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SC 1965 SERVICE & 1970 EVIDENCE & 1980
ACCESS TO JUSTICE

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[Prel. Doc. No 13 of January 2020](#) for the attention of CGAP 2020 – 1965 Service / 1970 Evidence Conventions – The Use of Information Technology

[Prel. Doc. No 9 of January 2019](#) for the attention of CGAP 2019 – Use of Information Technology in the Transmission of Requests under the Service and Evidence Conventions

Table of Contents

- I. Introduction 2
- II. Electronic Transmission..... 5
 - A. General 5
 - B. Current Methods of e-Transmission 6
 - C. Considerations 7
 - 1. Security and Data Protection 7
 - 2. The Use of Paper Documents 7
 - D. Proposals 7
- III. Electronic Service 8
 - A. General 8
 - B. Considerations 9
 - 1. Do “Postal Channels” under Article 10(a) encompass e-mail? 9
 - 2. Security and Data Protection 9
 - C. Proposals 10
- IV. The Use of Video-Link..... 10
 - A. General 10
 - B. Video-link use under the Evidence Convention..... 11
 - C. Considerations 12
 - 1. Direct Taking of Evidence under Chapter I..... 12
 - 2. Better Understanding of the Use of Video-link..... 12
 - D. Proposals 13
- V. Other IT measures..... 13
 - A. Communication between Contracting Parties via Electronic Means..... 13
 - B. Considerations 13
 - C. Electronic Register System..... 14
 - D. Use of Electronic Forms..... 14
 - E. Proposals 15
- VI. Remarks and Proposals..... 15

The Use of Information Technology

I. Introduction

- 1 This document summarises the ways that information technology (IT) is or can be used to enhance the practical operation of the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention), the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention), and the *Convention of 25 October 1980 on International Access to Justice* (Access to Justice Convention) (together, Conventions). These measures include the electronic transmission (e-transmission) of requests made under all the Conventions; the electronic service (e-service), and the electronic return of Certificates (relevant to the Service Convention); the e-transmission of evidence obtained, and the use of video-link (relevant to the Evidence Convention). Other IT measures that assist Contracting Parties daily are the use of e-mail communications and electronic case management registers;¹ new Country Profiles, accessible and editable online, will soon be included as part of these measures to assist Contracting Parties.² This document suggests that the Special Commission (SC) could consider making certain recommendations regarding the use of IT to improve the operation of the Conventions, and, building on work commenced by the Permanent Bureau (PB), may recommend future work to facilitate the transmission and management of requests under the Conventions.
- 2 The use of IT provides a range of benefits to cross-border litigation, including shifting from parties being required to submit paper documents and appear in person before judges to the widespread use of electronic filing (e-filing) systems and virtual hearings via video-link. IT can help parties to resolve disputes more efficiently and can facilitate access to justice. The Conventions operate at a time of technological transition for many Contracting Parties. However, while some form of digital transformation³ for many governments and judiciaries has been achieved or is underway, the traditional use of paper documents remains a reality for some Contracting Parties. In terms of the Service Convention, while a number of Contracting Parties can now serve documents on defendants electronically (e-service), some domestic laws and internal frameworks in other jurisdictions continue to require paper-based service of documents.⁴ Some Contracting Parties continue to move towards digitisation, and operate using a combination of technology for the transmission of documents (e-transmission), and hard copy documents for the execution of requests. In terms of the Evidence Convention, it is currently the case that competent authorities in some Contracting Parties require a letter of Request to bear the original seal of the requesting authority which necessitates transmission by mail. This may likely result in the provision of evidence obtained in response to a Letter of Request to also be returned by mail. Whereas some Contracting Parties have advised that an electronically transmitted Letter of Request may pave the way for

¹ For example, in response to the “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 (2022 Service questionnaire), a broad range of Contracting Parties indicated that they have partially or wholly implemented an electronic case management system for requests. See “Summary of Responses to the 2022 Service questionnaire”, Prel. Doc. No 2 REV of June 2024 (2022 Service questionnaire summary), responses to questions 3 and 28. Both documents are available on the HCCH website at 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”.

² See “Development of e-Country Profiles for key HCCH Conventions”, Prel. Doc. No 16 of January 2024 drawn up for the attention of the March 2024 meeting of the Council on General Affairs and Policy (CGAP), available on the HCCH website at www.hcch.net under “Governance” then “Council on General Affairs and Policy”.

³ One description of digital transformation refers to a change in systems and institutions that aims to improve the accountability, transparency and accessibility of the process with the use of digital technology.

⁴ For example, according to the 2022 Service questionnaire summary, three respondents noted that there are internal legal restrictions to using e-service. One respondent replied that it is generally not possible to obtain prior consent of the addressee in cases with a foreign element, so, even if the request and documents have been received electronically, the documents to be served shall be printed and served on paper. See 2022 Service questionnaire summary, responses to question 31.1.

evidence obtained in response to that request to be returned electronically. Across many Contracting Parties the taking of evidence is now possible using video-link.⁵ The increased use of IT will have a fundamental and positive impact on the evolution of the Conventions, which are key to supporting cross-border litigation, and will ensure the utility and relevance of the Conventions into the future.

- 3 It is well established that the Conventions are technology neutral and this has been recognised in previous meetings of the SC.⁶ Such neutrality makes it possible for the Conventions to operate using modern technologies without the need for a revision of the text. The recent COVID-19 pandemic required many Contracting Parties to rapidly implement or increase the use of IT measures to ensure that operations and access to justice could continue. For instance, Australia,⁷ China,⁸ Georgia,⁹ and the United States of America¹⁰ adopted new IT measures to facilitate the operation of the Conventions. Indeed, long before the pandemic, the SC encouraged e-transmission of requests under both the Service and Evidence Conventions and has supported the use of IT to facilitate communications between Contracting Parties,¹¹ and to assist with the execution of requests.¹²
- 4 The ability to serve documents and to receive evidence promptly is key to timely resolution of cross-border disputes. However, responses to the 2022 questionnaires¹³ show that for some Contracting Parties the time required to execute requests under the Conventions can take many months. Responses show that in 2022, 56% of respondents took over three months to execute requests for service; and 53% of respondents took over three months to execute incoming Letters of Request for the taking of evidence. Data collected by the PB does not identify specific reasons or factors

⁵ For example, according to the “Questionnaire relating to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (Evidence Convention)*”, Prel. Doc. No 3 of December of 2022 (2022 Evidence questionnaire), Australia, Brazil, Croatia, Czech Republic, France, Georgia, People’s Republic of China (Hong Kong SAR), Hungary, Israel, Kazakhstan, Latvia, Mexico, Montenegro, Netherlands, Nicaragua, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, United Kingdom, and Viet Nam indicated that they allow the taking of evidence by video-link under Chapter I; and as for taking of evidence by video-link under Chapter II, France, Georgia, Germany, Hungary, Lithuania, Norway, Poland, Portugal, Slovakia, Sweden, United Kingdom, and United States of America indicated that they allow the practice. See “Summary of Responses to the 2022 Evidence questionnaire”, Prel. Doc. No 4 of April 2024 (2022 Evidence questionnaire summary), responses to questions 40 and 41. Both documents are available on the HCCH website at www.hcch.net (see path indicated in note 1).

