

**APERÇU DES RÉPONSES AU QUESTIONNAIRE DE NOVEMBRE 2013
PORTANT SUR LA CONVENTION DE LA HAYE DU 25 OCTOBRE 1980
TENDANT À FACILITER L'ACCÈS À LA JUSTICE
(CONVENTION ACCÈS À LA JUSTICE)**

établi par le Bureau Permanent

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**SYNOPSIS OF RESPONSES TO THE QUESTIONNAIRE OF NOVEMBER 2013
RELATING TO THE HAGUE CONVENTION OF 25 OCTOBER 1980
ON INTERNATIONAL ACCESS TO JUSTICE
(ACCESS TO JUSTICE CONVENTION)**

drawn up by the Permanent Bureau

(Version révisée en juillet 2014 /
revised version as per July 2014)

*Document d'information No 3 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 3 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.

Ce document contient les réponses reçues par le Bureau Permanent à la date du 28 juillet 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.

This document compiles responses received by the Permanent Bureau up until 28 July 2014.

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**Responding States and Regional Economic Integration Organisation
(REIO):**

States and REIO [45]	Non-Contracting States and REIO [22]
1. Argentina	1. Argentina
2. Australia	2. Australia
3. Belgium	3. Belgium
4. Bosnia and Herzegovina	4. Canada
5. Brazil	5. Denmark
6. Bulgaria	6. El Salvador
7. Canada	7. European Union ¹
8. Croatia	8. Germany
9. Cyprus	9. Honduras ²
10. Czech Republic	10. Hungary
11. Denmark	11. Japan
12. El Salvador	12. Malaysia
13. Estonia	13. Monaco
14. European Union ¹	14. New Zealand
15. Finland	15. Norway
16. France	16. Panama ³
17. Germany	17. Paraguay ⁴
18. Honduras ²	18. Portugal
19. Hungary	19. Russian Federation
20. Japan	20. Sri Lanka
21. Latvia	21. Ukraine
22. Lithuania	22. United States of America
23. Luxembourg	Contracting States [23]
24. Malaysia	1. Bosnia and Herzegovina
25. Malta	2. Brazil
26. Monaco	3. Bulgaria
27. Netherlands	4. Croatia
28. New Zealand	5. Cyprus
29. Norway	6. Czech Republic
30. Panama ³	7. Estonia
31. Paraguay ⁴	8. Finland
32. Poland	9. France
33. Portugal	10. Latvia
34. Romania	11. Lithuania
35. Russian Federation	12. Luxembourg
36. Serbia	13. Malta
37. Slovakia	14. Netherlands
38. Slovenia	15. Poland
39. Spain	16. Romania
40. Sri Lanka	17. Serbia
41. Sweden	18. Slovakia
42. Switzerland	19. Slovenia
43. Turkey ⁵	20. Spain
44. Ukraine	

¹ The European Commission presented a coordinated response (of all 28 of its Member States), from which the suggestions have been incorporated into question No 16.

² A response was received from Honduras, however this State objected to all of its response being published on the Hague Conference website.

³ A response was received from Panama, however this State objected to all of its response being published on the Hague Conference website.

⁴ A response was received from Paraguay, however this State objected to all of its response being published on the Hague Conference website.

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

45. United States of America	21. Sweden 22. Switzerland 23. Turkey ⁵
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États et Organisation régionale d'intégration économique (ORIE) ayant répondu :

États et ORIE [45]	États non contractants et ORIE [22]
1. Allemagne	1. Argentine
2. Argentine	2. Allemagne
3. Australie	3. Australie
4. Belgique	4. Belgique
5. Bosnie et Herzégovine	5. Canada
6. Brésil	6. Danemark
7. Bulgarie	7. El Salvador
8. Canada	8. États-Unis d'Amérique
9. Croatie	9. Honduras ⁶
10. Chypre	10. Hongrie
11. Danemark	11. Japon
12. El Salvador	12. Malaisie
13. Espagne	13. Monaco
14. Estonie	14. Norvège
15. États-Unis d'Amérique	15. Nouvelle-Zélande
16. Finlande	16. Panama ⁷
17. France	17. Paraguay ⁸
18. Honduras ⁶	18. Portugal
19. Hongrie	19. Russie, Fédération de
20. Japon	20. Sri Lanka
21. Lettonie	21. Ukraine
22. Lituanie	22. Union européenne ¹⁰
23. Luxembourg	États contractants [23]
24. Malaisie	1. Bosnie et Herzégovine
25. Malte	2. Brésil
26. Monaco	3. Bulgarie
27. Norvège	4. Chypre
28. Nouvelle-Zélande	5. Croatie
29. Panama ⁷	6. Espagne
30. Paraguay ⁸	7. Estonie
31. Pays-Bas	8. Finlande
32. Pologne	9. France
33. Portugal	10. Lettonie
34. République tchèque	11. Lituanie
35. Roumanie	12. Luxembourg
36. Russie, Fédération de	13. Malte
37. Serbie	14. Pays-Bas
38. Slovaquie	15. Pologne
39. Slovénie	16. République tchèque
40. Sri Lanka	17. Roumanie
41. Suède	18. Serbie
42. Suisse	19. Slovaquie
43. Turquie ⁹	20. Slovénie
44. Ukraine	21. Suède
45. Union européenne ¹⁰	

⁶ Le Honduras a fait parvenir une réponse, mais a refusé qu'elle soit publiée en intégralité sur le site de la Conférence de La Haye.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ La Commission européenne a fait parvenir une réponse coordonnée (pour ses 28 États membres), dont les suggestions sont intégrées à la question No 16.

