

<b>Title</b>	Updates to the Guidelines for completing the Model Form under the 1965 Service Convention
<b>Document</b>	Prel. Doc. No 14 of May 2024
<b>Author</b>	PB
<b>Agenda Item</b>	Item TBD
<b>Mandate(s)</b>	N/A
<b>Objective</b>	To propose minor updates to the Guidelines for completing the Model Form under the 1965 Service Convention
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input checked="" type="checkbox"/> For Discussion <input checked="" type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input type="checkbox"/>
<b>Annexes</b>	Annex I – Guidelines for completing the Model Form
<b>Related Documents</b>	Prel. Doc. No 7 of May 2024 (2024 SC) – Revised draft of the Practical Handbook on the Operation of the Service Convention Prel. Doc. No 19 of January 2024 (CGAP 2024) – Accessibility of HCCH documents and the HCCH website for persons with disabilities

# Updates to the Guidelines for completing the Model Form under the 1965 Service Convention

## I. Introduction

- 1 This document proposes minor updates to the Guidelines for completing the Model Form. The Model Form is annexed to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention) and comprises three parts: (1) the Request for Service; (2) the Certificate; and (3) the Summary, preceded by a Warning.<sup>1</sup> Completion of the Model Form is mandatory if, and when, the main channel of transmission is used. Completion of Parts 2 and 3 of the Model Form is also recommended for the alternative channels of transmission.
- 2 The Guidelines were developed to assist with the completion of the Model Form. The proposed changes to the Guidelines are aimed to modernise and update the information contained in the Guidelines. For example, by removing the reference to “word processor” and by replacing references to “Practical Information Chart” with “Country Profile”.<sup>2</sup> Images of each part of the Model Form have been removed from the Guidelines as they are not accessible to all users of the document.<sup>3</sup> The Guidelines have also been amended to ensure gender-neutral language.
- 3 Certain recommendations from previous meetings of the Special Commission (SC) have also been reflected in the Guidelines. For example, previous meetings of the SC have recommended that where there is any question of doubt as to the competence of the forwarding authority, rather than rejecting the request, authorities in the requested State should seek to confirm the competence by either consulting the HCCH website, or by making expeditious enquiries to the forwarding authorities, including by e-mail.<sup>4</sup> In particular, the SC has also accepted a suggestion that information on the forwarding authorities and their competences be included in the Model Form for a request for service.<sup>5</sup>
- 4 In relation to the necessity for duplicate copies of transmitted documents, the Guidelines also include text noting that Contracting Parties may agree to dispense with the need for duplicates (as provided for under Art. 20(a) of the Service Convention).
- 5 In response to the 2022 questionnaire,<sup>6</sup> some Contracting Parties responded that completion of the Model Form could be made clearer and more user-friendly. Accordingly, the SC may wish to confirm that further work is required on the Guidelines. The proposed updates to the Guidelines are provided in the Annex.

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<sup>1</sup> The Fourteenth Session (1980) recommended that “any judicial or extrajudicial document in relation to a civil or commercial matter sent or served abroad will always be accompanied by a warning and a summary of the document as set forth hereinafter”. The warning relates to the legal nature, purpose and effects of the document to be served.

<sup>2</sup> The new Country Profiles for the Service Convention and the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention) will be considered at the July 2024 meeting of the SC.

<sup>3</sup> See “Accessibility of HCCH documents and the HCCH website for persons with disabilities”, Prel. Doc. No 19 of January 2024, prepared for the consideration of the Council on General Affairs and Policy meeting of 2024, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Governance” then “Council on General Affairs and Policy”.

<sup>4</sup> See C&R No 49 of the 2003 SC, and C&R No 21 of the 2009 SC.

<sup>5</sup> See C&R No 48 of the 2003 SC.

<sup>6</sup> “Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention)”, Prel. Doc. No 1 of December 2022, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Service Convention” then “Special Commission on the practical operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions”.

## II. Proposal for the SC

- 6 The SC is invited to approve the minor updates to the Guidelines for completing the Model Form and approve the updated Guidelines to be inserted at Annex 6 of the Practical Handbook on the operation of the Service Convention.<sup>7</sup>
- 7 Alternatively, the SC may wish to recommend that the Guidelines be subject to further development through the establishment of a Working Group.