⁶ See C&R No 4 of 2003 SC and C&R No 3 of 2009 SC.

⁷ According to Australia’s responses in the 2022 Service / Evidence questionnaire summaries, Australia has been increasing the acceptance of requests received electronically; in urgent cases transmitting requests electronically between the Central Authority and relevant Australian jurisdiction; and encouraging electronic means of communication with foreign authorities. See 2022 Service questionnaire summary, responses to question 28; and 2022 Evidence questionnaire summary, responses to question 44.

⁸ China has launched an online Civil and Commercial Judicial Assistance System in 2019 at www.ilcc.online that enables foreign requesting parties to submit requests for judicial assistance in civil and commercial matters within the framework of the Service and Evidence Conventions.

⁹ According to Georgia’s responses in the 2022 Service / Evidence questionnaire summaries, electronic means of communication between the authorities of Contracting Parties were improved. During the COVID-19 pandemic, forwarding authorities of Georgia transmitted requests electronically under the Service Convention. See 2022 Service questionnaire summary, responses to question 28; and 2022 Evidence questionnaire summary, responses to question 44.

¹⁰ According to the United States of America’s responses in the 2022 Service questionnaire summary, the US Central Authority’s designated process server for all incoming Convention requests for private individuals and companies (ABC Legal Services) uses an online database and platform, for which the platform allows forwarding authorities to upload their requests for service online, make the necessary payment, receive status and progress updates, communicate with staff, and obtain their proof of service. In the United States of America’s responses in the 2022 Evidence questionnaire summary, it was mentioned that the US Central Authority shifted the majority of its processes online and relied mostly on electronic transmission of Letters of Request, correspondence, and documents during the COVID-19 pandemic. In addition, the US Central Authority introduced a tracking feature to its internal database to account for Requests received by e-mail. See 2022 Service questionnaire summary, responses to question 28; and 2022 Evidence questionnaire summary, responses to question 44.

¹¹ See, in particular: C&R No 9 of 2014 SC; and C&R Nos 44 and 63 of 2003 SC.

¹² C&R Nos 11 and 36-38 of 2014 SC. See also C&R Nos 37-39 and 49-50 of 2009 SC; and C&R Nos 59-64 of 2003 SC.

¹³ Data from 2022 was used in this calculation as this was the most recent data available to the PB. See 2022 Service questionnaire summary, paras. 12 and 54; and Evidence questionnaire summary, paras. 12 and 47.

contributing to delays in the execution of specific requests. While the use of IT may not be the only solution to improving the time taken to execute requests, it has been observed that the application and operation of the Conventions can be further improved by using IT.¹⁴

5 While IT is synonymous with speed, efficiency, and connectivity, careful consideration must be given to security, storage and privacy matters.¹⁵ The upcoming meeting of the SC provides a valuable opportunity to envision how IT will support the practical and successful operation of the Conventions into the future of an increasingly sophisticated, digitised world. Contracting Parties are invited to share current practices and future ambitions for the use of IT *vis-à-vis* the Conventions, and to consider implementing certain IT measures that will improve the operation of the Conventions. The meeting of the SC also provides an opportunity to reflect on work conducted and to recommend future work in respect of IT and the Conventions.

6 The exploration of IT is not new to the HCCH. Discussions on the use of IT in the context of the Conventions commenced more than 20 years ago at the 1999 Geneva Roundtable,¹⁶ and subsequently during the 2003,¹⁷ 2009,¹⁸ and 2014¹⁹ meetings of the SC on the practical operation of the Conventions. The PB has circulated various questionnaires to Contracting Parties seeking information in order to better understand how IT is used in the operation of the Conventions,²⁰ and proposed initiatives to assist in and facilitate e-transmission of requests between Contracting Parties.²¹ Efforts to explore and promote the use of IT include the hosting of an a|Bridged seminar²² dedicated to the use of technology and the Service Convention, resulting in the publication of “HCCH a|Bridged Edition 2019: The HCCH Service Convention in the Era of Electronic and Information Technology”,²³ and the work of an Experts’ Group (EG) from 2015 to 2019²⁴ on the use of video-link and resulting in the publication, in 2020, of the *Guide to Good*

¹⁴ C&R Nos 4, 42-44, and 59-64 of 2003 SC; C&R Nos 3-4, 37-39, 49, and 55-58 of 2009 SC; and C&R Nos 20-21, 36-39, and 42 of 2014 SC.

¹⁵ See 2022 Service questionnaire summary, para. 52; and 2022 Evidence questionnaire summary, para. 45; Feedback from the EU for the updates of the Service and Evidence Handbooks. Feedback received will be available on the HCCH website at www.hcch.net under “Service Convention” or “Evidence Convention”.

¹⁶ From 2 to 4 September 1999, the PB held, jointly with the University of Geneva, a roundtable discussion on issues of private international law raised by electronic commerce and the Internet. Commission V of the Geneva Roundtable was assigned to study the implications of the new means of electronic communication for the working of the Service Convention whereas Commission VI was aimed to study the interpretation and adaption, if necessary, of the Evidence Convention to the new possibilities opened up by electronic and telecommunications methods. See “Electronic Data Interchange, Internet and Electronic Commerce”, Prel. Doc. No 7 of April 2000 for the discussions and conclusions of each of these Commissions, available on the HCCH website at www.hcch.net under “Governance” then “Council on General Affairs and Policy” then “Archive (2000-2023)”.

¹⁷ C&R Nos 4, 42-44, and 59-64 of 2003 SC.

¹⁸ C&R Nos 3-4, 37-39, and 55-58 of 2009 SC.

¹⁹ C&R Nos 20-21, 25, and 36-38 of 2014 SC.

²⁰ 2003 questionnaires (Service / Evidence Conventions), 2008 questionnaires (Service / Evidence Conventions), 2013 questionnaires (Service / Evidence Conventions), 2017 Country Profiles questionnaire (Evidence Convention), 2019 questionnaires (Service / Evidence Conventions), 2022 questionnaires (Service / Evidence / Access to Justice Conventions), all available on the HCCH website at www.hcch.net under “Service Convention” / “Evidence Convention” / “Access to Justice Convention” then “Special Commission on the practical operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions” then “Questionnaires & Responses”.

²¹ “Use of Information Technology in the Transmission of Requests under the Service and Evidence Conventions”, Prel. Doc. No 9 of January 2019 for CGAP 2019, and “1965 Service / 1970 Evidence Conventions – The Use of Information Technology”, Prel. Doc. No 13 of January 2020 for CGAP 2020. Both documents are available on the HCCH website at www.hcch.net (see path indicated in note 16).

²² The inaugural HCCH a|Bridged event was conceived to bring together experts and stakeholders from around the world to discuss and debate the latest in cross-border litigation, civil procedure, and dispute resolution. In 2019, this resulted in a seminar focused on the use of modern technology in the context of the Service Convention.

²³ HCCH a|Bridged Edition 2019: The HCCH Service Convention in the Era of Electronic and Information Technology, The Hague, 2020 (HCCH a|Bridged Edition 2019), see the HCCH website www.hcch.net under “Service Section” then “Seminars & Events”.

²⁴ The Guide to Good Practice received formal approval from Members of the HCCH, upon the conclusion of a silent approval period on Friday 14 June 2019.

*Practice on the Use of Video-Link under the 1970 Evidence Convention.*²⁵ With a view to embedding the use of technology into the operation of the Evidence Convention, the Guide to Good Practice on the Use of Video-Link has been incorporated into the updated draft Practical Handbook on the Operation of the Evidence Handbook (Evidence Handbook). Key segments of the former Annex 8, “The use of information technology in the operation of the Service Convention”, of the Practical Handbook on the Operation of the Service Convention (Service Handbook) have also been incorporated into the main text of the updated version of that Handbook.²⁶

- 7 Of particular note, in 2019, the PB submitted a proposal to the Council on General Affairs and Policy (CGAP) at its March 2019 meeting, seeking to conduct further work on the use of IT to support and improve the operation of both the Service and Evidence Conventions, with a view to making a possible future proposal for the development of an international system to facilitate the e-transmission of requests.²⁷ In 2019, CGAP mandated the PB to conduct this work²⁸ and requested the PB provide future updates on whether and how IT would support and improve the operation of the Conventions; current practices on e-transmission of requests; legal and technological barriers to e-transmission and how best to address these; and how a possible international system for e-transmission would be financed. Accordingly, in September 2019, two questionnaires were circulated with the aim of gathering information related to the current or potential use of IT in the operation of the Conventions.²⁹ The PB received 34 responses to the Service Convention questionnaire and 30 responses to the Evidence Convention questionnaire.³⁰ Results indicated that 64% of respondents to the Service Convention questionnaire and 59% of respondents to the Evidence Convention questionnaire favour the use, by all Contracting Parties, of a common electronic platform in the operation of the Conventions. It was suggested that the findings of the questionnaires would be submitted for discussion at the meeting of the SC, which was originally envisaged to take place in 2022. However, in light of the increased use of IT, which has been stimulated in part by the pandemic, the future direction of work to be progressed by the PB warrants renewed consideration at the upcoming meeting of the SC.

II. Electronic Transmission

A. General

- 8 There are a number of benefits associated with transmitting requests electronically from one Contracting Party to another Contracting Party including: (1) modernising the operability of the Conventions; (2) reducing costs for Contracting Parties; (3) speeding up the execution of requests;

²⁵ *Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention*, available on the HCCH website at www.hcch.net under “Evidence Convention”.

²⁶ The draft 5th editions of both the Service and Evidence Handbooks have been submitted to the 2024 SC “Revised Draft of the Practical Handbook on the Operation of the Service Convention”, Prel. Doc. No 7 of May 2024 and “Revised Draft of the Practical Handbook on the Operation of the Evidence Convention”, Prel. Doc. No 8 of May 2024 are available on the HCCH website at www.hcch.net (see path indicated in note 1).

²⁷ Prel. Doc. No 9 of January 2019 (*op. cit.* note 21).

²⁸ C&D No 40 of CGAP 2019.

²⁹ See, “2019 Questionnaire on the use of Information Technology in the operation of the Service / Evidence Convention”, and, “2019 Summary of responses to the Questionnaires on the use of Information Technology in the operation of the HCCH Service and Evidence Conventions”, both documents are available on the HCCH website at www.hcch.net under “Service Convention” / “Evidence Convention” then “Questionnaires & Responses” then “Questionnaire of August 2019” then “Responses received” / “Summary of responses”.

³⁰ The responses, as well as a summary of the responses obtained, are available on the respective Service and Evidence sections of the HCCH website at www.hcch.net (see path indicated in note 29).

(4) promoting efficiency; (5) facilitating communication between Central Authorities; and (6) improving the secure transmission of documents.³¹

9 Indeed, according to responses to the 2013, 2019 and 2022 questionnaires received, the use of e-transmission for requests has increased significantly among Contracting Parties over the past decade. For example, in relation to the Evidence Convention, in 2013, only 7.7% of respondents permitted e-transmission. By 2019, this number had increased to 50%, and to 55% in 2022.³² There has also been a similar uptake of e-transmission under the Service Convention, with 33% of respondents currently transmitting requests electronically.³³ It is submitted that e-transmission will continue to increase. Therefore, Contracting Parties are invited to discuss short-term, mid-term and longer-term objectives for the e-transmission of requests under the Conventions at the upcoming meeting of the SC, in order to take a strategic approach to measures that can be taken over the next decade.

B. Current Methods of e-Transmission

10 In terms of e-transmission, according to responses to the 2022 Service questionnaire, of the 33% of respondents using e-transmission, e-mail is the most common method used.³⁴ The PB also sought to ascertain the proportion of Contracting Parties accepting requests via e-transmission, and in particular, where such requests could be accepted without a paper copy. Responses indicated that 47% of respondents accept electronically transmitted requests without requiring a second paper copy to be posted.³⁵ Among them, noting that respondents could choose more than one method, 81% accept requests via e-mail, with 43% accepting through secured or encrypted e-mail. Some respondents transmit via regular e-mail. Several respondents noted that they use an official e-mail address or account to transmit requests. The 2022 Evidence questionnaire did not contain questions about the specific method of e-transmission used. However, according to responses provided in response to that questionnaire, 55% of respondents noted that their Central Authority accepts Letters of Request transmitted electronically, compared to 45% of respondents which do not accept such a method of transmission.

11 In terms of other forms of e-transmission, of the 33% of respondents transmitting requests electronically, 46% of them noted that they used an online platform to transmit.³⁶ Examples of these include China's online Civil and Commercial Judicial Assistance System for incoming requests (relevant for both Service and Evidence Conventions), and the United States' online platform, ABC Legal Services, a designated process server for all incoming Convention requests.³⁷ Brazil can receive requests via its online system, but does not require that requests be provided this way from other Contracting Parties.

³¹ See *Katerina v. Ossanova*, "Use of an electronic platform for communication and transmission between Central Authorities in the operation of the HCCH Service Convention", in HCCH a|Bridged Edition 2019 (*op. cit.* note 23), pp. 14 *et seq.* See also Prel. Doc. No 9 of January 2019 (*op. cit.* note 21).

³² Relevantly, similar Contracting Parties responded to each of these questionnaires providing a reasonable indication that the use of e-transmission is increasing.

³³ However, notably, 53% of respondents replied that they do not accept requests for service transmitted electronically in circumstances where only an electronic document is provided under the Service Convention.

³⁴ 2022 Service questionnaire summary, responses to questions 29 and 29.1.

³⁵ *Ibid.*, responses to question 30.

³⁶ *Ibid.*, responses to question 29.1.

³⁷ *Ibid.*, responses to question 28.

C. Considerations

1. Security and Data Protection

12 While e-transmission is frequently used and affords many benefits, IT security and data protection are important factors. Indeed, the SC has previously noted that consideration should be given to matters of security when evaluating electronic methods.³⁸ In response to the 2022 questionnaires, several Contracting Parties raised concerns regarding the need to ensure security and data protection if e-transmission is used to transmit requests.³⁹ Further, comments received in response to proposed updates to the respective Service and Evidence Handbooks⁴⁰ suggested that transmission of requests between authorities of Contracting Parties by simple or ordinary e-mail is not adequate, and only transmission through a secure IT system should be encouraged. Electronic signatures are also not universally accepted and further work may be required in this regard to enable requests to be transmitted electronically. Some Contracting Parties have also raised practical challenges encountered with using e-mail including document attachment size being too large,⁴¹ e-mail security restrictions and e-mails being delivered to “spam” e-mail folders.

2. The Use of Paper Documents

13 Any electronic method for the transmission of requests ranging from e-mail to an online platform would provide optimum benefits in circumstances where documents transmitted are kept in electronic form from initial issuance to final execution.⁴² However, for a number of Contracting Parties where service of documents in paper format exists, this electronic flow will be interrupted by the need to print documents by an official at some point in the process. Some Contracting Parties have pointed out that this could involve additional risk and resources for the requested State. Further, in certain circumstances, where documents are voluminous and would need to be scanned by Contracting Party A, to be electronically transmitted to Contracting Party B, only to be printed for service, e-transmission may be impracticable. Large quantities of evidence obtained that is paper-based, may also be required to be presented in original format in a court of origin, which will, in those circumstances, make e-transmission impracticable.⁴³ Further consideration should be given to how to accommodate these current realities while continuing to improve the use of IT.

D. Proposals

14 With an increasing number of Contracting Parties transmitting requests electronically and noting the range of methods currently used in e-transmission and the need to consider security, data protection and ongoing hard copy requirements in some Contracting Parties, the current reality is rather nuanced and requires further exploration.

15 The SC is invited to note the benefits and current practical considerations of e-transmission of requests under the Conventions. The SC is also invited to agree that Contracting Parties should continue to encourage e-transmission with the aim of improving the operation of the Conventions. It is suggested that in the short term, Contracting Parties could be encouraged to reflect and to explore possible means to implement e-transmission and to keep up to date particular options for

³⁸ C&R No 39 of 2014 SC.

³⁹ For example, Ireland, Norway and Sweden. See 2022 Service questionnaire summary, responses to question 30.2.

⁴⁰ Please note that all feedback received in response to the revised Service and Evidence Handbooks will be made available on the Secure Portal of the HCCH website in due course.

⁴¹ Regarding large e-mails, there are other methods for shrinking the files and sometimes multiple e-mails are a solution.

⁴² Prel. Doc. No 9 of January 2019 (*op. cit.* note 21), para. 7.

⁴³ For example, one Contracting Party indicated that “[i]ncoming requests for service under the [Service] Convention are too voluminous; too many documents are sent, making electronic transmission impossible”. See 2022 Service questionnaire summary, responses to question 32.

e-transmission and other requirements in their Country Profiles for the Service and Evidence Conventions, to facilitate the use of e-transmission wherever possible. This will also create greater transparency regarding how the Conventions operate in practice.

- 16 In the medium term, the SC is invited to agree that Contracting Parties could meet online to further discuss and exchange experience to develop a deeper understanding of the use of IT. These discussions could occur at the bilateral, regional, and global levels and would either be supported to the greatest extent possible by the PB or facilitated and conducted under the auspices of the PB. One outcome of these discussions might be the development of further guidance on the use of e-transmission and associated matters.
- 17 As a longer-term project, the SC is invited to recommend that the PB seek to amend its 2019 mandate.⁴⁴ A modified mandate would be to conduct further work on the use of technology to support and improve the operation of the Conventions, with a view to informing CGAP on the desirability and feasibility of the development of an international system to facilitate the e-transmission of requests or alternatively, to propose how a decentralised system of platforms for the transmission of requests may function effectively. Establishing a common system would entail addressing various concerns including access permissions, standardising formalities, reaching agreement on privacy and security standards, and operating costs.⁴⁵ Considerations of a decentralised system may include the above matters and in addition would include issues of interoperability.⁴⁶ Any future system would also need to incorporate the possibility to print documents in circumstances where it would not be possible to use them in electronic form. The SC may also consider recommending that a mandate be sought to establish an EG to further progress this work.

III. Electronic Service

A. General

- 18 e-Service (e.g., service via e-mail or in some circumstances via an online platform) generally allows the expeditious service of documents to an addressee. Thus, it can bring the documents to the attention of the recipient in a timely manner. Over the past decade, there has been a significant increase in the number of Contracting Parties to the Service Convention which permit e-service. In the 2013 Service questionnaire, only 28.2% of respondents (13 respondents) reported developments regarding e-service, while 32 respondents advised that e-service was not possible. However, according to the 2022 Service questionnaire summary, 67% of respondents (29 respondents) permit e-service, either to its full extent, or with limited conditions, while the number of respondents advising that e-service is not yet possible has noticeably decreased to 15 Contracting Parties.⁴⁷ Several Contracting Parties have enacted legislation permitting e-service, primarily in domestic cases.⁴⁸ Requirements vary among jurisdictions but can include either the

⁴⁴ C&D No 40 of CGAP 2019.

⁴⁵ HCCH a|Bridged Edition 2019 (*op. cit.* note 23), pp. 20-21.

⁴⁶ *E.g.*, Austria has expressed its interest in making electronic systems compatible, and Brazil mentioned that multiple systems should be avoided, except when there is only one interface. See 2022 Service questionnaire summary, responses to question 33.

⁴⁷ See 2022 Service questionnaire summary, responses to question 31.

⁴⁸ For example, China (Art. 90 of the Civil Procedure Law of the People's Republic of China allows service via electronic means); Germany (Section 173 of the German Code of Civil Procedure (*Zivilprozessordnung*)); Japan (Arts 109-2, 132-11(2)) of the Code of Civil Procedure provides for service via electronic means with recipient's prior consent or the consent of an attorney who is a litigation representative. These provisions will come into force by May 2026); Korea (Republic of) (Art. 11 of the Act on the Use of Electronic Documents in Civil Litigations provides for e-service with the prior consent of recipients); and Switzerland (Art. 139 of the Code of Civil Procedure allows service via electronic means, provided that the addressee has given their prior consent).

consent of the recipient, or the authorisation by competent courts, or the use of secure platforms or secure e-mail.

19 Even among Contracting Parties permitting e-service, the method of service varies. In the 2022 Service questionnaire, Contracting Parties were asked whether their State permitted the execution of service via electronic means. Respondents advised that methods include an online platform administered by the relevant government, which is used by 33% of respondents, followed by regular e-mail, used by 20% of respondents. Secured or encrypted e-mail is also used by 10% of respondents.⁴⁹ It is submitted that as the ability to effect service electronically continues to increase, the related issue of e-transmission of requests between Contracting Parties will also become a preferred method of transmission. Therefore, it is important to monitor domestic developments in e-service to consider optimum solutions for e-transmission globally.

20 While the issue of e-service is largely a domestic issue for Contracting Parties, as noted above, it does have a bearing on the successful uptake of e-transmission under the main channel of the Service Convention. It may also be relevant to e-transmission under Article 10(b) (direct communication between judicial officers, officials or other competent persons), and Article 10(c) (direct communication between an interested party and judicial officers, officials or other competent persons) and is directly relevant to service using Article 10(a).

B. Considerations

1. Do “Postal Channels” under Article 10(a) encompass e-mail?

21 In relation to e-service, Contracting Parties continue to have different views as to whether “postal channels” provided for by Article 10(a) include e-mail. According to the responses to question 23.4 of the 2022 Service questionnaire summary, Contracting Parties remain divided as to whether or not service via e-mail or other forms of e-service is within the scope of Article 10(a). Some Contracting Parties consider service by e-mail to be analogous to service by postal channels, while others do not.⁵⁰

22 One view supporting the term “postal channels” as being construed to include service via e-mail is based on the “functional equivalence” approach.⁵¹ Indeed, several courts in the United States have decided that service via “e-mail” is encompassed by service by “postal channels”.⁵² Dissenting opinion is based on the ground that the scope of “postal channels” does not extend to include e-mail, due to the differences between traditional mail and e-mail.⁵³

2. Security and Data Protection

23 From an IT perspective, the primary concerns with service by e-mail are security and data protection. Typically, messages sent via regular e-mail are unencrypted, vulnerable to interception by third parties, and susceptible to modification. Security issues can also apply to paper

⁴⁹ See 2022 Service questionnaire summary, para. 50.

⁵⁰ *Ibid.*, para. 36.

⁵¹ See, for example, UNCITRAL 1996 Model Law on Electronic Commerce, available at https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce [last consulted on 5 June 2024]. See also C.T. Kotuby, Jr., “International Anonymity: the Hague Convention on Service and Evidence and their Applicability to Internet-related Litigation”, (2000) 20 *J.L. & Com.* 103, p. 116; Y.A. Tamayo, “Catch Me If You Can: Serving United States Process on an Elusive Defendant Abroad”, (2003) 17 *Harv. J.L. & Tech.* 211, pp. 242-243; J.A. Colby, “You’ve Got Mail: the Modern Trend towards Universal Electronic Service of Process”, (2003) 51 *Buff. L. Rev.*, 337, pp. 351-353.

⁵² *Agha v. Jacobs*, No C 07-1800 RS, 2008 WL 2051061 (N.D. Cal., May 13, 2008); *Facebook, Inc. v. 9 Xiu Network (Shenzhen) Tech. Co.* 480 F. Supp. 3d 977 (N.D.Cal. 2020).

⁵³ *Genus Lifesciences Inc. v. Tapaysa Eng’g Works Pvt. Ltd.*, No 20-CV-3865, 2021 WL 915662 (E.D. Pa. Mar. 10, 2021); T.J. Folkman, “The Year in review 1: Service by e-mail under the Hague Service Convention”, 26 December 2011, *Letters Blogatory* (the Blog of International Judicial Assistance), available at <http://lettersblogatory.com/2011/12/26/service-by-email/> [last consulted on 5 June 2024].

documents. However, encryption and digital signatures can be incorporated into regular e-mail. A further issue with e-mail is that it may also be difficult to ascertain whether the addressee has received the document, for example, where the e-mail intended to effect service is automatically sent to spam. These issues also lead to the question of authenticity, as it may be difficult to guarantee the identity of the sender regarding service via e-mail, this could also be the case with paper requests. On the contrary, utilising secure platforms for the e-service of documents would seem to offer enhanced security features as messages are encrypted or bear a digital signature. These platforms may offer better protection from third parties intercepting messages. This form of e-service might also guarantee the authenticity of the sender.

C. Proposals

- 24 In light of the benefits as well as challenges concerning e-service, Contracting Parties may wish to share experiences and exchange perspectives on e-service, including as it relates to Article 10(a), at the upcoming meeting of the SC.
- 25 It is suggested that the SC may recommend that Contracting Parties reflect and keep up to date particular domestic options for e-service, including where applicable, e-service under Article 10(a) in their respective Country Profiles for the Service Convention to facilitate the use of e-transmission and to assist with the operation of Article 10(a) where it applies.
- 26 The SC may also wish to note that the Country Profiles will provide a useful source of information for any parties or officials seeking to make a request to another Contracting Party for the service of documents, and that Contracting Parties should undertake efforts to promote the existence of these Country Profiles domestically and recommend that they be consulted prior to the making of a request.

IV. The Use of Video-Link

A. General

- 27 When it comes to the modern operation of the Evidence Convention, taking evidence via “video-link” is where IT is already making a great contribution. Video-link refers to the technology which allows two or more locations to interact simultaneously by two-way video and audio transmission, facilitating communication and personal interaction between these locations. The numerous advantages in the use of video-link in the taking of evidence lie in the benefit of overcoming physical distance. This characteristic offers significant reductions in time, cost, inconvenience, and environmental impact which might arise with physical travel to court.⁵⁴ Thus, where time differences between Contracting Parties are manageable, video-link enables greater flexibility in scheduling proceedings. Also, it accommodates specific needs of individuals such as those with physical or psychological issues, or those experiencing other difficulties to be present at the court. Video-link facilitates the presence and / or participation of the parties, their representatives, and judicial personnel to the proceedings. Overall, the use of video-link might enhance the efficiency of the procedure for the taking of evidence and ensure a high level of inclusivity in the proceedings, thereby safeguarding access to justice for all parties involved. It is acknowledged, however, that while the use of video-link is a positive innovation, there are, at the same time certain practical challenges to using video-link that will arise in some matters and these challenges will need to be further addressed. At its meetings in 2003, 2009 and 2014, the SC has recognised that the use of

⁵⁴ Council of the European Union, “D1a: Judicial use cases with high benefits from cross-border videoconferencing”, Multi-aspect initiative to improve cross-border videoconferencing (“Handshake” Project), 2017, p. 2; M. Davies, “Bypassing the Hague Evidence Convention: Private International Law Implications of the Use of Video and Audio Conferencing Technology in Transnational Litigation”, *American Journal of Comparative Law*, Vol. 55 (2), 2007, p. 206.

video-link and similar technologies assists in the taking of evidence abroad and is consistent with the current framework of the Evidence Convention.⁵⁵ However, the SC also noted that such technologies may be available provided that their use is not forbidden in the Contracting Party where the evidence is to be taken, and provided that the necessary permission has been obtained when such permission is required.⁵⁶

28 According to the 2013 Evidence questionnaire, only three respondents had implemented video-link under Chapter II. However, in response to the 2017 questionnaire,⁵⁷ 18 respondents indicated that they allowed video-link under Chapter II, and 29 out of 32 respondents in total allowed video-link under Chapter I. This indicates that the trend of implementing video-link for the taking of evidence abroad was increasing even before the pandemic.

29 According to the 2022 Evidence questionnaire, 18 respondents indicated they allow video-link under Chapter II,⁵⁸ and 76% of respondents (this equates to 32 respondents) facilitate the use of video-link under Chapter I.⁵⁹

B. Video-link use under the Evidence Convention

30 The use of video-link is permissible in both the execution of a Letter of Request under Chapter I and the execution of a request under Chapter II of the Evidence Convention. Under Chapter I, the requesting authority may request a special method or procedure to be followed pursuant to Article 9(2), such as to be present by video-link during the taking of testimony by the competent authority in the requested State (indirect taking of evidence). It is understood that some Contracting Parties may also permit judicial personnel in the requesting State to conduct the examination directly through video-link under Chapter I. This is described as direct taking of evidence under Chapter I.⁶⁰ Chapter II provides for a Contracting Party to permit evidence to be taken in its territory by diplomatic officers, consular agents, or commissioners. This is also described as the direct taking of evidence. There appears to be broad support for the use of video-link for the taking of evidence under Chapter II.

31 Under Chapters I and II of the Evidence Convention respectively, the use of video-link can operate as follows:

- Chapter I
 - ⇒ Indirect taking of evidence (Arts 7, 8 and 9)
 - ⇒ Direct taking of evidence under Article 9(2) gives rise to different views, and is only available in some Contracting Parties
- Chapter II
 - ⇒ Commissioners may take evidence by video-link either from the State of origin or State of execution (Arts 17 and 21)
 - ⇒ Diplomatic officers and consular agents, by nature of their function, will presumably be located in the State of execution, from where they will take evidence (Arts 15, 16 and 21)

⁵⁵ C&R No 4 of 2003 SC; C&R No 54 of 2009 SC; and C&R No 20 of 2014 SC.

⁵⁶ C&R No 54 of 2009 SC.

⁵⁷ In 2017, a questionnaire was circulated by the PB to Contracting Parties on the use of information technology in the operation of the Evidence Convention (see path indicated in note 20).

⁵⁸ 2022 Evidence questionnaire summary, responses to question 41.

⁵⁹ *Ibid.*, responses to question 40.

⁶⁰ Not all Contracting Parties share the view that direct taking of evidence is possible under Chapter I.

C. Considerations

1. Direct Taking of Evidence under Chapter I

- 32 The Evidence Convention does not contain any mention of the possibility of direct taking of evidence under Chapter I. The Convention was drafted at a time when the indirect taking of evidence was customary due to notions of sovereignty, in addition to insufficient technology. Views diverge as to whether the direct taking of evidence is permitted under Chapter I.⁶¹
- 33 From a literal interpretation of Article 1 of the Evidence Convention, Chapter I would not appear to allow direct taking of evidence as it specifically provides that a judicial authority of a Contracting Party sends a request to the competent authority of another Contracting Party to obtain evidence. Consequently, while some Contracting Parties allow direct taking of evidence under Chapter I, others may consider its provisions to be a legal obstacle and therefore may be of the view that direct taking of evidence exceeds the scope of Chapter I of the Convention. Also, for some Contracting Parties there may be sovereignty concerns for the direct taking of evidence under Chapter I.⁶²
- 34 On the contrary, some Contracting Parties comply with requests for the direct taking of evidence under Chapter I, following a special request made under Article 9(2). The practice varies, and while some requested States require the presence of their judicial personnel in the examination of the witness or the compliance with other safeguards, others only require that their Central Authority is informed or notified.
- 35 This possibility of direct taking of evidence offers benefits including the reduction in costs and time. This would be also useful in circumstances where there was a willing witness, in small claims matters, and also in collective redress litigation. Direct taking of evidence may also be relevant where Chapter II does not operate in certain Contracting Parties or where video-link is not expressly provided neither by the internal law or practice of the requested State (Art. 27(c)) nor in other conventions on the taking of evidence abroad (Art. 32).
- 36 According to the 2017 questionnaire,⁶³ responses were almost evenly divided as to whether evidence could be taken directly by video-link under Chapter I. While 16 respondents allowed for the direct taking of evidence by video-link under Chapter I, 14 respondents were of the opposite view. One Contracting Party has passed legislation to permit the direct taking of evidence by video-link under Chapter I to supplement, in its view, the lack of grounds under the Evidence Convention for the direct taking of evidence.⁶⁴ However, it seems that there is no clear trend and practices may vary among Contracting Parties.

2. Better Understanding of the Use of Video-link

- 37 Responses to the 2022 Evidence questionnaire expressed a clear desire to understand how video-link is operating in different Contracting Parties, and under what circumstances video-link can be used. For example, one Contracting Party has noted that it would be useful to know if Contracting Parties view both deposition (or similar testimony) and live trial testimony as falling within the scope of the Evidence Convention. Some measures have already been taken to highlight, at a broad level, how video-link can be used, including through incorporating information from the Guide to Good Practice on the Use of Video-Link into the Evidence Handbook. However, up to date

⁶¹ For example, a judge of the requesting State conducting the examination.

⁶² However, as a Letter of Request under Chapter I would seek to use video-link as a special measure, sovereignty concerns may be addressed by way of a refusal to follow the request as the direct taking of evidence would be regarded as incompatible with the internal law of the requested State.

⁶³ See responses to Part V, question (b) of the 2017 questionnaire (see path indicated in note 20).

⁶⁴ *Id.*

Contracting Party-specific information would be useful. The use of video-link warrants a broad discussion at the meeting of the SC, where Contracting Parties will have the opportunity to exchange practices and explain how such requests are dealt with by their authorities.

D. Proposals

- 38 The SC may wish to note the differing views regarding whether video-link can be used to take evidence directly under Chapter I. The SC may seek that Contracting Parties which permit the direct taking of evidence by video-link under Chapter I provide more information about how this occurs in practice to the PB so that examples can be summarised and included in the Evidence Handbook.
- 39 Contracting Parties are also encouraged to exchange information at the upcoming meeting of the SC about their experience with the use of video-link and other modern technologies to assist the taking of evidence abroad.
- 40 The SC may also wish to note that the Country Profiles will provide a useful source of information for any parties or officials seeking to use video-link in connection with the taking of evidence in another Contracting Party, and that Contracting Parties should undertake best efforts to provide information about video-link in the Country Profiles and keep this information updated. Contracting Parties should also promote the existence of these Country Profiles domestically and recommend that they be consulted prior to the making of a request involving video-link.

V. Other IT measures

A. Communication between Contracting Parties via Electronic Means

- 41 The use of IT enables swift communication between Contracting Parties and, as a result, improves the efficiency of the Conventions. According to the 2022 questionnaires, several Contracting Parties refer to communication via electronic means as the main IT development regarding the operation of the Conventions.⁶⁵ The SC has recommended that once a request for service has been transmitted, any informal communication between forwarding authorities and Central Authorities may be carried out by any appropriate means, including e-mail and fax.⁶⁶ For example, when a request for service is incomplete, rather than sending back the request with a letter to the requesting State, the Central Authority may use electronic means to communicate directly with the forwarding authority so that the additional information can be provided.

B. Considerations

- 42 In certain circumstances, the use of IT as a form of communication between Contracting Parties may present challenges in light of legal limitations, privacy and data considerations. However, it appears that in practice, the use of IT in connection with communication between authorities has generally served to improve the ability to resolve questions and other issues efficiently. There are also several IT solutions to provide for secure communication in levels above those of physical postal services.
- 43 A common issue that Contracting Parties have raised with the PB, in connection with the Service Convention, is that it is often difficult to find a contact e-mail address for the forwarding authority. In light of this, the PB has proposed certain updates to the Guidelines for completing the Model Form for the Service Convention. These updates encourage the inclusion of not only the full name and postal address but also the telephone, fax number and e-mail address of the forwarding

⁶⁵ 2022 Service questionnaire summary, responses to question 28; and 2022 Evidence questionnaire summary, responses to question 44.

⁶⁶ See C&R No 24 of 2009 SC.

authority. Requesting this information is intended to enable the efficient and rapid electronic communication between authorities.

- 44 New Country Profiles that will be introduced shortly will also greatly enhance the uploading and updating of Contracting Party-specific information on the practical operation of the Conventions. These Country Profiles are designed to provide users of the Conventions with up to date information including important contact information. The Country Profiles will also be available online and each Contracting Party will be able to directly update information, making the process for updates as streamlined as possible.

C. Electronic Register System

- 45 Contracting Parties which have implemented an electronic case management register or system to track incoming and / or outgoing requests have also made commendable IT advancements to facilitate the operation of the Conventions. Under the Service Convention, among 70% of respondents who answered the 2022 Service questionnaire advised that they track incoming requests for service, 49% of these respondents use an electronic system for both incoming and outgoing requests, and 14% use an electronic system for incoming requests only.⁶⁷ Under the Evidence Convention, among 68% of respondents who responded to the 2022 Evidence questionnaire reported that they track incoming requests, 54% use an electronic case management register or system for both incoming and outgoing requests, while 21% use such a system for incoming requests only.⁶⁸ The implementation of an electronic register or system could improve the efficiency and speed of executing requests as it ensures requests are tracked systematically and allows authorities to take necessary steps at each stage of the process. It also makes responding to queries from Contracting Parties easier.

D. Use of Electronic Forms

- 46 Using electronic forms for requests is another facet of integrating IT into the operation of the Conventions. The use of the electronic form for requests or at least the Model Form can be helpful to resolve practical difficulties reported⁶⁹ such as avoiding illegible handwriting in requests. For the Service and Evidence Conventions, fillable bilingual and trilingual versions of the Model Form in both Word and PDF formats are available on the Service and Evidence Sections of the HCCH website. It should be noted that the electronic form to be used should be the most updated version of the Model Form.⁷⁰ As to the completion of the electronic form, diverse methods are practiced, including solely using electronic forms, and furthermore, incorporating digital signatures.⁷¹ However, there are divergent views on the acceptance of digital or electronic signatures. While some Contracting Parties have expressed concerns about verification, authenticity and different levels of security, other Contracting Parties support accepting digital or electronic signatures, especially if they are transmitted from a foreign Central Authority.
- 47 The upcoming meeting of the SC provides an opportunity to discuss the use of electronic forms and to ensure that, wherever possible and where they can be validated, such forms issued electronically can and should remain in electronic format. Measures that could be explored, for example, may be a recommendation to include a simple verification mechanism via a QR code.

⁶⁷ 2022 Service questionnaire summary, para. 10 and responses to question 3.

⁶⁸ 2022 Evidence questionnaire summary, para. 10 and responses to question 4.

⁶⁹ 2022 Service questionnaire summary, responses to question 32.

⁷⁰ This requirement is mandatory under the Service Convention to which the Model Form is annexed, and strongly recommended by the SC under the Evidence Convention.

⁷¹ 2022 Service questionnaire summary, responses to questions 32 and 33.

E. Proposals

- 48 Contracting Parties are encouraged to circulate or publish the updated Guidelines to the Model Form for the Service Convention and invited to encourage forwarding authorities to provide contact information in requests so that issues can be resolved via e-mail or other electronic communication.
- 49 Contracting Parties are encouraged to implement electronic case registers or management systems to track requests.
- 50 Contracting Parties are encouraged to use electronic versions of the Model Forms and are encouraged to support the acceptance of digital or electronic signatures on requests, especially if they are transmitted from a Central Authority. Contracting Parties are encouraged to share whether they have adopted measures (or will adopt measures) to support the acceptance of digital or electronic signatures on requests.

VI. Remarks and Proposals

- 51 Noting that Contracting Parties are operating at different points along the digital spectrum, there continues to be an increase in the use of IT in the operation of the Conventions. The many opportunities to use IT can assist with the effective operation of the Conventions. The upcoming meeting of the SC provides an opportunity for delegates to propose future work that will ensure the Conventions are able to meet the expectations of society today and into the future.

- 52 In this regard, the PB invites the SC to consider the following:

a. General remarks

Reiterate the effectiveness and the importance of the continued use of IT for the efficient operation of the Service, Evidence, and Access to Justice Conventions.

Acknowledge the benefits of the use of IT, while also recognising that security, data protection and privacy matters are a key consideration and should be addressed. Noting that these security considerations could be addressed in relation to physical post and in the electronic transmission of requests.

b. Handbooks

Note that the SC C&R regarding relevant issues on IT will be included into the revised Handbooks on the Service and Evidence Conventions.

c. Country Profiles

Agree that the Country Profiles will provide a useful source of information for any parties or officials seeking to make a request to another Contracting Party for the service of documents or the taking of evidence abroad, and that Contracting Parties should undertake efforts to promote the existence of these Country Profiles domestically and recommend that they be consulted prior to the making of a request.

Note the importance of updating the Country Profile which can serve as a tool to identify how IT is implemented in the operation of the Conventions in respective Contracting Parties.

Contracting Parties should be encouraged to provide and to keep up to date particular options for e-transmission and other requirements in their Country Profiles for the Service and Evidence Conventions to facilitate the use of e-transmission wherever possible.

Contracting Parties should be encouraged to provide and to keep up to date particular options for e-service, including where applicable, e-service under Article 10(a) in their respective Country

Profiles for the Service Convention to facilitate the use of e-transmission and to assist with the operation of Article 10(a) where it applies.

d. e-Transmission

In the short term, Contracting Parties are encouraged to provide information and to keep up to date particular options for e-transmission and other requirements in their Country Profiles for the Service and Evidence Conventions to facilitate the use of e-transmission wherever possible.

In the medium term, the SC encourages Contracting Parties to meet online to further discuss and exchange experiences to develop a deeper understanding of the use of IT and to develop further guidance for e-transmission and associated matters. These discussions could occur biannually and would either be supported by, or conducted under the auspices of, the PB. Such meetings could be held by way of online workshops for Central Authorities and other users of the Service and Evidence Conventions.

As a longer-term project, the SC is invited to recommend that the PB seek to amend its 2019 mandate.⁷² A modified mandate would be to conduct further work on the use of technology to support and improve the operation of the Conventions, with a view to making a future possible proposal for the development of an international system to facilitate the e-transmission of requests or alternatively, to propose how a decentralised system of platforms for the transmission of requests may function effectively. Establishing a common system would entail addressing various concerns including access permissions, standardising formalities, reaching agreement on privacy and security standards, and operating costs. Considerations of a decentralised system may include the above matters and, in addition, would include issues of interoperability. The SC may also consider recommending that a mandate be sought to establish an EG to further progress this work.

e. Video-link

Note that the Country Profiles will provide a useful source of information for any parties or officials seeking to use video-link in connection with the taking of evidence in another Contracting Party, and that Contracting Parties should undertake best efforts to provide information about video-link in the Country Profiles and keep this information updated. Contracting Parties should also promote the existence of these Country Profiles domestically and recommend that they be consulted prior to the making of a request involving video-link.

Acknowledge the different views regarding the use of video-link to take evidence directly under Chapter I, despite the benefits that it can bring. Seek that Contracting Parties which permit the direct taking of evidence by video-link under Chapter I provide more information to the PB about how this occurs in practice so that examples can be summarised and included in the Evidence Handbook and, if required, further information can be developed to inform Contracting Parties on this issue.

f. Communicate using IT

Contracting Parties are encouraged to communicate with each other using IT methods, taking into account data security and privacy issues.

g. Electronic case registers or management systems

Contracting Parties are encouraged, where possible, to implement electronic case registers or management systems to track requests.

⁷² C&D No 40 of CGAP 2019.

h. Acceptance of electronic forms and signatures

Contracting Parties are encouraged to use electronic versions of the Model Forms and encouraged to support the acceptance of digital or electronic signatures on requests, especially if they are transmitted from a foreign Central Authority. Contracting Parties are encouraged to share whether they have adopted measures (or will adopt measures) to support the acceptance of digital or electronic signatures on requests.

i. Guidelines to the Model Form

Contracting Parties are encouraged to circulate or publish the updated Guidelines to the Model Form for the Service Convention and encourage forwarding authorities to provide contact information in requests so that issues can be resolved via e-mail or other electronic communication.