	22. Suisse 23. Turquie ⁹
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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 Access to Justice Convention?	
<p>The authorities of your State do not see any added value in the Convention (<i>e.g.</i>, compared to domestic legal regimes and / or regimes established under other judicial co-operation treaties) – please specify (including a description of these other regimes):</p> <p><u>Australia</u>: Australia considers Access to justice issues to be broader than legal aid. For example, alternative dispute resolution services play an integral role in the civil justice system. This is highlighted by:</p> <ul style="list-style-type: none"> • The Civil Dispute Resolution Act 2011, which encourages parties to resolve civil disputes outside of court and focusses parties on the early resolution of disputes. • In family law matters where the law requires separating families who have a dispute about children to make a genuine effort to try to sort it out through family dispute resolution. <p>Further, as reported in the 2008 Access to Justice Questionnaire:</p> <ul style="list-style-type: none"> • The Australian legal system already provides legal aid without discrimination on the basis of nationality or citizenship; • Australian law does not compulsorily prescribe any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in Australia for reason of their nationality alone. However, there is a general discretion allowing courts to orders security for costs, with some court rules providing that in exercising this discretion, the Court may take into account the fact that an applicant is ordinarily resident outside Australia; and • Australia is also a signatory to a number of treaties that provide rules for the non-discrimination with respect to legal aid, including the provision of legal advice, security for costs and enforceability of orders for costs, copies of entries and decisions as well as physical detention and safe conduct. <p><u>Canada</u>: In Canada, civil legal aid is the responsibility of the provinces and territories. Each province and territory has established its own legal aid plan with rules for eligibility. / <i>Au Canada, l'aide juridique en matière civile relève de la responsabilité des provinces et des territoires. Chaque province et territoire a établi son propre régime d'aide juridique avec des règles d'admissibilité.</i></p>	<p>[5] Australia, Canada, Denmark, Germany, Hungary.</p>

<p><u>Germany</u>: Under Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes most cases are already covered.</p> <p><u>Hungary</u>: Matters governed by the Convention are dealt with in EU law or bilateral agreements in relation to the vast majority of the Contracting States.</p>	
<p>The number of persons involved in cross-border litigation (e.g., nationals and habitual residents of your State involved in litigation in a foreign State or foreign nationals and habitual residents involved in litigation in your State) who would benefit from non-discrimination with regard to the matters covered by the Convention has so far been limited and has not required your State to participate in a global framework</p>	<p>[1] Germany.</p>
<p>There are legal obstacles in the internal legal system of your State that prevent it from joining the Convention – please specify:</p> <p><u>Ukraine</u>: The Law of Ukraine "On free legal aid" was adopted in June 2011. This law regulates the provision of free legal assistance to proper persons for free primary legal aid and the proper persons for free secondary legal aid established by this Law. The primary legal aid is the kind of state guarantee and means the presenting of the information to the person about his/her rights and freedoms, the order of its realization, its renewing in case of violation and information about the order of appeal of the decisions, actions and omissions of public authorities, local authorities, officers and employees. The primary legal aid includes the following types of legal services: 1) the providing of the legal information; 2) providing of the advices and clarifications on legal issues; 3) drawing applications, complaints and other legal documents (except procedural documents); 4) assistance in access to the secondary legal aid and mediation. The secondary legal aid is the kind of state guarantee and means the creation of equal opportunities for access to justice. The secondary legal aid includes the following types of legal services: 1) protection from prosecution; 2) The representation of the interests of persons who are entitled to free secondary legal aid, in the courts and other state agencies, local governments, and before other persons; 3) preparing of the procedural documents. The law provides gradual functioning of the system of the free legal aid. The all provisions of the Law will operate from the 1st of January 2017.</p>	<p>[1] Ukraine.</p>
<p>There are specific issues arising out of the Convention which dissuade your State from joining the Convention – please explain:</p> <p><u>United States of America</u>: The explanation provided in response to the 2008 Questionnaire has not changed:</p> <p><i>"By way of background, in the U.S. system, access to the courts, administrative tribunals and other mechanisms of dispute resolution, as well as to the advice and services of qualified legal counsel, is</i></p>	<p>[0] United States of America.</p>

available on a non-discriminatory basis, without regard to citizenship or nationality. Low-cost or free legal assistance is also available to persons of limited means in many routine civil proceedings before state and federal courts, without regard to citizenship. In criminal proceedings, such assistance is guaranteed regardless of citizenship or immigration status by the constitutional entitlements to effective assistance of counsel and equal protection of the laws. In various civil contexts, however, illegal aliens may not be eligible for the same benefits as non-citizens who are lawfully in the United States.

No unified, comprehensive system for the provision of low/no cost legal assistance exists in the United States. Rather, such assistance is provided under various rules and programs in the federal and 50 states systems, as well as in the commonwealths, territories and local jurisdictions.

The main sources of legal assistance are the large number of separate and independent staff-based service providers, funded by a variety of governmental and non-governmental sources. They include (among others) pro bono contributions by practicing attorneys, non-profit or charitable programs affiliated with religious organizations, efforts sponsored by the American Bar Association, and over 130 programs funded and monitored by the Legal Services Corporation, which is organized under a federal statute. LSC-funded programs are permitted to serve financially eligible individuals who are U.S. citizens or who are members of specified categories of aliens (including lawful permanent resident aliens; non-citizen spouses, parents, or children of U.S. citizens, individuals granted asylum or refugee statuses or withholding of deportation, and aliens in certain visa categories. Other legal service providers will represent eligible clients regardless of their immigration status.

In many situations involving civil litigation, state or local law or rules of court may authorize a judge to require the posting of security for costs or satisfaction of a judgment (for example, through a bond) by a non-resident party (including both out-of-state as well as foreign parties). The purpose of a requirement is to ensure that the prevailing party will be able to obtain satisfaction of a final judgment or an award of costs, expenses, and attorneys' fees from a non-resident litigant who has no assets in, and few ties to, the forum. Thus, if the court has reason to believe that the prevailing party will find it difficult to collect, the court can in its discretion require the posting of a suitable bond.

See, e.g., California Civ. Procedure Code § 1030 (a) and (b) ("When the plaintiff in an action or special proceeding resides out of the state, or is a foreign corporation, the defendant may at any time apply to the court by noticed motion for an order requiring the plaintiff to file an undertaking to secure an award of costs and attorney's fees. The motion shall be made on the grounds that the plaintiff resides out of the state or is a foreign corporation and that there is a reasonable possibility that the moving defendant will obtain judgment in the action or special proceeding"). See also Nevada Revised Statutes Annotated 18.130(1).

