ont pas souhaité voir leur réponse publiée.

Dans ce document, les nombres entre crochets ('[#]') renvoient au nombre d'États concernés par une réponse donnée.

Une première version de ce document a été établie et publiée sur le site de la Conférence de la Haye le 13 mai 2014. La version actuelle est une mise à jour au 5 août 2014.

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This document has not been translated. It is a compilation of the responses as they were received to make the responses more readily accessible to experts to the Special Commission. Therefore the responses appear as they were received, in the language in which they were received. The Permanent Bureau has made some minor corrections to the text of responses for presentation purposes. The complete response of each State in its original form is available on the Service Section of the Hague Conference website < www.hcch.net > under "Questionnaires & Responses". Responses from States that objected to the publication of their response have not been made available online and are not reproduced in this document.

Throughout this document numbers contained in square brackets ('[#]') refer to the number of relevant responses.

A first version of this document was prepared and published on the website of the Hague Conference on 13 May 2014. This current version is up to date as to 5 August 2014.

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- (17) Are there any specific topics or practical issues that your State would like to have addressed at the Special Commission meeting concerning the Service Convention?42

Responding States and Regional Economic Integration Organisation (REIO):

States and REIO [56]	Non-Contracting States and REIO [9]
<ol style="list-style-type: none"> 1. Argentina 2. Australia 3. Belgium 4. Bosnia and Herzegovina 5. Brazil 6. Bulgaria 7. Canada 8. China, People's Republic of 9. China, Hong Kong Special Administrative Region¹ 10. China, Macao Special Administrative Region² 11. Croatia 12. Cyprus 13. Czech Republic 14. Denmark 15. El Salvador 16. Estonia 17. European Union³ 18. Finland 19. France 20. Germany 21. Honduras 22. Hungary 23. Ireland 24. Israel 25. Italy 26. Japan 27. Kuwait 28. Latvia 29. Lithuania 30. Luxembourg 31. Malaysia 32. Malta⁴ 33. Mexico 34. Monaco 35. Netherlands 36. New Zealand 37. Norway 38. Panama⁵ 39. Paraguay⁶ 40. Poland 41. Portugal 42. Romania 43. Russian Federation 44. Serbia 45. Slovakia 46. Slovenia 47. Spain 48. Sri Lanka 49. Sweden 50. Switzerland 	<ol style="list-style-type: none"> 1. Brazil 2. Honduras 3. El Salvador 4. European Union³ 5. Malaysia 6. New Zealand 7. Panama⁵ 8. Paraguay⁶ 9. Vietnam
	Contracting States [47]
	<ol style="list-style-type: none"> 1. Argentina 2. Australia 3. Belgium 4. Bosnia and Herzegovina 5. Bulgaria 6. China, People's Republic of 7. China, Hong Kong Special Administrative Region¹ 8. China, Macao Special Administrative Region² 9. Canada 10. Croatia 11. Cyprus 12. Czech Republic 13. Denmark 14. Estonia 15. Finland 16. France 17. Germany 18. Hungary 19. Ireland 20. Israel 21. Italy 22. Japan 23. Kuwait 24. Latvia 25. Lithuania 26. Luxembourg 27. Malta⁴ 28. Mexico 29. Monaco 30. Netherlands 31. Norway 32. Poland 33. Portugal 34. Romania 35. Russian Federation 36. Serbia 37. Slovakia 38. Slovenia 39. Spain

¹ Henceforth China (Hong Kong SAR).

² Henceforth China (Macao SAR).

³ The European Commission presented a coordinated response (of all 28 of its Member States), from which the suggestions have been incorporated into question No 17.

⁴ Malta is awaiting European Union authorisation (by means of a Council Decision) to accede to the Convention.

⁵ A response was received from Panama, however this State objected to all of its response being published on the Hague Conference website.

⁶ A response was received from Paraguay, however this State objected to all of its response being published on the Hague Conference website.

51. Turkey ⁷	40. Sri Lanka
52. Ukraine	41. Sweden
53. United Kingdom	42. Switzerland
54. United States of America	43. Turkey ⁷
55. Venezuela	44. Ukraine
56. Vietnam	45. United Kingdom
	46. United States of America
	47. Venezuela

⁷ A response was received from Turkey, however this State objected to all of its response being published on the Hague Conference website.

États et Organisation régionale d'intégration économique (ORIE) ayant répondu :

États et ORIE [56]	États non contractants et ORIE [9]
1. Allemagne	1. Brésil
2. Argentine	2. El Salvador
3. Australie	3. Honduras
4. Belgique	4. Malaisie
5. Bosnie et Herzégovine	5. Nouvelle-Zélande
6. Brésil	6. Panama ¹¹
7. Bulgarie	7. Paraguay ¹²
8. Canada	8. Union européenne ¹⁴
9. Croatie	9. Viet Nam
10. Chine, République populaire de	
11. Chine, Région administrative spéciale de Hong Kong ⁸	
12. Chine, Région administrative spéciale de Macao ⁹	
13. Chypre	
14. Danemark	
15. El Salvador	
16. Espagne	
17. Estonie	
18. États-Unis d'Amérique	
19. Finlande	
20. France	
21. Honduras	
22. Hongrie	
23. Irlande	
24. Israël	
25. Italie	
26. Japon	
27. Koweït	
28. Lettonie	
29. Lituanie	
30. Luxembourg	
31. Malaisie	
32. Malte ¹⁰	
33. Mexique	
34. Monaco	
35. Norvège	
36. Nouvelle-Zélande	
37. Panama ¹¹	
38. Paraguay ¹²	
39. Pays-Bas	
40. Pologne	
41. Portugal	
42. République tchèque	
43. Roumanie	
44. Royaume-Uni	
45. Russie, Fédération de	
46. Serbie	
47. Slovaquie	
48. Slovénie	
	États contractants [47]
	1. Allemagne
	2. Argentine
	3. Australie
	4. Belgique
	5. Bosnie et Herzégovine
	6. Bulgarie
	7. Canada
	8. Chine, République populaire de
	9. Chine, Région administrative spéciale de Hong Kong ⁸
	10. Chine, Région administrative spéciale de Macao ⁹
	11. Chypre
	12. Croatie
	13. Danemark
	14. Espagne
	15. Estonie
	16. États-Unis d'Amérique
	17. Finlande
	18. France
	19. Hongrie
	20. Irlande
	21. Israël
	22. Italie
	23. Japon
	24. Koweït
	25. Lettonie
	26. Lituanie
	27. Luxembourg
	28. Malte ¹⁰
	29. Mexique
	30. Monaco
	31. Norvège
	32. Pays-Bas
	33. Pologne
	34. Portugal
	35. République tchèque
	36. Roumanie
	37. Royaume-Uni
	38. Russie, Fédération de

⁸ Ci-après China (Hong Kong SAR).

⁹ Ci-après China (Macao SAR).

¹⁰ Malte attend l'autorisation de l'Union Européenne (sous la forme d'une décision du Conseil) afin d'adhérer à la Convention.

¹¹ Le Panama a fait parvenir une réponse, mais a refusé qu'elle soit publiée en intégralité sur le site de la Conférence de La Haye.

¹² Le Paraguay a fait parvenir une réponse, mais a refusé qu'elle soit publiée en intégralité sur le site de la Conférence de La Haye.

49. Sri Lanka	39. Serbie
50. Suède	40. Slovaquie
51. Suisse	41. Slovénie
52. Turquie ¹³	42. Sri Lanka
53. Ukraine	43. Suède
54. Union européenne ¹⁴	44. Suisse
55. Venezuela	45. Turquie ¹³
56. Viet Nam	46. Ukraine
	47. Venezuela

¹³ La Turquie a fait parvenir une réponse, mais a refusé qu'elle soit publiée en intégralité sur le site de la Conférence de La Haye.

¹⁴ La Commission européenne a fait parvenir une réponse coordonnée (pour ses 28 États membres), dont les suggestions sont intégrées à la question No 17.

Questions & Replies	States
PART I – Questions for non-Contracting States	
A. Reasons for not being a Contracting State	
(1) Why is your State not a party to the Service Convention?	
The authorities of your State do not see any added value in the Convention (<i>e.g.</i> , compared to regimes established under other judicial co-operation treaties) – please specify:	[0]
The number of cases in your State requiring evidence to be taken abroad has so far been limited and has not required your State to participate in a global regime.	[0]
There are legal obstacles in the internal legal system of your State that prevent it from joining the Convention – please specify:	[0]
There are specific issues arising out of the Convention which dissuade your State from joining the Convention – please explain:	[0]
Your State does not have the means or resources to properly implement the Convention.	[0]
Joining the Convention has so far not been studied in detail (see also question 2).	[4] Honduras, Malaysia, New Zealand, Vietnam.
<p style="text-align: center;">Other – please explain:</p> <p><u>Brazil</u>: None of the above. Please refer to the answer to (2), below.</p> <p><u>El Salvador</u>: In El Salvador, the necessary consultations have been sent to the correspondent institutions in order to determine if it is possible or not to become a State Party of this Convention.</p> <p><u>New Zealand</u>: With limited resources, New Zealand has prioritised work on bilateral arrangements with Australia. Also, as a common law country we do not object to the private service of foreign process in New Zealand and we have not been aware of major problems with the service of New Zealand process overseas.</p>	[3] Brazil, El Salvador, New Zealand.
B. Studying the Service Convention	

