

Title	A Compilation of Previous Conclusions and Recommendations (C&R) outlining Good Practices for Central Authorities, other authorities, and officials in the operation of 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions
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Objective	To present the Conclusions and Recommendations (C&R) from previous meetings of the Special Commission which have been collated for Central Authorities and other authorities to assist with the implementation and operation of the Service, Evidence, and Access to Justice Conventions
Action to be Taken	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"/>
Annexes	Annex I - Good Practices relating to the Service Convention Annex II - Good Practices relating to the Evidence Convention Annex III - Good Practices relating to the Access to Justice Convention
Related Documents	Info. Doc. No 1 of June 2024 - Conclusions and Recommendations (C&R) of previous Meetings of the Special Commission (SC) on the practical operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions

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A Compilation of Previous Conclusions and Recommendations (C&R) outlining Good Practices for Central Authorities, other authorities, and officials in the operation of the 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions

I. Introduction

1. Pursuant to the mandate of the Council on General Affairs and Policy (CGAP) at its 2021 and 2022 meetings,¹ in December 2022 the Permanent Bureau (PB) circulated three questionnaires,² on 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) (collectively, Conventions) to both Contracting Parties and non-Contracting Parties. Based on the questionnaire responses and feedback received during bilateral consultations that the PB has conducted with a number of Central Authorities, the PB identified that further practical guidance on the operation of these Conventions, particularly for Central Authorities, other authorities and officials, would be useful.
2. The PB notes that many of the issues and practical difficulties experienced by Central Authorities and other authorities designated under the Conventions have been discussed during previous Special Commission (SC) meetings, and these issues have often been addressed in the Conclusions and Recommendations (C&R) of each SC meeting. A substantial collection of C&R has been produced over the course of meetings of the SC.
3. Relevant C&R have been incorporated and reflected throughout the *Practical Handbook on the Operation of the Service Convention* and the *Practical Handbook on the Operation of the Evidence Convention* (Practical Handbooks), which are designed to assist users with the operation of the respective Service and Evidence Conventions.³ While the Practical Handbooks aim to provide comprehensive information on the Conventions, and the existing C&R pertaining to the Conventions are numerous, a curated set of C&R, providing guidance on the daily operation of the Conventions is not easily located in the materials.
4. Against this background, and in order to further assist Central Authorities and other authorities in navigating the daily operation of the Conventions, the PB has compiled a set of specific C&R that outline good practices (Good Practices). This document is also designed to assist in streamlining practices among Contracting Parties, particularly in relation to each of the possible roles played by Central Authorities and other authorities.

¹ C&D No 36 of CGAP 2021; C&D No 32 of CGAP 2022, available on the HCCH website at www.hcch.net under “Governance” then “Council on General Affairs and Policy” then “Archive (2000-2023)”.

² “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; “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 2022; “Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice* (Access to Justice Convention)”, Prel. Doc. No 5 of December 2022, 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”.

³ The draft 5th editions of both Practical Handbooks have been submitted to the Special Commission on the practical operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions, taking place from 2 to 5 July 2024 (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 2).

5. The Good Practices, which are listed in the Annexes, are drawn directly from previous C&R, and therefore are non-binding in nature. Contracting Parties retain discretion in the implementation of the practices, in accordance with their respective laws, policies and procedures.
6. For the C&R that may warrant updating, a “possible new text for consideration” has been inserted into the Good Practices for the SC’s consideration. Relevant C&R from the 2024 SC may also be included in the Good Practices.
7. The Good Practices are prepared for each of the three Conventions. Annex I (for the Service Convention) contains good practices applicable to the transmission of judicial and extrajudicial documents for service abroad under the main channel of transmission (Art. 5). Annex II (for the Evidence Convention) focuses on the transmission of Letters of Request for the taking of evidence and the performance of other judicial acts under Chapter I (Arts 1-14). Lastly, Annex III (for the Access to Justice Convention) contains good practices in relation to the presentation, transmission, and receipt of applications for legal aid. It should be noted that in order to ensure consistency, certain good practices that are already implemented under one Convention, as originally proposed by an existing C&R, are, where appropriate, incorporated into the good practices for the other Convention(s).
8. The PB acknowledges that there may be topics or practices not covered in the Good Practices where there are no current C&R. The SC may also consider that rather than solely relying on the language of the C&R to produce these Good Practices, further work should be undertaken. The SC may wish to recommend that CGAP mandate the establishment of a Working Group (WG) to develop or refine these Good Practices.
9. Once finalised, the Good Practices could be made publicly available on the HCCH website under each respective section of the Conventions. They could also be included as an Annex to the Service and Evidence Practical Handbooks in order to further assist with the implementation and operation of the two Conventions. The PB could also distribute these Good Practices to new and existing Central Authorities for implementation and training purposes.