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<sup>7</sup> “Revised Draft of the Practical Handbook on the Operation of the Service Convention”, Prel. Doc. No 7 of May 2024, available on the HCCH website at [www.hcch.net](http://www.hcch.net) (see path indicated in note 6). Note that Annex 6 of the Revised Draft does not contain the proposed updated Guidelines.

## **ANNEXES**

# Annex I

## GUIDELINES FOR COMPLETING THE MODEL FORM

These guidelines will help you complete the Model Form annexed to the [Hague-HCCH Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters](#).

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

[\[Note: in accordance with Conclusion & Decision \(C&D\) No 62 of the Council of General Affairs and Policy \(CGAP\) 2024, the below images of the Model Form will be deleted from the Guidelines as these images are not accessible to persons with visual impairments.\]](#)

### Part 1— Request

### Part 2— Certificate

### Part 3— Summary + Warning

Which parts to complete?

<p>If you are using the <b>main channel of transmission...</b></p> <p>↓</p> <p><del>The</del><u>the</u> use of the Model Form is <b>mandatory.</b></p> <p>Complete Part 1 (<b>Request</b>) and Part 3 (<b>Summary + Warning</b>). The use of the <b>Warning</b> is recommended (but not mandatory).</p> <p>Do <b>not</b> complete Part 2. <u>Part 2 of the Model Form (Certificate)</u>, which will be completed later by the Central Authority or other competent authority in the requested State.</p>	<p>If you are using an <b>alternative channel of transmission...</b></p> <p>↓</p> <p><del>The</del><u>the</u> use of the Model Form is <b>recommended</b> (but not mandatory).</p> <p>Complete Part 3 only (<b>Summary + Warning</b>).</p> <p>Do <b>not</b> complete Parts 1 (<b>Request</b>) and <b>Part 2 (Certificate)</b>.</p>
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**Choosing a bilingual or trilingual Model Form:** The Permanent Bureau (PB) has developed several bilingual and trilingual fillable forms in both Word and PDF formats, which can be easily completed and saved (available on the Service Section of the HCCH website (<www.hcch.net->)). Check if there is a bilingual or trilingual form that would suit your needs. In the absence of a trilingual form in the desired language, use the bilingual forms (English/\_French or French/\_English).

**Filling out the fields:** Complete the Model Form electronically ~~using a word processor~~. Use plain, understandable language and avoid unnecessary legal or technical language. Do not change or rearrange the items in the Model Form. Write out dates in full (e.g., 1 January 20125). If a particular item does not apply, insert “not applicable” or “n/a” or otherwise indicate that this item is not applicable.

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

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

**Language:** The **fields** in the Model Form must be filled out in English, French, or (one of) the official language(s) of the requested State (Art. 7(2)).

**Copies:** Part 1 of the Model Form (~~Request for service~~) and the document to be served must be furnished in *duplicate* (Art. 3(2)), unless otherwise specified by the requested State. If in doubt, check the Country Profile of the requested State or contact the relevant Central Authority. ~~, except if service is made in electronic form.~~

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

**Translation of the documents to be served:** The requested State may require that the documents to be served be translated into (one of) its official language(s) (Art. 5(3)). To find out the particular language requirements ~~requirements~~ of the requested State, check the Country Profile practical information chart for that State or contact the relevant Central Authority ~~of that State~~.

**Costs:** ~~Although s~~Services rendered by the Central Authority shall not give rise to any payment or reimbursement of costs. However, Under Article 12(2), however, a forwarding authority may be required to pay or reimburse costs occasioned by the employment of a judicial officer are free of charge, you may be required to reimburse the costs occasioned by the employment of a judicial officer or other competent person, or occasioned by the use of a particular method of service. A Central Authority may request that such costs be paid in advance, to effect service, or for the use of a particular method of service requested by you (Art. 12(2)). To find out whether service in the requested State gives rise to these costs, and whether the requested State requires reimbursement of them, check the Country Profile or contact the relevant Central Authority, practical information chart for that State.