(2) Is your State currently studying the Service Convention with a view to becoming a Contracting State, or does your State envisage studying it with a view to becoming a Contracting State?	
Yes	
<p><u>Brazil</u>: The Convention is currently under examination by the Ministry of Foreign Affairs. The Ministry of Justice has already studied and agreed to the Convention, suggesting some reservations and declarations foreseen in the text of the Convention. The next step is a joint official letter by both Ministries called "Exposition of Motives" to the Government's Cabinet, asking that it is sent to the National Congress for examination. Once approved by Congress, treaties are sent back to the Government for measures related to the act of ratification and for the expedition of a presidential decree.</p> <p><u>El Salvador</u>: For each international instrument, different time schedules are handled.</p> <p><u>Malaysia</u>: Malaysia is currently studying the Convention with a view to becoming a party.</p> <p><u>New Zealand</u>: With resource constraints, New Zealand has been unable to advance work in this area. Officials hope to seek approval to begin considering the Service Convention in the future, however there is no timeline for this and it will depend on other government priorities.</p> <p><u>Vietnam</u>: First research on the possibility for Vietnam to join the Convention has been finalised. Possible time for joining the Convention: in two years</p>	<p>[5] Brazil, El Salvador, Malaysia, New Zealand, Vietnam.</p>
No	<p>[1] Honduras.</p>
C. Topics for the agenda of the Special Commission meeting	
(3) Are there any specific topics or practical issues that your State would like to have addressed at the Special Commission meeting concerning the Service Convention?	
Yes	
<p><u>Brazil</u>: The Brazilian Ministry of Justice, exercising its Central Authority duties, can locate persons for the services of process when requested by the Competent Foreign Authority, on a reciprocity basis. Brazil would like to know which other countries can also provide this cooperation and what is needed so that other countries can do the same.</p> <p><u>Vietnam</u>: Providing updated information on the progress of Vietnam to preparing for joining the Convention.</p>	<p>[2] Brazil, Vietnam.</p>

No	[4] El Salvador, Honduras, Malaysia, New Zealand.
PART II – Questions for Contracting States	
A. “Service Section” of the HCCH Website	
(4) Is the information contained in the practical information chart for your State complete and up-to-date?	
Yes,	[14] Argentina, China, Cyprus, Estonia, Italy, Japan, Lithuania, Luxembourg, Romania, Russian Federation, Serbia, Sri Lanka, Ukraine, United Kingdom.
No	[30] Australia, Belgium, Bulgaria, Canada, China (Hong Kong SAR), China (Macao SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Israel, Kuwait, Latvia, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, United States of America, Venezuela.
There is no practical information chart	[1] Bosnia and Herzegovina
(5) How useful is the information on the Service Section of the HCCH website?	

Very Useful	<p style="text-align: center;">[26]</p> <p>Argentina, Belgium, Bulgaria, China, China (Macao SAR), Croatia, Cyprus, Czech Republic, Finland, Hungary, Ireland, Israel, Italy, Kuwait, Netherlands, Norway, Poland, Portugal, Russian Federation, Serbia, Slovakia, Spain, Sweden, Ukraine, United States of America, Venezuela.</p>
Useful	<p style="text-align: center;">[16]</p> <p>Australia, Bosnia and Herzegovina, Canada, China (Hong Kong SAR), Denmark, Estonia, France, Germany, Latvia, Lithuania, Luxembourg, Mexico, Monaco, Slovenia, Sri Lanka, United Kingdom.</p>
Not useful	[0]
<p style="text-align: center;">Comments/suggestions:</p> <p><u>Australia</u>: It would be useful to have available up to date practical information charts for all the Member States. In particular, complete contact details such as emails, phone numbers etc. for the relevant Central Authorities and/or contact people would be appreciated. Clarification from Member States on whether they require certified translations of the documents to be served would also be useful. Currently it is difficult to gauge whether certified translations are required.</p> <p><u>Canada</u>: We find the information in the Service Section to be useful however the information would be more complete if the Practical Handbook on the Operation of the Hague Service Convention were available online. We suggest that the new edition of the Handbook should be available online free of charge just as Guides to Good Practice and Handbooks for other Hague Conventions. The availability of the Handbook online would help in the operation of the Convention. / <i>Nous trouvons que les renseignements fournis dans l'Espace Notification sont utiles; cependant, les renseignements seraient plus complets si le Manuel pratique sur fonctionnement de la Convention Notification de La</i></p>	<p style="text-align: center;">[8]</p> <p>Australia, Canada, France, Germany, Hungary, Japan, Slovenia, Sweden.</p>

Haye était disponible en ligne. Nous suggérons que la nouvelle édition du Manuel soit offerte gratuitement en ligne, au même titre que les Guides de bonnes pratiques et les manuels d'autres Conventions de La Haye. La disponibilité du Manuel favoriserait le fonctionnement de la Convention.

- To help foreign forwarding authorities correctly identify the address of Central Authorities, it is suggested that a direct link to the Service Section's webpage with the Central Authorities' addresses be provided on the webpage of each National Organ on the Hague Conference's website. Foreign forwarding authorities at times fail to properly identify Canadian Central Authorities and send requests for service to Canada's National Organ to the Hague Conference which is not a Central Authority. This causes delays in the service of these documents because the National Organ cannot act directly upon the requests. The National Organ must forward the requests to the federal Central Authority which then forwards complete requests to the appropriate provincial or territorial Central Authority and returns deficient requests to the foreign forwarding authorities. / *Afin d'aider les autorités expéditrices étrangères à bien identifier les adresses des Autorités centrales, nous proposons l'ajout d'un lien direct vers la page Web de l'Espace Notification avec les adresses des Autorités centrales sur la page Web de chaque Organe national dans le site Web de la Conférence de La Haye. Les autorités expéditrices étrangères ne parviennent parfois pas à identifier correctement les Autorités centrales canadiennes et envoient des demandes de signification à l'Organe national du Canada à la Conférence de La Haye qui n'est pas une Autorité centrale. Cela entraîne des retards dans la signification parce que l'Organe national ne peut pas agir directement sur les demandes. Elle doit les transmettre à l'Autorité centrale nationale qui ensuite achemine les demandes complètes à l'Autorité centrale provinciale ou territoriale appropriée et renvoie les demandes incomplètes aux autorités expéditrices étrangères.*

- When there are a number of Central Authorities within one Contracting State, it can be difficult for forwarding authorities to determine to which Central Authority requests for service should be sent. Online publication of country maps showing the area captured by each Central Authority would be helpful. / *Lorsqu'un État contractant compte plusieurs Autorités centrales, les autorités expéditrices rencontrent parfois des difficultés à bien identifier à quelle Autorité centrale elles devraient faire parvenir les demandes de signification et de notification. La publication Web de cartes des pays indiquant la zone d'activité de chaque Autorité centrale pourrait être utile.*

France: Permettre un accès en ligne au manuel pratique.

Germany: Further translation into German.

Hungary: For Contracting States where cost of service is to be paid information on possible methods of payment would be useful.

Japan: The HCCH website http://www.hcch.net/index_en.php?act=conventions.status&cid=17 contains insufficient information on newly Contracting States, including absence of a declaration based on Article 8 (2).

Slovenia: Some forwarding authorities missed the translations in the Slovenian language.

Sweden: The counselling on the HCCH's website has been perceived extensive, but not pedagogically constructed. A flowchart would be helpful.

B1. Statistics – incoming requests for Service

(6) How many requests for service have been received annually by the Central Authority(ies) of your State?

2009	2010	2011	2012	2013	Total	
-	146*	816*	743*	717*	2422*	Australia
284	426	246	179	201	1336	Belgium
-	-	-	-	350*	350*	Bosnia and Herzegovina
179	155	148	172	178	832	Bulgaria
1790	2127	2374	2190	2168	10649	Canada
2215	2039	1898	1930	1943	8195	China
430	451	510	462	461	2314	China (Hong Kong SAR)
9	6	4	3	6	28	China (Macao SAR)
58	54	51	32	52	247	Czech Republic
977*	928*	1013*	1470*	1588*	5976*	Denmark
21	26	27	29	52	155	Estonia
68	88	82	98	100	436	Finland
968	954	844	710	748	4224	France
-	-	-	-	-	9630*	Germany
74	83	82	90	84	413	Hungary
62	138	173	124	115	612	Ireland
657	975	875	941	823	4271	Israel
705	510	433	621	371	2640	Italy
1177	1068	959	873	1015	5092	Japan
82	52	78	57	40	309	Kuwait
21	9	16	14	10	70	Latvia
-	-	-	-	-	250*	Lithuania
35	66	11	56	29	197	Luxembourg
587*	519*	513*	485*	355*	2459*	Mexico

385	351	389	284	369	1778	Monaco
851	872	767	631	610	3731	Netherlands
450*	550*	820*	690*	670*	3180*	Norway
-	-	148	175	194	517	Poland
56	33	72	78	76	315	Portugal
87	71	76	163	97	494	Romania
843	900	955	1068	1500	5266	Russian Federation
-	-	129	251	330	710	Serbia
10	10	7	5	17	49	Slovenia
285	241	276	250	189	1241	Spain
3	2	4	3	3	15	Sri Lanka
225*	250*	245*	250*	345*	1315*	Sweden
-	-	14000*	13000*	12000*	39000*	Switzerland
491	585	600	564	787	3027	Ukraine
2494	2447	1854	1577	1437	9809	United Kingdom
6930	6628	6623	6133	6376	32690	United States of America
147	157	150	168	178	800	Venezuela
23 656*	23 917*	38 268*	36 569*	36 584*	167 044*	TOTAL

* indicates approximate figures only

Additional Comments / Requests for service received from

Australia: The Australian Government Attorney-General's Department is the Central Authority designated in accordance with Article 2 of the Convention. In addition, in each Australian State and Territory, the Supreme Court has been designated as an Additional Authority under Article 18 of the Convention. In practice, letters of request that the Central Authority receives are referred to the relevant Additional Authority for execution. Complete statistics are not held centrally. Australia gets the most requests for service from France, China, USA, Turkey and the Netherlands.

Belgium: In the following years, most requests from: 2009: Turkey (210), United States (29), Switzerland (23), Monaco (6). 2010: Turkey (327), Switzerland (35), United States (26), Monaco (5). 2011: Turkey (167), United States (20), Switzerland (19), Norway (5), Russian Federation (5). 2012: Turkey (110), Switzerland (22), United States (14), Norway (6), Russian Federation (6). 2013: Turkey (100), Monaco (15), Switzerland (14), Belarus (13), USA (8).