II. Possible C&R for the consideration of the SC

10. The SC may wish to acknowledge the usefulness of the Good Practices for Central Authorities and other authorities under the 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions.
11. The SC may also wish to recommend to CGAP that a WG be established to develop or refine the Good Practices for Central Authorities, other authorities, and officials in the operation of the 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions.

ANNEXES

Annex I: Service Convention

Good Practices for Central Authorities and other authorities under the Service Convention

Recalling the framework of the Service Convention and the practical importance and impact of effective cross-border judicial and administrative cooperation, and reiterating that the spirit and letter of the Convention does not constitute an obstacle to the use of information technology, the following Conclusions and Recommendations (C&R), endorsed by the Special Commission (SC), are applicable to officials engaged in the operation of the transmission of judicial and extrajudicial documents for service abroad under the main channel of transmission (Art. 5).

1. Good practices relating to the general operation of Central Authority(ies) and other authorities:

a. Provide and maintain contact information for Central Authority(ies) and other authorities

“The SC encourages Contracting States to provide the Permanent Bureau with information to be published in the practical information charts available on [the Service and Evidence] Sections, and to update this information as required, in particular the contact details for Central Authorities.” (C&R No 4 of the 2014 SC)

[Note: This C&R requires updating in light of the introduction of the new Country Profiles.]

“The SC requested all States party to provide to the Permanent Bureau complete contact information (postal address, telephone and fax numbers, e-mail and website addresses) for their Central Authorities, particularly for States that have designated more than one Central Authority or other authorities under Article 18. The SC noted the importance of regularly updating of this information on the Conference’s website.” (C&R No 51 of the 2003 SC)

[Note: This C&R requires updating in light of the introduction of the new Country Profiles.]

Possible new text for consideration:

The SC requested Contracting Parties to complete all fields in the Country Profiles to the greatest extent possible. The SC noted the importance of regularly updating the Country Profiles, in particular the contact details for the Central Authority(ies) and other authorities, to facilitate the practical operation of the Conventions.

b. Respond to enquiries regarding the status of execution

“The SC welcomes the practice reported by certain Contracting States whereby Central Authorities promptly respond to enquiries from Requesting Authorities and / or interested parties about the status of execution, and encourages all Contracting States to embrace this practice where possible.” (C&R No 30 of the 2014 SC)

“(…) the SC recommends: (a) If a forwarding authority has not received any acknowledgement of receipt of the request for service from the requested State within 30 calendar days following the sending of the request, it is encouraged to contact the Central Authority in the requested State to inquire about the status of the

request. Such inquiry should be answered within a reasonable time.” (C&R No 23(a) of the 2009 SC)

c. **Promote the “Service Section” of the HCCH website**

“The SC notes that the Service Section and Evidence Section of the Hague Conference website are a very helpful source of information relating to the practical operation of the Conventions concerned, and encourages Central Authorities to publicise them.” (C&R No 4 of the 2014 SC)

“The SC notes that the “Service Section” of the Hague Conference website is a very helpful source of current practical information relating to the Service Convention. (...) The SC also encourages States Parties to take steps to promote the “Service Section” amongst relevant authorities.” (C&R No 8 of the 2009 SC)

d. **Publicise the C&R of SC meetings among users of the Convention**

“The SC encourages Contracting States to publicise the C&R among users of the Conventions, including judicial authorities, judicial officers, practitioners, and Central Authorities.” (C&R No 2 of the 2014 SC)

2. Good practices relating to the preparation and transmission of requests for service:

a. **Use of the Model Form**

“The SC recalls C&R No 29 of the 2009 SC, reaffirming the mandatory use of the Model Form, and welcomes the Guidelines for Completing the Model Form developed by the Permanent Bureau. The SC also notes the importance of sending Model Forms that are fully, correctly and clearly completed, preferably with word processing technology and not by hand.” (C&R No 25 of the 2014 SC)

b. **Transmit requests for service by electronic means**

“The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.” (C&R No 39 of the 2014 SC)