<p><i>Among the factors which courts may consider, on a case-by-case basis, in deciding this issue are the party's financial condition and ability to pay, whether that party is a nonresident or foreign corporation, the merits of the underlying claims, and compliance with past court orders.</i></p> <p><i>Neither the Federal Rules of Civil Procedure nor any federal statutes expressly authorize federal courts to order bonds to cover costs. However, it is widely held that federal courts possess inherent authority to do so, and the local rules of some district courts authorize the posting of security for costs. When there is no local rule, the federal court may follow relevant forum state court practice, particularly when a party is a nonresident. Generally, see <i>Simulnet East Assocs. v. Ramada Hotel Operating Co.</i>, 37 F.3d 573 (9th Cir. 1994); <i>In re Merrill Lynch Relocation Management, Inc.</i>, 812 F.2d 1116 (9th Cir. 1987); <i>Aggarwal v. Ponce Sch. of Medicine</i>, 745 F.2d 723 (1st Cir. 1984); <i>Hawes v. Club Escuestre El Comandante</i>, 535 F.2d 140 (1st Cir. 1976); <i>McClure v. Borne Chemical Co.</i>, 292 F.2d 824 (3d Cir. 1961). 10 <i>Wright, Miller & Kane, Federal Practice and Procedure: Civil 2nd</i> § 2671; <i>Gliedman, Access to Federal Courts and Security for Costs and Fees</i>, 74 <i>St. John's L. Rev.</i> 953 (2000)."</i></p>	
<p>Your State does not have the means or resources to properly implement the Convention</p>	<p>[0]</p>
<p>Joining the Convention has so far not been studied in detail (see also question 2).</p> <p><u>Portugal</u>: Portugal, as a member of the European Union, is not able to conclude an international agreement when it may affect the EU common rules or alter their scope (see Article 3 TFEU).</p>	<p>[9]</p> <p>Argentina, Japan, Malaysia, Monaco, Norway, New Zealand, Portugal, Russian Federation, Sri Lanka.</p>
<p><u>Other – please explain:</u></p> <p><u>Belgium</u>: L'adhésion de la Belgique à cette Convention a été envisagée et une série de travaux préparatoires avaient été réalisés à cette fin. La possibilité pour un Etat membre de l'Union européenne d'encre encore devenir Partie à cette Convention est maintenant liée à la question de l'exercice des compétences externes de l'Union.</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>Germany</u>: Germany is already a party to other bilateral and multilateral treaties that contain similar provisions to the Access to Justice Convention.</p>	<p>[3]</p> <p>Belgium, El Salvador, Germany.</p>
<p>B. Studying the Access to Justice Convention</p>	
<p>(2) Is your State currently studying the Access to Justice Convention with a view to becoming a Contracting State, or does your State envisage studying it with a view to becoming a Contracting State?</p>	

<p style="text-align: center;"><u>Yes</u></p> <p><u>Argentina</u>: The International Legal Assistance Department of the Ministry of Foreign Affairs and Worship is currently analyzing the Convention with a view to becoming a Contracting State. We cannot provide a timeline yet.</p> <p><u>El Salvador</u>: For each international instrument, different time schedules are handled.</p> <p><u>Malaysia</u>: Malaysia envisages studying the Access to Justice Convention in the future.</p> <p><u>Russian Federation</u>: Requesting competent authorities of the Russian Federation.</p> <p><u>Sri Lanka</u>: It is under consideration.</p> <p><u>Ukraine</u>: Ukraine has been studying the matter of accession to the Convention on Access to Justice since the Law of Ukraine "On free legal Aid" has been adopted by the Parliament in June, 2011. The Ministry of Justice is preparing a preliminary analysis of the Convention in view of its potential accession.</p>	<p style="text-align: center;">[6] Argentina, El Salvador, Malaysia, Russian Federation, Sri Lanka, Ukraine.</p>
<p style="text-align: center;"><u>No</u></p>	<p style="text-align: center;">[12] Australia, Belgium, Canada, Denmark, Germany, Hungary, Japan, Monaco, Norway, New Zealand, Portugal, United States of America.</p>
C. Security, bond or deposit	
<p>(3) In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?</p>	
<p style="text-align: center;"><u>Yes</u></p> <p><u>Argentina</u>: The Argentine Civil and Commercial Procedure Code demands the payment of a security when the plaintiff is not a resident or has no properties in the country. Notwithstanding, this payment will not be required should any of the following Conventions be applicable: Regional Treaties – Mercosur: - Protocol on Cooperation and Legal Assistance in Civil, Commercial, Labor and Administrative Matters (MERCOSUR/CMC/DEC N° 5/92). Argentine Law No.24.578.</p>	<p style="text-align: center;">[12] Argentina, Belgium, Canada, Denmark, Germany, Hungary, Japan, Malaysia, Monaco, Norway, Russian Federation, United States of America.</p>

- Supplementary Agreement to the Protocol on Cooperation and Legal Assistance in Civil, Commercial, Labor and Administrative Matters (MERCOSUR/CMC/DEC N° 5/97) (Asuncion, 14 June 1997). Argentine Law No.25.222.
- Amendment to the Protocol on Cooperation and Legal Assistance in Civil, Commercial, Labor and Administrative Matters. Buenos Aires, July 5, 2002. Argentine Law No.25.934.

Bilateral Treaties:

- The Convention on Equal Procedural Treatment and Rogatory Letters (between the Argentine Republic and the Oriental Republic of Uruguay), Buenos Aires, 20 November 1980. Law No. 22410.
- Convention on Judicial Assistance and Recognition and Enforcement of Judgments in Civil Matters between the Argentine Republic and the Italian Republic. Rome, Italy, 09 December 1987. Law No. 23720 (01/07/1990)
- Agreement on Judicial Cooperation in Civil, Commercial, Labour and Administrative Matters between the Argentine Republic and the Federative Republic of Brazil, Brasilia, 20/08/1991. Law No. 24108 (01/07/1992)
- Treaty on Jurisdictional Cooperation and Assistance in Civil, Commercial, Labour and Administrative Matters between the Argentine Republic and the Russian Federation. 20/11/2000. Law No. 25595 (22/05/2002).

Domestic Legislation: Argentine Code of Civil and Commercial Procedure Title II Ordinary Proceedings: Bond - Section 348: If the plaintiff does not have a domicile or any real property in the Argentine Republic, a motion for the posting of a bond may be filed to cover the costs inherent in the complaint.