Bosnia and Herzegovina: Data are not entirely precise because of currently used database.

Canada: Some Central Authorities do not keep track of the number of requests received annually. The table above provides the number of requests received by 8 of the 13 provincial and territorial Central Authorities in Canada. / *Certaines Autorités centrales ne conservent pas de statistiques des demandes reçues. Le tableau ci-dessus fournit le nombre de demandes reçues par 8 des 13 Autorités*

[33]
Australia, Belgium, Bosnia and Herzegovina, Canada, China, China (Hong Kong SAR), Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Japan, Kuwait, Latvia, Lithuania, Luxembourg, Mexico, Monaco, Norway, Poland, Portugal, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, Venezuela.

centrales des provinces et territoires du Canada. Most requests are received from USA, France / *Les États à l'origine de la majorité de ces demandes sont: États-Unis d'Amérique, France*

China: Most requests received from the USA.

China (Hong Kong SAR): Most requests received from the USA in all years.

Czech Republic: In the following years, most requests from: 2013: Russian Federation, USA; 2012: Switzerland; 2011: Russian Federation, USA; 2010: Switzerland, Russian Federation; 2009: Switzerland, Russian Federation.

Denmark: The Danish Ministry of Justice is not in possession of exact statistical information about received requests for service. The numbers mentioned above are the number of cases registered in the ministry's archives concerning both the Service Convention, the Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters and Council Regulation 1348/2000. Also, please note that there might be several requests of service in each case. Furthermore, the Ministry of Justice is not in possession of statistical information on the execution of requests for service, see point 7.

Estonia: Most requests from Russian Federation and Norway.

Finland: Most requests from USA, Russian Federation, Turkey.

Germany: No official statistics are kept in Germany on incoming requests for service. The figures above are based on voluntary information from the Central Authorities of the Federal States in which documents were served in accordance with the Hague Service Convention. However, some requests may have been received under the Convention between his Majesty and the President of the German Reich regarding legal proceedings in civil and commercial matters signed at London, March 20, 1928. In 2011: 1895 requests from Switzerland.

Hungary: Most requests from Switzerland, USA, Ukraine, Turkey.

Ireland: Most requests from USA for every year.

Italy: Most requests from USA, Turkey.

Japan: Most requests from USA in 2009-2013.

Kuwait: Most requests from USA, France, United Kingdom.

Latvia: Most requests from Norway, Iceland, USA, Switzerland, Israel.

Lithuania: Most requests from Norway, Russian Federation, Belarus, Turkey.

Luxembourg: 2013: various States; 2012: USA (31), Russian Federation (12); 2011: USA (3), Russian Federation (3); 2010: USA (19), Russian Federation (15); 2009: USA (13), Russian Federation (13).

Mexico: In every year, the most requests were received from the USA and Spain.

Monaco: Les États à l'origine de la majorité de ces demandes sont: Italie, Belgique, Pays-Bas, Suisse, Grèce, États-Unis d'Amérique, Luxembourg.

Norway: Please note that we do not have any official statistical information relating to letters of request pursuant to the Service Convention. The numbers above are only based on the Norwegian Ministry of Justice and Public Security's internal registration. The numbers include all rogatory letters in civil and commercial matters, both requests regarding service of documents and taking of evidence, and irrespective of the legal basis for the request (treaty based or not). As requests concerning the same person are registered in one case, the total number is likely to be somewhat higher than indicated. Requests from other Nordic states are not included, as they are forwarded directly between the competent judicial authorities in accordance with a Nordic treaty from 1974.

Poland: We are not able to provide relevant statistics for 2009 and 2010 because our electronic system contains only data stored since 2011.

Portugal: Most requests from Switzerland in all years.

Russian Federation: Most requests from Germany, Czech Republic.

Serbia: Most requests from Germany, Netherlands, Switzerland.

Slovenia: Most requests from (per year): 2013: Russian Federation, 2012: Switzerland, 2011: Russian Federation, 2010: Russian Federation, 2009: Switzerland.

Spain: 2009: Argentina; 2010-2013: USA.

Sweden: Approximate figures, exact statistics have not been registered for each convention. Most requests for each year from Turkey.

Switzerland: Pas d'informations précises disponibles. L'organisation décentralisée ne permet pas des statistiques précises. Les États à l'origine de la majorité de ces demandes: Allemagne, France, Italie. Autres États concernés: Pays-Bas, Espagne, Autriche, Portugal, Turquie.

Ukraine: Most requests received from: 2013: Czech Republic, Germany; 2012: Germany; 2011: Poland, Germany; 2009: Germany.

United Kingdom: Most requests from Switzerland, USA and Turkey. Number of requests that were rejected: 2013: 733, 2012: 554, 2011: 157, 2010: 11, 2009: 96.

<u>Venezuela</u> : Most requests from Spain for all years.							
Unknown / No Specific Data Available							
<u>Argentina</u> : Since the 2009 SC Argentina has implemented a statistical system. Nevertheless, due to technical problems, we are not able for the moment to provide the requested information.							[4] Argentina, Croatia, Cyprus, Slovakia.
<u>Cyprus</u> : Most requests from UK, Ireland, Scotland, France, Germany, Spain, Italy, Greece, Belgium, Netherlands, Denmark, Sweden, Finland, Norway, Portugal.							
<u>Slovakia</u> : Aucune donnée statistique n'est disponible.							
(7) For requests for service received in 2012, please complete the following table							
Months					Un- executed	Pending	
<2	2-4	4-6	6-12	>12			
84	25	4	2	3	-	-	Bulgaria
1848	178	29	43	41	-	-	Canada
93	528	396	263	40	4	606	China
30	134	136	92	4	47	19	China (Hong Kong SAR)
-	3	-	-	-	-	-	China (Macao SAR)
22	11	-	-	-	7	11	Czech Republic
9	7	2	-	-	0	11	Estonia
81	11	2	4	-	-	-	Finland
4	35	7	22	8	0	48	Ireland
470	303	40	23	10	1	94	Israel
99	336	348	40	0	54	8	Japan
30	12	-	-	-	15	-	Kuwait
14	-	-	-	-	-	-	Latvia
56	0	0	0	0	0	0	Luxembourg
8	16	19	2	0	16	11	Mexico
284	0	0	0	0	0	0	Monaco
49	7	4	2	1	n/a	15	Portugal
-	155	8	-	-	-	-	Romania
-	25	560	280	3	200	0	Russian Federation
-	-	110	100	21	-	20	Serbia

0	3	1	0	0	0	7	Slovenia
0	3	0	0	0	0	0	Sri Lanka
12500	250	8	5	2	190	2	Switzerland
5395	0	0	0	0	738	0	United States of America
-	-	-	-	-	1	-	Ukraine
21 076*	2 042*	1 674*	878*	133*	1273*	852*	TOTAL
* indicates approximate figures only							
<p style="text-align: center;">Additional Comments</p> <p><u>Czech Republic</u>: With regard to the 11 pending requests, the Ministry of Justice is not informed about the execution, so it does not mean they are pending.</p> <p><u>Sri Lanka</u>: Executed in 2-4 months.</p> <p><u>Ukraine</u>: an average term of execution of requests lasts 2-4 months, however it is impossible to provide more detailed information.</p>							[3] Czech Republic, Sri Lanka, Ukraine.
<p style="text-align: center;">Unknown / No Specific Data Available</p> <p><u>Belgium</u>: No specific statistics are available. In general, the execution time is between 1 and 4 months.</p> <p><u>Denmark</u>: See comments in relation to (6), above.</p> <p><u>France</u>: Les demandes sont en général exécutées dans un délai de 2 à 6 mois.</p> <p><u>Germany</u>: Vast majority of 2 months.</p> <p><u>Italy</u>: It's impossible to say precisely how much time is required for each service because every competent Court has different times.</p> <p><u>Poland</u>: The Polish Central Authority does not gather such statistics.</p> <p><u>Slovakia</u>: Aucune donnée statistique n'est disponible.</p> <p><u>Slovenia</u>: The 7 requests currently pending are from 2014.</p> <p><u>Spain</u>: Executed in 12 months.</p> <p><u>Sweden</u>: Almost all under 2 months, no statistics kept. There are no cases currently pending.</p> <p><u>United Kingdom</u>: Approximately 2-4 months for nearly all of 2447 requests.</p>							[20] Argentina, Australia, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, France, Germany, Hungary, Italy, Lithuania, Netherlands, Norway, Poland, Slovakia, Spain, Sweden, United Kingdom, Venezuela.
B2. Statistics – outgoing requests for service							

(8) How many requests for service have been sent annually by the authorities of your State?						
2009	2010	2011	2012	2013	Total	
-	-	-	-	50*	50*	Bosnia and Herzegovina
76	62	70	79	61	348	Bulgaria
-	-	-	0	5	5	Canada
1079	1183	1166	1366	1315		China
38	33	50	27	40		China (Hong Kong SAR)
17	27	40	32	17		China (Macao SAR)
27*	41*	38*	41*	47*	194*	Czech Republic
7	21	19	22	51	120	Estonia
127	158	131	156	155	727	Finland
-	-	-	-	-	13520*	Germany
373	272	251	270	252	1418	Hungary
75	50	38	27	28	218	Israel
228	298	231	250	289	1296	Japan
-	-	2	5	5	12	Kuwait
187	158	203	242	274	1064	Latvia
567	849	796	926	1085	4223	Mexico
106	147	158	124	149	684	Monaco
1565	1595	1556	1617	1200	7533	Poland
94	105	116	131	108	554	Portugal
54	79	117	203	142	595	Romania
-	-	109	95	45	249	Serbia
4	-	6	5	16	31	Slovenia
91	137	127	168	117	640	Spain
0	0	0	0	0	0	Sri Lanka
-	-	2000*	2000*	2000*	6000*	Switzerland
210	-	-	-	-	210	Ukraine
411	322	375	532	491	2131	United Kingdom
6	8	6	7	6	33	Venezuela
5 342*	5 545*	7 605*	8 325*	7 948*	41 855*	TOTAL
<p>* indicates approximate figures only</p> <p>Additional Comments / Requests for service send to: <u>Bosnia and Herzegovina</u>: Data are not entirely precise because of currently used database.</p>						<p>[24] Bosnia and Herzegovina, Canada, China, China (Hong Kong SAR), China (Macao SAR), Czech</p>

Canada: The number in the table is low because the only jurisdiction in Canada which tracks outgoing requests is Saskatchewan. / *Le nombre dans le tableau est peu élevé puisque la Saskatchewan est la seule province qui conserve des statistiques sur les demandes sortantes.* This information [relating to which State Canada sent the most requests] is not available because the forwarding authorities designated by Canada do not report to the government. / *Cette information n'est pas disponible puisque les autorités expéditrices désignées par le Canada ne font pas rapport au gouvernement.*

China: Most requests sent to the USA.