**Terminology:** In this Form:

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

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

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

**Convention** means the HCCH Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial

Documents in Civil or Commercial Matters, the full text of which is available on the [Service Section](#) of the HCCH website.

**Forwarding authority** means the authority or judicial officer competent under the law of the requesting State to forward requests for service to the Central Authority of the requested State.

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

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

~~Practical information chart~~ Country Profile means the online profile containing practical and country-specific information about a Contracting Party to the Service Convention ~~means the chart for a given Contracting State~~, which is available on the [Service Section](#) of the HCCH website ~~under "Central and other Authorities"~~.

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

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

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

**Further information:** For further information on serving judicial and extrajudicial documents abroad under the Convention, visit the [Service Section](#) of HCCH website, at [←www.hcch.net→](http://www.hcch.net).

**REQUEST  
FOR SERVICE ABROAD OF JUDICIAL OR  
EXTRAJUDICIAL DOCUMENTS**

DEMANDE aux fins de signification ou de notification à l'Étranger  
d'un acte judiciaire ou extrajudiciaire

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or  
Commercial Matters, signed at The Hague, the 15th of November 1965.**

Convention relative à la signification et à la notification à l'étranger des actes judiciaires  
ou extrajudiciaires en matière civile ou commerciale, signée à La Haye le 15 novembre  
1965.

<b>Identity and address of the applicant</b> Identité et adresse du requérant 1. Insert the full name, complete postal address, telephone, fax number and e-mail address of the forwarding authority	<b>Address of receiving authority</b> Adresse de l'autorité destinataire 2. Insert the complete postal address of the Central Authority of the requested State
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**The undersigned applicant has the honour to transmit – in duplicate – the documents listed  
below and, in conformity with Article 5 of the above-mentioned Convention, requests  
prompt service of one copy thereof on the addressee, i.e:**

Le requérant soussigné a l'honneur de faire parvenir – en double exemplaire – à l'autorité  
destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5  
de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à  
savoir :

<b>(identity and address)</b> (identité et adresse) 3. Insert the full name and complete contact details of the addressee (the recipient or person to be served with the document) and description of his/_her capacity
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<input type="checkbox"/>	a) <b>in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*</b> selon les formes légales (article 5, alinéa premier, lettre a)*
<input type="checkbox"/>	b) <b>in accordance with the following particular method (sub-paragraph -b) of the first paragraph of Article 5)*:</b> selon la forme particulière suivante (article 5, alinéa premier, lettre -b)* :
<input type="checkbox"/>	c) <b>by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)*</b> le cas échéant, par remise simple (article 5, alinéa 2)*

**The authority is requested to return or to have returned to the applicant a copy of the  
documents – and of the annexes\* – with the attached certificate.**

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de  
l'acte – et de ses annexes\* – avec l'attestation ci-jointe.

**List of documents / Énumération des pièces**

List all the documents attached to the Request (e.g., summons, translations, decision, complaint, etc.)
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**CERTIFICATE  
ATTESTATION**

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

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

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

the (date) / le (date):	1. -Insert the date when the document was served
at (place, street, number): à (localité, rue, numéro) :	2. Insert the place, street and number where the document was served

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

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

Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	3. Insert the identity and description of the person who received the documents
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	4. Insert the relationship to the addressee of the person who received the documents

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

5. Insert facts / _reasons why the document has not been served
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In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*. Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

Annexes / Annexes

Documents returned: Pièces renvoyées :	Insert a list of the documents that are being returned
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	Insert a list of the documents that establish that service has been effected

\* if appropriate / s'il y a lieu

Done at / Fait à  
Insert the location where you signed the  
Certificate,

the / le  
Insert the date on which you signed the  
Request (spelt out in full)

Signature and /\_or stamp  
Signature et / ou cachet

WARNING  
AVERTISSEMENT

Identity and address of the addressee  
Identité et adresse du destinataire

1. Insert the name and address of intended recipient (and capacity, if not served in private capacity)

IMPORTANT

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

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

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

TRÈS IMPORTANT

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

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

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

2. Insert the name, address, telephone number and e-mail address of the authority or organisation in your State that is most qualified to give recipient full details on the availability of legal aid or advice

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

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

**SUMMARY OF THE DOCUMENT TO BE SERVED  
ÉLÉMENTS ESSENTIELS DE L'ACTE**

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965 (Article 5, fourth paragraph).