“The SC recalls Conclusions and Recommendations Nos 59 to 64 of the 2003 Special Commission relating to the use of modern technology and the Convention.” (C&R No 37 of the 2009 SC)

“It can be concluded, however, that the transmission of documents internationally for the purposes of the Convention can and should be undertaken by IT-Business methods including e-mail; this is already happening and the SC recommends that States party to the Convention explore all ways in which they can use modern technology for this purpose.” (C&R No 62 of the 2003 SC)

c. **Contact the Central Authority to enquire about the status of execution**

“(…) the SC recommends: (a) If a forwarding authority has not received any acknowledgement of receipt of the request for service from the requested State within 30 calendar days following the sending of the request, it is encouraged to contact the Central Authority in the requested State to inquire about the status of the request. Such inquiry should be answered within a reasonable time”. (C&R No 23(a) of the 2009 SC)

d. **Specify the time after which service is no longer required**

“(…) the SC recommends: (h) The forwarding authority is also encouraged to specify in the request a time after which service is no longer required or inform the relevant authority of the requested State at any time that service is no longer required.” (C&R No 23(h) of the 2009 SC)

3. Good practices relating to the receipt and execution of requests for service:

a. **Receive requests for service transmitted by electronic means**

“The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.” (C&R No 39 of the 2014 SC)

“The SC recalls Conclusions and Recommendations Nos 59 to 64 of the 2003 Special Commission relating to the use of modern technology and the Convention.” (C&R No 37 of the 2009 SC)

“It can be concluded, however, that the transmission of documents internationally for the purposes of the Convention can and should be undertaken by IT-Business methods including e-mail; this is already happening and the SC recommends that States party to the Convention explore all ways in which they can use modern technology for this purpose.” (C&R No 62 of the 2003 SC)

b. **Acknowledge the receipt of requests**

“(…) the SC recommends: (a) If a forwarding authority has not received any acknowledgement of receipt of the request for service from the requested State within 30 calendar days following the sending of the request, it is encouraged to contact the Central Authority in the requested State to inquire about the status of the request.” (C&R No 23(a) of the 2009 SC)

c. **Contact the forwarding authority to secure missing information or document(s)**

“(…) the SC recommends: (b) Where the request for service cannot be executed as a result of inadequate information or document(s) forwarded, the Central Authority of the requested State is encouraged to contact, as promptly as possible, the forwarding authority in order to secure the missing information or document(s).” (C&R No 23(b) of the 2009 SC)

d. **Decide whether the request complies with the provisions of the Convention**

“(…) the SC recommends: (c) Whenever the Central Authority of the requested State is considering, under Article 4, whether the request complies with the provisions of the Convention, it is encouraged to take that decision within 30 calendar days of receipt of the request.” (C&R No 23(c) of the 2009 SC)

e. **Assist the forwarding authority in circumstances where the address is incomplete or incorrect**

“Recognising that there is no obligation to provide assistance in locating the person to be served under the Service Convention, the SC notes that many Contracting States have reported employing a variety of practices to assist, as a Requested State, in circumstances when the address is incomplete or incorrect. Some have even reported assistance when the address is unknown. The SC encourages Contracting

States to provide such assistance consistent with their legal and structural capabilities, when able to do so.” (C&R No 23 of the 2014 SC)

f. **Contact the forwarding authority when problems of interpretation arise and / or to confirm their competence**

“The SC takes the view that a liberal interpretation should be given to the phrase ‘civil or commercial matters’. In doing so, one should focus on the nature of the cause of action and keep in mind that the Convention does not expressly exclude any particular subject matter from the scope of ‘civil or commercial matters’. The SC invites States Parties to encourage their Central Authority to communicate with the forwarding authority when problems of interpretation arise.” (C&R No 14 of the 2009 SC)

“The SC recommended that in any question of doubt as to the competence of the forwarding authority, rather than rejecting the request, the authorities in the State requested should seek to confirm that competence by either consulting the Conference’s website or by making expeditious informal inquiries of the forwarding authorities, including by way of email.” (C&R No 49 of the 2003 SC)

[Note: This C&R may require updating to include a reference to the new Country Profiles.]