China (Hong Kong SAR): Most requests sent to the USA in all years.

China (Macao SAR): Number of requests from the Procuratorate and Primary Court, per year: 2009: 0 (Procuratorate), 17 (Primary Court); 2010: 9 (Procuratorate), 18 (Primary Court); 2011: 11 (Procuratorate), 29 (Primary Court); 2012: 4 (Procuratorate), 28 (Primary Court); 2013: 4 (Procuratorate), 13 (Primary Court).

Czech Republic: There is no special rule for the Czech courts to keep records of cases where the Hague Convention was applied. In the Czech Republic there are 94 courts (district and regional) from which only 67 returned the questionnaires within the time specified, and only 27 of them provided us with the figures mentioned above. Figures quoted are therefore only orientational. From the data available: 2013: Ukraine, Switzerland; 2012: Ukraine; 2011: Ukraine; 2010: USA; 2009: USA.

Estonia: Most requests sent to USA and Norway.

Finland: Most requests sent to USA, Russian Federation, Turkey.

Germany: No official statistics are kept in Germany on incoming requests for service. The figures above are based on voluntary information from the Central Authorities of the Federal States in which documents were served in accordance with the Hague Service Convention. However, some requests may have been received under the Convention between his Majesty and the President of the German Reich regarding legal proceedings in civil and commercial matters signed at London, March 20, 1928. In 2011: 7502 requests sent to Switzerland.

Hungary: Most requests sent to Ukraine, Switzerland, Russia, Israel, Canada, Australia.

Israel: Most requests sent to United States of America, Germany.

Japan: Most requests were sent to the following States in these years: 2013 & 2011: People's Republic of China; 2009, 2010 & 2012: Republic of Korea.

Kuwait: Most requests sent to USA, France, United Kingdom.

Republic, Estonia, Finland, Germany, Hungary, Japan, Kuwait, Latvia, Mexico, Monaco, Poland, Portugal, Serbia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom, Venezuela.

<p><u>Latvia</u>: Most requests sent to USA, Norway, Israel and Switzerland (2013); USA, Norway, Israel and Switzerland (2012); Israel, USA, Norway and Switzerland (2011); USA, Israel, Norway and Switzerland (2010); USA, Israel and Norway (2009).</p> <p><u>Mexico</u>: In every year, the most requests were sent from the USA.</p> <p><u>Monaco</u>: Les États à l'origine de la majorité de ces demandes sont: Italie, Îles vierges britanniques, Suisse, États-Unis d'Amérique, Fédération de Russie, Panama, Belgique.</p> <p><u>Poland</u>: Most requests sent to USA, Canada, Norway, Switzerland, Ukraine, Israel.</p> <p><u>Portugal</u>: Most requests from Switzerland for all years.</p> <p><u>Serbia</u>: Most requests from Germany, Netherlands, Switzerland.</p> <p><u>Slovenia</u>: Slovenian forwarding authorities currently keep no separate evidence for the outgoing requests. The data on the outgoing requests are therefore only approximate. Most requests for each year sent to: 2013: Switzerland; 2012: Switzerland, USA; 2011: Switzerland; 2010: n/a; 2009: Switzerland.</p> <p><u>Spain</u>: The most requests were received from (in each year): 2009: Mexico; 2010: Argentina; 2011: Venezuela; 2012 & 2013: Argentina.</p> <p><u>Switzerland</u>: Pas d'informations précises disponibles. L'organisation décentralisée ne permet pas des statistiques précises. Les États de destination de la majorité de ces demandes sont: Allemagne, France.</p> <p><u>Ukraine</u>: Most requests sent to Germany, USA, United Kingdom. Since 2010 the Ukrainian courts forward requests for service to the Central Authorities of the Contracting Parties directly without involvement of the Ministry of Justice of Ukraine, therefore, there is no statistics about forwarding requests for service between 2010 and 2013.</p> <p><u>United Kingdom</u>: Most requests sent to Switzerland, USA, China. Number of requests sent but still outstanding: 2013: 286, 2012: 136, 2011: 205, 2010: 99, 2009: 106.</p> <p><u>Venezuela</u>: Most requests sent to Spain.</p>	
<p style="text-align: center;">Unknown / No Specific Data Available</p> <p><u>Argentina</u>: Since the 2009 SC Argentina has implemented a statistical system. Nevertheless, due to technical problems, we are not able to provide the requested information.</p> <p><u>Australia</u>: Complete statistics on this are unavailable centrally. Judicial authorities are authorised (under the Convention) to send requests directly to the Central Authority of the requested state.</p>	<p style="text-align: center;">[17] Argentina, Australia, Belgium, Croatia, Cyprus, Denmark, France, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Norway, Russian</p>

<p>Also not all Additional Authorities capture these statistics through their databases. From the limited statistics available, majority of outgoing requests were to USA, UK, South Africa and Croatia.</p> <p><u>Belgium</u>: Currently, the Belgian Central Authority is unable to provide further statistical information than the one mentioned above.</p> <p><u>Denmark</u>: The Danish Ministry of Justice and the Danish Court Administration are not in possession of statistical information about outgoing requests.</p> <p><u>France</u>: Les demandes de notification sont directement adressées à l'autorité centrale de l'État requis, sans transiter par l'autorité centrale française.</p> <p><u>Ireland</u>: Judicial authorities are authorised to send requests directly to the Central Authority of Requested State.</p> <p><u>Italy</u>: Each Court has its own Bailiff Office, which is competent to send requests for service abroad. At the moment, we have no statistics available about this issue.</p> <p><u>Lithuania</u>: Judicial authorities authorised to send requests directly to the Central Authority of Requested State.</p> <p><u>Luxembourg</u>: Les demandes ne transitent pas par le Parquet Général.</p> <p><u>Netherlands</u>: There is no Central Authority for outgoing requests.</p> <p><u>Norway</u>: We do not have statistics regarding the number of requests sent by the forwarding authorities.</p> <p><u>Russian Federation</u>: The judicial authorities and other competent authorities send the Letter of Request immediately to the Central Authority of the requested State.</p> <p><u>Slovakia</u>: Aucune donnée statistique n'est disponible.</p> <p><u>Sweden</u>: Sweden has no statistics with regard to the number of requests sent.</p> <p><u>United States of America</u>: The U.S. Government does not have information on the number of requests sent from the United States.</p>	<p>Federation, Slovakia, Sweden, United States of America.</p>
<p>(9) Is your State experiencing any problems with the timely execution of requests for service sent to other Contracting States?</p>	
<p style="text-align: center;">Yes</p> <p><u>Argentina</u>: Most of the cases are processed in reasonable time. Nevertheless there are serious delays in others. We also note that a few Contracting States never answer enquiries about the current</p>	<p style="text-align: center;">[22] Argentina, Australia, China, Czech Republic, Finland, Germany,</p>

status of rogatory letters pending of execution. In this regard, we believe that communication between Central Authorities should improve.

Australia: There appears to be lengthy delays in receiving updates on status of service requests. Also some of our additional authorities have reported that there can be significant delays between the time the request is sent to the time the completed service documents are sent back.

China: Some cases still pending after 1 or 2 years, but this is not the general situation.

Czech Republic: Delays occur in dealing with requests, especially when the Central Authority needs to forward request to competent authorities. In such cases, a decentralisation of the Central Authority would be the solution.

Finland: There are sometimes long delays in the execution of the requests for service.

Germany: Delays occur especially with regard to certain States (e.g., Russia, USA, Turkey, India).

Hungary: In certain States accomplishment of requests takes much more time than reasonable, and sometimes we do not receive answer at all.

Italy: It is impossible to contact the Central Authority of Venezuela.

Japan: We received the certificate of service after the hearing date had passed. We would like the other Central Authorities make sure the appearance date written in the summary of the document(s) to be served and return the certificate of service by that date.

Kuwait: Executing of requests fails because of feedback from the State that the address is incorrect for persons and companies to be served upon.

Latvia: Countries are sending many executed requests together and therefore we receive responses to the requests later than should be the case.

Mexico: In some cases we have received a response after a couple of years. It would be good to have support from The Hague to expedite those cases in which we have no response.

Monaco: Malgré les précautions prises, les actes sont régulièrement retournés sans exécution car le délai au moment de la notification a expiré. L'exigence de paiement de frais est également une difficulté supplémentaire.

Netherlands: Long delays with: Russian Federation, Venezuela, Pakistan, India, Mexico.

Poland: Polish Courts often wait several months to receive a certificate of service or non-service of documents. Sometimes, despite many reminders, requests are not executed at all and the requested authorities do not explain reasons for such a state of affairs.

Hungary, Italy, Japan, Kuwait, Latvia, Mexico, Monaco, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sri Lanka, Switzerland, United Kingdom.