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye le 15 novembre 1965 (article 5, alinéa 4).

Name and address of the requesting authority: Nom et adresse de l'autorité requérante :	3. Insert the name, address, telephone number and e-mail address of the forwarding authority
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Particulars of the parties*: Identité des parties* :	4. Insert the name, address, telephone number and e-mail address of each party (e.g., plaintiff and respondent/defendant)
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\* If appropriate, identity and address of the person interested in the transmission of the document  
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte

JUDICIAL DOCUMENT\*\* ACTE JUDICIAIRE\*\*

Nature and purpose of the document: Nature et objet de l'acte :	5. Describe the nature and purpose of the document
Nature and purpose of the proceedings and, when appropriate, the amount in dispute: Nature et objet de l'instance, le cas échéant, le montant du litige :	6. Describe the nature and purpose of the proceedings and, when appropriate, the amount in dispute
Date and place for entering appearance**: Date et lieu de la comparution** :	7. Insert the date and place for entering appearance
Court which has given judgment**: Jurisdiction qui a rendu la décision** :	8. Insert the name of the court which has given judgment
Date of judgment**: Date de la décision** :	9. Insert the date
Time-limits stated in the document**: Indication des délais figurant dans l'acte** :	10. Specify limits

\*\* if appropriate / s'il y a lieu

EXTRAJUDICIAL  
ACTE EXTRAJUDICIAIRE\*\*

DOCUMENT\*\*

Nature and purpose of the document: Nature et objet de l'acte :	11. Describe the nature and purpose of the document
Time-limits stated in the document**: Indication des délais figurant dans l'acte** :	12. Specify limits

\*\* if appropriate / s'il y a lieu

## NOTES ON THE MODEL FORM

**Note 1:** The ~~blanks-fields~~ of the Model Form must be ~~filled-out~~completed in English, ~~or in~~ French, ~~or in~~ the language of the requested State.

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

## NOTES ON PART 1 – REQUEST

**Item 1:** The name of the plaintiff, or of the counsel representing the plaintiff (when different from the forwarding authority), should **not** be included in this box. Forwarding authorities are encouraged to provide information on their competences under the Convention (C&R No 48 of the 2003 SC). A current list of information about the forwarding authorities for each Contracting Party is also available included in the relevant Country Profile, available on the Service Section of the HCCH website.-

**Item 2:** Information about the A comprehensive and updated list of contact details of Central Authorities and their contact details is included in the relevant Country Profile, -is available on the Service Section of the HCCH website.-

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

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

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

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

## NOTES ON PART 2 – CERTIFICATE

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

**Note 2:** Properly completed Certificates should be returned to the forwarding authority (C&R ~~No~~No 26 of the 2014 SC).

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

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

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

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

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

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

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

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

**Item 5:** The facts about / reasons why service failed are of great importance, because they will determine the course of action that the plaintiff / court will take. Where the defendant cannot be physically located, some States proceed to effect substituted service (e.g., service by publication or by electronic means). Indicate in this field if the address of the defendant was no longer valid, fictitious or incorrect, or if the defendant could not otherwise be found. If informal delivery was attempted, specify whether~~if~~ service failed because the defendant did not accept the documents voluntarily.

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

### NOTES ON PART 3 – SUMMARY + WARNING

#### **For the Warning**

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

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

#### **For the Summary**

**Note:** The Summary section of the Model Form makes a distinction ~~distinguishes~~ between **judicial** documents and **extrajudicial** documents. Any document relating to litigation,

including summary proceedings or uncontested proceedings, e.g., summons, judgment, order or application, is regarded as a judicial document. Any other legal document is to be classified as an extrajudicial document.

**Item 3:** If you are using an alternative channel of transmission, insert the name, address, telephone number and e-mail address of the authority or person who caused the document to be issued.

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

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

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

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

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

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

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

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

**Item 11:** The nature and purpose of the document refers to the legal classification of the document.

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