Belgium: *Art. 851 Code Judiciaire*: Sauf le cas de conventions par lesquelles des Etats auraient stipulé pour leurs ressortissants la dispense de la caution judicatum solvi, tous étrangers, demandeurs principaux ou intervenants, sont tenus, si le défendeur belge le requiert avant toute exception, de fournir caution, de payer les frais et dommages-intérêts résultant du procès, auxquels ils peuvent être condamnés. Le défendeur peut requérir que caution soit fournie, même pour la première fois, en cause d'appel, s'il est intimé. *Art. 852 Code Judiciaire*: Le jugement qui ordonne la caution fixe la somme jusqu'à concurrence de laquelle elle est fournie. Il peut aussi remplacer la caution par toute autre sûreté. Le demandeur est dispensé de fournir la sûreté demandée s'il consigne la somme fixée, s'il justifie que ses immeubles situés en Belgique sont suffisants pour en répondre ou s'il fournit un gage conformément à l'article 2041 du Code civil. Au cours de l'instance, à la demande d'une partie, le tribunal peut modifier l'importance de la somme ou la nature de la sûreté fournie.

Canada: Each jurisdiction in Canada has its own rules of civil procedure and so there is no unique rule on security for costs. In some jurisdictions security for costs is mandatory for non-resident plaintiffs or plaintiff-appellants while in others it can be ordered by a court upon motion by the defendant or respondent where the plaintiff or applicant is a non-resident. / *Chaque administration au Canada a ses propres règles de procédure civile et donc il n'existe pas de règle unique sur la caution. Dans certaines administrations la caution est obligatoire lorsque le demandeur ou demandeur-appelant n'a pas sa*

résidence habituelle dans l'administration alors que dans d'autres administrations, le tribunal peut sur motion du défendeur ou de l'intimé dans l'instance rendre une ordonnance de cautionnement pour dépens si le demandeur ou le requérant ne réside pas dans l'administration.

Denmark: According to the Danish Administration of Justice Act, § 321, the courts may impose on a plaintiff who is not resident or domiciled within the European Economic Area ("EØS-landene") to provide security for possible costs of the defendant, but only if the defendant makes such a request. The size and character are determined by the court.

Germany: Federal Code of Civil Procedure: www.gesetze-im-internet.de/englisch_zpo/.

Section 110: Security deposit for the costs of the proceedings:

(1) Plaintiffs who do not have their habitual place of abode in a Member State of the European Union or in a signatory state of the Agreement on the European Economic Area shall provide security for the costs of the proceedings should the defendant so demand.

(2) This obligation shall not be given:

1. Where, due to international treaties, no such security deposit may be demanded;
2. Where the decision as to the defendant's reimbursement of the costs it has incurred in the proceedings would be enforced based on international treaties;
3. Where the plaintiff possesses real estate assets, or claims secured in rem, in Germany that suffice to cover the costs of the proceedings;
4. Where counter-charges are brought;
5. Where proceedings have been brought in the courts based on public notice given by a court.

Section 111: Retroactive demand for a security deposit for the costs of the proceedings: The defendant may demand a security deposit to be made for the costs of the proceedings if the prerequisites for such an obligation to provide security arise only in the course of the legal dispute, unless a part of the claim brought before the courts is undisputed among the parties and would suffice to cover such costs.

Section 112: Amount of the security deposit for the costs of the proceedings:

- (1) The amount of the security to be provided shall be assessed by the court at its sole discretion.
- (2) In so assessing the amount of the security, the costs of the proceedings are to be based on that amount that the defendant will likely have to pay. The costs that will accrue to the defendant if it brings counter-charges shall not be taken into account in this context.
- (3) Should it become apparent in the course of the legal dispute that the security provided will not suffice, the defendant may demand further security, provided that no part of the claim brought before the courts that would suffice to cover such costs is undisputed among the parties.

Section 113: Determination of the deadline by which the security deposits for the costs of the proceedings are to be provided: In issuing the order that the plaintiff is to provide security, the court is to determine a period within which the security is to be provided. [...]

Hungary: Act III of 1952 on the Code of Civil Procedure: *Section 85*: (5) Nationals of any Member State of the European Union and the nationals of any non-EU Member State lawfully residing in the territory of the European Union shall be entitled to exemption from costs under the conditions applicable to Hungarian citizens; these persons, as well as legal persons and organizations established in any Member State of the European Union shall not be required to provide security for court costs. Exemption from expenses in this case applies to the costs of travel to the venue of the hearing, if the party's appearance is mandatory by law.

Section 89: (1) Foreign plaintiffs are required to provide security - when so requested by the defendant - for covering the costs arising out of the litigation, except if:

- a) an international treaty to which the Hungarian State is a party provides otherwise, or there is a different reciprocity;
- b) the plaintiff's claim acknowledged by the defendant provides sufficient security; or
- c) the court granted full exemption from costs to the plaintiff (*Section 84*).

(2) As to whether reciprocity exists shall be determined by the minister in charge of justice.

Section 90: (1) The amount of security shall be determined by the court - taking into account the amount of foreseeable costs and the amount of claim acknowledged by the defendant-, and the court shall have powers to later revise this amount as deemed necessary.

(2) Unless otherwise agreed by the parties, the security shall be deposited in cash.

Section 91: Where the reason for giving security ceases in the course of litigation, the security shall be returned at the plaintiff's request - after hearing the defendant -, or the plaintiff shall be relieved from the requirement to provide security; this provision shall also apply mutatis mutandis to reducing the amount of security.

Section 92: As regards the amount of security no appeal may be submitted; otherwise the decisions adopted under Sections 89-91 may be contested separately.

Japan: In principle, the provision of Article 75 (1) of the Code of Civil Procedure (hereinafter referred to as "the CCP") provides as follows; If a plaintiff does not have any domicile, business office or other office in Japan, the court, upon the petition of a defendant, shall make an order to the effect that the plaintiff should provide security for court costs; The same shall apply if any deficiency occurs in such security. There are some exceptions. Article 75 (2) of the CCP provides that the provision of Article 75 (1) shall not apply where there is no dispute over part of a claim for payment of money and the amount of such part of the claim is sufficient as security. Another exception is the Article 10 of the Act on Special Provisions of Civil Court Proceedings for Enactment of the Convention of 1 March 1954 on civil procedure, which is articulated in conformity with the Article 17 and Article 32 of the above-mentioned Convention. Please note three additional points. First, if a person does not have the domicile in Japan, his or her residence is deemed to be his/her domicile, whether he or she is a Japanese or a foreign national; provided, however, that, this shall not apply where the law of domicile controls in accordance with the applicable provisions of laws which provide the governing law (Article 23 (2) of the Civil Code).