<p><u>Portugal</u>: Execution times of requests for service sent to USA and Venezuela are higher than those sent to other Contracting States.</p> <p><u>Romania</u>: Délai de notification est souvent trop long; il est nécessaire de recontacter L'Autorité Centrale de l'État requis.</p> <p><u>Slovakia</u>: Le délai d'exécution des demandes est très long en général.</p> <p><u>Slovenia</u>: Some forwarding authorities complained about the long duration of service of documents; the fact that some states foresee a preliminary payment of costs of service prolongs the service procedure; wrong/insufficient address of the addressee also prolongs the service procedure; in urgent cases (family law cases, old cases) the service of documents should be expedited.</p> <p><u>Sri Lanka</u>: Location and address in foreign States / dodging of judicial documents by recipients.</p> <p><u>Switzerland</u>: Délai de notification souvent trop long; il est nécessaire de recontacter l'État requis. Certaines autorités centrales étrangères (ministères de justice) attendent six mois avant de traiter les dossiers et de les transmettre aux autorités nationales d'exécution. Il serait souhaitable que ces autorités centrales soient mieux organisées, ou que d'autres autorités habilités à recevoir les demandes soient désignées.</p> <p><u>United Kingdom</u>: This is the main cause of concern. The average length of time for us to receive any confirmation of service is around 4 months plus. From our experience Russian Federation takes the longest to serve taking up to a year to receive confirmation, which is usually of non-service.</p> <p>Whilst again the length of time for service seems to stretch beyond a couple of months for India, the most severe problem for us is getting a response. In a particular case a respondent had been trying to divorce his wife for up to a year by trying to serve papers on her in India. Both the UK central authority and his solicitors made independent attempts to contact the Indian MFA but either the phone calls or faxes/emails were not answered. Myself (Team Leader of the Foreign Process Section) came to work early in the morning to attempt to call the MFA. I was cut off several times but eventually put through to someone who said they would look into the case. The case is still pending.</p> <p>In regards to China, the Chinese Ministry will not serve documents that have a Penal Notice on the Orders. As such, the Chinese believe that this notice is out of the scope of the Convention.</p>	
No	<p>[14] Bulgaria, China (Hong Kong SAR), China (Macao SAR), Croatia, Cyprus, France, Israel, Luxembourg, Russian</p>

	Federation, Serbia, Spain, Sweden, Ukraine, Venezuela.
<p style="text-align: center;">Unknown</p> <p><u>Belgium</u>: The Belgian Central Authority has no information on this subject.</p> <p><u>Canada</u>: Problems are unknown as forwarding authorities do not report to the government. / <i>Les difficultés ne sont pas connues puisque les autorités expéditrices ne font pas rapport au gouvernement.</i></p> <p><u>Estonia</u>: As the answers to the requests issued by Estonian Courts are forwarded directly to Estonian Courts, we have no information about the problems with the timely execution of requests for service sent to other Contracting States. Also, Estonian Courts have not informed us about problems regarding the timely execution of requests for service.</p>	<p style="text-align: center;">[9]</p> <p style="text-align: center;">Belgium, Bosnia and Herzegovina, Canada, Denmark, Estonia, Ireland, Lithuania, Norway, United States of America.</p>
C. General appreciation of the Service Convention	
(10) How does your State rate the general operation of the Convention?	
Excellent	<p style="text-align: center;">[5]</p> <p style="text-align: center;">Bulgaria, Croatia, Israel, Kuwait, Serbia.</p>
Good	<p style="text-align: center;">[33]</p> <p style="text-align: center;">Argentina, Australia, Belgium, Canada, China, China (Hong Kong SAR), China (Macao SAR), Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Sri Lanka, Sweden, Ukraine, United</p>

	States of America, Venezuela.
Satisfactory	[6] Denmark, Ireland, Monaco, Spain, Switzerland, United Kingdom.
Unsatisfactory	[0]
Unknown	[1] Bosnia and Herzegovina.
(11) Does your State consider there to be any positive or problematic aspects of the operation of the Convention?	
<p style="text-align: center;">Yes</p> <p><u>Argentina</u>: We have noticed that some forwarding authorities submit the mandatory forms that are handwritten instead of typed. Due to the handwriting being really illegible, in many cases the service cannot be done. To solve these kinds of problems, we suggest to recommend States to submit typed forms, principally taking into account that the mandatory form can be downloaded directly from the website of The Hague Conference, even in trilingual versions.</p> <p><u>Australia</u>: The recovery of costs associated with service of documents is an issue that has been raised by the Additional Authorities. Some service fees have been outstanding for a number of years now despite sending reminder emails and letters. Currently Australian authorities seek a reimbursement of fees once service has been effected or attempted. We suggest that there be a provision for flat fees to be paid in advance to counteract this issue.</p> <p><u>Belgium</u>: Difficulties have been encountered with regard to the following: Reimbursement of the costs for service (Art. 12); In cases where the address of the respondent is incomplete or incorrect, the question arises how far the authorities of the Requested State are to go in assisting to find the complete or correct address. Differences between the available means (e.g. population register) also cause differences in the degree of assistance possible (Art. 1, para 2).</p> <p><u>Canada</u>:</p> <ul style="list-style-type: none"> - Canadian Central Authorities have experienced some difficulty in obtaining English translations of documents to be served and in obtaining payment they require under Article 12(2)(a) of the Convention. / <i>Les Autorités centrales canadiennes ont rencontré certaines difficultés à obtenir des traductions anglaises des actes à signifier et à obtenir le paiement qu'elles exigent en vertu de l'article 12(2)(a) de la Convention.</i> 	<p style="text-align: center;">[22]</p> <p>Argentina, Australia, Belgium, Canada, Czech Republic, Finland, France, Germany, Hungary, Japan, Kuwait, Latvia, Mexico, Norway, Romania, Slovenia, Sri Lanka, Sweden, Switzerland, United Kingdom, United States of America, Venezuela.</p>

- Canadian Central Authorities have experienced some difficulty in identifying foreign forwarding authorities as the information with respect to the forwarding authorities of some States is not available online in the Service Section. / *Les Autorités centrales canadiennes ont rencontré certaines difficultés à identifier les autorités expéditrices étrangères puisque l'information eu égard aux autorités expéditrices de certains États n'est pas disponible en ligne dans l'Espace notification.*

Czech Republic:

- The confirmation of the delivery form is often not returned, especially from some Contracting States.
- Some Contracting States never respond to enquiries about the execution of requests.
- It should be made possible to pay any costs of service borne under Article 12 by bank transfer.
- Sometimes the documents which need to be served within a specific time period (as e.g. the summons for a court hearing) are delivered too late (insufficiently in advance or even after the designated date of the hearing).

Finland: The main problem is the delays in the execution of the requests for service in some cases. The swift execution should always be emphasised.

France:

- Permettre l'application de la convention de La Haye lorsque le dernier domicile connu du destinataire est situé dans un État partie;
- Préciser l'articulation entre la convention de La Haye et les conventions bilatérale;
- Remédier aux difficultés financières auxquels sont parfois confrontés les requérants bénéficiant de l'aide juridictionnelle dans l'État du for lorsqu'ils doivent payer des frais à l'autorité compétente de l'État requis;
- Inciter les États à mieux respecter l'absence d'exigence de traduction lorsqu'il est demandé une notification par voie de simple remise.

Germany: A long delay in the execution of a request may pose a problem. To address this issue, Germany suggests the introduction of a multilingual form regarding the status of a request (cf. the proposal under question 17).

Hungary:

- Certain Contracting States do not accomplish requests for informal service or require translation to that end, in violation of Article 5 (2).
- Certificate of service as provided for by Article 6 is not sent by the authorities of certain Contracting States making it difficult to know the result of service.

- Payment of costs by cheque is cumbersome. Making possible payment by bank transfer would be very welcome.

Japan: First, it is useful to confirm the grounds that Central Authorities can refuse a request for service under this Convention. In our practice, one of the Central Authorities in Europe refused our request on the ground that the timeline to answer the complaint had been set too short. We believe that this Convention does not allow such refusal based on that ground. Secondly, we think the forms of request can be elaborated to reduce illegible documents.

Kuwait: The positive aspect is the ease of sending documents without the diplomatic channels.

Latvia: Some countries accept documents only if they are translated into specific languages (e.g. English).

Mexico: Mainly with the model forms, they are not filled out in a proper way.

Norway: Some of the incoming requests are not written on the model form annexed to the Convention.

Romania: Inciter les autorités centrales à utiliser les formules modèles.

Slovenia: When the service is performed by a judicial officer or competent person under the law of State of destination the applicant has to bear the costs thereof. In practice there are problems in relation to the payment of costs, since the details of the bank account number of the agencies are often not available to the forwarding authorities. Until the payment has been successfully performed, the agency will not perform the service of documents. Therefore all details of the bank account numbers of the agencies should be provided on the HCCH website.

Sri Lanka: Provision of bogus addresses / execution is costly in certain States.

Sweden: One of the sending authorities has mentioned that the procedure for the EU service convention is simpler since the form used on the Commission's website is more user friendly.

Switzerland:

- Les attestations d'exécution ne sont souvent pas claires.
- Certains États ne respectent pas l'art. 7 (rédaction obligatoire de la formule modèle d'attestation en français ou anglais) et:
 - o n'utilisent pas la formule modèle;
 - o la remplissent dans une langue autre que le français ou l'anglais; ou
 - o la remplissent d'une façon illisible à la main.
- Certains États ne réagissent simplement pas et ne retournent pas l'attestation d'exécution.
- Inciter les autorités à utiliser les formules modèles.