Possible new text for consideration:

The SC recommended that where there are doubts as to the competence of the forwarding authority, rather than rejecting the request, the authorities in the requested State should seek to confirm that competence by first consulting the relevant Country Profile. If doubts persist, authorities are encouraged to make expeditious informal enquires to the forwarding authority, including by way of e-mail.

g. **Communicate to the forwarding authority any significant delays in the execution of a request**

“(…) the SC recommends: (d) If at any time during the execution of the request for service, an obstacle arises which may significantly delay or even prevent execution of the request, the Central Authority of the requested State is encouraged to communicate with the forwarding authority as promptly as possible.” (C&R No 23(d) of the 2009 SC)

h. **Serve the documents on the addressee even if the time limit specified therein has passed**

“(…) the Commission decided to recommend that, even if the time for appearance provided in the document had passed, the document still be served unless the requesting authority expressly specified otherwise. The Commission supported the suggestion of the Expert of the United Kingdom to the effect that the form for request might for this type of situation be supplemented by a statement specifying that the document should be served before a certain date and, if this was not possible, either that it should be returned unserved, or that it should nevertheless be served whenever possible.” (Report of the 1977 SC, Part I, §1(B)(1)(c))

i. **Reimbursement of costs by electronic means**

“The SC acknowledges that electronic payment facilitates reimbursement, and encourages Contracting States to provide the Permanent Bureau with relevant

information for inclusion in the practical information charts on the Evidence Section.” (C&R No 15 of the 2014 SC)

“In response to concerns voiced by some Contracting States about difficulties with payments for costs incurred for service, the SC notes that the methods referred to in C&R No 15 (above) regarding the Evidence Convention are equally applicable to payments under the Service Convention.” (C&R No 32 of the 2014 SC)

[Note: This C&R requires updating in light of the introduction of the new Country Profiles.]

Possible new text for consideration:

The SC acknowledges that electronic payment facilitates the reimbursement of costs and encourages Contracting Parties to update their Country Profiles with relevant information in this regard.

4. Good practices relating to the completion and return of the Certificate of Service:

a. Use of the Model Form

“The SC recalls C&R No 29 of the 2009 SC, reaffirming the mandatory use of the Model Form, and welcomes the Guidelines for Completing the Model Form developed by the Permanent Bureau. The SC also notes the importance of sending Model Forms that are fully, correctly and clearly completed, preferably with word processing technology and not by hand.” (C&R No 25 of the 2014 SC)

b. Indicate in the Certificate the provisions of law under which service was effected

“Furthermore, the authority completing the Certificate is encouraged to indicate the relevant provisions in the law of the requested State under which service was effected.” (C&R No 30 of the 2009 SC)

c. Return the Certificate directly to the forwarding authority

“The SC stresses the importance of returning a properly completed certificate under Article 6 to the applicant (*i.e.*, the forwarding authority).” (C&R No 26 of the 2014 SC)

d. Return the Certificate by electronic means

“The SC recalls Conclusions and Recommendations Nos 59 to 64 of the 2003 Special Commission relating to the use of modern technology and the Convention.” (C&R No 37 of the 2009 SC)

“(…) the SC identified a variety of steps for which the use of electronic means may be immediately explored: communication between a requesting party and a forwarding authority, communication between a forwarding authority and a Central Authority of a requested State, and retransmission of the certificate of execution by the designated authority.” (C&R No 63 of the 2003 SC)

Annex II: Evidence Convention

Good Practices for Central Authorities and other authorities under the Evidence Convention

Recalling the framework of the Evidence Convention and the practical importance and impact of effective cross-border judicial and administrative cooperation, and reiterating that the spirit and letter of the Convention does not constitute an obstacle to the use of information technology, the following Conclusions and Recommendations (C&R), endorsed by the Special Commission (SC), are applicable to officials engaged in the transmission of Letters of Request for the taking of evidence and performance of other judicial acts under Chapter I (Arts 1-14).

1. Good practices relating to the general operation of Central Authority(ies) and other authorities:

a. Provide and maintain contact information for Central Authority(ies) and other authorities

“The SC encourages Contracting States to provide the Permanent Bureau with information to be published in the practical information charts available on [the Service and Evidence] Sections, and to update this information as required, in particular the contact details for Central Authorities.” (C&R No 4 of the 2014 SC)

[Note: This C&R requires updating in light of the introduction of the new Country Profiles.]

Possible new text for consideration:

The SC requested Contracting Parties to complete all fields in the Country Profiles to the greatest extent possible. The SC noted the importance of regularly updating the Country Profiles, in particular the contact details for the Central Authority(ies) and other authorities, to facilitate the practical operation of the Conventions.

b. Provide informal assistance to requesting authorities regarding the presentation and execution of a Letter of Request

“The SC welcomes the practice reported by Contracting States whereby Central Authorities: (...) c. communicate to the Requesting Authority and / or interested parties an indication of steps to be taken for execution.” (C&R No 10(c) of the 2014 SC)

“The SC notes that many Central Authorities provide informal assistance to requesting authorities to ensure that a Letter of Request conforms to the requirements of the requested State. The SC encourages this practice.” (C&R No 45 of the 2009 SC)

c. Respond to enquiries regarding the status of execution

“The SC welcomes the practice reported by Contracting States whereby Central Authorities: (...) b. promptly respond to enquiries from Requesting Authorities and / or interested parties about the status of execution.” (C&R No 10(b) of the 2014 SC)

d. Promote the “Evidence Section” of the HCCH website

“The SC notes that the Service Section and Evidence Section of the Hague Conference website are a very helpful source of information relating to the practical

operation of the Conventions concerned, and encourages Central Authorities to publicise them.” (C&R No 4 of the 2014 SC)

e. **Publicise the C&R of SC meetings among users of the Convention**

“The SC encourages Contracting States to publicise the C&R among users of the Conventions, including judicial authorities, judicial officers, practitioners, and Central Authorities.” (C&R No 2 of the 2014 SC)

2. Good practices relating to the transmission of Letters of Request:

a. **Use of the Model Form**

“The SC recalls its recommendation for the Model Form to be used (cf. C&R No 54 of the 2009 SC) and notes that many Central Authorities prefer Letters of Request to be issued using the Model Form, and welcomes the Guidelines for Completing the Model Form developed by the Permanent Bureau.” (C&R No 12 of the 2014 SC)

“The SC strongly recommends that the Model Form developed by the Special Commission in 1978 and revised in 1985 be used. Recognising that this Form is not mandatory, the SC nonetheless considers that regular use of the Model Form would further enhance the practical operation of the Convention.” (C&R No 54 of the 2009 SC)

b. **Use of information technology to coordinate the presentation and execution of a Letter of Request**

“The SC stressed that early informal contact among appropriate authorities to coordinate the presentation and execution of Letters of request might be facilitated by the use of modern information technology such as e-mail.” (C&R No 44 of the 2003 SC)

c. **Transmit Letters of Request by electronic means**

“The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.” (C&R No 39 of the 2014 SC)

“The SC notes and encourages the practice of many States Parties to accept a Letter of Request that has been sent by private courier. The SC also encourages States Parties to consider the possibility of accepting Letters of Request sent in electronic form.” (C&R No 49 of the 2009 SC)

3. Good practices relating to the receipt and execution of Letters of Request for the taking of evidence or performance of other judicial acts:

a. **Receive Letters of Request transmitted by electronic means**

“The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.” (C&R No 39 of the 2014 SC)

“The SC notes and encourages the practice of many States Parties to accept a Letter of Request that has been sent by private courier. The SC also encourages States Parties to consider the possibility of accepting Letters of Request sent in electronic form.” (C&R No 49 of the 2009 SC)

b. Acknowledge the receipt of Letters of Request

“The SC welcomes the practice reported by Contracting States whereby Central Authorities: a. promptly acknowledge the receipt of Letters of Request to the Requesting Authority and / or interested parties.” (C&R No 10(a) of the 2014 SC)

c. Contact the requesting authority to secure missing information or document(s)

“(…) the SC recommends: (b) Where the request for service cannot be executed as a result of inadequate information or document(s) forwarded, the Central Authority of the requested State is encouraged to contact, as promptly as possible, the forwarding authority in order to secure the missing information or document(s).” (C&R No 23(b) of the 2009 SC)

[Note: This C&R requires updating as it was originally proposed under the Service Convention. The SC may wish to recommend that such a practice be incorporated for the Evidence Convention as well.]

Possible new text for consideration:

Where a Letter of Request cannot be executed as a result of inadequate information or document(s), the Central Authority of the requested State is encouraged to contact, as promptly as possible, the requesting authority in order to secure the missing information or document(s).

d. Contact the requesting authority when problems of interpretation arise

“The SC takes the view that a liberal interpretation should be given to the phrase ‘civil or commercial matters’. In doing so, one should focus on the nature of the cause of action and keep in mind that the Convention does not expressly exclude any particular subject matter from the scope of ‘civil or commercial matters’. The SC invites States Parties to encourage their Central Authority to communicate with the forwarding authority when problems of interpretation arise.” (C&R No 14 of the 2009 SC)

“The SC notes that Conclusions and Recommendations Nos 13, 14 and 16 relating to the Service Convention […] apply *mutatis mutandis* to the Evidence Convention.” (C&R No 46 of the 2009 SC)

e. Communicate to the requesting authority any significant delays in the execution of a Letter of Request

“(…) the SC recommends: (d) If at any time during the execution of the request for service, an obstacle arises which may significantly delay or even prevent execution of the request, the Central Authority of the requested State is encouraged to communicate with the forwarding authority as promptly as possible.” (C&R No 23(d) of the 2009 SC)

[Note: This C&R requires updating as it was originally proposed under the Service Convention. The SC may wish to recommend that such a practice be incorporated for the Evidence Convention as well.]

Possible new text for consideration:

If at any time during the execution of the Letter of Request, an obstacle arises which may significantly delay or even prevent execution of the request, the Central Authority of the requested State is encouraged to communicate with the requesting authority as promptly as possible.

f. **Execute Letters of Request partially deficient**

“In cases where the request appears to be partially deficient, the executing authorities should, wherever appropriate, execute the portion of a letter that is not deficient rather than to reject the entire request.” (C&R No 41 of the 2003 SC)

g. **Reimbursement of costs by electronic means**

“The SC acknowledges that electronic payment facilitates reimbursement, and encourages Contracting States to provide the Permanent Bureau with relevant information for inclusion in the practical information charts on the Evidence Section.” (C&R No 15 of the 2014 SC)

[Note: This C&R requires updating in light of the introduction of the new Country Profiles.]

Possible new text for consideration:

The SC acknowledges that electronic payment facilitates the reimbursement of costs and encourages Contracting Parties to update their Country Profiles with relevant information in this regard.

Annex III: Access to Justice Convention

Good Practices for Central Authorities and transmitting authorities under the Access to Justice Convention

Recalling the framework of the Access to Justice Convention and the practical importance and impact of effective cross-border judicial and administrative cooperation, and reiterating that the spirit and letter of the Convention does not constitute an obstacle to the use of information technology, the following Conclusions and Recommendations (C&R), endorsed by the Special Commission (SC), are applicable to officials engaged in the presentation, transmission, and receipt of applications for legal aid.

1. Good practices relating to the general operation of Central Authority(ies) and transmitting authorities:

a. Provide and maintain contact information for Central Authority(ies) and transmitting authorities

“The SC encourages Contracting States to provide the Permanent Bureau with information to be published in the practical information charts available on [the Service and Evidence] Sections, and to update this information as required, in particular the contact details for Central Authorities.” (C&R No 4 of the 2014 SC)

[Note: This C&R requires updating as it was originally proposed under the Service and Evidence Conventions. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC noted the importance of regularly updating the practical information on the HCCH website, in particular the contact details for the Central Authority(ies) and other authorities, to facilitate the practical operation of the Convention.

b. Provide informal assistance to transmitting authorities regarding the presentation of applications

“The SC notes that many Central Authorities provide informal assistance to requesting authorities to ensure that a Letter of Request conforms to the requirements of the requested State. The SC encourages this practice.” (C&R No 45 of the 2009 SC)

[Note: This C&R requires updating as it was originally proposed under the Evidence Convention. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC notes that many Central Authorities provide informal assistance to transmitting authorities to ensure that an application for legal aid conforms to the requirements of the requested State. The SC encourages this practice.

c. Respond to enquiries regarding the status of an application

“The SC welcomes the practice reported by certain Contracting States whereby Central Authorities promptly respond to enquiries from Requesting Authorities and / or interested parties about the status of execution, and encourages all Contracting States to embrace this practice where possible.” (C&R No 30 of the 2014 SC)

“The SC welcomes the practice reported by Contracting States whereby Central Authorities: (...) b. promptly respond to enquiries from Requesting Authorities and / or interested parties about the status of execution.” (C&R No 10(b) of the 2014 SC)

[Note: This C&R requires updating as it was originally proposed under the Service and Evidence Conventions. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC welcomes the practice whereby Central Authorities promptly respond to enquiries from transmitting authorities and / or interested parties about the status of an application for legal aid.

d. **Promote the “Access to Justice Section” of the HCCH website**

“The SC notes that the Service Section and Evidence Section of the Hague Conference website are a very helpful source of information relating to the practical operation of the Conventions concerned, and encourages Central Authorities to publicise them.” (C&R No 4 of the 2014 SC)

[Note: This C&R requires updating as it was originally proposed under the Service and Evidence Conventions. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC notes that the Access to Justice Section of the HCCH website is a very helpful source of information relating to the practical operation of the Convention, and encourages Central Authorities to publicise it.

e. **Publicise the C&R of SC meetings among users of the Convention**

“The SC encourages Contracting States to publicise the C&R among users of the Conventions, including judicial authorities, judicial officers, practitioners, and Central Authorities.” (C&R No 2 of the 2014 SC)

2. Good practices relating to the transmission of applications for legal aid:

a. **Use of the Model Form**

“The SC recalls C&R No 29 of the 2009 SC, reaffirming the mandatory use of the Model Form, and welcomes the Guidelines for Completing the Model Form developed by the Permanent Bureau. The SC also notes the importance of sending Model Forms that are fully, correctly and clearly completed, preferably with word processing technology and not by hand.” (C&R No 25 of the 2014 SC)

[Note: This C&R requires updating as it was originally proposed under the Service Convention. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC reaffirms the mandatory use of the Model Form for transmitting applications for legal aid. The SC also notes the importance of sending Model Forms that are fully, correctly, and clearly completed, preferably with word processing technology and not by hand.

b. **Use of information technology to coordinate the presentation of an application**

“The SC stressed that early informal contact among appropriate authorities to coordinate the presentation and execution of Letters of request might be facilitated by the use of modern information technology such as e-mail.” (C&R No 44 of the 2003 SC)

[Note: This C&R requires updating as it was originally proposed under the Evidence Convention. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC stressed that early informal contact among appropriate authorities to coordinate the presentation of an application for legal aid might be facilitated by the use of modern information technology such as e-mail.

c. **Transmit applications by electronic means**

“The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.” (C&R No 39 of the 2014 SC)

“The SC notes and encourages the practice of many States Parties to accept a Letter of Request that has been sent by private courier. The SC also encourages States Parties to consider the possibility of accepting Letters of Request sent in electronic form.” (C&R No 49 of the 2009 SC)

[Note: This C&R requires updating as it was originally proposed under the Service and Evidence Conventions. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

3. Good practices relating to the receipt of applications for legal aid:

a. **Receive applications transmitted by electronic means**

“The SC encourages the transmission and receipt of requests by electronic means in order to facilitate expeditious execution. Contracting States should consider security matters when evaluating methods of electronic transmission.” (C&R No 39 of the 2014 SC)

“The SC notes and encourages the practice of many States Parties to accept a Letter of Request that has been sent by private courier. The SC also encourages States Parties to consider the possibility of accepting Letters of Request sent in electronic form.” (C&R No 49 of the 2009 SC)

[Note: This C&R requires updating as it was originally proposed under the Service and Evidence Conventions. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

b. **Acknowledge the receipt of applications**

“The SC welcomes the practice reported by Contracting States whereby Central Authorities: a. promptly acknowledge the receipt of Letters of Request to the Requesting Authority and / or interested parties.” (C&R No 10(a) of the 2014 SC)

[Note: This C&R requires updating as it was originally proposed under the Evidence Convention. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

The SC welcomes the practice whereby Central Authorities promptly acknowledge the receipt of applications for legal aid to the transmitting authority and/or interested parties.

c. **Contact the transmitting authority to secure missing information or document(s)**

“(…) the SC recommends: (b) Where the request for service cannot be executed as a result of inadequate information or document(s) forwarded, the Central Authority of the requested State is encouraged to contact, as promptly as possible, the forwarding authority in order to secure the missing information or document(s).” (C&R No 23(b) of the 2009 SC)

[Note: This C&R requires updating as it was originally proposed under the Service Convention. The SC may wish to recommend that this practice be incorporated for the Access to Justice Convention.]

Possible new text for consideration:

Where an application for legal aid cannot be entertained as a result of inadequate information or document(s) forwarded, the Central Authority of the requested State is encouraged to contact, as promptly as possible, the transmitting authority in order to secure the missing information or document(s).