Second, when the person who provided security has proven that the ground for providing security have ceased to exist, the court, upon petition, shall make an order of rescission of security (Article 79 (1) of the CCP). Third, the provision of Article 79 (1) of the CCP shall also apply when the person who provided security has proven that he or she has obtained the consent of the security interest holder to the rescission of security (Article 79 (2) of the CCP). If, after the conclusion of a suit, the court, upon the petition of the person who provided security, has given notice to the security interest holder that he or she should exercise his or her right within a certain period but the security interest holder has not exercised it, it shall be deemed that the security interest holder has consented to the rescission of security (Article 79 (3) of the CCP).

Malaysia: The relevant domestic law that imposes security upon persons who are not resident in Malaysia is Order 23 r. 1(1)(a) of the Rules of Court 2012. The provision states: Security for costs of action (O.23, r.1). (1) Where, on the application of a defendant to an action or other proceedings in the Court, it appears to the Court (a) that the plaintiff is ordinarily resident out of the jurisdiction; then, if, having regard to all the circumstances of the case, the Court thinks it just to do, it may order the plaintiff to give such security for the defendant's cost of the action or other proceedings as it thinks just.

Monaco: Article 259 du Code de procédure civile (<http://www.legimonaco.mc>): "L'étranger, demandeur principal ou intervenant, sera tenu, si le défendeur monégasque le requiert avant toute exception, de fournir caution de payer les frais et dommages intérêts résultant du procès auxquels il pourrait être condamné". A noter que ce texte est atténué par la pratique jurisprudentielle qui a tendance à faire prévaloir les règles européennes sur l'accès au juge.

Norway: According to the Norwegian Civil Procedure Code 17 June 2005 § 20-11, security for legal costs may be imposed in certain cases on a plaintiff who is not resident in Norway if so is required by the defendant. However, such security cannot be required if it would violate an international obligation on equal treatment of parties resident abroad and parties resident in Norway, or if it would appear disproportionate considering the nature of the case, relations between the parties and other circumstances. The amount is determined by the court.

New Zealand: A court has the discretion to order the giving of security for costs by a plaintiff who is resident out of New Zealand (or is a corporation or a subsidiary of a corporation incorporated outside New Zealand) or where there is reason to believe that the plaintiff will be unable to pay the costs of the defendant if the plaintiff is unsuccessful in their proceeding. Where a plaintiff is resident overseas, the courts have held that:

- There is no fixed principle that a plaintiff with no assets in New Zealand should be ordered to give security.
- The Court's discretion is to be exercised taking into account all the circumstances of the case and arriving at a conclusion that is just between the parties.

<p>- The ease, convenience and cost of enforcing a costs judgment in the plaintiff's country of residence are primary considerations.</p> <p>- Otherwise, security by a plaintiff resident overseas may be ordered where there is reason to believe the plaintiff will be unable to pay the defendant's costs if the plaintiff is unsuccessful.</p> <p>The discretion should not be used to shut out a genuine claim by a plaintiff of limited means. On the other hand, a plaintiff of limited means must not be allowed to use an inability to pay costs as a means of putting unfair pressure upon a defendant.</p> <p>In New Zealand, legal aid is available to a party to certain types of proceeding before a New Zealand court, whether that person is resident in New Zealand or not, who meets the relevant means and merits test. Some proceedings are specifically excluded from the coverage of the legal aid scheme. Also, in New Zealand legal aid is a loan not a grant. It is subject to the condition that the recipient must repay an amount determined by the Legal Services Commissioner, who makes decisions about the granting of legal aid independently of the Government. The repayment conditions may be waived where it would cause serious hardship or a waiver would be just and equitable in the circumstances. If a plaintiff is legally aided this is a factor to be taken into account in refusing or reducing an order for security for costs. In practice, orders are not often made against legally aided plaintiffs as this might prevent a plaintiff of limited means from a chance to pursue a genuine claim.</p> <p><u>Russian Federation</u>: Civil Procedure Code of the Russian Federation (article 398) establishes that foreign nationals enjoy the same procedural rights and obligations as the Russian citizens. Article 139 of the Civil Procedure Code of the Russian Federation provides that according to the claimant's or respondent's petition the judge may impose security.</p> <p><u>United States of America</u>: In certain instances, U.S. state law (including rules of court) may provide that non-residents (both out-of-state and foreign) must provide security for costs or satisfaction of judgment in connection with pending legal proceedings. Federal courts are also authorized to impose such requirements.</p>	
<p><u>No</u></p>	<p>[5] Australia, El Salvador, Portugal, Sri Lanka, Ukraine.</p>
<p>D. Topics for the agenda of the Special Commission meeting</p>	
<p>(4) Are there any specific topics or practical issues that your State would like to have addressed at the Special Commission meeting concerning the Access to Justice Convention?</p>	
<p><u>Yes</u></p>	<p>[0]</p>

0	0	0	0	1	1	Finland
2	0	0	5	15	22	France
0	0	0	0	0	0	Latvia
					1	Lithuania
0	0	0	0	0	0	Malta
0	0	0	0	0	0	Poland
0	0	0	0	0	0	Romania
0	0	0	0	0	0	Serbia
-	-	-	-	-	-	Slovenia
14	8	10	5	6	43	Spain
18*	10*	8*	12*	22*	70*	Sweden
5*	5*	5*	5*	5*	25*	Switzerland
39*	23*	23*	27*	49*	162*	TOTAL
<p>* indicates approximate figures only</p> <p style="text-align: center;"><u>Additional Comments</u></p> <p><u>France</u>: Turkey (11 in 2013).</p> <p><u>Lithuania</u>: 1 application for legal aid has been received during the period, from Latvia.</p> <p><u>Sweden</u>: We have overall statistics but they do not differ between incoming and outgoing applications. The most applications received/sent were from/to Denmark.</p> <p><u>Switzerland</u>: Pas d'informations précises disponibles. L'État à l'origine de la majorité de ces demandes est la France.</p>						
<p style="text-align: center;"><u>Unknown / No Specific Data Available</u></p> <p><u>Brazil</u>: Brazil has already ratified the Convention, but still lacks the Presidential Decree so that the Convention is in force domestically. Foreign requests will be complied with, because domestic law can accommodate and permits fulfilling requests. On the other hand, no requests will be made by Brazil until the Presidential Decree is in force. Many requests are received and dealt with by the Ministry of Justice, in its Central Authority role, but there are no statistics, since the Convention still lacks the Presidential Decree so that it can be incorporated to the domestic legal system.</p> <p><u>Luxembourg</u>: Pas de statistiques disponibles.</p> <p><u>Netherlands</u>: Unknown, as Legal Aid can also be applied by a Dutch Lawyer directly.</p> <p><u>Slovakia</u>: Aucune donnée statistique n'est disponible.</p>						
						<p style="text-align: center;">[4] France, Lithuania, Sweden, Switzerland.</p>
						<p style="text-align: center;">[5] Bosnia and Herzegovina, Brazil, Luxembourg, Netherlands, Slovakia.</p>