<ul style="list-style-type: none"> - Inciter les autorités à remplir les formulaires avec une machine à écrire ou à l'ordinateur, mais ne pas à la main. - Inciter les autorités à travailler plus rapidement. <p><u>United Kingdom</u>: A policing of the convention would be most beneficial. If there were a mechanism for The Hague to intervene (rather than let authorities deal with problematic issues) then this would boost the efficiency of all Member States. When informing The Hague about particular problems with certain Member States, we were informed that The Hague (Permanent Bureau) is not a referee.</p> <p><u>United States of America</u>: Interpretation of "civil or commercial," where a sovereign is a party, e.g., in recent decisions Kuwait courts rejected service requests where the United States was a party.</p> <p><u>Venezuela</u>: Certain States do not accomplish requests with the corresponding translation.</p>	
No	<p>[19] Bulgaria, China, China (Hong Kong SAR), China (Macao SAR), Croatia, Cyprus, Denmark, Estonia, Ireland, Israel, Italy, Lithuania, Poland, Portugal, Russian Federation, Serbia, Slovakia, Spain, Ukraine.</p>
Unknown	<p>[4] Bosnia and Herzegovina, Luxembourg, Monaco, Netherlands.</p>
D. Case law and reference work	
<p>(12) Have any decisions on the interpretation or application of the Service Convention been rendered by the judicial authorities of your State since the publication of the current edition of the Service Handbook in 2006, and which your State has not previously reported to the Permanent Bureau?</p> <p style="text-align: center;">These jurisprudential developments will be taken into account in the updated Service Handbook.</p>	
Yes	<p>[13] Canada, China, Czech Republic, Finland, France, Germany, Italy,</p>

	Luxembourg, Mexico, Monaco, Portugal, Switzerland, United States of America.
No	[14] Bosnia and Herzegovina, China (Hong Kong SAR), Croatia, Estonia, Ireland, Kuwait, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Ukraine, United Kingdom.
Unknown	[18] Argentina, Australia, Belgium, Bulgaria, China (Macao SAR), Cyprus, Denmark, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands, Norway, Poland, Sri Lanka, Sweden, Venezuela.
<p>(13) Have any works on the Service Convention been recently published in your State that do not already appear on the Service Section of the HCCH website (under "bibliography") or in the bibliography of the current edition of the Service Handbook?</p> <p><i>These reference works will added to the "bibliography" section of the HCCH website and will also be taken into account in the updated Service Handbook.</i></p>	
Yes	[9] Argentina, Finland, Germany, Serbia, Slovenia, Spain, Sweden, Switzerland, United States of America.
No	[16] Australia, Bulgaria, China, China (Hong Kong SAR), China (Macao SAR),

	Croatia, Cyprus, Denmark, Estonia, France, Italy, Kuwait, Mexico, Monaco, Poland, Portugal, Romania, Slovakia, United Kingdom.
Unknown	[17] Belgium, Bosnia and Herzegovina, Canada, Czech Republic, Hungary, Ireland, Israel, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Russian Federation, Sri Lanka, Ukraine, Venezuela.
E. Use of information technology	
(14) Has your State received or sent any requests for service under the Service Convention by electronic means (e.g., by fax, e-mail or secure online platforms)?	
<p style="text-align: center;">Yes</p> <p><u>Canada</u>: Incoming: Requests received by Central Authorities that keep statistics: 2013: 6, 2012: 4, 2011: 3. One request was received from Scotland and the others were received from the USA. Outgoing: Forwarding authorities do not report to the government and as such it is not known if they send requests for service by electronic means. / <i>Demandes entrantes: Demandes reçues par les Autorités centrales qui tiennent des statistiques: 2013: 6, 2012: 4, 2011: 3. Une demande a été reçue de l'Écosse et les autres provenaient des États-Unis d'Amérique. Demandes sortantes: Les autorités expéditrices ne font pas rapport au gouvernement; par conséquent, on ne sait pas si elles envoient des demandes de signification ou de notification par voie électronique.</i></p> <p>Electronic requests for service are not accepted by all jurisdictions in Canada. Some jurisdictions accept them only in urgent cases while others do not accept them at all. Additionally, some jurisdictions will accept Requests or Summary forms by email if the original paper forms received are incomplete or need corrections. Foreign forwarding authorities should confirm whether electronic requests are accepted with the appropriate Canadian Central Authority before deciding to send such requests. / <i>Ce ne sont pas toutes les administrations du Canada qui acceptent les demandes de signification ou de notification par voie électronique. Certaines administrations ne les acceptent</i></p>	[10] Canada, Czech Republic, Denmark, Finland, Kuwait, Netherlands, Slovakia, Spain, Sri Lanka, Sweden.

qu'en cas d'urgence alors que d'autres ne les acceptent pas du tout. De plus, certaines administrations acceptent les formulaires de demandes et d'éléments essentiels des actes par courriel s'il y avait une erreur dans l'original en format papier. Avant de décider d'envoyer une demande sous format électronique, les autorités expéditrices étrangères devraient confirmer auprès de l'Autorité centrale canadienne visée si elle les accepte.

Czech Republic: One request involving the USA.

Denmark: The Ministry of Justice is not in possession of statistical information about the number of requests received by electronic means but the number of cases is limited. As mentioned, the ministry is not in possession of statistical information about outgoing requests.

Finland: A very few requests have been received by email or by fax, but the originals have always followed by mail.

Kuwait: Some requests for "full service" are sent electronically.

Slovakia: Avant l'adhésion de la Slovaquie à l'UE, nous avons reçu par fax une demande de la France. C'était l'affaire de l'indemnisation. Nous avons reçu par fax aussi une demande de l'avocat américain dans l'affaire de divorce. La Slovaquie ne peut pas traiter les demandes envoyée exclusivement par fax ou par autre voie électronique.

Spain: Sometimes the requests are sent in advance via fax.

Sweden: Sweden has no statistics with regard to the number of requests received or sent by electronic means. However, at least 3 requests were received from the USA by electronic means in 2013. There has also been at least one request sent by electronic means to The British Virgin Islands.

No

Argentina: Due to our internal law, Argentine Authorities do not send and do not receive any letters of request by electronic means. Rogatory letters coming from abroad have to be submitted to The Judiciary signed in original. Only enquiries regarding the status of letters of request can be sent or received by electronic means.

Australia: Domestic court rules require hard copies of documents for service.

Bulgaria: The Bulgarian Central Authority considers that only requests and documents received by post in the form of certified and stamped copies can be sent for an execution to the competent courts.

China: No specific domestic law to regulate the service by electronic means yet.

China (Hong Kong SAR): Domestic law does not provide for this issue.

[33]

Argentina, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, China, China (Hong Kong SAR), Croatia, Cyprus, Estonia, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Mexico, Monaco, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovenia,

Croatia: Requests should be sent by post.

Estonia: There is nothing to prevent us from receiving requests by electronic means, but the original documents must follow by regular mail.

France: La France accepterait d'exécuter les demandes reçues par voie électronique et considère que la validité d'un tel mode de transmission et de la notification non pas d'un original mais d'une copie de l'acte relève du droit de l'État requérant.

Germany: Only enquiries regarding the status of a request are sent by electronic means, as German law requires for "official" electronic communication the provision of an electronic signature.

Ireland: No legislative basis for doing so.

Israel: Currently, there is no technological platform to process requests while ensuring authenticity and security.

Italy: Only the judge can authorise, in some cases, particular methods to serve the original document, especially mail courier.

Japan: Our domestic law requires the paper-based documents to be forwarded. The rules for the practical use of technologies in this context have not been enacted.

Latvia: In accordance with Civil Procedure Law, requests of a foreign country for service of documents and documents appended thereto may be accepted by other means of communication if they are submitted also in writing.

Mexico: Not applicable under Mexican law.

Monaco: Communication électronique non prévue par la législation.

Norway: According to Norwegian legislation, requests for service in civil matters must be served by mail.

Poland: Due to our domestic regulations, Polish authorities do not accept electronic requests.

Portugal: The requests received in electronic form do not waive the need for delivery of the original or certified documents, in accordance with Portuguese domestic law.

Russian Federation: Absence of secure online platforms with other countries prevents from doing so.

Slovenia: The Slovenian forwarding authorities reported that the business practice of courts is to send requests by normal mail.

Switzerland, United Kingdom, Ukraine, United States of America, Venezuela.

<p><u>Switzerland</u>: Certains cantons accepteraient une telle demande. Réception envisageable par l'intermédiaire d'une plate-forme électronique sécurisée. La plupart des cantons n'accepterait pas de telles demandes.</p> <p><u>United Kingdom</u>: No request for this method has been received.</p>	
<p style="text-align: center;">Unknown</p> <p><u>Belgium</u>: No information is available with regard to send requests. With regard to received requests, the Belgian Central Authority requires receipt of originals by post.</p> <p><u>China (Macao SAR)</u>: No information available.</p>	<p style="text-align: center;">[3] Belgium, China (Macao SAR), Lithuania.</p>
<p style="text-align: center;">(15) Have there been any recent developments (incl. cases) in your State regarding the service of judicial documents by fax, e-mail, social networking sites, or other electronic means?</p>	
<p style="text-align: center;">Yes</p> <p><u>Argentina</u>: Act No 26.685 (2011) authorises the use of electronic files, electronic documents, electronic signatures, digital signatures, and electronic addresses in every administrative and judicial process taking part before the Judiciary and grants them the same efficacy and probative value than their conventional equivalents. Although the regulation of the law establishes that electronic service will be the only method allowed for the service of orders, resolutions and decisions that should be notified personally or by writ of summons, it will not substitute writ of summons notification when it is to be served at the real address according to the Procedural Code. In this regard, the petition, counterclaim, and judicial notice of persons not parties to the process will be notified by the usual letter. This system is currently being implemented and is not being used for the time being for international cases. For more information see: http://aldiaargentina.microjuris.com/2014/03/07/el-nuevo-sistema-de-notificacion-judicial/</p> <p><u>Belgium</u>: European Judicial Signification Project: http://www.gerechtsdeurwaarders.be/index.php/fr/projets/europeens/ejs (FR) http://www.gerechtsdeurwaarders.be/index.php/nl/projecten/europees/ejs (NL)</p> <p><u>Canada</u>: The rules of civil procedure of some jurisdictions now expressly provide for service of non-commencement documents by electronic method (which would include service by email or facsimile) in certain circumstances. The rules of each jurisdiction apply to govern the practice and procedure in their courts. The following is a non-exhaustive list of such rules. / <i>Les règles de procédure de certaines administrations prévoient maintenant expressément la signification des actes autres que des requêtes introductives d'instance par voie électronique (ce qui inclurait le courriel ou le télécopieur) dans certaines circonstances. Les règles de chaque administration régissent la pratique et la procédure dans leurs cours. Voici une liste non-exhaustive de ces règles:</i></p>	<p style="text-align: center;">[13] Argentina, Belgium, Canada, Czech Republic, Denmark, Estonia, France, Hungary, Italy, Latvia, Portugal, Slovenia, Spain.</p>

