

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)*

Responding State:

Kazakhstan

I. General Feedback

1. How does your State rate the general operation of the Service Convention?
 - (a) Excellent.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?
 - (a) Excellent.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?
 - (b) Yes – electronic for incoming and outgoing.
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.
 - (a) Yes – electronic.

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (d) No.

A. Extrajudicial documents

6. Is the concept of “extrajudicial documents” (Art. 17) defined in the internal law of your State?
 - (a) Yes.
“from notaries, lawyers, bailiff”
7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?
“all the documents we are requested”

III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?
(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)

(a) Yes.

"If the person of whom the procedural actions should be performed does not located at the address indicated in the documents, then the court executing the order independently takes measures to establish his place of residence."

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

(b) The Service Convention would apply, through:

- (i) Main channel of transmission (Art. 5);
- (ii) Direct diplomatic and consular channel (Art. 8);
- (vi) Direct communication between judicial officers (Art. 10(b));

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

"The requests comes from the Ministry of External affairs to the Judicial Administration and also comes directly from the central organs of other countries."

11. Does your State serve judicial and extrajudicial documents in the same way?

(a) Yes.

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(f) Central Authority(ies).

13. Do outgoing requests for service have to be transmitted through your State's Central Authority?

(a) Yes.

"it depends on law"

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(d) Court summons.

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

15.1. If yes, what method of service was requested? *More than one answer is possible.*

(c) Court summons.

15.2. If yes, was the requested method of service able to be executed?

(a) Yes.

16. In the previous five years*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

16.1. If yes, what particular method of service was requested?

(c) Court summons.

16.2. If yes, was the requested method of service able to be executed?

(a) Yes.

16.3. If yes, were there costs associated with this method of service?

(b) No.

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the "Warning" and "Summary" sections of the Model Form when transmitting a request through alternative channels?

(a) Always.

18. As the **State of destination**, does your State use the “Certificate” section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(a) Always.

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(b) No.

23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

N/A

23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

(a) Yes.

23.3. If no objection has been made, which of the following categories does your State recognise as a “postal channel” under Article 10(a)?

(a) Regular post.

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

(b) No.

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State’s official languages?

(a) Yes.
“all the incoming documents”

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(b) No.

24.1. If no objection has been made, which of the following categories does your State recognise as a “judicial officer, official or other competent person” under Article 10(b), either for sending or receiving?

(d) Court official.

24.2. If no objection has been made, how does this channel of transmission operate in practice?

“initial consideration of the return must be written on each page, a completed form ‘certificate according to the model attached to the severity’.”

24.3. If no objection has been made, are there costs associated with this channel of transmission?

(a) Yes.
“paid by the State”

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(b) No.

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

(d) Court official.

25.2. If no, how does this channel of transmission operate in practice?

“a completed form ‘certificate according to the model attached to the severity’.”

25.3. If no, are there costs associated with this channel of transmission?

- (a) Yes.
“paid by the State”

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (b) No.

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (b) No.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

- (a) Yes.
“we worked as usual, everyone worked from home and one was on duty in office”

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

- (b) No.

29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

N/A

30. Does your State's Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(b) No.

30.1. If yes, what methods of transmission does your State accept?

N/A

30.2. If no, please provide further information about why this is not yet possible.

"Use of technology is prohibited by internal law."

31. Does your State permit execution of service via electronic means?

(h) No.

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology? *More than one answer is possible.*

(a) Use of technology is prohibited by internal law.

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(a) None.

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(a) None.

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(b) No.

For Parties that answered "yes" to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

N/A

V. 2023 Meeting of the Special Commission & Monitoring

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

(a) Yes.
“discussion of the quality of execution of requests”

36.1. If the answer to Q36 above is “yes”, please indicate whether the information provided may be published.

(a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

(b) No.

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

N/A

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Main Channel of Transmission (Art. 5)

A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	50
2018	99
2019	130
2020	135
2021	126
2022	105
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
Germany	500 for the last five years
Turkey	100 for the last years
Latvia, Litva	10-15 for each country

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017				x	
2018				x	
2019				x	
2020				x	
2021				x	
2022 (if data available)				x	
Unknown – <i>please explain.</i>					
-					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“none of the requests recieved via electronic transmission”</i>	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“none of the requests executed via electronic transmission”</i>	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(e) Not applicable.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	5
2018	10
2019	16
2020	15
2021	24
2022	18
Unknown – <i>please explain.</i>	
-	

8. Which three States were the subject of the most requests?

Requesting State	Number
Germany	10
Turkey	4
China	10

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
<i>“none of the requests made via electronic transmission”</i>	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

"2-3"

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

"about 5 requests was refused"

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

“not understandable”

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

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PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.