(7) Of these, how many applications involved legal advice?						
<u>Number & If application granted</u>						[1] Spain.
<u>Spain</u> : Most applications have been granted.						
<u>None / Not Applicable</u>						[15] Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Lithuania, Malta, Poland, Romania, Serbia, Slovenia, Switzerland.
<u>Unknown / No Specific Data Available</u>						[7] Bosnia and Herzegovina, Brazil, Luxembourg, Netherlands, Slovakia, Slovenia, Sweden.
<u>Luxembourg</u> : Pas de statistiques disponibles.						
<u>Slovakia</u> : Aucune donnée statistique n'est disponible.						
B2. Statistics – <i>outgoing</i> applications for legal aid (Chapter I)						
(8) How many outgoing applications for legal aid have been sent annually by the authorities of your State?						
<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>	
0	0	0	0	0	0	Bulgaria
0	0	0	0	0	0	Croatia
0	0	0	0	0	0	Cyprus
0	0	0	0	0	0	Czech Republic
0	0	0	0	0	0	Estonia
0	0	0	0	0	0	Finland
6	1	7	3	8	25	France
0	0	0	0	0	0	Latvia
0	0	0	0	0	0	Lithuania
0	0	0	0	0	0	Malta
3	-	1	3	2	9	Netherlands
0	0	0	0	0	0	Poland
0	0	0	0	0	0	Romania
0	0	0	0	0	0	Serbia
16	6	14	11	12	59	Spain

18*	10*	8*	12*	22*	70*	Sweden
2*	2*	2*	2*	2*	10*	Switzerland
45*	19*	32*	31*	46*	173*	TOTAL
<p>* indicates approximate figures only</p> <p style="text-align: center;"><u>Additional Comments</u></p> <p><u>France</u>: Mostly sent to Turkey and Switzerland.</p> <p><u>Netherlands</u>: Most requests sent to Switzerland.</p> <p><u>Sweden</u>: We have overall statistics but they do not differ between incoming and outgoing applications. The most applications received/sent were from/to Denmark.</p> <p><u>Switzerland</u>: Pas d'informations précises disponibles.</p>						<p>[4] France, Netherlands, Sweden, Switzerland.</p>
<p style="text-align: center;"><u>Unknown / No Specific Data Available</u></p> <p><u>Brazil</u>: Brazil has already ratified the Convention, but still lacks the Presidential Decree so that the Convention is in force domestically. Foreign requests will be complied with, because domestic law can accommodate and permits fulfilling requests. On the other hand, no requests will be made by Brazil until the Presidential Decree is in force. Many requests are received and dealt with by the Ministry of Justice, in its Central Authority role, but there are no statistics, since the Convention still lacks the Presidential Decree so that it can be incorporated to the domestic legal system.</p> <p><u>Luxembourg</u>: Pas de statistiques disponibles.</p> <p><u>Slovakia</u>: Aucune donnée statistique n'est disponible.</p> <p><u>Slovenia</u>: *Note: The competent free legal aid authority (district courts/specialized courts of I. instance) keeps records on free legal aid. The competent authority for free legal keeps records of national cross-border disputes and records of foreign cross-border disputes (EU countries). The Supreme Court of the Republic of Slovenia keeps the central electronic records on free legal aid, including the records on free legal aid in national and foreign cross-border disputes (meaning only free legal aid in the EU countries). No separate evidence is kept for requests for legal aid according to Access to Justice Convention.</p>						<p>[5] Bosnia and Herzegovina, Brazil, Luxembourg, Slovakia, Slovenia.</p>
B3. Statistics – incoming applications to enforce orders for costs and expenses (Chapter II)						
(9) How many applications for the enforcement of orders for costs and expenses have been received annually by the Central Authority(ies) of your State?						
<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>	
0	0	0	0	0	0	Bulgaria
0	0	0	0	0	0	Croatia

0	0	0	0	0	0	Cyprus
0	0	0	0	0	0	Czech Republic
0	0	0	0	0	0	Estonia
0	0	0	0	0	0	Finland
0	0	0	0	0	0	France
0	0	0	0	0	0	Latvia
0	0	0	0	0	0	Lithuania
-	6	10	19	34	69	Luxembourg
0	0	0	0	0	0	Malta
-	-	-	1	-	1	Netherlands
0	0	0	0	0	0	Poland
0	0	0	0	0	0	Romania
0	0	0	0	0	0	Serbia
-	-	9*	13*	15*	37*	Switzerland
0*	6*	19*	32*	49*	106*	TOTAL
* indicates approximate figures only						
<u>Additional Comments</u>						
<u>Luxembourg</u> : Nombre des demandes, et les États à l'origine de ces demandes: 2013: 30 Allemagne, 4 Pays-Bas; 2012: Allemagne et Pays-Bas; 2011: Allemagne et Pays-Bas; 2010: Allemagne et Pays-Bas.						
<u>Netherlands</u> : 1 Application received from Norway for enforcement of orders relating to the serving of documents.						
<u>Switzerland</u> : Pas d'informations précises disponibles. L'État à l'origine de la majorité de ces demandes est l'Allemagne.						
<u>Unknown / No Specific Data Available</u>						
<u>Brazil</u> : Brazil has already ratified the Convention, but still tacks the Presidential Decree so that the Convention is in force domestically. Foreign requests will be complied with, because domestic law can accommodate and permits fulfilling requests. On the other hand, no requests will be made by Brazil until the Presidential Decree is in force. Many requests are received and dealt with by the Ministry of Justice, in its Central Authority role, but there are no statistics, since the Convention still lacks the Presidential Decree so that it can be incorporated to the domestic legal system.						
<u>Slovakia</u> : Aucune donnée statistique n'est disponible.						
[3] Luxembourg, Netherlands, Switzerland.						
[6] Bosnia and Herzegovina, Brazil, Slovakia, Slovenia, Spain, Sweden.						