- *Alberta Rules of Court*, Alta Reg 124/2010, <http://www.canlii.org/en/ab/laws/regu/alta-reg-124-2010/latest/alta-reg-124-2010.html?searchUrlHash=AAAAAQAXQWxiZXJ0YSBSdWxlcyBvZiBDb3VydCAAAAAAAQ>. Rule 11.21 – service in Alberta of documents, other than commencement documents, by electronic method / *Alberta Rules of Court*, Alta Reg 124/2010, Règle 11.21 – signification en Alberta des actes, autre que les procédures introductives d’instance, par voie électronique: <http://www.canlii.org/en/ab/laws/regu/alta-reg-124-2010/latest/alta-reg-124-2010.html?searchUrlHash=AAAAAQAXQWxiZXJ0YSBSdWxlcyBvZiBDb3VydCAAAAAAAQ>
- *Supreme Court Civil Rules*, BC Reg 168/2009, <http://www.canlii.org/en/bc/laws/regu/bc-reg-168-2009/latest/part-2/bc-reg-168-2009-part-2.html>. Rule 4-2 – service of certain documents by e-mail or facsimile. / *Supreme Court Civil Rules*, BC Reg 168/2009, Règle 4-2 – signification de certains actes par courriel ou télécopieur: <http://www.canlii.org/en/bc/laws/regu/bc-reg-168-2009/latest/part-2/bc-reg-168-2009-part-2.html>.
- *Court of Queen's Bench Rules*, Man Reg 553/88, <http://www.canlii.org/en/mb/laws/regu/man-reg-553-88/98832/man-reg-553-88.html>. Rule 16.05(1)(c) – service on lawyer of record by facsimile, Rule 16.05(1)(e) - by email. / *Règles de la Cour du Banc de la Reine*, Règl du Man 553/88, Règle 16.05(1)(c) – signification d’un acte à l’avocat qui représente une partie par télécopieur et Règle 16.05(1)(e) – par courriel: <http://www.canlii.org/fr/mb/legis/regl/regl-du-man-553-88/98832/regl-du-man-553-88.html>
- *Rules of Civil Procedure*, RRO 1990, Reg 194, <http://www.canlii.org/en/on/laws/regu/rro-1990-reg-194/>. Rule 16.05 – service on lawyer of record by facsimile or e-mail. Rule 16.04 allows the court to make an order for the substituted service of documents. A judge recently granted an order allowing substituted service to be effected through social media (see *Juzytsch v. Terlecki*). / *Règles de procédure civile*, RRO 1990, Règl 194, art. 16.05 – signification d’un document à l’avocat commis au dossier par télécopieur ou par courriel, <http://www.canlii.org/fr/on/legis/regl/rro-1990-regl-194/derniere/rro-1990-regl-194.html>. En vertu de la règle 16.04, le tribunal peut rendre une ordonnance pour la signification indirecte de documents. Un juge a récemment rendu une ordonnance autorisant la signification indirecte au moyen d’un réseau social (voir *Juzytsch c. Terlecki*).

Canadian courts have allowed domestic service by email and Facebook and have also allowed service abroad by email, Facebook and message boards. For more information, see the complete response of Canada. / *Les tribunaux canadiens ont autorisé la signification au Canada au moyen du courriel ou de Facebook et ont également autorisé la signification à l’étranger au moyen du courriel, de Facebook et des babillards électroniques. Plus d’informations sont disponibles dans la réponse complète du Canada.*

Czech Republic: Delivery to a data box through a public data network (regulated by the Law on Electronic Transactions, Personal Numbers and an authorized Conversion of Documents no. 300/2008 Coll.)

Denmark: In July 2013 new rules on service were introduced. Service can now be performed over the telephone on the conditions that the documents beforehand or afterwards are delivered to the addressee. Service has taken place when the person over the telephone acknowledges to be the addressee and it is certain that the addressee has understood the content of the conversation.

Estonia: Section 311(1) of the Code of Civil Procedure. Electronic service of procedural documents

(1) A court may serve procedural documents electronically through the designated information system by transmitting a notice on making the document available in the system:

- 1) to the e-mail address and phone number notified to the court;
- 2) to the e-mail address and phone number registered in the information system of a register maintained in Estonia concerning sole proprietors or legal persons;
- 3) to the e-mail address and phone number of the addressee and his or her legal representative entered in the population register;
- 4) to the e-mail address and phone number of the addressee and his or her legal representative in the database of another state register where the court can check information independently by making an electronic query;
- 5) upon the existence of Estonian personal identification code, to the e-mail address personal-identification-code@eesti.ee.

(2) The court may also send a notice on making the document available to the phone number or e-mail address found in the public computer network, on the presumed user account page of a virtual social network or on a page of another virtual communication environment which the addressee may be presumed to use according to the information made available in the public computer network or where, upon sending, such information may be presumed to reach the addressee. If possible, the court makes the notice available on the presumed user account page of a virtual social network or on a page of another virtual communication environment in such a manner that the notice cannot be seen by any other persons than the addressee.

(3) A procedural document is deemed to be served when the recipient opens it in the information system or confirms the receipt thereof in the information system without opening the document and also if the same is done by another person, whom the recipient has granted access to see the documents in the information system. The information system registers the service of the document automatically.

(4) If a recipient cannot be expected to be able to use the information system used for the service of procedural documents or if service through the information system is technically impossible, the court may also service procedural documents on the recipient electronically in another manner,

complying with the requirements for notification provided in clauses 1)–5) of subsection (1) of this section and the requirement for search of information.

(5) A procedural document is deemed to be served on the recipient pursuant to the procedure provided in subsection (4) of this section when the recipient confirms the receipt of the procedural document in writing, by fax or electronically. The confirmation shall set out the date of receipt of the document and bear the signature of the recipient or representative thereof. A confirmation prepared in electronic form shall bear the digital signature of the sender or be transmitted in another secure manner which enables identification of the sender and establishment of the time of sending, unless the court has no reason to doubt that the confirmation without a digital signature has been sent by the recipient or representative thereof. A confirmation prepared in electronic form may be sent to the court by e-mail if the e-mail address of the recipient is known to the court and it can be presumed that unauthorised persons have no access to it and also if the court has already transmitted documents to this e-mail address in the course of the same case or if the participant in the proceeding has provided his or her e-mail address to the court independently. The recipient shall send the confirmation specified in this subsection to the court without delay. The court may fine a participant in a proceeding or representative thereof who has violated this obligation.

(6) Procedural documents may be served on advocates, notaries, bailiffs, trustees in bankruptcy and state or local government agencies in any other manner than electronically through the designated information system only with good reason.

(7) The court makes all procedural documents, including court decisions, immediately available to the participants in the proceeding in the designated information system, regardless of the manner of service thereof on the participants in the proceeding.

(8) More detailed requirements on the electronic service of documents and making them available through the information system may be established by a regulation of the Minister of Justice.

[RT I, 29.06.2012, 3 - entry into force 01.01.2013].

France: Adoption du décret n°2012/366 du 15 mars 2012 relatif à la signification des actes d'huissiers de justice, qui crée une signification par voie électronique des actes d'huissiers de justice (articles 748-1 et 744-7 du code de procédure civile).

Hungary:

- Since the 1st July 2008 the company registration procedure which is conducted by courts in Hungary, is completely electronic thus relating court documents are served electronically (Act V of 2006 on Public Company Information, Company Registration and Winding-up Proceedings).
- Since the 1st January 2013 parties may choose to bring a case to court by electronic means in certain types of cases. If they do so, judicial documents are served electronically on the plaintiff (and its legal representative) and on the defendant as well if he voluntarily accepts this way of service (Act III of 1952 on the Code of Civil Procedure, Sections 394/A to 394/C).

- Since the 1st June 2010 procedures for payment order can be initiated electronically and in this case documents are served electronically on the applicant (Act L of 2009 on the Order for Payment Procedure).
- Since the 1st September 2012 the Hungarian Chamber of Bailiffs operates an electronic service system for service of documents in enforcement proceedings. By law banks must register in the system while others can do so on a voluntary basis. Documents of enforcement proceedings are served on the registered members electronically (Act LIII of 1994 on Judicial Enforcement, Sections 35/A to 35/D, and 37/C).

Latvia: Judicial documents shall be delivered by electronic mail, if a participant in the matter has notified the court that he or she agrees to use electronic mail for communication with the court.

Portugal: In the internal procedures, electronic service is accepted if the applicant has a lawyer registered at CITIUS(*). Service is made electronically from the Court to the lawyer under the H@BILUS/CITIUS(**) – Article 19 of the Ordinance 114/2008, of 6th February (Portaria n.º 114/2008, de 6 de Fevereiro). (*) *a specific IT application for the Lawyers/Solicitors in Portugal*; (**) *a specific IT application for Portuguese Courts (Judges and Public Attorneys)*

Slovenia: Article 141.a of Slovenian Civil Procedure Act (Official Gazette, Nr. 26/1999 a.o.):

Documents in electronic form can be served in physical form, or by secure electronic means.

Certified documents in physical form shall be served in conformity with provisions of the present Act governing service of process in physical form.

Documents shall be served by secure electronic means via the information system and by agency of an organization specialized in service of process by electronic means.

The process shall automatically be served to the addressee's secure post box by the information system and taken receipt of by the addressee at 15 days in order to avoid the consequences laid down in the seventh paragraph of this Article.

At the same time as being served the process from the preceding paragraph, the addressee who has informed the court of its e-mail address shall automatically be sent a message by the information system informing the addressee of a document in the information system which the addressee shall take receipt of at 15 days from the day it was served into the addressee's secure post box. The message shall explicitly inform the addressee of the legal consequences laid down in the seventh paragraph hereof.

The addressee shall take receipt of the process from the information system specified in the first paragraph hereof by proving his/her/their identity by using a qualified certificate for a secure electronic signature, taking insight into the secure post box and signing the service form with his/her/their electronic signature.

The service specified in the third paragraph hereof shall be considered to have been effected on the day the addressee takes receipt of the process. If the document has not been taken receipt of at 15 days, the service shall be regarded to have been effected on the day it was automatically delivered

<p>into the addressee's secure post box by the information system. After expiry of the 15-day term, the document shall automatically be deleted and an e-mail message that the document has been deleted from the information system and that the addressee can take receipt of it at the court having ordered the service sent to the addressee and the court.</p> <p>The court having ordered the service shall be informed of the service process by a service form in electronic form.</p> <p>Service by secure electronic means may also be used for the documents, the originals of which are in physical form, provided the electronic (scanned) transcript made on the basis of the original in physical form is signed by the court's secure electronic signature certified by a qualified certificate.</p> <p><u>Spain</u>: Law 18/2011, July 5, about Information and Communication Technologies (TIC) in the Justice Administration. (Into force only in some Spanish courts).</p>	
<p style="text-align: center;">No</p> <p><u>Mexico</u>: Not applicable under Mexican law.</p>	<p>[32] Argentina, Australia, Bosnia and Herzegovina, Bulgaria, China, China (Hong Kong SAR), China (Macao SAR), Croatia, Cyprus, Finland, Germany, Ireland, Israel, Japan, Kuwait, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Slovakia, Sri Lanka, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Venezuela.</p>
<p style="text-align: center;">Unknown</p>	<p>[1] Lithuania.</p>
<p>(16) Has your State received or sent requests for service under the Service Convention that expressly requested for the documents to be served by fax, e-mail, social networking sites, or other electronic means?</p>	
<p style="text-align: center;">Yes</p>	<p>[0]</p>

No	<p>[40] Argentina, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, China, China (Hong Kong SAR), China (Macao SAR), Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Italy, Japan, Kuwait, Latvia, Luxembourg, Mexico, Monaco, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Venezuela.</p>
Unknown <u>Canada</u> : Incoming: Central Authorities have not reported receiving such requests. Outgoing: Forwarding authorities do not report to the government and as such it is not known if they have sent such requests. / <i>Demandes entrantes: Les Autorités centrales canadiennes n'ont pas rapporté avoir reçu de telles demandes. Demandes sortantes: Les autorités expéditrices ne font pas rapport au gouvernement; par conséquent, on ne sait pas si elles ont envoyé de telles demandes.</i>	<p>[5] Canada, Ireland, Lithuania, Netherlands, Norway.</p>
F. Topics for the agenda of the Special Commission meeting	
(17) Are there any specific topics or practical issues that your State would like to have addressed at the Special Commission meeting concerning the Service Convention?	
Yes <u>Australia</u> : Clarification of what 'reasonable costs' mean in relation to costs associated with service of documents.	<p>[13] Australia, Canada, Czech Republic, European Union, France, Germany,</p>

Canada:

- The Special Commission may wish to discuss whether, in the practice of States party to the Convention, information technology is used to make requests for service or effect service under the Convention. / *La Commission spéciale voudrait peut-être discuter si, dans la pratique des États parties à la Convention, on a recours à la technologie de l'information pour faire de demandes de signification ou faire signifier des actes en vertu de la Convention.*
- The Special Commission may wish to consider recommending that a sample of a completed Request form be provided online in the Service Section to assist applicants in completing the form correctly. / *La Commission spéciale pourrait considérer recommander qu'un exemplaire complété de la Demande soit disponible en ligne dans l'Espace Notification pour aider les demandeurs à bien compléter la Demande.*
- Central authorities in Canada have been receiving requests for service under Article 10(c) of the Convention directly from persons interested in judicial proceedings in other Contracting States. The Special Commission may wish to discuss whether, in the practice of States party to the Convention, such requests are viewed as being properly made to Central Authorities (where the State of destination has not declared its objection to the application of Article 10 and where the Central Authority is a government official) and thus whether in the practice of States party to the Convention the reference to "judicial officers, officials or other competent persons of the State of destination" in Article 10(c) is understood to include Central Authorities. / *Les Autorités centrales au Canada reçoivent parfois des demandes de signification présentées en vertu de l'alinéa 10c) de la Convention directement de personnes intéressées à des instances judiciaires dans d'autres États contractants. La Commission spéciale souhaitera peut-être examiner la question de savoir si, dans la pratique des États parties à la Convention, de telles demandes sont considérées comme étant régulièrement présentées aux Autorités centrales (là où l'État de destination n'a pas déclaré son opposition à l'application de l'article 10 et dans lequel l'Autorité centrale est un fonctionnaire) et par conséquent si, dans la pratique des États parties à la Convention, le renvoi à des « officiers ministériels, fonctionnaires ou autres personnes compétents de l'État de destination » à l'alinéa 10c) inclut les Autorités centrales.*
- The Special Commission may wish to discuss what relief is provided by Contracting States in their statutes and case law to litigants who apply for relief under Article 16 of the Convention. / *La Commission spéciale voudra peut-être discuter des mesures réparatoires sont données dans les lois et la jurisprudence des États contractants aux parties à un litige qui font une demande de redressement en vertu de l'Article 16.*

Czech Republic: See the coordinated response of the European Union.

European Union:

Hungary, Israel, Mexico, Poland, Slovakia, Ukraine, United States of America.

- *The designation of Central Authorities:* The designation of a Central Authority is of vital importance for the smooth operation of all three Conventions. It should therefore be made clear to all acceding States that the Central Authority must be designated at the time of the deposit of the instrument of ratification or accession.
- *The prompt execution of requests:* It would seem useful to continue the discussions on recommendations regarding the prompt execution of requests under the Service and the Evidence Conventions.
- *The payment of the costs of service:* In order to speed up service it should be made possible to pay any costs of service which have to be borne by the applicant (under Article 12) by bank transfer. Information about bank accounts into which the costs can be paid should therefore be made available.
- *The applicability of the Convention in relation to service on States and State officials:* Given the developments in international law towards limiting State immunity it may be worthwhile to address this topic again in order to achieve a more coherent practice among the Contracting States.
- *Mandatory use of the certificate of service:* Certain Contracting States do not use the certificate of service which is annexed to the Convention. It is therefore suggested to discuss how to ensure that Article 6 of the Convention is complied with by all Contracting States in all situations.
- *Introduction of a new model form for an enquiry regarding the status of a service request:* It is suggested to consider the introduction of a new model form to be used in a situation where the forwarding authority wishes to get information about the status of a service request. This form should be multilingual and should contain two options:
 - [] The request was received on
 - Its execution is expected by
 - [] The request has not been received.

Please transmit the request again (if applicable, to the following address/fax number/
email-address)
- *Due diligence in the forwarding of requests for service:* It is suggested to discuss whether any recommendation could be made to ensure that documents which need to be served within a specific time period reach the Central Authority of the requested State in time for service to be effected within that time period.
- *Information about methods of service based on a legal fiction:* Under the national law of certain Contracting States service is deemed to be effected although there is no proof that the addressee has become aware of the service. In order to fully understand how such service is effected and under what conditions this particular method may be used it could be useful to make available more detailed information. This could be done, for example, by attaching the relevant provisions of law to the certificate (whenever such a method of service has been

used) or by making such provisions of law generally available on the website of the Hague Conference.

- *Application of the translation requirements in general and in connection with informal service:* It is suggested to discuss whether there is a need to make specific recommendations with regard to the way the translation requirements set out in Article 5 of the Convention are applied in practice. It would seem that some Contracting States require translations also in connection with requests for informal service. In that context it would also be useful to examine more generally how Contracting States react to requests for informal service.

France: Les points précisés plus haut, à la question n°11.

Germany:

- Model Form: Introduction of a multilingual form for an enquiry regarding the status of a service request. This form should contain two options:
 - Option 1:
The request was received on _____.
Its execution is expected until _____.
 - Option 2:
The request has not been received.
Please transmit the request again.
- Designation of Central Authorities: The designation of Central Authorities only after the convention enters into force is too late. The designation ought to take place as early as possible.

Hungary:

- Obligatory use of standard forms;
- Application of Article 5 (2) with regard to translation;
- Facilitation of payment of costs.

Israel: sending requests via email; an online forum for direct contact, discussions and advice.

Mexico:

- Incomplete addresses (to Mexican standards);
- The blanks of the model forms not completed in Spanish (according to Declaration Number IV by Mexico to Art. 7 of the Convention);
- As the Convention does not consider a set period of time to execute requests, some countries can take a very long time to serve the documents and even to give an update.

Poland: The matter of service upon States and State officials in relation to the development in international law towards limiting State immunity. Question of applicability of the Convention to

<p>service upon States and State officials was raised in the Practical Handbook on the Operation of the Hague Convention 1965 drawn up in 2006. As it arises from the responses to the questionnaire of July 2008 relating to the Hague Convention of 1965, practice of States being parties to the Convention in this field is not coherent. Taking into account the developments in international law towards limiting State immunity, this issue could be an interesting point of discussion.</p> <p><u>Slovakia</u>: Voir la réponse de la Commission européenne.</p> <p><u>United States of America</u>: Interpretation of civil or commercial, where sovereign is a party.</p> <p><u>Ukraine</u>: Possibility of applying Convention to requests of the administrative courts.</p>	
<p>No</p>	<p>[33] Argentina, Belgium, Bosnia and Herzegovina, Bulgaria, China, China (Hong Kong SAR), China (Macao SAR), Croatia, Cyprus, Denmark, Estonia, Finland, Ireland, Italy, Japan, Kuwait, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Portugal, Romania, Russian Federation, Serbia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, United Kingdom, Venezuela.</p>