<p><u>Slovenia</u>: The Slovenian Central Authority received some inquiries of the foreign transmitting authorities about possibilities to enforce orders for costs and expenses before the Slovenian courts. The Central authority informed the authority about legal basis, including the Access to Justice Convention.</p>						
B4. Statistics – <i>outgoing</i> applications to enforce orders for costs and expenses (Chapter II)						
(10) How many applications for the enforcement of orders for costs and expenses have been sent annually by the authorities of your State?						
<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>	
0	0	0	0	0	0	Bulgaria
0	0	0	0	0	0	Croatia
0	0	0	0	0	0	Cyprus
0	0	0	0	0	0	Czech Republic
0	0	0	0	0	0	Estonia
0	0	0	0	0	0	Finland
0	0	0	0	0	0	France
0	0	0	0	0	0	Latvia
0	0	0	0	0	0	Lithuania
0	0	0	0	0	0	Malta
0	0	0	0	0	0	Poland
0	0	0	0	0	0	Romania
-	-	-	-	1	1	Serbia
0	0	0	0	0	0	Switzerland
0*	0*	0*	0*	1*	1*	TOTAL
<p>* indicates approximate figures only</p> <p style="text-align: center;"><u>Additional Comments</u></p> <p><u>Serbia</u>: Application sent to Germany.</p>						[1] Serbia.
<p style="text-align: center;"><u>Unknown / No Specific Data Available</u></p> <p><u>Brazil</u>: Brazil has already ratified the Convention, but still tacks the Presidential Decree so that the Convention is in force domestically. Foreign requests will be complied with, because domestic law can accommodate and permits fulfilling requests. On the other hand, no requests will be made by Brazil until the Presidential Decree is in force. Many requests are received and dealt with by the Ministry of Justice, in its Central Authority role, but there are no statistics, since the Convention still lacks the Presidential Decree so that it can be incorporated to the domestic legal system.</p>						[8] Bosnia and Herzegovina, Brazil, Luxembourg, Netherlands, Slovakia, Slovenia, Spain, Sweden.

<p><u>Luxembourg</u>: Pas de statistiques disponibles.</p> <p><u>Slovakia</u>: Aucune donnée statistique n'est disponible.</p> <p><u>Slovenia</u>: Requests for enforcement of orders of payment of costs and expenses of proceedings are sent to the State Attorney's Office, which is the judicial authority that represents the Republic of Slovenia and other entities (the Government, its bodies and administrative organs with legal personality) before courts of justice and administrative authorities. The State Attorney's Office also represents the Republic of Slovenia before foreign and international courts, such as the European Court of Human Rights and the Court of Justice of the European Union. In practice the State Attorney's Office normally authorises foreign legal firms to act as attorneys on behalf of the Republic of Slovenia.</p>	
C. Security, bond or deposit	
<p>(11) Except in cases covered by the Access to Justice Convention, in judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?</p>	
<p style="text-align: center;"><u>Yes</u></p> <p><u>Bosnia and Herzegovina</u>: There are the same obligations for foreign nationals as for citizens of Bosnia and Herzegovina, which are not exempted from the payment of expenses.</p> <p><u>Croatia</u>: Under the Act Concerning the Resolution of Conflicts of Laws with the Provisions of Other Countries in Certain Matters (OG of ex SFRY no. 43/82, 72/82, OG no. 53/91), Articles 82. - 85., if a foreigner or stateless person who is not domiciled in the Republic of Croatia institutes proceedings before a court of the Republic of Croatia, he is obliged, at the defendant's request, to deposit security for costs. The security for costs is given in money, but court may approve that security also is given in another suitable form.</p> <p>The defendant has no right to security of costs:</p> <ul style="list-style-type: none"> - if the state of which the plaintiff is a citizen citizens of the Republic of Croatia are not obliged to deposit security for costs; - if the plaintiff enjoys the right of asylum in the Republic of Croatia; - if the proceedings relate to a claim of the defendant arising out of his contract of employment in the Republic of Croatia; - if proceedings between spouses or disputes about determination or contestation of paternity or maternity are concerned as well if maintenance is concerned; - if proceedings in respect of bills of exchange or cheques, counterclaims or the issuance of orders of payment are concerned. 	<p style="text-align: center;">[9]</p> <p style="text-align: center;">Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Estonia, Luxembourg, Serbia, Slovakia, Sweden.</p>

Foreigners have the right to exemption from the payment of costs of litigation on the condition of reciprocity. If there is doubt as to the existence of reciprocity, the republic organ for the administration of justice shall furnish an explanation in respect of exemption from the payment of costs of litigation. The reciprocity is not condition for the realization of the right to exemption from the payment of costs of litigation, if the foreigner is domiciled in the Republic of Croatia. A stateless person has the right to exemption from the payment of costs of litigation if he is domiciled or resident in the Republic of Croatia.

<http://cadial.hidra.hr/searchdoc.php?query=Pravilnik+o+kartografskim+znakovima&searchText=on&searchTitle=on&resultdetails=basic&lang=hr&resultoffset=0&annotate=on&bid=zpEJaraGIS10S9QIBdzs3A%3D%3D>.

Cyprus: According to the Civil Procedure Rules, Order 60 Rule 1, a plaintiff (or the defendant of a counter-claim) who permanently resides out of the Republic may be ordered by the Court, at any stage in the proceedings, to pay security for costs even if, at the time, he temporarily lives in Cyprus. Where such an order is made, the Court may suspend the proceedings until full payment. In case where payment is not made within the time period set by the Court, the Judge may dismiss the action.

Czech Republic: Security for costs may be imposed upon a foreign national who has their habitual residence abroad, or a foreign legal entity, seeking for a ruling on property rights under the conditions prescribed by § 11 of the International Private Law no. 91/2012 Coll. (<http://aplikace.mvcr.cz/sbirka-zakonu/>).

Estonia: National law does not stipulate different state fees based on a person`s citizenship, place of residence or location. State Fees Act regulates this question. The exemptions can be found under §22 of the Act. State Fees Act can be found in English:

<https://www.riigiteataja.ee/en/eli/529012014004/consolide>.

Luxembourg: Articles 257, 258, 55 du Nouveau code de procédure civile (Sauf lorsqu'il existe une convention internationale).

Serbia: This matter is regulated by the Law on Resolving Conflict of Laws with Regulations of other Countries. *Article 82*: Where a foreign national or a person without nationality who is not permanently resident in the Republic of Serbia is instituting litigation before a court of the Republic of Serbia he/she is under a duty to secure, at a request of the defendant, the litigation costs of the latter.

The defendant is under a duty to lodge the request referred to in paragraph 1 of this Article not later than at the preliminary hearing, and if no preliminary hearing took place – at the first hearing of the main proceedings, before he/she engages in arguments as to the substance of the matter or as soon as he/she learns that conditions to seek the provision of security have been met.

The security in relation to litigation costs shall be given in money or other suitable means.

Article 83: A defendant shall not be entitled to the provision of security in relation to litigation costs in the following cases:

- 1) If Serbian nationals are not required to provide security in the country of which the plaintiff is a national;
- 2) If the plaintiff enjoys the right of asylum in the Republic of Serbia;
- 3) If the action concerns a claim of the plaintiff arising out of his employment in the Republic of Serbia;
- 4) In marital proceedings and proceedings to establish or challenge paternity or maternity and proceedings concerning statutory maintenance;
- 5) In relation to actions and counter-actions concerning bills of exchange or cheques or issuance of a payment order.

Slovakia: Cette possibilité se trouve dans l'Article 51 de la Loi sur le droit international privé et de procédure (No. 97/1963 JO). Le tribunal ordonne au demandeur étranger de déposer une caution pour garantir des frais judiciaires à la demande de défendeur. Mais il y a des exceptions de cette ordonnance - si le demandeur étranger possède l'immeuble sur le territoire slovaque, s'il existe la réciprocité dans l'état de la citoyenneté du demandeur, si le défendeur demande la caution après son premier acte de procédure, s'il s'agit de l'injonction de payer et si le demandeur est exempté de payer les frais judiciaires.

Sweden: See Annex.

Switzerland: Loi sur le droit international privé suisse, Art. 11b (renvoi aux articles du Code de procédure civile), <http://www.admin.ch/ch/f/rs/c291.html>. Code de procédure civile, <http://www.admin.ch/ch/f/rs/c272.html>:

Art. 98 Avance de frais: Le tribunal peut exiger du demandeur une avance à concurrence de la totalité des frais judiciaires présumés.

Art. 99 Sûretés en garantie des dépens: 1 Le demandeur doit, sur requête du défendeur, fournir dans les cas suivants des sûretés en garantie du paiement des dépens:

- a. il n'a pas de domicile ou de siège en Suisse;
- b. il paraît insolvable, notamment en raison d'une mise en faillite, d'une procédure concordataire en cours ou de la délivrance d'actes de défaut de biens;
- c. il est débiteur de frais d'une procédure antérieure;
- d. d'autres raisons font apparaître un risque considérable que les dépens ne soient pas versés.

No

[11]
Brazil, Bulgaria, Finland,
France, Lithuania, Malta,
Netherlands, Poland,
Romania, Slovenia, Spain.

<u>Unknown</u>	[1] Latvia.
D. General appreciation of the Access to Justice Convention	
(12) How does your State rate the general operation of the Convention?	
<u>Excellent</u>	[1] Bulgaria.
<u>Good</u>	[12] Croatia, France, Latvia, Lithuania, Malta, Netherlands, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden.
<u>Satisfactory</u>	[4] Cyprus, Estonia, Poland, Switzerland.
<u>Unsatisfactory</u>	[0]
<u>Unknown</u>	[5] Bosnia and Herzegovina, Brazil, Czech Republic, Finland, Luxembourg.
(13) Does your State consider there to be any positive or problematic aspects of the operation of the Convention?	
<u>Yes</u> <u>Czech Republic</u> : The abovementioned Czech Central and Transmitting Authority has not received any application based on this Convention yet. <u>Switzerland</u> : Dans certains Etats, il n'est pas clair quelles sont les autorités compétentes.	[3] Brazil, Czech Republic, Switzerland.
<u>No</u>	[15]

	Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Lithuania, Malta, Netherlands, Poland, Serbia, Slovakia, Slovenia, Spain, Sweden.
<u>Unknown</u>	[4] Bosnia and Herzegovina, Latvia, Luxembourg, Romania.
E. Case law and reference work	
(14) Have any decisions on the interpretation or application of the Access to Justice Convention been rendered by the judicial authorities of your State since 2009?	
<u>Yes</u>	[0]
<u>No</u>	[8] Brazil, Cyprus, Estonia, France, Netherlands, Romania, Slovakia, Switzerland.
<u>Unknown</u>	[14] Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Finland, Latvia, Lithuania, Luxembourg, Malta, Poland, Serbia, Slovenia, Spain, Sweden.
(15) Have any works on the Access to Justice Convention been published recently in your State that do not already appear on the Access to Justice Convention page of the HCCH website (under "bibliography")?	
<u>Yes</u>	[0]
<u>No</u>	[11] Brazil, Bulgaria, Croatia, Cyprus, Estonia, France,

	Netherlands, Poland, Romania, Slovakia, Switzerland.
<u>Unknown</u>	[11] Bosnia and Herzegovina, Czech Republic, Finland, Latvia, Lithuania, Luxembourg, Malta, Serbia, Slovenia, Spain, Sweden.
F. Topics for the agenda of the Special Commission meeting	
(16) 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?	
<u>Yes</u> <u>Brazil</u> : How to outreach to non-member States and to have them further considering ratifying the Convention. <u>Czech Republic</u> : See coordinated answer of the EU. <u>European Union</u> : - <i>The designation of Central Authorities</i> : 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. <u>Slovakia</u> : Voir la réponse de la Commission européenne.	[4] Brazil, Czech Republic, European Union, Slovakia.
<u>No</u>	[19] Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland.