

**APERÇU DES RÉPONSES AU QUESTIONNAIRE DE JUILLET 2008 PORTANT SUR LA  
CONVENTION DE LA HAYE DU 15 NOVEMBRE 1965 RELATIVE À LA SIGNIFICATION ET  
LA NOTIFICATION À L'ÉTRANGER DES ACTES JUDICIAIRES ET EXTRAJUDICIAIRES  
EN MATIÈRE CIVILE OU COMMERCIALE  
(CONVENTION NOTIFICATION)**

*établi par le Bureau Permanent*

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**SYNOPSIS OF RESPONSES TO THE QUESTIONNAIRE OF JULY 2008 RELATING TO THE  
HAGUE CONVENTION OF 15 NOVEMBER 1965 ON THE SERVICE ABROAD  
OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS  
(SERVICE CONVENTION)**

*drawn up by the Permanent Bureau*

(Version révisée en août 2009 /  
revised version as per August 2009)

*Document préliminaire No 7 de janvier 2009  
à l'intention de la Commission spéciale de février 2009 sur le fonctionnement pratique des  
Conventions de La Haye Apostille, Notification, Preuves et Accès à la Justice*

*Preliminary Document No 7 of January 2009  
for the attention of the Special Commission of February 2009 on the practical operation of the  
Hague Apostille, Service, Evidence and Access to Justice Conventions*

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Une première version de ce document a été établie et publiée sur le site de la Conférence de la Haye le 15 décembre 2008. La version actuelle est une mise à jour au 5 août 2009.

Ce document n'a pas été traduit. Il s'agit d'une compilation des réponses, exactement comme elles ont été reçues afin de les rendre facilement accessibles aux experts de la Commission spéciale. Par conséquent, les réponses apparaissent comme elles ont été reçues, dans la langue dans laquelle elles ont été reçues.

Par souci de concision, les réponses aux questions suivantes ont été compilées dans un document distinct, disponible sur demande auprès du Bureau Permanent :

- Les détails relatifs aux traités bilatéraux auxquels sont Parties les États non contractants (Q. 2).
- Partie IIC : Les statistiques (Q. 9-11).
- Partie IIE : La jurisprudence et les documents de référence comprenant les guides, les décisions rendues depuis 2003, les livres et articles, la législation nationale ainsi que les instruments bilatéraux et internationaux (Q. 12-16).

Notons, en outre, que dans la partie relative aux statistiques, un document Excel a été mis en ligne sur le site de la HCCH afin de les rendre plus facilement accessibles et d'en faciliter l'analyse.

Tout au long de ce document, les numéros figurant entre crochets ('[#]') désignent le nombre de réponses pertinentes.

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A first version of this document was prepared and published on the website of the Hague Conference on 15 December 2008. This current version is up to date as to 5 August 2009.

This document has not been translated. It is a compilation of the responses, exactly as they were received to make the responses more readily accessible to experts to the Special Commission. Therefore the responses appear as they were received, in the language they were received in.

In the interests of brevity responses to the following questions have been compiled in a separate document, which may be requested from the Permanent Bureau:

- Full details of non contracting state bilateral treaties (Q. 2).
- Part IIC: Statistics (Q. 9-11).
- Part IIE: Case Law and Reference Work including Guides, Decisions Rendered since 2003, Books and Articles, Domestic Legislation, Bilateral and International Instruments (Q. 12-16).

Experts are invited to further note, that in the case of the Statistics, a separate Excel document has been made available on the HCCH website to facilitate statistical analysis and make the statistics more readily accessible.

Throughout this document numbers contained in square brackets ('[#]') refer to the number of relevant responses.

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<sup>1</sup> Henceforth China (Hong Kong SAR).

<sup>2</sup> A response was received from Turkey, however in keeping with their request not to upload their response their responses do not appear in this document but are analysed in the Summary and Analysis document.

**Etats et Organisation régionale d'intégration économique (ORIE) ayant répondu :**

États et ORIE [49]	États non contractants et ORIE [14]
<ol style="list-style-type: none"> <li>1. Afrique du Sud</li> <li>2. Allemagne</li> <li>3. Argentine</li> <li>4. Australie</li> <li>5. Bahamas</li> <li>6. Belgique</li> <li>7. Brésil</li> <li>8. Bulgarie</li> <li>9. Canada</li> <li>10. Chili</li> <li>11. Chine</li> <li>12. Chine (RAS Hong Kong)<sup>3</sup></li> <li>13. Communauté européenne</li> <li>14. Croatie</li> <li>15. Danemark</li> <li>16. Espagne</li> <li>17. Etats-Unis d'Amérique</li> <li>18. Ex République Yougoslave de Macédoine</li> <li>19. Finlande</li> <li>20. France</li> <li>21. Géorgie</li> <li>22. Irlande</li> <li>23. Islande</li> <li>24. Israël</li> <li>25. Italie</li> <li>26. Japon</li> <li>27. Lettonie</li> <li>28. Luxembourg</li> <li>29. Malaisie</li> <li>30. Mexique</li> <li>31. Moldova</li> <li>32. Monaco</li> <li>33. Monténégro</li> <li>34. Norvège</li> <li>35. Nouvelle-Zélande</li> <li>36. Paraguay</li> <li>37. Pays-Bas</li> <li>38. Pologne</li> <li>39. Portugal</li> <li>40. Roumanie</li> <li>41. Royaume-Uni</li> <li>42. Russie, Fédération de</li> <li>43. Serbie</li> <li>44. Slovaquie</li> <li>45. Suède</li> <li>46. Suisse</li> <li>47. République tchèque</li> <li>48. Turquie<sup>4</sup></li> <li>49. Ukraine</li> </ol>	<ol style="list-style-type: none"> <li>1. Afrique du Sud</li> <li>2. Australie</li> <li>3. Brésil</li> <li>4. Chile</li> <li>5. Communauté européenne</li> <li>6. Ex République Yougoslave de Macédoine</li> <li>7. Géorgie</li> <li>8. Islande</li> <li>9. Malaisie</li> <li>10. Moldova</li> <li>11. Monténégro</li> <li>12. Nouvelle-Zélande</li> <li>13. Paraguay</li> <li>14. Serbie</li> </ol>
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<sup>3</sup> Ci-après China (Hong Kong SAR).

<sup>4</sup> Une réponse a été reçue de la Turquie, mais elle a souhaité que celle-ci ne soit pas téléchargée. Par conséquent, ses réponses ne figurent pas dans ce document, même si elle est citée comme un Etat ayant répondu.



Question	Reply	States
<b>PART ONE- GENERAL INFORMATION AND STATISTICS</b>		
<b>I. Questions for non-Contracting States</b>		
<b>1. Why not a Contracting State?</b>	The availability of possibilities for transmission of documents for service abroad, proof of service abroad and protection of the interests of plaintiffs and defendants under domestic law, bilateral or regional agreements, treaties or instruments means that so far it has not appeared to the authorities of your State that there would be added value in becoming a Party to the Service Convention.	Georgia, Moldova, Paraguay. [3]
	The number of cross-border cases that require the service abroad of judicial or extrajudicial documents has so far been limited and has not required a global framework.	[0]
	The Department of Justice and Constitutional Development has commissioned an investigation by the South African Law Reform Commission which has indicated that accession to the Convention is recommended. The Service Convention was however not referred to Parliament for consideration.	South Africa. [1]
	Specific Issues that dissuade becoming a Party to the Service Convention.	[0]
	Does not have the means or resources to properly implement the Service Convention.	[0]
	The question of becoming a Party to the Convention has never been examined in detail.	Montenegro, New Zealand. [2]
	<p>Other reason.</p> <p><u>Australia</u> - While Australia is not yet Party to the Hague Service Convention, it is currently establishing domestic arrangements to enable accession to the Convention. See response to Q3) for more detail.</p> <p><u>Brésil</u> - La Convention est en train d'être examinée par le Parlement brésilien.</p> <p><u>Chile</u> - Since 2005, we have been developing a new civil law framework in Chile and, therefore, a series of decisions remain to be taken, including the possibility of adopting the above Convention.</p> <p>This means that, before making a decision, the civil law system must be defined in full, <i>i.e.</i> any decision on the said Convention, as well as any necessary reservations, if adopted, must be made on such basis.</p> <p>According to the civil procedural reform schedule, this would be adopted during the first semester 2009, at which time the new Civil Procedure Code would be submitted for consideration of the Congress.</p> <p><u>Iceland</u> - Last spring legislative amendments were made to the Code of Civil Procedure No 91/1991 in order for Iceland to accede to the Evidence Convention. The deposit of</p>	Australia, Brésil, Chile, Iceland, Macedonia, Malaysia, Montenegro, New Zealand, Serbia. [9]

	<p>instrument of accession has not yet been sent to the Netherlands, but that will probably be done in September 2008.</p> <p><u>Macedonia</u> - The process of acceding to the Service Convention is ongoing. The Assembly of the Republic of Macedonia ratified the Service Convention on 27 August 2008 in order for Republic of Macedonia to accede to the Service Convention. The instrument of accession has not yet been deposited to the Ministry of Foreign Affairs of the Netherlands, but that will be probably done very soon.</p> <p><u>Malaysia</u> - Malaysia is currently studying the Service Convention.</p> <p><u>Montenegro</u> - No major difficulties have been encountered in practice of international judicial cooperation in civil and commercial matters by Montenegrin courts regarding the cross-border service of documents.</p> <p><u>New Zealand</u>- With resource constraints, New Zealand has prioritised work on becoming a party to the Hague Evidence Convention and on bilateral arrangements with Australia. Also, as a common law country we do not object to the private service of foreign process in New Zealand and we have not been aware of major problems with the service of New Zealand process overseas.</p> <p><u>Serbia</u> - The question of becoming a Party to the Convention, and the other Conventions of the HCCH, are now being examined in detail. It can be expected that the Government of the Republic of Serbia and its Parliament will render appropriate decisions in the near future.</p>	
<p><b>2. Bilateral Agreements</b></p>	<p>Most states are parties to bilateral agreements which provide rules for the Service abroad of Judicial and Extrajudicial Documents. The states listed here provided a list of all relevant bilateral treaties. For further details please see the individual State response on the HCCH website (<a href="http://www.hcch.net">www.hcch.net</a>).</p>	<p>Australia, Brésil, Chile, Georgia, Macedonia, Malaysia, Moldova, Montenegro, New Zealand, Paraguay, Serbia, South Africa. [12]</p>
<p><b>3. Would States consider joining in the future?</b></p>	<p>Yes.</p> <p><u>Australia</u> - Australia is currently taking final steps necessary to enable accession to the Hague Service Convention, with a view to beginning formal accession processes in early 2009. Australia has already completed many of the actions necessary to enable this. These include:</p> <ul style="list-style-type: none"> <li>• agreement between Australian Commonwealth, States and Territories on the model of implementation and authorities to be designated as the Central Authority and Additional Authorities under the Convention;</li> <li>• development of model court rules to be adopted by Australian State and Territory courts which provide procedures for service of court documents in line with Convention requirements;</li> <li>• development of Guidelines to be used by authorities to assess foreign requests for service; and</li> <li>• Agreement about reservations and declarations to be made under the Convention.</li> </ul>	<p>Australia, Brésil, Chile, Georgia, Iceland, Macedonia, Malaysia, Montenegro, New Zealand, Serbia, South Africa. [11]</p>

	<p>Australia looks forward to accession to the Convention and considers that it will establish streamlined and effective channels of transmission for documents for service.</p> <p><u>Brésil</u> - La Convention a été transmise au Parlement le 5 mai 2008.</p> <p><u>Chile</u> - Yes, as stated in the reply to question 1, we are exploring the possibility of becoming a Party to the above Convention. However, a final decision may only be adopted after concluding the new civil procedure legal framework. Only then, based on its new features, will it be possible to analyse the strengths and weaknesses that adopting the rules of the Convention might have in our legal systems.</p> <p><u>Iceland</u> - See response above under question 1.</p> <p><u>Macedonia</u> - Also see response to question 1. So far in the Republic of Macedonia the Sector for International Legal Assistance within the Ministry of Justice is responsible for acting upon cases regarding the overall legal assistance including transmission of documents for service abroad, as well as bilateral or regional agreements, treaties or instruments in this field in both criminal and civil matters. The new systematisation from June 2007 in the Sector for International Legal Assistance within the Ministry of Justice provides two units, Unit for Extradition and Transfer and Unit for Proceeding Appeals on Civil and Criminal Matters. In the following period the harmonisation of the legal framework in the field of judicial cooperation in civil and criminal matters will continue with:</p> <ul style="list-style-type: none"> <li>- Ratification of the <i>Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption</i>;</li> <li>- Ratification of the <i>Hague Convention of 18 March 1970 on Taking of Evidence Abroad in Civil, or Commercial Matters</i>;</li> <li>- Ratification of the <i>Hague Convention of 19 October 1996 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children</i>;</li> <li>- Ratification of the <i>Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters</i>;</li> <li>- An Analysis of the European Convention from Strasbourg 15 May 2003 for Contact with Children (CETS 192) is foreseen, as well as the needs for its harmonisation with the national legislation.</li> </ul> <p>And, after these measures have been taken the Republic of Macedonia will have the full capacity to operate in accordance with the international law standards in this field.</p> <p><u>Malaysia</u> - Malaysia is currently studying the Service Convention.</p> <p><u>Montenegro</u> - Two years after Montenegro regained independence, an intensive work on the structural reform of the system is ongoing, including the setting-up of new legal solutions, adoption of new legislation and amendments to existing legislation, simultaneously to the efforts in the field of harmonization of domestic legislation with the EU legislation, with the aim to get closer to the candidate status and, subsequently, to the accession. In that complex and long-lasting process, all relevant international instruments are being considered without</p>	
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	<p>exceptions. To the same effect, additionally to those ratified at the level of the State Union of Serbia and Montenegro, other Conventions are also being gradually ratified. <i>Inter alia</i>, the segment of international legal assistance is also being reformed, new legal solutions are introduced and the Conventions which have not been ratified until now are being ratified, and soon the issue of accession to this Convention and to other Hague Conventions to which Montenegro has not accessed yet will be considered.</p> <p><u>New Zealand</u> - Once work on New Zealand becoming a party to the Hague Evidence Convention is completed; officials hope to seek approval to begin considering the Service Convention. Officials have been participating as observers on an Australian-based Working Group considering the Service Convention. Knowledge gleaned from this will prove useful when New Zealand examines the Convention in more detail.</p> <p><u>Serbia</u> - See response above under question 1.</p>	
	No.	Moldova, Paraguay. [2]

**II. Questions for Contracting States**

**A. "Service Section" of the HCCH website**

<p><b>4. Is the information contained in the Practical Information Chart correct for your State?</b></p>	<p align="center">Answers not compiled in this document. Please see the HCCH website for further details.</p>	
<p><b>5. How useful does your State consider the Service Section?</b></p>	<p>Very useful.</p>	<p>Argentina, Bahamas, Belgique, Bulgaria, Canada, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Ireland, Japan, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom. [28]</p>
	<p>Useful.  <u>Israel</u> - Might be effective to change all state's information into English.  <u>Russian Federation</u> - There are no suggestions for improvement.  <u>United States of America</u> - Links to that portion of the destination state's foreign code which describes methods of service pursuant to Article 10 <i>b</i>) and <i>c</i>). Another thing that might be worth considering would be links to the search engines for a registrar of companies in the destination state, so that requesting authorities can verify the registered name and address of a defendant company.</p>	<p>France, Israel, Latvia, Russian Federation, United States of America (USA). [5]</p>
	<p>Not useful.</p>	<p align="right">[0]</p>

**B. Contact details for designated Authorities (Questions 6 to 8 inclusive)**

*Answers not compiled in this document.*

**C. Statistics**

*Statistical analysis is provided in the analytical documents, and an excel version of the statistics is available on the HCCH website. Please see individual State responses for greater detail.*

**D. General appreciation of the Service Convention**

<p><b>11. How do States rate the general operation of the Service Convention (including further comments where States have considered that the general operation is good, unsatisfactory or unsatisfactory?)</b></p>	<p>Excellent.  <u>Argentina</u> - However, it should be noted that in some cases domestic courts do not complete the certification and in others States, send forms without completing essential information on the document.  <u>Canada (Alberta)</u> - Consideration should be given to increasing the \$50 Service Fee.  <u>Mexico</u> - However, it should be noted that in some cases domestic courts do not complete the certification and in other States forms are sent without completing essential information of the document.  <u>Poland</u> - The most frequent problems that are encountered by Polish court are as follows:                      In case when the acknowledgment of receipt was not provided by the central authority of the requested state, requesting authority do not have a possibility to ascertain what obstacles in execution of a request arise, Establishing the maximum time for providing the answer on request could be useful, Establishing of the obligation of information when any obstacles in execution of a request arise would be useful.  <u>Portugal</u> - The answer to this question is given by the European Community.</p>	<p>Argentina, Canada (Alberta, British Columbia, Manitoba, Prince Edward Island), Croatia, Luxembourg, Mexico, Netherlands, Poland, Ukraine. [8]</p>
	<p>Good.  <u>Belgique</u> - Certains délais de réponses.  <u>Canada (Quebec)</u> - Forwarding authorities abroad do not use the Model Form systematically. Furthermore, the quality of translation of documents accompanying the requests made to the Central Authority of Quebec does not always meet minimum standards, thereby jeopardizing comprehension.  <u>China</u> - The efficiency of the operation need to be improved.  <u>Communauté européenne</u> - La Communauté européenne est d’avis que la Convention notification fonctionne bien, de manière générale, et elle ne peut, à ce stade, faire part de difficultés fondamentales. Si cependant, après des discussions plus approfondies, la Commission spéciale trouvait nécessaire d’adopter des conclusions et recommandations ou considérait utile d’insérer des commentaires spécifiques dan une nouvelle edition du Manuel Notification, la Communauté serait prête à envisager une telle solution. À ce stade, la Communauté ne voit pas le besoin d’un</p>	<p>Bahamas, Belgique, Bulgaria, Canada (Ontario, Quebec), China, China (HK SAR), Communauté européenne, Denmark, Finland, Germany, Israel, Japan, Monaco, Norway, Russian Federation, Spain, Suisse, Sweden, USA. [20]</p>

	<p>protocole.</p> <p><u>Czech Republic</u> - Concurs with the response given by the European Community.</p> <p><u>Finland</u> - The main problem is the long delays in executing requests for service in some cases. The aim of expedited execution of requests for service of documents should be emphasized in the Conclusions and Recommendations.</p> <p><u>Germany</u> - Obligatory use of forms, improvement in the content of forms, shortening the processing time, strict compliance with the language rules, no compulsory translation for delivery in accordance with Article 5(2), no foreign language other than English and French for completing model forms, Extension of postal delivery.</p> <p><u>Israel</u> - The operation of the convention is generally very efficient. However, cover letters that accompany the requests are at times written in French. This presents us with difficulties because our staff has little proficiency in this language. In addition, although Arabic is an official language, we do not have Arabic speaking staff within our office. This practice may cause delay in processing the request. Furthermore, documents to be served are in times translated into Arabic rather than unto Hebrew or English, as the majority of Israeli population does not read Arabic. This practice is not conducive for a smooth operation of the Convention.</p> <p><u>Japan</u> - In some cases, it takes a considerable amount of time before the request from our state is dealt with and the certificate is not returned within a reasonable period of time. However we do not consider it necessary to adopt specific Conclusions or Recommendations, to make specific comments or to establish a Protocol.</p> <p><u>Monaco</u> - Les formulaires modèles, lorsqu'ils sont utilisés, sont parfois confus et peu lisibles. Le paiement de frais exigés par certains Etats, notamment par avance, qui a suscité la mise en place de procédures de paiement importantes. Il serait souhaitable que les Etats qui exigent les paiements et les avances de paiement précisent de manière claire les autorités auxquelles il convient d'adresser le paiement et leurs coordonnées bancaires. Parfois, beaucoup de temps est perdu pour des actes qui doivent être rapidement notifiés. La non exécution des demandes pour absence de double exemplaire est aussi une difficulté rencontrée.</p> <p><u>Norway</u> - Our experience is that some member states still transmit their requests through diplomatic channels, although the Service Convention opens for direct transmission to the Central Authority. Further, the standard form is not always used and the certification for accomplished service is not enclosed. In the last-mentioned cases it occurs from time to time that the letter confirming service or informing of non-compliance is drafted in another language than Norwegian, Swedish, Danish or English and thus difficult to understand. Also, in some cases the translations of the documents to be served are of poor quality and thus difficult to understand.</p> <p><u>Russian Federation</u> - Considering the facts of taking payments by certain States for the service of documents, the Russian Federation assumes that in accordance with Article 12 of the Convention the service of judicial documents, coming from a Contracting State shall not give rise to any payments or reimbursement of taxes or costs for the services rendered by the State addressed.</p>	
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	<p>Collection of such costs (with the exception of those provided for by subparagraphs a) and b) of the second paragraph of Art. 12) by any Contracting State shall be viewed by the Russian Federation as refusal to uphold the Convention in relation to the Russian Federation, and, consequently, the Russian Federation shall not apply the Convention in relation to such Contracting State.</p> <p><u>Slovakia</u> - Slovakia refers to the response of the European Community on this question.</p> <p><u>Suisse</u> - Les AC cantonales ont qualifié de bon le fonctionnement de la CLaH65. Elles nous ont toutefois fait part des difficultés suivantes :</p> <p>Problème de célérité / de temps :</p> <ul style="list-style-type: none"> <li>- La durée des procédures de notification est souvent trop longue dans certains pays, même européens (requêtes envoyées).</li> <li>- Fréquemment, les demandes de notification d'actes de citation à l'étranger de personnes domiciliées en Suisse arrivent à l'autorité centrale cantonale trop peu de jours avant l'audience prévue, parfois même après la date prévue (requêtes reçues).</li> </ul> <p>Problème d'application de la Convention / de formalité:</p> <ul style="list-style-type: none"> <li>- Requêtes reçues sans la formule modèle prescrite.</li> <li>- Requêtes/formules modèle remplies de manière fort lacunaire (peuvent manquer: l'adresse, l'indication du mode de notification, les éléments essentiels de l'acte), ou remplies de manière mal lisible/illisible et/ou de manière erronée.</li> <li>- La formule modèle (les blancs) n'est souvent remplie ni dans la langue de l'Etat requis, ni en français ou anglais (art. 7).</li> <li>- Requêtes reçues en un seul exemplaire, pas de double (art. 3). - Une seule requête pour plusieurs destinataires.</li> <li>- Requêtes de procéder selon la forme particulière, mais sans fournir une traduction des acte.</li> <li>- Les annexes à la requête manquent.</li> <li>- Lorsque les données relatives au destinataire sont incomplètes ou si l'adresse n'est pas correcte, il est souvent difficile d'établir l'identité du destinataire, afin de pouvoir procéder malgré tous à une notification. Proposition: Annotation sur la formule modèle de la date de naissance du destinataire lorsque celle-ci est connue par l'autorité expéditrice.</li> </ul> <p>Problème d'interprétation de la Convention :</p> <ul style="list-style-type: none"> <li>- Problème de délimitation autour de la matière civile et commerciale</li> </ul> <p>Problème pratique :</p> <ul style="list-style-type: none"> <li>- La collaboration avec les autorités étrangères au plan de l'information sur l'état d'avancement de la procédure de notification laisse quelquefois à désirer. Proposition: Recommandation d'informer sur les procédures qui durent plus de deux (ou 3, 4) mois, sur le modèle du nouveau Règlement européen No 1393/2007.</li> <li>- Il semble que quelques autorités étrangères n'entreprennent pas de démarches pour localiser le destinataire, lorsque l'adresse indiquée dans la requête n'est plus actuelle et que l'autorité requérante ignore ce fait.</li> </ul>	
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	<p>- L'acceptation volontaire de la remise simple est parfois refusée de manière abusive.</p> <p>- Dans certains cas, la portée de la date indiquée sur l'attestation reçue en retour est peut claire: S'agit-il de la date de la notification au destinataire ou de la date de l'attestation, par laquelle l'autorité requise confirme que la notification a eu lieu.</p> <p><u>Sweden</u> - Concurs with the response given by the European Community.</p> <p><u>USA</u> - Regarding blanks provided on the Hague Service Certificate, it would be helpful to modify the Certificate so that it contained two blank fields under the heading: "The documents referred to in the request have been delivered to." One blank would be dedicated to the identity of the defendant served and the second blank would be dedicated to the identity of the individual accepting service on behalf of the defendant served. Some States have required that the documents to be served and/or the translation of the documents be legalized. Some States will only accept requests for service emanating from clerks of court. Some States have rejected service requests that were e-filed in U.S. court and where there was consequently no original signature or seal on the documents.</p>	
	Satisfactory.	Ireland, United Kingdom. [2]
	<u>United Kingdom</u> - High rates of inability to find the defendant to serve, as we try personal service first. English solicitor agent more likely to succeed.	
	Unsatisfactory.	[0]
<b>Further comments</b>	<p><u>France</u> - La question fera l'objet d'une réponse coordonnée de la Communauté européenne.</p> <p><u>Latvia</u> - Please see the answer of the European Community.</p> <p><u>Romania</u> - The position of the Romania to this question corresponds to the response of the European Community.</p>	France, Latvia, Romania. [3]
<b>E. Case law and reference work</b>		
<i>These responses have been summarised, for full details of the responses please see the individual State response.</i>		
<b>12. Any guides or desk-instructions?</b>	Yes.	Bulgaria, Czech Republic, Denmark, Finland, France, Latvia, Norway, Slovakia, Spain, Suisse, Ukraine, USA. [12]
	No.	Canada, Germany, Japan. [3]
<b>13. References of decisions rendered in States since publication of the Service</b>	1 Decision of Commercial Court of Appeals, relating to exemption requested by plaintiff.	Argentina. [1]
	Internal directions for municipal and commercial courts written by Ministry of Justice.	Croatia. [1]
	11 décisions.	Canada, France. [2]
	8 Decisions.	Germany. [1]
	Several decisions.	Latvia. [1]
	No decisions.	Bulgaria, Japan. [2]

<b>Handbook?</b>	2 Decisions.	Netherlands. [1]
	Décisions de trois cantonales.	Suisse. [1]
	4 Decisions.	Portugal. [1]
	There is no opportunity to provide copies of decisions that apply or relate to the Service Convention.	Russian Federation. [1]
	5 Decisions.	United Kingdom. [1]
	41 decisions referring to Service Convention since 2006 in State and District Courts listed in Annex A. 4 Decisions referring to the Service Handbook since 2003 listed in Annex B.	USA. [1]
<b>14. Articles?</b>	1 Article.	Portugal. [1]
	4 Articles.	Argentina, Canada. [2]
	2 Articles.	Germany. [1]
	2 Articles.	Mexico. [1]
	3 Articles.	Poland. [1]
	There were no substantial changes in the Russian legislation recently.	Russian Federation. [1]
	3 Articles.	Slovakia. [1]
	4 Articles.	Suisse. [1]
	14 Articles	USA. [1]
	No articles.	Bulgaria, Japan, Latvia. [3]
<b>15. Domestic implementation of the SC in States:</b>	Only the title of legislation is included, for further details please see the responses of individual States.	
	Approval of the <i>Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters</i> (Law No 25097, passed 21 April 1999, approved by the Executive, 18 May 1999).	Argentina. [1]
	Bulgarian Law of ratification of the Convention, adopted by the 38th National Assembly on 8.09.1999 - SG No 83/21.09.1999, issued by the Ministry of Justice, promulgated, SG No 65/8.08.2000.	Bulgaria. [1]
	Central Authority of Quebec: Sections 138, 198.1, 484.1 and 523 of the Code of Civil Procedure (CCP) are the primary legislative provisions connected with the application of the Convention. - Central Authority of Alberta: Alberta Rules of Court 390/68; 3 Letters from 1988. - Central Authority of British Columbia: Rules of Court, B.C. Reg. 221/90, Rule 13. - Central Authority of Manitoba: For a proceeding in Manitoba, Queen's Bench Rule 17 provides for service on persons outside of Manitoba. <a href="http://web2.gov.mb.ca/laws/rules/qbr1e.php#r17">http://web2.gov.mb.ca/laws/rules/qbr1e.php#r17</a> . - Central Authority of Prince Edward Island: Rules of Civil Procedure, P.E.I. Rule 17.05(1). - Central Authority of Ontario: Rules of Civil Procedure, Revised Regulations of Ontario 1990, regulation 194 Rule 17.05 <a href="http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900194_e.htm">http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900194_e.htm</a>	Canada. [1]

The Article 247 of The Civil Proceeding Law of the P.R.C.	China. [1]
Orders 11 and 69 of the Rules of the High Court (Cap. 4A).	China (HK SAR). [1]
Croatian Official Gazette –International Agreements No 10/05.	Croatia. [1]
Law No 85/1982 Coll.	Czech Republic. [1]
This information is available on the HCCH website.	Finland. [1]
Articles 683 à 688-8 code de procédure civile.	France. [1]
The Law to implement the <i>Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters</i> and to implement the <i>Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters</i> , Federal Law Gazette 1977 I p. 3105). The Regulation on Judicial Assistance in Civil Matters (Rechtshilfeordnung für Zivilsachen – ZRHO, situation as of 2007).	Germany. [1]
The Code of Civil Procedure. The Act on Special Provisions of Civil Court Proceedings for Enforcement of the Convention on Civil Procedure (Minji sosho tetsuzuki ni kansuru joyaku tou no jissi ni tomonau minji sosho tetsuzuki no tokurei tou ni kansuru horitsu). Act on Assistance Consequent upon a Request from a Foreign Court (Gaikoku saibansho no shokutaku ni yoru kyojoho).	Japan. [1]
Formal Act of Government in force, draft amendments to the Civil Procedure Law and a new draft Law on the Convention which have been passed by the government in 4 August 2008 and still have to be adopted by the Parliament.	Latvia. [1]
Article 156 du Nouveau code de procédure civile.	Luxembourg. [1]
Federal code of civil procedures. Fourth book of the lone title for international procedural cooperation.	Mexico. [1]
CF copie des articles pertinents du Code procédure civile de Monaco.	Monaco. [1]
No specific statute that regulates judicial assistance in civil matters. Single provisions in the Court Administration Act Chapters 2 and 9 regarding Service of foreign documents.	Norway. [1]
Law No 189/2003 and Order 2888.	Romania. [1]
No implementing legislation.	Slovakia. [1]
The 1965 Convention is self executing, no domestic legislation. The Law on Civil Procedure.	Spain. [1]
Les codes de procédure civile cantonaux (26) plus une loi de procédure fédérale, soit 27 sources différentes.	Suisse. [1]
Criminal Justice (International Co-operation) Act 2000 (the Act).	Bahamas. [1]
Federal Rule of Civil Procedure 4 ( <a href="http://www.law.cornell.edu/rules/frcp/Rule4.htm">http://www.law.cornell.edu/rules/frcp/Rule4.htm</a> ). In 1988, the <i>U.S. Supreme Court in Volkswagenwerk Aktiengesellschaft v. Schlunk</i> held that when service is to be made in a foreign country that is a party to the Hague Service Convention, the	USA. [1]

	Convention is the exclusive means of service.	
<b>16. Party to Bilateral treaties that provide rules for the service of documents abroad</b>	Yes.	Argentina, Bahamas, Belgique, Canada (Alberta, Ontario, Quebec), China, Croatia, Czech Republic, Finland, France, Germany, Ireland, Japan, Latvia, Luxembourg, Mexico, Monaco, Norway, Poland, Romania, Slovakia, Spain, Suisse, Ukraine, USA. [26]
	The Russian Federation is not a Contracting State under any bilateral treaty, allowing for direct judicial communication.	Russian Federation. [1]
<b>F. Service Handbook</b>		
<b>17. Does the Central Authority have a handbook?</b>	Yes. <u>Switzerland</u> - Moitié des cantons.	Argentina, Belgique, Bulgaria, Canada, China, China (HK SAR), Czech Republic, Denmark, Finland, France, Ireland, Israel, Japan, Latvia, Monaco, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland (La réponse est partagée selon les cantons), Ukraine, USA. [26]
	No. <u>Bahamas</u> - The Office of the Attorney General has not been provided with a copy of the Handbook; if another Agency was given a copy, The Bahamas would like to know to whom this copy was given. <u>China (HK SAR)</u> - The Hong Kong Special Administrative Region rarely encounters such issues which require consultation of the Handbook. <u>Germany</u> - For the most part, the Central Authorities do not use the Service Handbook. The following reasons were given:	Bahamas, Croatia, Germany, Luxembourg, Mexico, Netherlands, Suisse (la réponse est partagée selon les cantons), United Kingdom. [8]

	<p>- They have not received the Service Handbook.</p> <p>- They do not need the Service Handbook and obtain important information by other means.</p> <p><u>Luxembourg</u> - raisons inconnues</p> <p><u>Netherlands</u> - A copy will be ordered.</p> <p><u>Switzerland</u>- Moitié des cantons. Les raisons ne sont pas connues. Ces cantons consultent les sites web de l'Office fédéral de justice et de la HCCH.</p> <p><u>United Kingdom</u>- Never received a copy.</p>	
<b>17(a). Do they regularly consult it?</b>	<p>Yes.</p> <p><u>Israel</u> - Although very rarely.</p> <p><u>Poland</u> - Only consulted when problematic issues arise.</p> <p><u>Switzerland</u> - Réponse affirmative des cantons qui disposent d'un exemplaire. Une AC remarque que le Manuel est excellent, mais qu'il est apparemment peu consulté par les autorités expéditrices étrangères, ce qui se voit dans les requêtes reçues.</p> <p><u>USA</u> - In addition, the U.S. Department of State, Bureau of Consular Affairs judicial assistance web page includes links to the Service Handbook.</p>	<p>Argentina, Belgique, Bulgaria, Canada, China, Finland, France, Ireland, Israel, Japan, Latvia, Monaco, Norway, Poland, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, USA. [21]</p>
	<p>No.</p> <p><u>Bahamas</u> - N/A- As no copy is available for reference.</p> <p><u>China (HK SAR)</u>- The Hong Kong Special Administrative Region rarely encounters such issues which require consultation of the Handbook.</p> <p><u>Croatia</u> - Because it's much easier and quicker to find the information on the website www.hcch.net.</p> <p><u>Czech Republic</u>- In most cases we find the necessary information on the HCCH website.</p> <p><u>Denmark</u> - The HCCH website is often used instead.</p> <p><u>Romania</u> - The Hague Service Convention does not pose major difficulties when applied.</p>	<p>Bahamas, China (HK SAR), Croatia, Czech Republic, Denmark, Romania. [6]</p>
<b>17(b) Is it useful?</b>	<p>Very useful.</p>	<p>Argentina, Bulgaria, Canada, China, Finland, Japan, Monaco, Norway, Romania, Suisse, Sweden Ukraine, USA. [13]</p>
	<p>Useful.</p> <p><u>Czech Republic</u>- Generally we prefer to consult the information on the HCCH website that is easier and accessible to everyone who needs that kind of information. We would appreciate if more of the information from the Handbook would be published there as well. We are of the opinion that the HCCH website is a very useful source of information accessible to everyone. We welcome that the Permanent Bureau makes an effort to maintain this website being upgraded.</p>	<p>Belgique, China (HK SAR), Czech Republic, Denmark, France, Ireland, Israel, Latvia, Poland, Russian Federation, Slovakia, Spain. [12]</p>
	<p>Not useful.</p>	<p>[0]</p>

<b>18. Do practitioners use the handbook?</b>	Yes.	Canada (British Columbia), China, Denmark, USA. [4]
	No. <u>Israel</u> - The service handbook did not receive general distribution among practitioners.	Israel, Mexico, Monaco, Netherlands, Norway. [5]
	No information available for possible comment.	Argentina, Bahamas, Belgique, Bulgaria, Canada (Ontario), China (HK SAR), Czech Republic, Finland, France, Germany, Ireland, Japan, Latvia, Luxembourg, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom. [24]
<b>19. Has the handbook been referred to in proceedings?</b>	Yes. <u>Suisse</u> - Seulement deux cantons ont mentionné chacun une décision. <u>USA</u> - Annex C lists those cases that cite the Service Handbook since 2003.	Suisse, USA. [2]
	No. <u>China (HK SAR)</u> - We are not aware of any court decision or judicial proceeding in which the Handbook has been quoted or referred to. <u>France</u> - Le manuel n'est pas cité dans les décisions de la Cour de Cassation et des Cours d'appel jointes en annexe. <u>Latvia</u> - Latvia is not aware of any cases when the Service handbook would have been quoted or referred to in judicial proceedings and court decisions. <u>Netherlands</u> - Not as far as we know of. <u>Suisse</u> - Majorité des cantons.	Argentina, Bahamas, Bulgaria, Canada, China, China (HK SAR), Czech Republic, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Poland, Mexico, Monaco, Netherlands, Norway, Portugal, Romania, Spain, Suisse, Sweden, Ukraine, United Kingdom. [27]
	The Central Authority doesn't have such information.	Russian Federation. [1]

**PART TWO – SUBSTANTIVE ISSUES**

**I. Non-mandatory but exclusive character of the Service Convention**

<p><b>20(a). Has the non-mandatory but exclusive character of the SC lead to any problems in your State since the 2003 Special Commission?</b></p>	<p>Yes.</p> <p>No.</p> <p><u>China (HK SAR)</u> - As far as the Hong Kong Special Administrative Region is concerned, no such question or difficulty has been perceived.</p> <p><u>Communauté européenne</u> - L'introduction à la question 20 du questionnaire portant sur la convention notification fait état du caractère exclusif de la convention notification confirmé lors de la Commission spéciale de 2003. À cet égard, la Communauté tient à faire quelques précisions. La Communauté a adopté le 13 novembre 2007 le règlement (CE) No 1393/2007 relatif à la signification et à la notification des actes judiciaires et extrajudiciaires en matière civile ou commerciale. Ce règlement, qui abroge le règlement (CE) No 1348/2000, sera d'application à compter du 13 novembre 2008. Il prévaudra selon son article 20, tout comme son prédécesseur, sur les dispositions de la convention notification et s'appliquera par conséquent de façon exclusive dans les relations entre les États membres de la Communauté. Cette application exclusive du règlement communautaire à l'intérieur de la Communauté n'affecte en rien l'application de la convention notification par les États membres parties à celle-ci dans leurs relations avec des États non communautaires. La Communauté tient aussi à souligner que deux règlements communautaires (règlement (CE) No 44/2001 concernant la compétence judiciaire, la reconnaissance et l'exécution des décisions en matière civile et commerciale et règlement (CE) No 2201/2003 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale et en matière de responsabilité parentale) contiennent une disposition (article 26 et article 18 respectivement) qui prévoit l'application subsidiaire de l'article 15 de la convention notification si le règlement communautaire sur la signification et la notification des actes n'est pas d'application (cette disposition sera reprise dans le futur règlement sur les obligations alimentaires dont question ci-dessous).</p> <p><u>Czech Republic</u> - The position of the Czech Republic to this question corresponds to the response of the European Community.</p> <p><u>Monaco</u> - Si la Convention n'est pas visée dans la demande, les autorités monégasques exécutent la demande sur le fondement de la réciprocité et avisent l'Etat requérant, s'il est partie à la Convention, que la Convention de 1965 est applicable et entrée en vigueur dans la Principauté depuis le 1er novembre 2007.</p> <p><u>Netherlands</u> - They refer to the answer given by the EU.</p> <p><u>Poland</u> - Since 1 May 2004, Council Regulation 1348/2000 on service of judicial and extrajudicial documents in civil and commercial matters is in use in member states of the EU.</p> <p><u>Slovakia</u> - The Slovak Republic refers to the response provided by the European Community.</p>	<p align="center">[0]</p> <p>Argentina, Bahamas, Belgique, Bulgaria, Canada, China (HK SAR), Communauté européenne, Denmark, Finland, Germany, Ireland, Israel, Japan, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Russian Federation, Spain, Suisse, Sweden, Ukraine, United Kingdom, USA. [26]</p>
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	<u>Sweden</u> - Sweden refers to the response of the European Community in relation to question 20. To the extent of any application of the Convention to non-Community States, Sweden responds with 'No' to question 20(a).	
<b>Further comments</b>	<u>Denmark</u> - Please be aware of the comments made by the European Community with regard to the Council Regulation No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters. <u>France</u> - La question fera l'objet d'une réponse coordonnée de la Communauté européenne. <u>Latvia</u> - Please see the answer of the European Community. <u>Portugal</u> - The answer to this question is given by the European Community. <u>Romania</u> - The position of the Romania to this question corresponds to the response of the European Community.	Denmark, France, Latvia, Portugal, Romania. [5]
<b>20(b). Have judicial proceedings in your State referred to the non-mandatory but exclusive character of the SC?</b>	Yes. No. <u>China (HK SAR)</u> - We are not aware of any recent case on this particular matter in the Hong Kong Special Administrative Region. <u>Sweden</u> - Sweden refers to the response of the European Community in relation to question 20. To the extent of any application of the Convention to non-Community States, Sweden responds with 'No' to question 20(b).	[0] Argentina, Bahamas, Bulgaria, Canada, China, China (HK SAR), Czech Republic, Denmark, Finland, Germany, Ireland, Israel, Japan, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Suisse, Sweden, Ukraine, United Kingdom. [25]
<b>Further comments:</b>	<u>Portugal</u> - The answer to this question is given by the European Community. <u>Suisse</u> - Remarque liminaire de la Suisse: Se référant à l'article 1er, la Suisse estime que la Convention s'applique de manière exclusive entre les Etats contractants. Elle considère en particulier que des actes dont le destinataire effectif est domicilié à l'étranger ne sauraient être notifiés ou signifiés à une entité juridique non autorisée à les recevoir dans le pays où ils ont été dressés sans déroger notamment aux articles 1er et 15, alinéa 1er, lettre b, de la Convention. <u>USA</u> - In the United States, since the decision by the <i>U.S. Supreme Court in Volkswagenwerk A.G. v. Schlunk</i> in 1988, the non-mandatory but exclusive character of the Service Convention when litigants in federal or state court must make service outside of the United States has not been controversial and has not given rise to significant analysis in court opinions. The one area	Portugal, Switzerland, USA. [3]



	that has received attention concerns circumstances in which service can be made on persons or entities within the United States under specific local law so that there is no "occasion to transmit" a document for service abroad.	
<b>II. Scope of the Service Convention</b>		
<b>A. Interpretation of the phrase "civil or commercial matters"</b>		
<b>21(a). Has the interpretation of the phrase "civil or commercial" given rise to any issues in your State since 2003?</b>	<p>Yes.</p> <p><u>France</u> - Trois demandes de notification d'actes transmises le 21 Septembre 2006 à la diligence du greffe du conseil des prud'hommes de Paris, dans un litige opposant un requérant à des organismes mexicains ont été déclarées irrecevables le 15 février 2007 par l'autorité centrale mexicaine, au motif que le droit du travail ne relevait pas de la matière civile et n'entraînait pas dans le champ d'application de la Convention de La Haye relative aux notifications. Se fondant sur la recommandation n°69 de la commission spéciale de 2003, qui s'est prononcée en faveur d'une interprétation autonome de l'expression « en matière civile et commerciale » permettant d'inclure dans son champ le droit du travail, l'autorité centrale française a saisi le ministère des affaires étrangères et européennes français aux fins de règlement diplomatique de la difficulté, en application de l'article 14 de la Convention. L'autorité centrale française n'a pas connaissance de la suite réservée à cette demande.</p> <p><u>Slovakia</u> - This problem arose more in the context of the Service Convention in respect of another Member State who regularly requested service of entries from Land Registers. We have refused to deal with such requests as we did not consider the underlying proceedings "civil or commercial", but administrative. The other State accepted our objections.</p> <p><u>Suisse</u> - Quelques cantons.</p>	France, Germany, Japan, Slovakia, Spain, Suisse. [6]
	<p>No.</p> <p><u>Bulgaria</u> - We have received requests from bailiffs and notaries concerning the scope of the Service convention regarding the above mentioned phrase.</p> <p><u>Suisse</u> - Majorité des cantons.</p> <p><u>USA</u> - In general, the United States will consider any non-criminal service request that emanates from a tribunal or other authority that has judicial or adjudicatory powers as "civil or commercial" for purposes of service under this Convention.</p>	Argentina, Bahamas, Belgique, Bulgaria, Canada, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Ireland, Israel, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Suisse, Sweden, Ukraine, United Kingdom, USA. [28]

<p><b>21(a)(i) If yes, what were they?</b></p>	<p><u>Germany</u> - The main issue was whether statements of claim from the common law area demanding treble damages or punitive damages are to be regarded as civil matters. As a rule, statements of claim have been served (exception: Higher Regional Court Koblenz).  <u>Japan</u> - A request from our state for service of a notice to refer a dispute to arbitral proceedings, pursuant to the provisions of the Arbitration Law, was rejected for reasons attributable to the interpretation of the phrase "civil or commercial matters" in the requested state. This matter has not yet been solved.  <u>Spain</u>- Specific issues regarding Labour Law and Contentious-administrative Law. They were solved by speaking to the Central Authority of the other country to clarify our position.  Suisse- Exemples: Certaines autorités étrangères requérantes soutiennent que la Convention s'applique à toutes les décisions judiciaires, y compris celles prononcées en matière administrative (p. ex. en matière d'aménagement du territoire). Dans quelques cas, le Tribunal d'appel tessinois a refusé de donner suite à la demande de notification, en invitant le requérant à agir par la voie diplomatique.  La jurisprudence cantonale tessinoise a cependant subi une évolution au cours des dernières années et admet aujourd'hui la notification des décisions administratives qui ont un impact direct sur les droits patrimoniaux du destinataire, en particulier dans les cas d'expropriation. Les demandes de notification de décisions qui mettent à la charge du destinataire une obligation de droit public (p. ex. impôts, taxes, etc.), même si elles sont émises dans le cadre d'une civil action du droit américain, continuent toutefois à être rejetées.</p>	<p>Germany, Japan, Spain. [3]</p>
<p><b>21(a)(ii) Were the recommendations of the 2003 Special Commission followed?</b></p>	<p>Yes.  No.  <u>Germany</u> - The German courts have determined a wide scope of application in an autonomous interpretation of Article 1 of the Service Convention.</p>	<p>France, Spain, Suisse. [3]  Germany.[1]</p>
<p><b>21(a)(iii) Details of any relevant decisions on this issue</b></p>	<p><u>Germany</u> - See reply to question 13 above.  <u>Suisse</u> - Par exemple, les décisions citées sub i) sont limitées à une phrase, en général rédigée directement sur l'attestation (au point 2), du type : L'acte dont est requise la notification est de nature fiscale/administrative » - (p. ex. action intentée par une corporation de droit public (Cité de New York) tendant à la condamnation des demandeurs à la réparation du dommage résultant de la soustraction de taxes sur la vente de cigarettes) - « et ne rentre donc pas dans la matière civile ou commerciale au sens de l'article 1 de la Convention de La Haye du 15 novembre 1965. »</p>	<p>Germany, Suisse. [2]</p>
<p><b>21(b) Has your Central Authority had any contact</b></p>	<p>Yes.  <u>Bulgaria</u> - We have received requests concerning service of administrative decisions and other documents relating administrative proceedings.</p>	<p>Bulgaria, China, France, Spain, Suisse. [5]</p>

<p><b>with another Central Authority to discuss the meaning of the phrase "civil or commercial"?</b></p>	<p><u>China</u> - We have discussed with the Ministry of Justice of the Russian Federation concerning the nature of the arbitral documents.  <u>France</u> - Dans l'espèce relatée supra, l'autorité centrale française a saisi l'autorité centrale mexicaine par voie électronique de la difficulté. Aucune réponse n'a été apportée.  <u>Spain</u> - See response to question 21(a).  <u>Suisse</u> - Une seule AC cantonale: L'avocat du recourant dans une procédure administrative italienne d'aménagement du territoire a adressé à l'autorité centrale tessinoise un avis de droit dans lequel il a soutenu l'applicabilité de la Convention Notification. Dans d'autres cas, des explications ont été données par téléphone à l'autorité requérante ou au représentant de la partie demanderesse.</p>	
	<p>No.  <u>Argentina</u> - It has not been necessary, given that the phrase in question has not given rise to any discrepancies.  <u>Bahamas</u> - There has been no need to make contact with the requesting state, as the interpretation of "civil or commercial" has not been an issue. Difficulties only arise when countries submit documentation in a foreign language and we have to send back for an English translation.  <u>China (HK SAR)</u> - The Hong Kong Special Administrative Region has not encountered any problems on interpretation of the phrase so far.  <u>Croatia</u> - We had no problems in interpreting this phrase.  <u>Czech Republic</u> - We try to interpret the phrase widely in the Czech Republic, so that we can serve assistance in as many cases as possible. In most of the cases it is not necessary to contact an authority of another Contracting State for discussing the matter.  <u>Denmark</u> - The Ministry of Justice normally applies a broad and liberal interpretation to the phrase. There have not been any problems in this regard. Please see below.  <u>Finland</u> - There have not been any difficulties with this concept.  <u>Germany</u> - A discussion of this has not been required to date.  <u>Ireland</u> - No issue required such contact.  <u>Israel</u> - The question never came up between our Central Authority and those of other states.  <u>Japan</u> - Our Central Authority has not had any cases that needed such direct contact with an authority of another Contracting State.  <u>Latvia</u> - No differences of opinions have occurred concerning the phrase "civil or commercial matters" between Latvian Central Authority and authorities of other Contracting States.  <u>Mexico</u> - This Central Authority has contacted our U.S. counterpart to clarify if the "civil term" was to be extended to labor matters, and a positive response was obtained.  <u>Norway</u> - We are aware of there being diversion in the interpretation of the term "civil and commercial matters" in the member states, but we do not consider this a problem. If a requested state considers that a request from Norway falls outside of the scope of the Convention, and therefore is not willing to serve the documents, we would look into the</p>	<p>Argentina, Bahamas, Belgique, Canada, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Suisse, Sweden, Ukraine, United Kingdom, USA.  [29]</p>

	<p>possibility of sending the request through diplomatic channels.  <u>Romania</u> - Such issues have never arisen.  <u>Slovakia</u> - No need arose (with the exception of the response under question 21(a) above  <u>Suisse</u> - Pour la plupart des AC cantonales, la question ne s'est jamais posée. Certaines autorités ont indiqué que les demandes sortant du cadre en matière civile ou commerciale ont jusqu'à présent toujours été rejetées par l'autorité centrale sans nécessité d'un débat préalable de cette notion avec l'autorité requérante ; la matière concernée était en effet clairement identifiable. L'OFJ a lui pour pratique d'expliquer son appréciation de manière informelle sans que pour autant un véritable débat à ce sujet ait lieu.  <u>Ukraine</u> - There was no particular issue requiring to communicate.  <u>USA</u> - The issue has not arisen.</p>	
<b>22. Which of the following types of matters does your State consider as falling within the scope of the phrase "civil or commercial?"</b>	<b>Yes</b>	<b>No</b>
<b>Bankruptcy or insolvency in general</b>	<p>Argentina, Bahamas, Belgique, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Spain, Suisse, Ukraine, United Kingdom. [28]</p>	Slovakia. [1]
<b>Reorganisation under bankruptcy laws</b>	<p>Bahamas, Belgique, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Spain, Suisse (Un canton a précisé dans sa réponse "oui": si le motif du redressement est l'insolvabilité du débiteur. Un canton a répondu négativement), Ukraine, United Kingdom. [27]</p>	Argentina, Slovakia. [2]

<b>Insurance</b>	Argentina, Bahamas, Belgique, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Latvia, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Suisse, Ukraine, United Kingdom. [28]	Mexico. [1]
<b>Social security</b>	Argentina, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Prince Edward Island, Quebec), France, Israel, Monaco, Norway, Portugal, Russian Federation, Spain, Suisse (Opinions partagées; plutôt affirmative en matière de prestations), Ukraine, United Kingdom. [13]	Belgique, Canada (Ontario), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Ireland, Latvia, Mexico, Netherlands, Poland, Romania, Slovakia, Suisse (Opinions partagées; plutôt affirmative en matière de prestation). [16]
<b>Employment</b>	Argentina, Bahamas, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), China (HK SAR), Croatia, Czech Republic (only regarding individual contracts of employment and any arising relations), Denmark, Finland, France, Germany, Ireland, Israel, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Suisse, Ukraine, United Kingdom. [28]	Belgique, Czech Republic, [2]
<b>Taxation</b>	Argentina, Canada (Alberta, Prince Edward Island), China (HK SAR), Ireland, Russian Federation, Spain, Ukraine, United Kingdom. [8]	Belgique, Bulgaria, Canada (British Columbia, Manitoba, Ontario, Quebec), Croatia, Czech Republic, Denmark, Finland, France, Germany, Israel, Latvia, Luxembourg, Mexico, Norway, Poland, Portugal, Romania, Slovakia, Suisse. [19] <u>Bulgaria</u> - None, because there are falling into the scope of administrative matters.
<b>Anti-trust and competition</b>	Bahamas, Belgique, Bulgaria, Canada (Alberta, Ontario, Prince Edward Island), China (HK SAR), Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Latvia, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Suisse (Majorité des cantons; Un canton a précisé dans sa réponse affirmative: "si les parties agissent sur un plan d'égalité". Notamment dans ce domaine, il est nécessaire d'analyser à fond si la nature de la prétention est civile, si les parties qui s'opposent agissent sur un pied d'égalité ou si l'une d'entre elle fait usage de	Argentina, Canada (British Columbia, Manitoba, Quebec), Croatia, Mexico, Monaco, Romania, Slovakia. [7]

	prérogatives de puissance publique à l'égard de l'autre. Selon les circonstances du cas d'espèce, ce domaine peut être considéré comme relevant du champ d'application couvert par l'expression "en matière civile et commerciale" ou non), <u>Ukraine</u> , <u>United Kingdom</u> . [24]	
<b>Consumer protection</b>	<u>Argentina</u> , <u>Bahamas</u> , <u>Belgique</u> , <u>Bulgaria</u> , <u>Canada</u> (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), <u>China</u> (HK SAR), <u>Czech Republic</u> , <u>Denmark</u> , <u>Finland</u> , <u>France</u> , <u>Germany</u> , <u>Ireland</u> , <u>Israel</u> , <u>Latvia</u> , <u>Luxembourg</u> , <u>Mexico</u> , <u>Monaco</u> , <u>Netherlands</u> , <u>Norway</u> , <u>Poland</u> , <u>Portugal</u> , <u>Romania</u> , <u>Russian Federation</u> , <u>Slovakia</u> , <u>Spain</u> , <u>Suisse</u> , <u>Ukraine</u> , <u>United Kingdom</u> . [28]	<u>Argentina</u> , <u>Croatia</u> . [2]
<b>Regulation and oversight of financial markets and stock exchange</b>	<u>Belgique</u> , <u>Canada</u> (Ontario), <u>Finland</u> , <u>Ireland</u> , <u>Israel</u> , <u>Latvia</u> , <u>Norway</u> (please note that we consider matters regarding insider trading as a criminal offence, which falls outside the scope of the Service Convention), <u>Portugal</u> , <u>Russian Federation</u> , <u>Suisse</u> (Opinions partagées), <u>Ukraine</u> , <u>United Kingdom</u> . [12]	<u>Argentina</u> , <u>Bahamas</u> , <u>Bulgaria</u> , <u>Canada</u> (Alberta, British Columbia, Manitoba, Prince Edward Island, Quebec), <u>China</u> (HK SAR), <u>Croatia</u> , <u>France</u> , <u>Germany</u> , <u>Luxembourg</u> , <u>Mexico</u> , <u>Netherlands</u> , <u>Poland</u> , <u>Romania</u> , <u>Slovakia</u> , <u>Spain</u> , <u>Suisse</u> (Opinions partagées). [16]
<b>Proceeds of crime</b>	<u>Bahamas</u> , <u>Bulgaria</u> (yes but only, if it is falling into the scope of civil matters), <u>Poland</u> , <u>United Kingdom</u> . [4]	<u>Argentina</u> , <u>Bahamas</u> , <u>Belgique</u> , <u>Canada</u> (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), <u>China</u> (HK SAR), <u>Croatia</u> , <u>Czech Republic</u> , <u>Denmark</u> , <u>Finland</u> , <u>France</u> , <u>Germany</u> , <u>Ireland</u> , <u>Israel</u> , <u>Latvia</u> , <u>Luxembourg</u> , <u>Netherlands</u> , <u>Mexico</u> , <u>Monaco</u> , <u>Norway</u> , <u>Portugal</u> , <u>Romania</u> , <u>Russian Federation</u> , <u>Slovakia</u> , <u>Spain</u> , <u>Suisse</u> , <u>Ukraine</u> . [26]
<b>Other Matters</b>	<u>Argentina</u> (Collection of money, damages, financial questions related to family matters- except child support payments- among others), <u>Belgique</u> (droit de la famille, les règles particulières aux baux ), <u>Canada</u> (Alberta) - Family Law (Divorce, Child Custody/Maintenance); Gambling Debts; Inheritance; Property (land) Disputes; Motor Vehicle Accidents); (Manitoba) - Has not yet been required to take any position as to where the line is drawn for what amounts to "civil or criminal matters"); (Ontario) - Generally service of documents on private bodies or public authorities is not restricted in our law, so the practice of the Central Authority will be to serve the documents and let the party served dispute the effect in the appropriate forum); (Prince Edward Island)	<u>China</u> (HK SAR), <u>Croatia</u> , <u>Ireland</u> , <u>Latvia</u> (It has to be noted that some of matters, e.g. competition, consumer protection may lie within the scope of both private and public law, therefore the application of the Convention may vary depending on whether the case is of public or private character.), <u>Mexico</u> , <u>Portugal</u> , <u>Romania</u> , <u>Slovakia</u> , <u>Spain</u> . [9]

	<p>- Family Law - Divorce, Child Custody/Maintenance; Inheritance; Property (land) Disputes; Motor Vehicle Accidents). <u>Russian Federation</u> - The Central Authority doesn't have such information. <u>Suisse</u> - Un canton signale: Expropriation et exécution forcée individuelle de prétentions de droit privé. <u>Ukraine</u> - Family matters, establishment of facts, contracts, property rights, housing, compensation of damages, custody, and succession. [5]</p>	
<p><b>Further comments</b></p>	<p><u>Denmark</u> - The answer given below only indicates a starting point. The determination of whether a certain matter falls within the scope of "civil and commercial matters" depends on the circumstances of the specific case. Therefore, the final scope of the phrase "civil or commercial matters" is for the courts to determine. Whether or not the matter of "regulation and oversight of financial markets and stock exchange" falls within the scope of the Convention depends – more so than the other matters – on the individual case.</p> <p><u>Japan</u> - Whether or not a case falls within the scope of the phrase "civil or commercial matters" depends upon not only the types of matters but the facts of the case. Thus we would like to refrain from marking the items below.</p> <p><u>Luxembourg</u> - Sécurité sociale.</p> <p><u>Suisse</u> - Remarque liminaire de la Suisse: Il est utile de se référer aux considérations de l'Office fédéral de la justice exprimées dans les Lignes directrices relatives à l'Entraide judiciaire internationale en matière civile, p. 8-9, relative à la définition de la notion "civile et commerciale" (<a href="http://www.rhf.admin.ch/etc/medialib/data/rhf.Par.0062.File.tmp/wegl-ziv-f.pdf">http://www.rhf.admin.ch/etc/medialib/data/rhf.Par.0062.File.tmp/wegl-ziv-f.pdf</a>).</p> <p>D'une manière général, l'Office fédéral de la justice se rallie à une interprétation large de la notion de K matière civile ou commerciale *. Celle-ci ne doit pas forcément correspondre à celle utilisée sur le plan interne. Il est toutefois difficile d'en donner une définition. D'une manière négative on peut dire que la CLaH65 ne vise ni la matière pénale, ni la matière fiscale. Enfin lorsqu'il s'agit d'un litige opposant une autorité publique à une personne privée, où l'autorité publique agit dans l'exercice de sa puissance publique, l'affaire ne pourra pas être considérée come étant de nature K civile ou commerciale.</p> <p><u>Sweden</u> - It is not possible to determine whether the enumerated types of matters fall within the scope of the phrase "civil and commercial matters". There are no known cases where the issue has actually arisen. Whether the authorities will regard the enumerated types of matters or some of them to fall within the scope of the phrase "civil and commercial matters" must be determined with respect to the circumstances in the specific case. No general answer can therefore be given.</p> <p><u>USA</u> - The United States will consider requests for service under any of these categories if the matter arises out of a non-criminal proceeding before a court or tribunal with adjudicatory powers.</p>	

<b>23. Interpret it in same way as Evidence Convention?</b>	Yes. <u>Luxembourg</u> - Au cas où, probablement oui. <u>Suisse</u> - Pourtant, un canton a indiqué qu'il pourrait faire une interprétation plus étroite en matière de preuves.	Argentina, Bulgaria, China, China (HK SAR), Czech Republic, Denmark, Finland, France, Germany, Israel, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom, USA. [27]
	No.	[0]
<b>B. Interpretation of "judicial and extrajudicial documents"</b>		
<b>24(a). Is the concept of extra-judicial documents known to the law of your State?</b>	Yes. <u>Croatia</u> - The difference between judicial and extrajudicial documents is not regulated in domestic law. <u>Denmark</u> - Decisions made by the Regional State Administrations.	Argentina, Belgique, Bulgaria, Canada (Quebec), Croatia, Denmark, Finland, France, Germany, Japan, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Spain, Suisse (Moitié des cantons), Ukraine. [20]
	No. <u>Czech Republic</u> -The distinction between judicial and extrajudicial documents is not explicitly regulated by the law, especially not in the field of the service of documents <u>Israel</u> - Extra judicial documents are normally transmitted through registered mail. <u>Russian Federation</u> - There is no definition of the terms "judicial documents" and "extrajudicial documents" in the Russian legislation. Judicial documents are normally forwarded by the courts; extrajudicial documents may be forwarded by other competent authorities according to their functions and powers under the declarations made by the Russian Federation: Federal bodies of executive power and bodies of executive power of the Russian Federation; the Prosecutor's Office of the Russian Federation; civilian registry offices; notaries and other officials authorised to perform notary functions; trusteeship and guardianship agencies; members of advocacy.	Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island), China, China (HK SAR), Czech Republic, Israel, Latvia, Mexico, Russian Federation, Slovakia, Suisse (Moitié des cantons), Sweden, USA. [12]



	<p><u>Slovakia</u> - The concept of "extrajudicial documents" as such is foreign to the Slovak legal. A certain understanding of this concept was developed under the application of the Service Convention, but doubts as to the character and nature of these documents still exist. Usually documents which the court has to serve in the context of proceedings and which were not produced by the court itself are considered as "extrajudicial" for the purposes of service abroad.</p> <p><u>Sweden</u> - Swedish legislation does not make a distinction between judicial documents producing procedural effect and those that do not.</p>	
<p><b>24(a)(i). Most important examples of extrajudicial documents?</b></p>	<p><u>Argentina</u> - Notice of dates of mediation hearings.</p> <p><u>Belgique</u> - Il n'est point possible de donner définition rigide ou exhaustive des actes extrajudiciaires. On considère qu'ils concernent plus généralement les actes dressés par un officier ministériel, les actes établis par une autorité officielle d'un état membre ou encore tous actes dont la nature et l'importance justifient qu'ils soient transmis et portés à la connaissance de leurs destinataires selon une procédure officielle.</p> <p><u>Bulgaria</u> - Notarial documents.</p> <p><u>Canada</u> - As an example, Article 2757 of the Civil Code of Québec (CCQ) provides that creditors who intend to exercise a hypothecary right must serve notice on the debtor. Quebec law provides that a notary's declaration of the factual justification for instituting protective supervision of a person of full age must be notified to a family member or the Public Curator (s. 877.0.1 of the Code of Civil Procedure). The Notice of Default could also be cited as an extrajudicial document that might be served; however, these are not mandatory proceedings in Quebec law.</p> <p><u>Croatia</u> - Notarial acts in legacy and enforcement proceedings.</p> <p><u>Finland</u> - Testaments.</p> <p><u>France</u> - Les principaux exemples d'actes extrajudiciaires sont les congés en matière de baux, les commandements et les sommations.</p> <p><u>Germany</u> - Notarial documents.</p> <p><u>Japan</u> - A typical example is a notarized deed for civil enforcement.</p> <p><u>Luxembourg</u> - Les actes notaries.</p> <p><u>Monaco</u> - Essentiellement des sommations d'huissiers pour provoquer une réponse officielle d'une partie ou d'un témoin.</p> <p><u>Netherlands</u> - Notarial documents, documents regarding the civil status of a person.</p> <p><u>Norway</u>- Decisions made by the Norwegian Labour and Welfare Administration concerning child support payments, decisions made by the County Governor concerning grant of separation and divorce orders.</p> <p><u>Poland</u>- Documents related to the execution conducted by a bailiff and certain documents of a notary public (ex. when a copy of a notarial deed has to be served; when a statement of a party may result in legal consequences).</p> <p><u>Portugal</u> - Notarial document (for instance, divorce) and all generated in the context of non judicial action.</p>	<p>Argentina, Belgique, Bulgaria, Canada (Quebec), Croatia, Finland, France, Germany, Japan, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Spain, Suisse. [19]</p>

	<p><u>Romania</u> - All the documents that are not issued by a court, e.g. notaries documents, judicial claims, etc.</p> <p>Russian Federation - Notarial requests concerning inheritance matters.</p> <p><u>Spain</u> - Notarial documents.</p> <p><u>Suisse</u> - Consentements d'adoption, actes notariés; documents dans le cadre de procédures de dettes et faillite; dans le cadre de procédure successorales: notification de l'ouverture d'un testament à des bénéficiaires, d'un inventaire successorale.</p>	
<p><b>24(a)(ii). When may the have to be served abroad?</b></p>	<p><u>Bulgaria</u> - In Bulgaria we are applying the Article 592 of the Civil procedure code as follows: Notarial Invitation. Article 592.</p> <p>(1) For the purpose of service of a notarial invitation, the petitioner must present the invitation in three identical copies. The notary shall note on each of the said copies that the invitation has been communicated to the person whom it concerns, whereupon one of the copies of the invitation shall be delivered to the person wherefrom the invitation originates, and the other copy shall be filed in a special book at the notary.</p> <p>(2) Any other communications, warnings and answers in connection with civil-law relationships shall be effected through the notary according to the procedure established by Paragraph (1).</p> <p><u>Canada</u> - Quebec law does not specifically provide for service abroad but such an obligation can be inferred from the legislative texts. If the party is not within the territory, it is necessary to have the judge or clerk authorize a mode of service other than those provided in the Code of Civil Procedure (s. 138 CCP). Such authorization is not necessary for service abroad via mail (s. 146.2 CCP).</p> <p><u>Croatia</u> - When the parties are abroad.</p> <p><u>Finland</u> - They have to be served abroad if the addressee resides abroad.</p> <p><u>France</u> - Lorsque la loi française exige, en dehors de toute procédure, l'établissement d'un acte à notifier aux fins de prévenir une contestation, faire courir un délai ou l'interrompre, faire courir des intérêts, constater ou conserver des droits et que l'adresse du destinataire est à l'étranger, l'acte devra faire l'objet d'une notification internationale.</p> <p><u>Germany</u> - Service may be a prerequisite for enforcement</p> <p><u>Japan</u> - When an obligor for a notarized deed for civil enforcement is abroad.</p> <p><u>Monaco</u> - Si une partie ou un témoin est domicilié à l'étranger.</p> <p><u>Norway</u> - When the addressee resides abroad</p> <p><u>Portugal</u> - In the same circumstances as judicial documents.</p> <p><u>Romania</u> - For commercial activities, mediation, documents needed for a trial.</p> <p><u>Russian Federation</u> - In inheritance matters after the death of testator on the territory of a foreign state.</p>	<p>Bulgaria, Canada (Quebec), Croatia, Finland, France, Germany, Japan, Monaco, Norway, Portugal, Romania, Russian Federation. [12]</p>
<p><b>24(a)(iii). Who may serve these documents?</b></p>	<p><u>Argentina</u> - Only individuals or bodies with jurisdictional functions.</p> <p><u>Belgique</u> - La signification de tels actes s'effectuera par exploit d'huissier. La notification de ces actes sera faite par greffier ou par un autre auxiliaire de la justice ou par une partie.</p> <p><u>Bulgaria</u> - See declarations made by Bulgaria concerning Articles 6 and 8 of the Convention.</p>	<p>Argentina, Belgique, Bulgaria, Canada (Quebec), Finland, France, Germany, Japan,</p>

<p><u>Canada</u> - The court may authorize service by facsimile or by mail (s. 138 CCP). Notification can also be made by mail (s. 146.2 CCP).</p> <p><u>Finland</u> - The process servers may serve these documents.</p> <p><u>France</u> - En droit interne, un acte extrajudiciaire est en principe signifié par un huissier de justice ou un clerc assermenté, par exemple pour faire commandement à un débiteur de payer une somme d'argent, ou pour demander un renouvellement de bail (voir article 6 de la loi du 27 décembre 1923).</p> <p><u>Germany</u> - Judicial and extrajudicial documents are served regularly by the Local Court in the government region of which the recipient of judicial service has his domicile or place of residence (Section 66 of the Code of Civil Procedure [<i>Zivilrechtshilfeordnung</i> - ZRHO]). Under German law, private individuals may not lodge a claim under the Hague Service Convention. Bailiffs with whom a request for service is lodged directly only deal with it if the request is based on German enforcement documents.</p> <p><u>Japan</u> - Service of extrajudicial documents (Art. 17) from other Contracting States is subject to the Code of Civil Procedure and there are no singularly specific methods for service of such extrajudicial documents. See related answer to question 29. Note: private persons cannot serve extrajudicial documents.</p> <p><u>Luxembourg</u> - En principe les significations sont effectuées par les huissiers de justice.</p> <p><u>Monaco</u> - Les huissiers exclusivement (officiers ministériels).</p> <p><u>Netherlands</u> - Private persons may not serve extrajudicial documents. These documents may only be served by persons whose competence to do so is laid down by law.</p> <p><u>Poland</u> - The Courts.</p> <p><u>Portugal</u> - The same that serve judicial documents.</p> <p><u>Romania</u> - All the judicial and extrajudicial documents are served by the civil clerks of the courts.</p> <p><u>Russian Federation</u> - Under the Russian legislation the courts only may serve documents on the territory of Russian Federation. Private persons do not have such powers.</p> <p><u>Spain</u> - Pursuant to Article 17 of the Convention, extrajudicial documents are sent to Spain according to the modality and conditions provided for in the Convention, although it has to be mentioned that several courts have recommended private individuals to make the notifications directly, according to Article 10 c). In the last 5 years none of the extrajudicial documents have been notified through the Central Authority.</p> <p><u>Suisse</u> - L'autorité chargée du cas, p.ex. l'autorité successorale, le notaire agissant en tant qu'officier public et chargé de pouvoirs officiels en matière de succession. Pas de personnes privées.</p>	<p>Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Russian Federation, Spain, Suisse. [17]</p>
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<b>24(a)(iv). How many have been forwarded in 2007?</b>	0	Bahamas, Bulgaria, Canada (Ontario), China, Portugal, Ukraine. [6]
	1-10	Argentina, Monaco. [2]
	11-20	[0]
	More than 20	Finland, Romania. [2]
<b>Further comments</b>	<p><u>Canada</u> - As the Central Authority of Quebec does not act as a requesting authority, we do not have any information on this subject.</p> <p><u>Croatia</u> - We have no statistical data on this issue.</p> <p><u>Germany</u> - The figure cannot be determined because there are no official statistics.</p> <p><u>France</u> - Aucune donnée statistique n'est disponible quant aux transmissions d'actes extrajudiciaires.</p> <p><u>Japan</u> - No data is available.</p> <p><u>Russian Federation</u> - There is no opportunity to provide such information, because Russian courts forward requests directly to the requested state omitting the Russian Ministry of Justice.</p>	Canada (Quebec), Croatia, France, Germany, Japan, Russian Federation. [6]
<b>24(b). How many extra-judicial documents received in 2007?</b>	0	Bulgaria, China, Finland, Monaco, Poland, Portugal, Spain, Sweden, Ukraine. [9]
	1-10	Argentina, Mexico, China (HK SAR), Japan, Romania, Russian Federation. [6]
	11-20	[0]
	More than 20	Canada (Quebec), USA. [2]
<b>Further comments</b>	<p><u>Croatia</u> - We have no statistical data on this issue.</p> <p><u>Denmark</u> - The Ministry of Justice is not in possession of statistical information on this matter.</p> <p><u>France</u> - Aucune donnée statistique n'est disponible quant aux transmissions d'actes extrajudiciaires.</p> <p><u>Latvia</u> - Latvia has no statistics regarding the number of extrajudicial documents that the Central Authority has received from abroad for service in Latvia.</p>	Croatia, Denmark, France, Latvia. [4]
<b>24(b)(i). From which States?</b>	<p><u>Argentina</u>- Italy.</p> <p><u>Canada</u> - From France.</p> <p><u>China (HK SAR)</u> - France, Italy, Switzerland and the United Kingdom.</p> <p><u>Japan</u> - No data is available.</p> <p><u>Mexico</u> - 1 from the United States of America.</p>	Argentina, Canada (Quebec), China (HK SAR), Japan, Mexico, Romania, Russian Federation, Suisse, USA.

	<p><u>Romania</u> - Turkey, Switzerland, Norway.  <u>Russian Federation</u> - France.  <u>Suisse</u> - Allemagne, Italie, Espagne, Hongrie.  <u>USA</u> - The United States does not maintain records that would permit it to identify which countries have submitted service requests involving extrajudicial documents, although it is known that such requests have emanated from Finland and Italy.</p>	[9]
<b>24(b)(ii) Were they all executed?</b>	Yes.	Argentina, Canada (Quebec), China (HK SAR), Romania, Russian Federation, Suisse, USA. [7]
	No. <u>Japan</u> - No data is available. <u>Mexico</u> - It is currently pending.	Japan, Mexico. [2]
<b>C. Service on States and State Officials</b>		
<b>25. Has your State used the Service Convention to serve documents on foreign States or State officials?</b>	Yes. <u>Spain</u> - Several Courts have forwarded directly requests to be effected upon officials acting for a State. No statistical information available.	Bulgaria, Finland, France, Japan, Latvia, Poland, Portugal, Spain, Suisse, United Kingdom, USA. [11]
	No. <u>Argentina</u> - They are usually transmitted through diplomatic channels (Vienna Convention on Diplomatic Relations- Arts 41.1 or 2). <u>Germany</u> - Diplomatic channels. <u>Israel</u> - This kind of service is executed through diplomatic channels. <u>Monaco</u> - Pas de cas répertorié. <u>Netherlands</u> - In conformity with the declaration of the executing state documents were transmitted through diplomatic channels. <u>Ukraine</u> - The Ukrainian Central Authority has never received such requests from the judicial bodies of Ukraine.	Argentina, Bahamas, China, China (HK SAR), Czech Republic, Germany, Israel, Mexico, Monaco, Netherlands, Romania, Ukraine. [12]
<b>Further comments</b>	<u>Canada</u> - Not applicable. <u>Russian Federation</u> - There is no opportunity to provide such information, because Russian courts forwards requests directly to the requested state omitting the Russian Central Authority. <u>Spain</u> - In these cases the notifications have been processed through the Spanish Ministry of Foreign Affairs.	

<p><b>25(a). If yes, which channels?</b></p>	<p><u>Bulgaria</u> - The most commonly used channel in these cases is the diplomatic channel according Article 9, paragraph 2.</p> <p><u>Finland</u> - There has been only one case in the past few years. The request was sent to the requested central authority in October 2007.</p> <p><u>France</u> - La seule voie qui serait possible serait la voie diplomatique à supposer la Convention applicable à de telles situations, ce qui n'est pas la solution préconisée par le ministère de la justice français. En effet, le droit français prescrit des règles particulières régissant les notifications à un Etat étranger, à un agent diplomatique étranger et à tout autre bénéficiaire de l'immunité de juridiction, lesquelles édictées à peine de nullité, sont fondées sur le droit international coutumier : si la voie diplomatique est utilisée, c'est sur le seul fondement du droit international coutumier, sauf traité prévoyant des dispositions dérogatoires.</p> <p>Courant mai 2008, l'autorité centrale française a eu connaissance de la transmission directement par une autorité expéditrice française (le greffe d'un Conseil de Prud'hommes) à l'autorité centrale d'Argentine d'une demande de notification d'acte destiné à l'ambassade de cet Etat en France. L'autorité centrale française n'a pas plus ample connaissance des voies de transmission utilisées.</p> <p><u>Japan</u> - Diplomatic channel (Art. 9(2)).</p> <p><u>Latvia</u> - In such cases requests are forwarded to the Ministry of Foreign Affairs which uses diplomatic and consular channels.</p> <p><u>Poland</u> - Diplomatic.</p> <p><u>Portugal</u> - Personal notification.</p> <p><u>Suisse</u> - Voie normale de l'autorité requérante à Autorité centrale étrangère, ou- de l'autorité requérante par l'entremise des représentations diplomatiques ou consulaires de la Suisse à l'AC étrangère, ou - de l'autorité requérante par l'entremise des représentations diplomatique et consulaires de la Suisse au MAE de l'Etat de destination.</p> <p><u>United Kingdom</u> - By diplomatic channels.</p>	<p>Bulgaria, Finland, France, Japan, Latvia, Poland, Portugal, United Kingdom. [8]</p>
<p><b>25(b). If yes, which States?</b></p>	<p><u>Bulgaria</u> - In cases of service of a claim on a foreign sovereign state. In this context some Member States have made special declaration concerning this way of application of the Service Convention like the Russian Federation.</p> <p><u>Finland</u> - Russian Federation.</p> <p><u>France</u> - Argentine.</p> <p><u>Japan</u> - Islamic Republic of Pakistan.</p> <p><u>Latvia</u> - There is no specific data available, but most commonly such requests are forwarded to the Russian Federation.</p> <p><u>Poland</u> - Germany.</p> <p><u>Portugal</u> - USA.</p> <p><u>Suisse</u> - Pas de statistique disponible pour l'ensemble des cas. A la connaissance de l'OFJ et selon les informations fournies par les AC suisses, sans les cas de notification à une société détenue</p>	<p>Bulgaria, Finland, France, Japan, Latvia, Poland, Portugal, Suisse, United Kingdom. [9]</p>

	<p>par un État, dans les cinq dernières années les Etats (parties à la Convention Notification) suivants été touchés: Argentine, Allemagne, Belgique, Bulgarie, Chine, France, Pays-Bas, USA, Venezuela.</p> <p><u>United Kingdom</u> – China.</p>	
<p><b>25(c). If yes, was service effected? How?</b></p>	<p><u>Bulgaria</u> - Diplomatic channel, Article 9, paragraph 2.</p> <p><u>Finland</u> - It is not known, since no certificate of service or any other communication has been returned yet.</p> <p><u>France</u> - La demande de notification a été rejetée par l'autorité centrale d'Argentine. L'autorité centrale française a invité l'autorité expéditrice à transmettre sa demande par la voie diplomatique et n'a pas connaissance de ce qu'une nouvelle demande de notification ait été transmise.</p> <p><u>Japan</u> - The service was effected using diplomatic channels.</p> <p><u>Latvia</u> - According to the available information, service in such cases is not usually effected.</p> <p><u>Portugal</u> – Personal notification.</p> <p><u>Suisse</u> - Dans plusieurs cas, la notification n'a pas été exécutée; dans plusieurs cas, l'Etat requis n'a pas donné d'information sur la suite. Aucune information disponible à l'égard de la méthode utilisée par l'Etat requis.</p> <p><u>United Kingdom</u>- Not served.</p>	<p>Bulgaria, Finland, France, Japan, Latvia, Portugal, Suisse, United Kingdom. [8]</p>
<p><b>25(d). If yes, any difficulties?</b></p>	<p><u>Bulgaria</u> - In some cases more time is needed for service of documents concerning these cases.</p> <p><u>Japan</u> - No particular difficulties were encountered.</p> <p><u>Latvia</u> - Please see the answer above.</p> <p><u>Poland</u> - Service was not effected as the requested state referred to state's immunity and refused to accept the service. Subsequently Council Regulation 1348/2000 on service of judicial and extrajudicial documents in civil and commercial matters was the basis of the service; however the requested state again refused to accept the service because of its immunity.</p> <p><u>Portugal</u> – None.</p> <p><u>Suisse</u> - Les difficultés suivantes se sont présentées:</p> <ul style="list-style-type: none"> <li>- L'Etat de destination exige une requête selon la Convention Notification, même si entre ce Pays et la Suisse est en vigueur la Convention européenne de 1972 sur l'immunité des Etats (No 074).</li> <li>- L'Etat de destination n'accepte pas la transmission de la requête à son Autorité centrale et exige la transmission de la requête par la voie diplomatique.</li> <li>- L'Etat de destination ne renvoie pas d'attestation de notification.</li> <li>- Question de l'influence de l'immunité sur la procédure de notification.</li> </ul> <p>Dans la pratique, la Suisse remarque qu'il y a des incertitudes sur les questions suivantes:</p> <ul style="list-style-type: none"> <li>- Relation entre la Convention Notification et la Convention européenne de 1972 sur l'immunité des Etats (No 074).</li> </ul> <p>Remarque: Selon le rapport explicatif à la Convention européenne, celle-ci, en vertu du principe "lex specialis derogat generali", déroge par son article 16 - qui règle la procédure de notification - aux dispositions d'autres traités sur la signification ou la notification des actes judiciaires dans</p>	<p>Bulgaria, Japan, Latvia, Poland, Portugal, Suisse, United Kingdom, USA. [8]</p>

	<p>les relations entre Parties contractantes et l'emporte donc sur les autres traités en la matière (note 118 et 119 à l'art. 33 du rapport explicatif).</p> <ul style="list-style-type: none"> <li>- Est-ce que la requête peut (ou doit) être faite en application de la Convention Notification (entre les Etats qui ne sont pas liés par la Convention européenne) ?</li> <li>- Est-ce que la requête peut (ou doit) être faite en utilisant la formule modèle ? - Qui doit y être inscrit en tant qu'autorité destinataire ?</li> <li>- Exigences de traduction ?</li> <li>- Question de la computation des délais pour les Etats parties seulement à la Convention Notification (v. art. 16 Convention européenne).</li> </ul> <p><u>United Kingdom</u> - The Chinese authorities returned them all stating that the execution of the request would infringe the sovereignty or security of the People's Republic of China.</p> <p><u>USA</u> - The United States does not have statistical information available to respond to this question. The persons and entities within the United States competent to forward service requests pursuant to Article 3 include any court official, any attorney, or any other person or entity authorized by the rules of the relevant court. 28 U.S. Code Section 1608 <a href="http://www.law.cornell.edu/uscode/28/1608.html">http://www.law.cornell.edu/uscode/28/1608.html</a> provides hierarchical methods of service of process on a Foreign State, including 28 U.S.C. 1608(a)(2) service by applicable international convention on service of process. If service cannot be effected by 28 U.S.C. 1608(a)(1) special arrangement for service between the plaintiff and the foreign State or political subdivision; 28 U.S.C. 1608(a)(2) service by international convention; or 28 U.S.C. 1608(a)(3) service by mail on the head of the ministry of foreign affairs, service be attempted under 28 U.S.C. 1608(a)(4) service through the diplomatic channel. The U.S. Department of State, Bureau of Consular Affairs, Directorate of Overseas Citizens Services, Office of Policy Review and Inter-Agency Liaison is charged with service under 28 U.S.C. 1608(a)(4) in accordance with Title 22, Code of Federal Regulations, Part 93 <a href="http://www.access.gpo.gov/nara/cfr/waisidx_08/22cfr93_08.html">http://www.access.gpo.gov/nara/cfr/waisidx_08/22cfr93_08.html</a>. Additional information about service under the Foreign Sovereign Immunities Act is available on the U.S. Department of State, Bureau of Consular Affairs web page at <a href="http://www.travel.state.gov/law/info/judicial/judicial_693.html">http://www.travel.state.gov/law/info/judicial/judicial_693.html</a>. The U.S. Department of State is advised by counsel requesting service through the diplomatic channel under 28 U.S.C. 1608(a)(4) if service through the Hague Service Convention has not been effected.</p>	
<p><b>Further comments</b></p>	<p><u>Suisse</u>- La Suisse, en tant qu'Etat requérant, utilise la méthode selon la Convention européenne de 1972 sur l'immunité des Etats (n°. 074; art. 16) dans les relations avec un Etat contractant.</p>	<p>Suisse. [1]</p>



<p><b>26. Has a request to serve on your State or a State Official even been received?</b></p>	<p>Yes.  <u>France</u> - L'autorité centrale française a été amenée à écarter, en 2006, une demande qui tendait à la mise en cause de l'Etat français dans une espèce suivie par une juridiction américaine au motif qu'elle ne ressortissait pas de la matière civile et commerciale, les faits articulés relevant manifestement de l'exercice de la puissance publique.  <u>Spain</u>- We have received requests for service upon the Head of our State, Ministry of Justice, Ambassador of Spain, etc.  <u>Suisse</u> - Remarque liminaire de la Suisse: Des fonctionnaires fédéraux ou cantonaux peuvent être touchés par ces requêtes. Ces requêtes sont très rares.</p>	<p>Argentina, Bulgaria, China, France, Germany, Japan, Mexico, Netherlands, Portugal, Russian Federation, Spain, Suisse, Ukraine, United Kingdom. [14]</p>
	<p>No.  <u>Ireland</u> - Courts Service has no information on this question.  <u>Israel</u> - Through diplomatic channels.  <u>Monaco</u>- Pas de cas répertorié.  <u>Germany</u> - No, not in the overwhelming majority of cases. However, the Central Authority in Berlin has received a few requests for service containing claims against the Federal Republic of Germany.</p>	<p>Bahamas, Canada, China (HK SAR), Czech Republic, Finland, Germany, Ireland, Israel, Latvia, Luxembourg, Monaco, Poland, Romania, Sweden. [14]</p>
<p><b>26(a). If yes, which channel?</b></p>	<p><u>Argentina</u> - Although both the diplomatic channel and the channels established by the Convention may be used, in these cases service is usually effected through the latter.  <u>Bulgaria</u> - The most commonly used channel in these cases is the diplomatic channel according Article 9(2).  <u>China</u> - The requests were sent to the Chinese Central Authority by the Forwarding Authority of the Requesting Countries.  <u>Germany</u> - Requests to the competent Central Authority.  <u>Japan</u> - The main channel.  <u>Mexico</u> - Through the Central Authority.  <u>Netherlands</u> - Through the official channel.  <u>Portugal</u> - Personal notification.  <u>Russian Federation</u> - According to the declarations of the Russian Federation it is highly desirable that documents intended for service upon to the Russian Federation, the President of the Russian Federation, the Government of the Russian Federation, the Ministry of Foreign Affairs of the Russian Federation are transmitted through diplomatic channels, <i>i.e.</i> by Notes Verbales of diplomatic missions of foreign States accredited in the Russian Federation.  <u>Spain</u> - In several specific cases we have received notifications, not only based on The Hague Convention of 1965, but applying the EC Regulation 1348/00 of the Council of the European Union, although as we see it, they should have been processed through the foreign Ministry for Foreign Affairs to the Spanish Ministry for Foreign Affairs.  <u>Suisse</u> - Réception de la demande par l'OFJ, par les AC cantonales (v. déclaration de la Suisse à l'art. 9) ou par le MAE suisse.</p>	<p>Argentina, Bulgaria, China, Germany, Japan, Mexico, Netherlands, Portugal, Russian Federation, Spain, Suisse, United Kingdom, USA. [13]</p>

	<p><u>United Kingdom</u>- Through the Central Authority.</p> <p><u>USA</u> - Service upon the United States, its departments, agencies or instrumentalities, or officers and employees of the United States for actions taken in their official capacities, is almost exclusively received through formal diplomatic channels. Occasionally, service has been attempted by means of Article 3 of the Service Convention. Such service is deemed ineffective unless it otherwise complies with the applicable principles of customary international law for service upon foreign states, including the requirement that at least 60 days be provided within which to make an initial response. In addition, Article 3 service is considered ineffective and will not be executed, if service is directed to a U.S. governmental entity that, in accordance with U.S. governmental organizing law, has no legal personality that would permit it to be sued independently from the United States. For example, attempted service on a U.S. Embassy would be rejected since it is considered part of the U.S. government and as such does not have a separate juridical identity. No fee is charged by the Department of Justice's contractor for service to be made upon the United States or its departments, agencies or instrumentalities.</p>	
<p><b>26(b). If yes, from which States?</b></p>	<p><u>Argentina</u> - France, United Kingdom, United States of America, Italy, Switzerland.</p> <p><u>Bulgaria</u> - From Switzerland and Germany.</p> <p><u>China</u> - Germany, USA, Turkey.</p> <p><u>Germany</u> - From various States.</p> <p><u>Spain</u> - The Netherlands.</p> <p><u>Mexico</u> - From a state-owned company.</p> <p><u>Netherlands</u> - From USA.</p> <p><u>Japan</u> - No data is available.</p> <p><u>Portugal</u> - Switzerland</p> <p><u>Russian Federation</u> - There is no statistics on that matter.</p> <p><u>Suisse</u> - Amérique latine, Europe de l'est, Pays-Bas, USA.</p> <p><u>Ukraine</u> -The Great Britain.</p> <p><u>USA</u> - Among the states that have attempted to serve the United States through this channel include Italy, Germany, Turkey, Mexico, and the Netherlands. Other states may have similarly served the United States under Article 3.</p>	<p>Argentina, Bulgaria, China, Germany, Japan, Mexico, Netherlands, Portugal, Russian Federation, Spain, Suisse, Ukraine, USA. [13]</p>
<p><b>26(c). If yes, was service effected? How?</b></p>	<p><u>Argentina</u> - Through the courts, as provided by Argentine domestic procedural rules.</p> <p><u>Bulgaria</u> - When we receive such documents through diplomatic channel we submit the documents for service to the competent Bulgarian authorities according our declaration on Article 6, paragraphs 1 and 2.</p> <p><u>Japan</u> - No data is available.</p> <p><u>Mexico</u> - It was carried out personally, based on national legislation.</p> <p><u>Netherlands</u> - Service was effected by way of a bailiff.</p> <p><u>Portugal</u> - Personal notification.</p> <p><u>Russian Federation</u> - The requests were served, when all the requirements of the Convention were met.</p>	<p>Argentina, Bulgaria, Japan, Mexico, Netherlands, Portugal, Russian Federation, Spain, Suisse, Ukraine, United Kingdom. [11]</p>

	<p><u>Spain</u> - In the end we have sent said notifications to the Spanish Ministry for Foreign Affairs to be looked into and where appropriate, its subsequent notification.</p> <p><u>Suisse</u> - En général oui.</p> <p><u>Ukraine</u> - The case is currently pending.</p> <p><u>United Kingdom</u> - Forwarding to Treasury Solicitor.</p> <p><u>USA</u> - When service is otherwise proper as noted above, the Central Authority has forwarded the conforming service request to the appropriate office within the U.S. Department of Justice that represents the United States and all constituent governmental entities in litigation, and certificates of service were returned to the appropriate forwarding authority. If the request does not comply with customary international law with respect to service upon foreign states, or is addressed to a U.S. governmental entity that has not juridical existence in the forum state, the request would be returned to the forwarding authority unexecuted with an explanation as to why it could not be executed. To the extent the state has included the fee ordinarily imposed by the Department of Justice's contractor, that fee is always returned to the requesting state since there is no fee for service upon the United States.</p>	
<b>26(d). If yes, any difficulties?</b>	<p><u>Argentina</u> - The form is not addressed to the Head of State or the Argentine State, but rather to the official directly.</p> <p><u>Germany</u> - Refusal of service under Article 13(1); not a civil or commercial matter.</p> <p><u>Japan</u> - No data is available.</p> <p><u>Mexico</u> - None.</p> <p><u>Netherlands</u> - No difficulties were encountered.</p> <p><u>Portugal</u> - None.</p> <p><u>United Kingdom</u> - No.</p> <p><u>USA</u> - See response to questions 26(a) and 26(c) above.</p>	Argentina, Bulgaria, Germany, Japan, Mexico, Netherlands, Portugal, United Kingdom. [8]
<b>III. The main channel of transmission</b>		
<b>A. Forwarding Authority (Art. 3)</b>		
<b>27. Any difficulties in determining if forwarding authority competent?</b>	Yes.	Argentina, Czech Republic, Japan, Monaco, Norway, Spain. [6]
	<p>No.</p> <p><u>Russian Federation</u> - Where necessary the authorities of the Russian Federation follow Conclusions and Recommendation mentioned above.</p> <p><u>USA</u> - Unless not clearly stated.</p>	Bahamas, Belgique, Bulgaria, Canada, China (HK SAR), Croatia, Denmark, Germany, Finland, France, Ireland, Israel, Latvia, Luxembourg, Mexico, Netherlands, Poland,

		Portugal, Romania, Russian Federation, Slovakia, Sweden, Ukraine, United Kingdom, USA. [25]
	Yes and No // Oui et non. Non - Majorité des cantons. Oui – quelques cantons.	Suisse. [1]
<b>If yes, was the recommendation of the 2003 SC followed?</b>	Yes. <u>Monaco</u> - Utilisation des informations pratiques du site Internet.	Argentina, China, Czech Republic, Japan, Monaco, Norway, Spain, Suisse. [8]
	No. <u>USA</u> - The issue has not arisen.	USA. [1]
<b>28(a). Do the forwarding authorities of your State mainly use the postal method to send requests for service abroad?</b>	Yes.	Argentina, Bulgaria, Canada (British Columbia), China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, USA. [29]
	No.	Bahamas, Canada (Alberta, Ontario, Prince Edward Island). [2]
<b>Further comments</b>	In Manitoba, the forwarding authority is not centralized. The answer is unknown.	Canada (Manitoba). [1]

<p><b>28(b). Do they also use private courier services?</b></p>	<p>Yes.  <u>Argentina</u> - Private courier services are used in cases of urgency, since they are faster.  <u>Bulgaria</u> - In urgent cases.  <u>Croatia</u> - Generally we use postal mail service, but in urgent cases we use private courier.  <u>Czech Republic</u>- Generally we use the official postal mail service, unless there is a special need to use the private courier service (e.g., service speed).  <u>France</u> - L'autorité centrale française ne dispose d'aucune information à ce sujet.  <u>Latvia</u> - There have been cases when the foreign forwarding authority has asked Latvian authorities to return the Certificate of service using private courier services.  <u>Netherlands</u> - If it is a very urgent case in which the documents need to be served we could see that this method would be used. So far though we have had no experience with this.  <u>Norway</u> - May be used in urgent matters.  <u>Romania</u> - When it is an urgent trial matter, at the solicitation of the requesting party.  <u>Russian Federation</u> - In civil proceedings.  <u>Slovakia</u> - Our forwarding authority use in 100% of cases postal service for costs reasons.  <u>Spain</u>- In urgent cases as well as in those considered to be serious.  <u>Ukraine</u> - In cases of urgency a private courier service can be used.</p>	<p>Argentina, Bulgaria, Croatia, Czech Republic, France, Latvia, Mexico, Netherlands, Norway, Romania, Russian Federation, Spain, Sweden, Ukraine, USA.  [15]</p>
	<p>No.  <u>Bahamas</u> - The Bahamas do not normally request service of documents.  <u>China</u> - The Official Postal Organ is a contracted partner of the Chinese Central Authority.  <u>China (HK SAR)</u> - No requests have been received so far.  <u>Finland</u> - There has not been any need for that since we have not encountered difficulties with the official postal mail.  <u>Germany</u> - No, there has been no need to do so to date.  <u>Japan</u> - Our domestic law does not allow the use of private courier services.  <u>Poland</u> - It is regulated by the Code of Civil Procedure  <u>Suisse</u> - Le service postal officiel est suffisant. Il n'existe pas la nécessité ou le besoin d'utiliser d'autres services de courrier.</p>	<p>Bahamas, Canada (Alberta, British Columbia, Prince Edward Island), China, China (HK SAR), Denmark, Finland, Germany, Israel, Japan, Monaco, Poland, Portugal, Slovakia, Suisse, United Kingdom. [15]</p>
<p><b>Further comments</b></p>	<p><u>Canada (Alberta)</u> - As forwarding authority I have not had the occasion to send requests abroad. I have assisted members of Alberta's Law Society (lawyers), but they have completed the actual request.  <u>Canada (British Columbia)</u> - Unnecessary.  <u>Canada (Manitoba)</u> - In Manitoba, the forwarding authority is not centralized. The answer is unknown.  <u>Canada (Ontario)</u> - We have no information about the practices of forwarding authorities.  <u>Canada (Prince Edward Island)</u> - As forwarding authority I have not had the occasion to send requests abroad. I have assisted members of PEI's Law Society (lawyers), but they have completed the actual request.</p>	<p>Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), USA. [2]</p>

	<p><u>Canada (Quebec)</u> - As the Central Authority of Quebec does not act as a requesting authority, we do not have any information on this subject.</p> <p><u>USA</u> - See also Question 33 regarding the use of modern technologies, in particular sub-questions (b) and (c).</p>	
<p><b>28(c). Does the Central Authority of your State accept requests received by courier?</b></p>	<p>Yes.</p> <p><u>Bulgaria</u> - Yes, if the request is submitted from the competent authorities of the requesting state.</p> <p><u>Germany</u> - See also question 33 regarding the use of modern technologies, in particular sub-questions (b) and (c).</p> <p><u>Suisse</u> - Majorité des cantons.</p>	<p>Argentina, Bahamas, Belgique, Bulgaria, Canada, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Portugal, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom, USA. [31]</p>
	No.	[0]
<b>B. Methods of service (Art. 5)</b>		
<p><b>29. Methods of Service</b> <b>29(a). Formal Service</b></p>		
<p><b>Further comments</b></p>	<p><u>Czech Republic</u> - Please note that in the year 2009 substantial changes are expected in the legal regulation of service of documents. The Czech Republic will provide this information to HCCH Permanent Bureau.</p>	<p>Czech Republic. [1]</p>
<p><b>29(a)(i). What methods are used in your State?</b></p>	<p><u>Argentina</u>- Through the Courts.</p> <p><u>Bahamas</u> - Personal service is the normal method unless another form is requested by the requesting State.</p> <p><u>Belgique</u> – Article 32, 1°, Code Judiciaire Belge : par signification, c-à-d la remise d’une copie de l’acte ; elle a lieu par exploit d’huissier.</p> <p>- Article 33 et 34 Code Judiciaire Belge : la signification à personne.</p> <p>- Article 35 Code Judiciaire Belge : la signification au domicile et à défaut de domicile, à la résidence du destinataire.</p> <p>- Article 38, § 1, Code Judiciaire Belge : dépôt par l’huissier de justice au domicile, ou à défaut de domicile, à la résidence du destinataire.</p>	

- Article 38, § 2, Code Judiciaire Belge : la remise de la copie au procureur du Roi.
- Article 39 Code Judiciaire Belge : la signification et la notification à un domicile élu.
- Article 32, 2°, Code Judiciaire Belge : par notification, c-à-d l'envoi d'un acte de procédure en original ou en copie ; elle a lieu par la poste, ou, dans les cas déterminés par la loi, suivant les formes que celle-ci prescrit.

Par la poste (sous pli judiciaire) ; par exemple :

- Article 1669 Code Judiciaire Belge – de l'ordre : « dans les huit jours, le greffier notifie le jugement sous pli judiciaire, au liquidateur et aux parties ».
- Article 1241 Code Judiciaire Belge – de l'interdiction : « le président de la chambre à laquelle l'affaire a été distribuée ordonne la communication de la requête au ministère public. La partie requérante est convoquée, sous pli judiciaire, par le greffier ».
- Article 803 Code Judiciaire Belge – de l'instruction et le jugement par défaut : « la partie défaillante contre laquelle le défaut n'a pas été pris à l'audience d'introduction, est convoquée, sous pli judiciaire, par le greffier, à la demande écrite de la partie adverse, pour l'audience à laquelle la cause a été remise ou ultérieurement fixée ».

Par la poste (sous pli recommandé et par pli simple) :

- Article 53 *bis* Code Judiciaire Belge.

Canada (Alberta) - Alberta's Rules of Court state personal service on an individual. Personal service on a corporation is effected by leaving a copy with someone who works with the corporation. See copy of Alberta Rules of Court 390/68.

Canada (British Columbia) - Personal service, service on a corporate officer or on an officer of an unincorporated association, or service on a corporation at the registered office of the corporation, pursuant to Rules 11 and 12 and the Business Corporations Act

Canada (Manitoba) - Under Manitoba's Queen's Bench Rules, an originating process must be served personally. For entities, service must be made on specified representatives. After the originating process has been filed and served, subsequent documents can be served by a variety of alternatives to personal service, including acceptance by lawyer, and service by registered mail with acknowledgment of receipt.

Canada (Ontario) - In Ontario we serve by personal delivery by any person. The Central Authority generally uses a public officer to make service. Service on a corporation is normally done on an officer or director of the corporation.

Canada (Prince Edward Island) - Personal service, service on a corporate officer, director or agent of the corporation, or with a person at any place of business of the corporation who appears to be in control or management of the place of business, pursuant to Rule 16.02(1)(c).

Canada (Quebec) - In Quebec, the normal procedure is personal service by a bailiff who delivers a copy of the document to the recipient. Documents may also be served by leaving a copy at the domicile or residence of the recipient in the care of a reasonable person who resides there.

Documents may be served on a legal person (corporation) at its head office, at one of its establishments in Quebec or at the establishment of its agent in the district where the cause of

	<p>action arose, speaking to one of its senior officers or to a person in charge of the said establishment (s. 120 et seq. of the Code of Civil Procedure).</p> <p>Notification may be made by delivering the notice to the person to be notified and obtaining a receipt therefor or by registered or certified mail. Notification may be made by regular mail or by any other means of communication where the context does not require the sender to obtain proof of sending (s. 146.1 to 146.3 of the Code of Civil Procedure).</p> <p><u>China</u> - Personal Service/Service by leaving the documents at the domicile with certain conditions/service by post.</p> <p><u>China (HK SAR)</u> - (1) For service in general, see Order 69 rule 3 of the Rules of the High Court (Cap. 4A): <a href="http://www.legislation.gov.hk/blis_ind.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument">http://www.legislation.gov.hk/blis_ind.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument</a>. (2) For service on companies, see section 356 of the Companies Ordinance (Cap. 32): <a href="http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/DCA194202953B155C8256480004327B0?OpenDocument">http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/DCA194202953B155C8256480004327B0?OpenDocument</a>.</p> <p><u>Croatia</u> - The methods of service are prescribed by domestic law - Civil Procedure Act. Documents shall be served by mail, or through a particular court officer or court employee, through the competent administrative body, a notary public or directly by the court or electronic channels, according to the special law. In Republic of Croatia, the courts are responsible to serve documents on the addressees, not Ministry of Justice as central authority.</p> <p><u>Czech Republic</u> - Service of documents is regulated in the Civil Procedure Code No 99/1963 Coll., in the §§ 45-50g. The methods of service prescribed by domestic law can be found at the website of European Judicial Network in civil and commercial Matters - Service of documents - Czech Republic <a href="http://ec.europa.eu/civiljustice/">http://ec.europa.eu/civiljustice/</a>.</p> <p><u>Denmark</u> - According to § 155 of the Danish Administration of Justice Act, 3 methods of service are available; service by letter, service by post and service by a bailiff. Service by letter is done by sending or delivering two copies of the document to the party and requesting the party to acknowledge the receipt by returning one copy to the court. By service by post the document is sent to the party by letter through the Danish post office authorities with a certificate of delivery. By service by a bailiff the document is delivered to the party by a bailiff, who is appointed by the court.</p> <p><u>Finland</u> - When the court takes responsibility for service in a legal dispute, service takes place primarily by post. The letter may arrive either with advice of receipt to the post office or direct to the home, in which case the certificate of receipt in the envelope must be returned to the court. If it is likely that service of a writ of summons by post will not be successful, or if responsibility for service is given to a party, service will be performed by a bailiff.</p> <p>The service of a trial document other than a writ of summons may also be carried out by sending the document as a normal letter to the post address or another address notified to the court by the interested party. This means that for example invitations, exhortations and notices may be served on a party to civil proceedings electronically, if the party in question has indicated such an address - an e-mail address or a fax number - to the court as the address for service.</p>	
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	<p>Services of documents other than trial documents are performed by a process server at the request of an authority or a private individual.</p> <p><u>France</u> - La notification formelle s’accomplit par l’intermédiaire d’un officier ministériel, l’huissier de justice. Celui-ci signifie l’acte à personne et s’il s’agit d’une personne morale, à son représentant légal, son fondé de pouvoir ou toute personne habilitée à cet effet (article 654 du code de procédure civile).</p> <p>Si la signification à personne s’avère impossible, l’acte est délivré à domicile ou à défaut, à résidence. Dans ces deux derniers cas, l’huissier de justice relate dans l’acte les diligences accomplies pour notifier l’acte à la personne de son destinataire et les circonstances caractérisant l’impossibilité d’une telle signification. La copie de l’acte peut être remise à toute personne présente au domicile ou à la résidence du destinataire. La copie ne peut être laissée qu’à condition que la personne présente l’accepte et déclare ses nom, prénoms et qualité. L’huissier de justice doit, dans tous ces cas, laisser au domicile ou à la résidence du destinataire un avis de passage daté l’avertissant de la remise de la copie et mentionnant la nature de l’acte, le nom du requérant ainsi que les indications relatives à la personne à laquelle la copie a été remise. L’huissier de justice mentionne sur la copie les conditions dans lesquelles la remise a été effectuée. La copie de l’acte signifié doit être placée sous enveloppe fermée ne portant que l’indication des nom et adresse du destinataire de l’acte et le cachet de l’huissier apposé sur la fermeture du pli (articles 655 et 657 du code de procédure civile).</p> <p>Si personne ne peut ou ne veut recevoir la copie de l’acte et s’il résulte des vérifications faites par l’huissier de justice, dont il sera fait mention dans l’acte de signification, que le destinataire demeure bien à l’adresse indiquée, la signification est faite à domicile. Dans ce cas, l’huissier de justice laisse au domicile ou à la résidence de celui-ci un avis de passage établi suivant les modalités précisées au paragraphe précédent et mentionnant que la copie de l’acte doit être retirée dans le plus bref délai à l’étude de l’huissier de justice contre récépissé ou émargement par l’intéressé ou par toute personne spécialement mandatée. La copie de l’acte est conservée à l’étude pendant trois mois, à l’issue desquels l’huissier en est déchargé (article 656 du code de procédure civile).</p> <p>En cas de signification à domicile ou à résidence, l’huissier de justice avise l’intéressé de la signification, le jour même ou au plus tard le premier jour ouvrable, par lettre simple comportant les mêmes mentions que l’avis de passage précité et le cas échéant de ce qu’une copie est conservée pendant trois mois à l’étude. La lettre contient en outre une copie de l’acte de signification (article 658 du code de procédure civile).</p> <p><u>Germany</u> - The most important methods of service are as follows: Postal delivery; delivery by the <i>Gerichtswachtmeister</i> (court official); delivery by the bailiff; handover at the court office, direct delivery by lawyers, public delivery.</p> <p><u>Ireland</u> - Personal or by post.</p> <p><u>Israel</u> - Personal Service to the recipient's address by a court clerk.</p> <p><u>Japan</u> - Service is effected either by post (special postal service, Article 49 of the Mail Act; a</p>	
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	<p>report of service is drawn up by the postman) or through a marshal.</p> <p><u>Latvia</u> - According to the draft amendments to Article 56 of the Civil Procedure Law, upon the request of a party to the proceedings or according to court's discretion, documents would be served using a simple postal letter, a registered postal letter, a registered postal letter with an acknowledgement of receipt or a court's courier. The court may summon a person to appear in court in order to serve documents in court. It is possible for a party to the proceedings to serve judicial documents themselves or they may ask for the service of documents to be performed by a bailiff if the court grants its approval. In case of personal service of documents, if the addressee cannot be found in his/her place of residence, documents may be handed to an adult person met in at the address indicated for service. The addressee may also be served at his/her place of employment. If the addressee is absent, the documents may be handed to the administration of the place of employment to be forwarded to addressee. However, it has to be noted that there could be some changes in the methods of service described after the adoption of the amendments to the Civil Procedure Law.</p> <p><u>Luxembourg</u> - Signification par voie postale, par voie d'huissier ou notification par le greffe.</p> <p><u>Mexico</u> - Personal notifications in accordance with the Federal Code of Civil Procedures (Proceedings of the common law). If a personal notification of the complaint is to be made, the notifier must make sure the person who is to be notified lives in the designated house, once he is sure he will serve the notification and in case during the first search the person to be notified is not found, the notifier will leave a citatory for him so that he waits for the fixed time of the following day, and in case he does not wait, it will be notified by instructive, giving him respective copies when doing the notification, stating in written form all this facts. If in the indicated house the interested one or the person with whom the notification is to be served to refuses to receive it, the notifier will fix an instructive to the door, and will elaborate a written statement of such circumstance.</p> <p>In case the notifier cannot make sure that the person that will be notified, lives in the designated house, he will abstain from serving the notification, such fact will be pointed out to and taken into account by the court. The notification proceedings must be signed by all the people who take part in it, namely; the person who serves it and those who are notified, if the later one does not know or does not want to sign, the notifier will do so, pointing out this fact.</p> <p>When a notification is served in a different manner as foreseen by this chapter, or if it's omitted, the offended part may promote an incident for the declaration of nullification of what has been acted from the illegally served or omitted notification, onward.</p> <p>This incident will not suspend the course of the procedure, and, if the invalidity is declared, the court will determine, in it's resolution, the activities that are null, considered as such since these were ignored by he who promoted the incident of nullification, or because these are not able to subsist, nor could they have been legally carried out without the previous existence and the validity of others. Nevertheless, if the matter is set to be ruled, without the incident being firmly resolved, it will be suspended until the later is solved.</p>	
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All notifications will produce its effects the following day to that when it was served.

Personal notifications in accordance with the Amparo Law. (Constitutional procedure for the protection of individual guarantees.) (Proceedings of federal competence.)

The authority that knows of the trial of Amparo, the incident of suspension or the corresponding recourses, may order that certain notifications be served personally to one of the parties, when it considers it convenient; and, in any case, the serving proceeding to the affected third party and the first notification that must be served to a person different from the parties in the trial, will be made personally.

Personal notifications will be served according to the following rules:

When they must be served to the complainant, the affected third party or a strange person to the matter, with addresses or domiciles indicated to hear notifications in the place of the residence of the judge or court who knows of the matter, the respective notifier will look for the person whom must be notified, so that the proceeding is understood directly with him/her; if said person is not found, the notifier will leave a citatory for a fixed time, within the following twenty-four hours; and if the notified does not wait, the notification will be served through list.

The citatory will be given to the relatives, employees or of the interested one, or to any other person that lives in the house, once the notifier has made sure that the person who must be notified lives there; all of which will be stated in official documents. If the notification must be served in the house or office indicated to hear notifications, the notifier will hand the citatory to the people who live in that house or that happen to be in the office, stating this in the file. The citatory will contain a synthesis of the resolution that must be notified.

The notifications in the Amparo trial which are competence of the District Courts shall be served: To the offended ones who are not deprived of their personal freedom, to the affected third parties, to those with a power of attorney or proxies, attorneys, defenders, representatives, people authorized to hear notifications and to the Attorney General's office, through a list that will be posted on a visible and readily accessible place of the court. The list will be posted in the first work hour of the following day to that in which the resolution was adopted. If one of the mentioned parties does not appear personally hear a notification until the fourteen hour of the same day, it will be considered as served, the actuary shall write down and state this fact.

The list mentioned in the paragraph above, will contain the number of the trial or the incident for suspension in question; the name of the complainant and the responsible authority or authorities and a synthesis of the resolution that is notified.

Monaco - Lorsque la Direction des Services Judiciaires, autorité compétente pour recevoir et envoyer les demandes de signification ou notification d'actes judiciaires ou extrajudiciaires, reçoit les demandes, elle les transmet au Parquet Général pour exécution, celle-ci relevant en définitive des services de police (agent de police « notificateur »). Si le requérant en a fait expressément la demande, le Parquet transmettra l'acte à signifier à un huissier. Les articles 136 à 183 du Code de procédure civile encadrent leur action en la matière. L'exploit de l'huissier est notifié à personne ou à domicile et à défaut de domicile connu, à résidence.

	<p>Si la personne n'est pas trouvée à son domicile ou à sa résidence, une copie est remise sous enveloppe à son conjoint, aux personnes de sa famille demeurant avec lui, à ses employés. Si l'huissier ne peut rencontrer une des ces personnes, l'acte est remis en Mairie et avis est envoyé au destinataire par lettre recommandée.</p> <p>Dans le cas d'une assignation, l'huissier qui rencontrera en personne le défendeur, devra le requérir de signer l'original de l'exploit de signification. En cas d'impossibilité ou de refus de signer, il en fait mention.</p> <p><u>Netherlands</u> - In civil procedures the servicing of documents is done by a bailiff.</p> <p><u>Norway</u> - See Norwegian Court Administration Act, Chapter 9.</p> <p><u>Poland</u> - The Polish Central Authority is not directly involved in the service of documents. Documents are sent to competent courts. These courts may use for formal service the post or the court's service officials. The formal service may also be conducted by directly handing a document to the addressee in the court office.</p> <p><u>Romania</u> - The documents are served by procedural agents or by any other judicial officers from the territorial competent court.</p> <p><u>Russian Federation</u> - The only one method of service provided by the Russian procedural laws is the service by the court. A particular request is delivered by mail through the territorial division of the Ministry of Justice of the Russian Federation to the appropriate court for service. The choice of a court depends on the place of permanent residence of the addressee; documents are served in accordance with the Russian legislation on civil procedure.</p> <p><u>Slovakia</u> - Court serves itself personally or via postal service, in special cases may use the court bailiff, police officer, municipality or the Ministry of Justice to serve.</p> <p>For service of documents from abroad the courts use most often personal delivery in the court (the addressee is summoned by the court to personally appear and the document is handed over to the person); the information on the HCCH website is correct.</p> <p><u>Spain</u> - The Spanish Central Authority causes the document to be served, in the sense of Article 5(1) a) of the Convention, by forwarding it by postal service or postal express, to the Dean Court (<i>Juzgado Decano</i>) of the Courts of First Instance within the judicial territory (<i>partido judicial</i>) where the document is to be served. This judicial organ is competent for distributing the different matters (including service of documents) among the judicial authorities that fall under its jurisdiction. The actual service is done by the Court of First Instance to whom the matter has been forwarded. In principle, although a different form of service is not prohibited nor allowed in our domestic law, the Central Authority is not usually confronted to a special request by the applicant and does not practice informal delivery within the meaning of Article 5(2).</p> <p><u>Suisse</u> - Les principaux modes de signification prévus par les législations cantonales sont la notification par courrier recommandé, par un huissier ou par un agent de police.</p> <p>Dans le Canton de Genève, le destinataire est convoqué au greffe du Parquet pour retirer les actes. S'il ne se présente pas, il est demandé aux Services de police de procéder à la notification. L'envoi par courrier recommandé peut être fait comme « acte judiciaire » (AJ).</p>	
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L'envoi comme AJ est réglé dans les conditions générales de la Poste et sa brochure d'informations. Le produit «Acte judiciaire» de PostMail de la poste Suisse sert à l'envoi (à l'intérieur de la Suisse) de citations, notifications d'amende, décisions judiciaires, autres jugements et actes judiciaires. L'accusé de réception intégré est retourné à l'expéditeur accompagné de l'attestation de notification au destinataire. L'acte judiciaire doit être expédié dans des enveloppes jaunes spéciales avec accusé de réception; la mention «Acte judiciaire» doit figurer sur l'enveloppe. Les actes judiciaires peuvent également être envoyés avec la mention «A remettre en main propre».

Remarque de la Suisse relative au projet de code de procédure civile suisse (P-CPCS):

Le projet prévoit les formes de notification suivantes: L'acte est directement remis au destinataire par envoi recommandé ou d'une autre manière contre accusé de réception; l'acte est réputé notifié lorsqu'il a été remis au destinataire, à un de ses employés ou à une personne de son ménage ayant seize ans. Cette réglementation est conforme à la jurisprudence actuelle. Le tribunal peut ordonner que l'acte soit notifié personnellement au destinataire. Cette possibilité peut en particulier être indiquée dans les litiges de droit de la famille. L'acte est en outre réputé notifié a) en cas d'envoi recommandé, lorsque celui-ci n'a pas été retiré, à l'expiration d'un délai de sept jours à compter de l'échec de la remise, si le destinataire devait s'attendre à recevoir la notification; b) lorsque le destinataire à qui il doit être remis personnellement refuse de le réceptionner et que le refus est constaté par le porteur, le jour du refus de réceptionner. Les situations décrites correspondent à la jurisprudence constante. Les actes peuvent être notifiés par voie électronique avec l'accord de la personne concernée. Le consentement préalable de la personne concernée est cependant requis. Il se limite en principe au procès en cours. Mais il peut également avoir une portée générale s'agissant par exemple d'avocats ayant à faire régulièrement avec les autorités judiciaires. La solution proposée est identique à l'organisation judiciaire fédérale. La notification par voie électronique est également rendue possible pour les autorités du droit de la poursuite et de la faillite.

Sweden - The most usual procedure of serving a document is that it is sent by post to the addressee. The letter is accompanied by a receipt of service, which the addressee is required to sign and return.

There are also other ways of serving a document. There are detailed rules on when the various forms of service are to be used and when the addressee is deemed to have been served with a document. A list of the alternative methods of service is given below:

- Simplified service - The document is sent by post to the addressee's last known address and at least one day later a notice is sent stating that the document has been sent. Evidence of reception or receipt is thus not required. Simplified service can only be used if the addressee has indicated that it can be used in the proceedings. In practice this means that service can be effected on a person if he or she has been informed of the method going to be used and proof of receipt has been received once in the case.

- Telephone service - The content of a document is read over the telephone to the addressee.

	<p>The document is hereafter sent to the addressee by post. This method can only be used for documents that are not too complex.</p> <ul style="list-style-type: none"> <li>- Service by a process server - Personal service is effected by a process server or certain other officials e.g. a police officer or bailiff.</li> <li>- Substituted service - The document is handed to someone other than the addressee, for example an adult member of the addressee's household or his landlord or employer. By nailing to the door. If there is reason to believe that a person is acting to avoid being served and no other person can be served (substituted service), the process may in certain circumstances be left at the addressee's home or affixed to the door.</li> <li>- Special service on limited companies - In certain circumstances a document can be served on a limited company by sending it to its registered office.</li> <li>- Service by proclamation - A final mode of service that should be mentioned is service by proclamation. For this, the document is made available at the offices of the authority or the court and at the same time is notified and a summary of the document published on the website of the gazette Post och Inrikes tidningar and/or a local newspaper. The document is also sent by post to the addressee's last known address.</li> </ul> <p><u>Ukraine</u> - Our Central Authority uses such method for delivery as delivery through the officials of the Ministry of Justice of Ukraine and its territorial bodies. The official indicates the date and time of service of the documents and sends the proposal letter to the recipient on accept of the documents. The recipient can put his/her signature on each page of the second package of the documents to confirm the acceptance. The official is competent to draw up a certificate about the service of documents. If the addressee refused to receive the documents or did not appear in the Main Department of Justice, the official sends the request to the competent court in accordance with the Civil Procedural Code of Ukraine. The judicial officer calls the recipient to the court to serve the documents. The recipient puts his/her signature at the notification of service and on each page of the second package of the documents to confirm the acceptance. The court sends the notification of service and other documents connected to the execution to the Main Department of Justice. The official of the Main Department of Justice draws up a certificate about the service of documents. If the request was not executed the official indicates the reasons and provides evidences of reasons for non-execution and sends the documents to the Ministry of Justice. The Central Authority of Ukraine sends to the requesting authority the package of documents with signature of recipient and certificate attested by an emblem seal of the official body.</p> <p><u>USA</u> - Although not required by our domestic laws, all formal service pursuant to Article 5(1) a) is made by means of personal service by the private contractor employed by the U.S. Central Authority. In the event personal service is not possible, service will be made by the contractor using such other method as may be permitted under the law of the local jurisdiction where the service is to be made, including mail service, if authorized. The private contractor, however, does</p>	
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	<p>not serve papers upon the United States or its departments, agencies or instrumentalities. Such service requests will be directed to the U.S. Department of Justice for handling.</p>	
<p><b>29(a) (ii). What is the default method in your State?</b></p>	<p><u>Argentina</u> - Through the Courts.  <u>Bahamas</u> - Personal service is the default method of service however the following methods are also prescribed under Bahamian legislation: <a href="http://laws.bahamas.gov.bs/subsidiary/subsidiary_CHAPTER_53.html#SIC53RULESOFTHE SUPREMECOURTOrd61s1">http://laws.bahamas.gov.bs/subsidiary/subsidiary_CHAPTER_53.html#SIC53RULESOFTHE SUPREMECOURTOrd61s1</a>.  <u>Canada (Alberta)</u> - Personal service only (see above). Serving by post or leaving documents with a friend or neighbour is not considered "good" service.  <u>Canada (British Columbia)</u> - Personal service, or sub service at residential address, or personal service on corporation. All documents are served by a sheriff or deputy sheriff.  <u>Canada (Manitoba)</u> - Personal service.  <u>Canada (Ontario)</u> - We serve by having a public officer deliver the documents in person.  <u>Canada (Prince Edward Island)</u> - Personal service, or sub service at residential address, or personal service on corporation. All documents are served by a sheriff or deputy sheriff.  <u>Canada (Quebec)</u> - The Central Authority of Quebec proceeds with service in accordance with the method of personal service by bailiff because it is the method generally used in the territory. For notification, the Central Authority of Quebec uses the mail (certified mail, with proof of mailing).  <u>China</u> - Personal service.  <u>China (HK SAR)</u> - (1) Personal service on individuals.  (2) On body corporates, see:  (i) Order 65 rule 3(1) of the Rules of High Court (Cap. 4A)-  <a href="http://www.legislation.gov.hk/blis_ind.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument">http://www.legislation.gov.hk/blis_ind.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument</a>; and  (ii) section 356 of the Companies Ordinance (Cap. 32)-  <a href="http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/DCA194202953B155C8256480004327B0?OpenDocument">http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/DCA194202953B155C8256480004327B0?OpenDocument</a>.  <u>Czech Republic</u> - Service under Article 5(1) a) is done in most of the cases by summoning the addressees to the court and handing over the documents. If an addressee does not appear at the court, the postal service will occur by using special form of delivery called service "into own hands". Using this channel, it is possible to use alternative postal service by deposit made under strict circumstances prescribed by the law.  Service is done only if the documents include translation into Czech language or if it can be concluded that the addressee understands the language of the document.  <u>Denmark</u> - Service by bailiff is generally used.  <u>Finland</u> - Normally these documents are delivered by the process server personally to the addressee.  <u>France</u> - Sur le fondement de l'article 5(1) a), il est possible soit de faire procéder à la remise sans frais de l'acte à son destinataire soit, moyennant paiement par avance d'une provision pour les frais encourus, de faire procéder à la signification de l'acte par huissier de justice.</p>	

	<p><u>Germany</u> - Postal delivery.</p> <p><u>Ireland</u> - Personal for individuals and postal for companies / corporate bodies.</p> <p><u>Israel</u> - By a court clerk, because this is the method usually used for court service in Israel.</p> <p><u>Japan</u> - Service by post (special postal service) would be chosen. The reason behind the choice is as follows: Service by post, which is more cost and time effective than service through a marshal, is the most common method for domestic cases as well. Thus we use this method, <i>i.e.</i> service by post first even when requested to serve through a marshal, unless particular valid reasons are given for the requested method. Further, the effects of the two methods of service are identical.</p> <p><u>Latvia</u> - Usually, court summons a person to appear in court in order to serve documents in court.</p> <p><u>Mexico</u> - Personally, because the legislation establishes that it should be served in such form.</p> <p><u>Monaco</u> - L'appel à un huissier selon la procédure décrite ci-dessus. En l'absence de préférence, c'est la simple remise effectuée par un agent de la Sûreté publique qui sera utilisée. Cette solution a été choisie en raison des coûts qu'engendre la signification des actes. Les huissiers facturent leur intervention au requérant, à savoir le Parquet Général.</p> <p><u>Netherlands</u> - In the comments on the Dutch implementation law it is mentioned that the Public Prosecutor will service documents by way of the police. In practice it is also done via postal service. If the postman finds nobody at the address a message will be left behind stating where the document can be collected.</p> <p><u>Norway</u> - In general the service is made by a process-server, although it may depend on the circumstances in the individual case. If the documents are written in Norwegian, Swedish or Danish or accompanied by a translation into one of these languages and if given information does not include a date set for hearing in the near future, the documents may be served by post.</p> <p><u>Poland</u> - Judicial writs are served by recorded delivery against confirmation of receipt.</p> <p>In cases involving labour or social insurance law, a court may call parties, witnesses, experts or other persons by any means deemed appropriate if this is necessary in order to expedite the matter.</p> <p>In cases involving business law, the party represented by a solicitor or a legal advisor is obliged to serve copies of statements of case and annexes personally on the other party during proceedings. However, this does not concern documents where compliance with the deadline is contingent on the date on which they were lodged with the court (<i>i.e.</i> counter-claims, appeals, appeals in cassation, complaints, objections to a judgment by default, objections to a payment order, applications for a payment order, applications for security for claims, petitions for the revival of proceedings).</p> <p>Where the addressee is a natural person, documents should be served on him in person, <i>i.e.</i> handed to him or, where he does not have legal capacity, to his legal representative.</p> <p>Letters for a legal person or an organisation without legal personality are served on the body authorised to represent them in the court or handed to an employee authorised to take receipt of</p>	
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	<p>letters by the organisation's head.</p> <p>Where a legal representative has been appointed or a person has been authorised to accept judicial writs, the documents are served on them.</p> <p>Once a legal representative has been appointed, documents may not be served on the party itself unless it has limited the power of attorney or authorised another given individual to take receipt of documents. Deadlines are calculated as of the moment when the writ is served on the legal representative, even if the court has also served the writ on the party in question.</p> <p>The person authorised to take receipt of judicial writs must be an employee responsible for taking receipt of correspondence of this type from the document server or in person at the post office or court.</p> <p>Documents must be served on natural persons engaged in business activities in accordance with the rules applicable to natural persons. Documents must be served on businesses and business partners registered in the court record under separate provisions at the address indicated in the record, unless a party has indicated that documents should be served at another address.</p> <p>Documents may also be served personally on a guardian ad litem appointed by the court deciding on the application submitted by the person concerned. This occurs when a statement of claims or other document which entails defending a party's rights is served on a party whose permanent or temporary place of residence is unknown. Organisations which do not have representative bodies, or where the place of residence of the members of those bodies is unknown, may also appoint a guardian.</p> <p>If a party's place of residence is unknown and the letter to be served does not entail defending rights, displaying it on the walls of the court building is deemed to constitute service.</p> <p>If the parties and their representatives fail to give notification of a change of address, the document is left in the case file and is deemed to have been served (except in the case of petitions for the revival of proceedings), unless the new address is known to the court. When a document is first served, the court informs the party of its obligation to provide notification of any change of address and of the consequences of failing to do so.</p> <p>Documents intended for a person residing abroad should be served on their legal representative or proxy for document service resident in Poland; if the names of those persons are not indicated, the documents should be left at the party's address as indicated in the statement of claims.</p> <p>Documents are served on prisoners via the relevant prison governor or head of the custody unit.</p> <p><u>Sweden</u> - It is difficult to indicate a method generally used since this depends on the circumstances in the individual case. If the documents are written in Swedish or accompanied by a translation into Swedish or other Nordic language and if given information does not include a date set for hearing in the near future, the documents are served by mail (registered letter with return receipt). If a translation has not been attached or very little time remains before the hearing, or should service by mail have proved unsuccessful, the documents may be served with the assistance of a police authority.</p>	
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	<p>the service of documents.</p> <p>If the request was not executed the official indicates the reasons and evidences of non-execution and send the documents to the Ministry of Justice.</p> <p>The Central Authority of Ukraine shall send to the requesting authority the package of documents with signature of recipient and certificate attested by an emblem seal of the official body.</p> <p><u>United Kingdom</u>- Personal service on individuals and postal service on registered offices of companies. If this fails then by first class post.</p> <p><u>USA</u> - See preceding answer.</p>	
<b>29(b). Service by particular method.</b>	<p><u>Bulgaria</u> - In the Republic of Bulgaria the service is formal within the meaning of Article 5 of the Convention it is done by the Court during a sitting of the Court.</p> <p><u>Russian Federation</u> - Methods other than a formal service are not provided for in the Russian legislation.</p> <p><u>USA</u> - Pursuant to Article 5(1) <i>b</i>), service may be effected by a particular method requested by the applicant unless such a method is incompatible with the law.</p>	Bulgaria, Russian Federation, USA. [3]
<b>29(b)(i). Do States agree with the Permanent Bureau that Art. 5(1)(a) allows for a specification of a method of service that is recognised by the law of the requested State?</b>	<p>Yes.</p> <p><u>USA</u> - Because of the flexibility of the laws of the United States with regard to service, requests to make service under Article 5(1) <i>b</i>) have either been consistent with the service mechanism that the Central Authority would routinely use, or would otherwise be considered effective service within the United States. Accordingly, service requests made pursuant to Article 5(1) <i>b</i>) have not caused the Central Authority any difficulties or concern.</p>	<p>Argentina, Bahamas, Bulgaria, Canada, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom.</p> <p>[28]</p>
	<p>No.</p> <p><u>Latvia</u> - The authority of the requesting State will not always be aware of the methods of service recognized by the law of the requested State, therefore, in order to guarantee that the required method of service of documents is going to be used, the authority of the requesting State may ask for its request to be executed under Article 5(1) <i>b</i>) even if this method is recognized by the law of the requested State. In such cases, however, Article 12 of the Convention should not be applicable.</p> <p><u>Russian Federation</u> - Consider these methods as different from each other.</p>	Latvia, Russian Federation. [2]
	<p>Une signification conformément à l'article 5 (1) <i>a</i>) s'effectue, comme décrit plus haut, à l'intervention d'un huissier de justice et entraîne des frais pour le requérant. L'Autorité centrale belge ne fera signifier de cette façon que si le requérant indique clairement qu'il préfère ce mode</p>	Belgique. [1]

<p><b>29(b) (ii). What methods has your State requested?</b></p>	<p>et est donc conscient des frais que cela occasionne.</p> <p><u>Argentina</u> - These methods have not been used.  <u>Bulgaria</u> - It is not relevant in our practice.  <u>Denmark</u> - No available information.  <u>France</u> - Aucune donnée statistique n'est disponible sur ce point.  <u>Latvia</u> - There have been no such cases.  <u>Russian Federation</u> - Russian competent authorities forward requests only by formal method, <i>i.e.</i> to the Central Authorities of Contracting States.  <u>Slovakia</u> - Service "into own hands" may be required (<i>i.e.</i> no other person but the addressee may receive the document).  <u>Spain</u> - Spain refers to its answer to question 29(a)(i).  <u>Suisse</u> - Une AC signale les cas suivants: Pour des commandements de payer et les comminations de faillite, pour lesquels le droit interne prescrit une forme de notification qualifiée. (1) La notification est opérée par le préposé, par un employé de l'office ou par la poste. (2) Celui qui procède à la notification atteste sur chaque des deux exemplaires le jour où elle a eu lieu et la personne à laquelle l'acte a été remis, il a été demandé à l'autorité étrangère d'attester la notification sur un des deux exemplaires mêmes et de le rendre à l'autorité requérante. Cette forme n'a pas toujours été suivie quand elle a été requise. En la même matière, l'autorité requérante suisse a demandé de procéder à une remise dans les mains du destinataire de l'acte ouvert, afin de lui donner le cas échéant l'occasion de former immédiatement opposition comme le prescrit le droit suisse. La requête n'a pas encore été exécutée.  <u>United Kingdom</u> - Not relevant.  <u>USA</u> - Personal service.</p>	
<p><b>29(b) (iii). What methods have been requested of your State?</b></p>	<p><u>Argentina</u>- Service by fax has been requested, though not effected, because the Argentine Republic only allows service through the courts.  <u>Belgium</u> - Généralement, l'acte est notifié par remise à personne à l'intervention des différents parquets généraux, des parquets locaux et de la police. Le destinataire peut cependant le refuser.  <u>Bulgaria</u> - It is not relevant in our practice.  <u>Canada (Alberta)</u> - After numerous attempts to effect personal service, we were requested to tape the documents to the door of the residence, take a picture and include the picture with the completed Certificate detailing the unordinary service.  <u>Canada (British Columbia)</u> - Occasionally specific requests for personal service only, with no option for sub service.  <u>Canada (Manitoba)</u> - In one exceptional situation, Manitoba effected service on a corporation's lawyer of record, rather than directors or officers who could not be located. This was done after consulting with the requesting authority.  <u>Canada (Quebec)</u> - There has not been any such requests.  <u>China</u> - Personal service which in fact comply with the Chinese Law required by some States. The requirements were met in execution.</p>	<p>Argentina, Belgique, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Quebec), China, China (HK SAR), Denmark, France, Latvia, Norway, Slovakia, Spain, Suisse, Sweden, USA. [15]</p>

	<p><u>China (HK SAR)</u> - By post, and this method has been used to effect service.</p> <p><u>Denmark</u> - No available information.</p> <p><u>France</u> - L'autorité centrale française n'a pas connaissance de ce que des formes particulières de notification, différentes de ce qui est d'ores et déjà prévu par la législation française, aient été demandées.</p> <p><u>Latvia</u> - There have been no such cases.</p> <p><u>Norway</u> - Some countries have requested personal service.</p> <p><u>Slovakia</u> - Usually personal service is requested as a particular method.</p> <p><u>Spain</u> - Spain refers to its answer to question 29(a)(i).</p> <p><u>Suisse</u> - Une AC signale le cas suivant: Demande (USA) tendant à la remise de l'acte exclusivement dans les mains du destinataire et au contrôle de son identité par confrontation avec une photo fournie l'autorité requérante. La notification a été exécutée selon la forme requise au moyen d'une citation du destinataire à se présenter devant l'autorité centrale. Dans un autre canton, une demande semblable a été exécutée par la police.</p> <p><u>Sweden</u> - In order to avoid postal and substituted service, some counties request the use of personal service <i>i.e.</i> service by hand to the addressee.</p> <p><u>USA</u> - Those requests that sought service in accordance with Article 5(1) <i>b</i>) that might be different from the method normally utilized by the Central Authority involved methods that were already fully compliant with applicable local court rules and therefore presented no difficulties</p>	
<p><b>29(c). Informal delivery.</b></p>		<p>[0]</p>
<p><b>29(c)(i). Does the law of your State provide for informal delivery?</b></p>	<p>Yes.</p> <p><u>Canada (British Columbia)</u> - By mail, only when contact with recipient has been made and they agree to accept the documents.</p> <p><u>Canada (Ontario)</u> -The law allows a party to accept service of documents but does not provide any formal process for this to happen. Acceptance of service would be a matter of proof, an element of showing that service had been made. Without knowing that there would be consent, we would not count on any such thing; we would have our agent make personal service in the usual way.</p> <p><u>Czech Republic</u> - Service under the Article 5(2) is done by the court summoning the addressee, informing him of the possibility to refuse service and handing over the documents if he or she accepts, or returning the request without execution in case it will be refused. Service by post is also possible.</p> <p><u>France</u> - Les articles 688-1 et 688-2 du code de procédure civile prévoient que les actes reçus aux fins de notification par voie de simple remise sont transmis au procureur de la République près du tribunal de grande instance dans le ressort duquel se situe le domicile du destinataire de l'acte. Le procureur de la République requiert les services de police ou de gendarmerie aux fins de procéder à la remise. Ces services convoquent l'intéressé, dans leurs locaux, pour y accomplir la remise. Ils dressent procès-verbal des diligences accomplies et le transmettent au procureur</p>	<p>Canada (British Columbia, Ontario), Czech Republic, France, Germany, Ireland, Israel, Japan, Latvia, Monaco, Netherlands, Poland, Romania, Slovakia, Sweden, Ukraine, USA.</p> <p>[16]</p>

	<p>de la République qui remplit l'attestation de remise de l'article 6 et l'adresse directement à l'autorité requérante. Cette notification s'opère sans frais pour le requérant.</p> <p><u>Japan</u> - The court clerk makes a formal demand in advance to the addressee to accept the relevant documents and then delivers them, according to the addressee's request, either in person or by post. If the addressee does not appear in order to receive them or does not make the above request within three weeks from the day of the above demand, the documents will be returned to the applicant.</p> <p><u>Germany</u> - The details are regulated in Sections 68 and 69 of the Regulation on Judicial Assistance in Civil Matters (<i>Zivilrechtshilfeordnung</i> – ZRHO):</p> <ul style="list-style-type: none"> <li>- document in German or a foreign language;</li> <li>- personal delivery to the recipient himself;</li> <li>- legal instruction to the recipient;</li> <li>- opportunity for the recipient to view the document;</li> <li>- decision as to whether to accept the document;</li> <li>- note on the decision in the accompanying report.</li> </ul> <p><u>Ireland</u> - This method can be used where the addressee has indicated in writing that he will accept service, or that service may be effected by delivering documents to an intermediary e.g. a solicitor acting for him.</p> <p><u>Israel</u> - The documents are delivered to the address, and the recipient can accept them voluntarily. However, if this happens, the documents are send again with a formal clerk.</p> <p><u>Latvia</u> - Documents may always be served to the addressee if he/she accepts them voluntarily. According to the draft amendments to the Civil Procedure Law, when documents are served to the addressee, he/she may refuse to accept the documents, if no translation into Latvian or any other language which the addressee understands is provided. In such a case the documents are returned to the requesting State for translation.</p> <p><u>Poland</u> - Informal delivery within the meaning of Article 5(2) may be conducted only by directly handing a document to the addressee in the Court office.</p> <p><u>Romania</u> - By procedural agents. The addressee is informed that he/she can refuse the documents.</p> <p><u>Slovakia</u> - Personal service in the court (so that court can inform the addressee about his/her right to refuse to receive the documents) (information on the HCCH website is correct).</p> <p><u>Spain</u> - Spain refers to its answer to question 29(a)(i).</p> <p><u>USA</u> - Informal service is permitted within the United States in a variety of ways: through members of diplomatic or consular missions in the United States; through the mails or by private persons if that would be effective under applicable law, provided no compulsion is used. The requesting authority, not the U.S. Central Authority, would make arrangements for service using one of these informal means.</p>	
	<p>No. <u>Spain</u> - See answer to question 29(a)(i).</p>	<p>Argentina, Bahamas, Bulgaria, Canada</p>

		(Alberta, Manitoba, Prince Edward Island, Quebec), China, China (HK SAR), Croatia, Denmark, Finland, Luxembourg, Mexico, Norway, Russian Federation, Spain, United Kingdom. [15]
	Yes and No // Oui et Non. Oui - Voir la remarque liminaire de la Suisse ad 29(a)(ii). La notification sera effectuée, en règle générale, par lettre recommandée ou par un acte judiciaire. Quelques cantons procèdent par la police. Non - Quelques cantons. La remise contre confirmation peut être subsumée en droit cantonal sous la notification formelle; elle peut se confondre avec celle-ci.	Suisse. [1]
<b>29(c)(ii). Does your State systematically attempt informal service first?</b>	Yes.	Belgique, China, Israel, Monaco, Netherlands, Romania, Suisse, Sweden. [8]
	No. <u>France</u> - Il est fait retour de la demande et de l'acte. Il est demandé à l'autorité requérante de bien vouloir préciser la forme choisie pour la notification. Il est alors précisé que la notification par officier ministériel (huissier de justice) s'effectue contre paiement préalable d'une provision au titre des frais de signification encourus. <u>Norway</u> - Please note that is the requirements for formal delivery are fulfilled, we do not attempt service by informal delivery.	Argentina, Bahamas, Bulgaria, Canada, China (HK SAR), Czech Republic, Finland, France, Germany, Ireland, Japan, Latvia, Luxembourg, Mexico, Norway, Poland, Russian Federation, Slovakia, Spain, United Kingdom, USA. [21]
<b>29(c)(iii). Does your State attempt formal service after informal has failed?</b>	Yes. <u>Czech Republic</u> - The translation into the Czech language will be required unless the addressee is willing to accept the document without translation. <u>Israel</u> - No additional requirements. <u>Latvia</u> - Under the draft amendments to the Civil Procedure Law, if the addressee has refused to accept the document because it is not translated into the official language of Latvia (Latvian) or any other language which the addressee understands, the document is returned to the requesting state to be translated either into Latvian or any other language that the addressee has specified. <u>Mexico</u> - Translation. <u>Netherlands</u> - No additional requirements needed.	Canada (Alberta), Czech Republic, Israel, Latvia, Mexico, Netherlands, Norway, Poland, Romania, Suisse, Sweden, USA.[12]

	<p><u>Norway</u> - A translation of the documents to be served will be imposed of the requesting party before we attempt service again.</p> <p><u>Poland</u> - It is obligatory to provide the translation of the documents into Polish</p> <p><u>Romania</u> - No translation requirements.</p> <p><u>Spain</u> - Requirement for translation is extended to the document to be served. (Spain has concluded a bilateral agreement with Portugal in 1997 aiming to exclude the translation requirement within our mutual legal assistance relations.)</p> <p><u>Suisse</u> - Si le destinataire refuse la notification par remise simple ou si celle-ci échoue, l'autorité centrale ou le tribunal cantonal compétent en fera mention sur l'attestation et communiquera à l'Etat requérant que la notification doit être effectuée formellement. Les autorités suisses exigeront alors la traduction des documents en allemand, en français ou en italien selon la région linguistique concernée, avant de procéder à une nouvelle notification (voir réserve de la Suisse ad art. 5 al. 3 CLaH 65). Si une traduction est déjà disponible, la majorité des cantons a indiqué de procéder systématiquement à une signification formelle.</p> <p><u>United Kingdom</u> - Not applicable.</p> <p><u>USA</u> - All service is by personal service. The Central Authority does not use informal methods of service unless specifically requested by the forwarding authority under Article 5(1) <i>b</i>). Formal requests for the service of documents made pursuant to Article 5(1), and submitted to the contractor used by the U.S. Central Authority, must be translated into English, along with a translation of the underlying documents, although papers solely in French will be served as well.</p>	
	<p>No.</p> <p><u>Argentina</u> - Informal delivery is not allowed.</p> <p><u>Belgique</u> - Sur demande de l'état requérant.</p> <p><u>Bulgaria</u> - We are using the formal methods of service.</p> <p><u>Canada (British Columbia)</u> - We always use personal service. Informal service (by mail) was only attempted 2 times in 2007, both successful.</p> <p><u>Canada (Prince Edward Island)</u> - We always use personal service.</p> <p><u>Denmark</u> - As mentioned above, formal service will be attempted if the requirements are fulfilled. If the requirements for formal service are not fulfilled (<i>e.g.</i> because the document to be served is not translated) informal delivery may be attempted. If informal delivery is unsuccessful, a translation of the documents is required before formal service will be attempted.</p> <p><u>France</u> - En cas d'échec de la notification par voie de simple remise, il est fait retour des pièces à l'autorité requérante. Il lui revient d'apprécier si elle entend solliciter la signification par la voie formelle et payer les frais de signification par huissier de justice.</p>	<p>Argentina, Bahamas, Belgique, Bulgaria, Canada (British Columbia, Prince Edward Island), China, China (HK SAR), Denmark, Finland, France, Germany, Japan Spain, Monaco, Spain, Slovakia. [16]</p>
	<p>Not applicable.</p> <p><u>Canada (Ontario)</u> - We would not attempt informal service.</p> <p><u>Russian Federation</u> - Russian competent authorities forward requests only by formal method.</p>	<p>Canada (Manitoba, Ontario, Quebec), Russian Federation. [2]</p>
<p><b>C. Translation requirements (Art. 5(3))</b></p>		



<p><b>30. Do States impose translation requirements?</b></p>	<p>Yes.</p> <p><u>Argentina</u> - Translation of the documents attached to the form.</p> <p><u>Bulgaria</u> - Bulgaria has made reserve on Article 5(3) regarding the translation.</p> <p><u>Canada</u> - Please see information below and also the table with information on the Canadian system.</p> <p><u>Croatia</u> - The Republic of Croatia declared that documents pursuant to Article 5(1) should be accompanied by a translation into the Croatian language.</p> <p><u>Czech Republic</u> - The translation into the Czech language will be required unless the addressee is willing to accept the document voluntarily without translation. The addressee must be instructed by the court, that it is necessary to consider the legal effects that arise abroad in due of this refuse.</p> <p><u>Denmark</u> - Documents to be served under Article 5(1) must be translated.</p> <p><u>Finland</u> - A translation is not required; however, if the addressee does not accept a document in a foreign language, service can only be effected if the document is translated into one of the official languages of Finland, <i>i.e.</i> Finnish or Swedish, or if the addressee must be deemed to understand the foreign language. Companies with international business relations must be deemed to understand English, German or French.</p> <p><u>Ireland</u> - Translation into one of the official languages of Ireland.</p> <p><u>Luxembourg</u> - L'acte doit être traduit en français ou allemand.</p> <p><u>Norway</u> - Any document to be served under Article 5(1) should be translated into Norwegian. However, we also accept translations into Swedish or Danish.</p> <p><u>Poland</u>- The document, which is to be served under Article 5(1) of the Convention, should be generally translated into Polish. According to Article 1132(2) of the Polish Code Civil Procedure, if a court or other authority of a foreign state applies to a Polish court for the service of document on a person staying in Poland, without attaching a translation of the document into Polish, the document is served on the addressee if he chooses to accept it. The only exception is provided by Agreement of 5 July 1987 between Poland and China, which allows enclosing a translation of judicial documents into English. However in practice, documents from China which are delivered to a Polish authority with translation into English should be translated into Polish by the Central Authority or by the competent regional court.</p> <p><u>Russian Federation</u> - According to the declaration of the Russian Federation to the Convention and in compliance with the Russian legislation, documents to be served within the territory of the Russian Federation shall only be accepted if they have been written in, or translated into the Russian language.</p> <p><u>Spain</u> - Spain refers to its response in relation to question 29(c)(iii).</p> <p><u>Suisse</u> - Ad article 5(3), la Suisse a fait la déclaration suivante: "La Suisse déclare que lorsque le destinataire n'accepte pas volontairement la remise de l'acte, celui-ci ne pourra lui être signifié ou notifié formellement, conformément à l'article 5(1), que s'il est rédigé dans la langue de l'autorité requise, c'est-à-dire en langue allemande, française ou italienne, ou accompagné d'une</p>	<p>Argentina, Bahamas, Belgique, Bulgaria, Canada, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Ireland, Japan, Luxembourg, Mexico, Norway, Poland, Russian Federation, Spain, Suisse, Sweden, Ukraine, USA. [24]</p>
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	<p>traduction dans l'une de ces langues, en fonction de la région de Suisse dans laquelle l'acte doit être signifié ou notifié". Une liste des Autorités centrales cantonales avec leurs coordonnées et leurs langues peut être consultée en ligne: <a href="http://www.rhf.admin.ch/rhf/fr/home/zivil/behoerden.html">http://www.rhf.admin.ch/rhf/fr/home/zivil/behoerden.html</a>.</p> <p><u>Sweden</u> - Any document to be served under Article 5(1) should be translated into Swedish. However, documents in Danish or Norwegian are also accepted.</p> <p><u>USA</u> - Formal requests for the service of documents made pursuant to Article 5(1), and submitted to the contractor used by the U.S. Central Authority, must be translated into English, along with a translation of the underlying documents, although papers solely in French will be served as well.</p>	
	<p>No.</p> <p><u>France</u> - Par application de l'article 688-6 du code de procédure civile, l'acte est notifiée dans la langue de l'Etat d'origine. Le destinataire de l'acte domicilié en France peut toujours refuser un acte en provenance de l'Etranger rédigé dans une langue qu'il ne connaît pas et demander sa traduction en langue française à la diligence et aux frais du requérant.</p> <p><u>Israel</u> - In practice, documents are being served as they arrive.</p> <p><u>Latvia</u> - However, according to the draft amendments to the Civil Procedure Law translation is required if the addressee refuses to accept the document because the document is not prepared in the official language of Latvia (Latvian) or in a language that the addressee understands, irrespective of application of Article 5(1) a) or 5(1) b).</p> <p><u>Netherlands</u> - No translation is required. However, a translation of the summary is desirable. There are no agreements with other countries.</p>	<p>France, Israel, Latvia, Monaco, Netherlands, Romania, United Kingdom. [7]</p>
<p><b>30(a). What are the requirements for formal service?</b></p>	<p><u>Bulgaria</u> - Bulgaria has made reserve on Article 5(3) regarding the translation.</p> <p><u>Mexico</u>- Translation of the documents attached to the form.</p> <p><u>Suisse</u> - Voir réponse en haut 30.</p> <p><u>Ukraine</u> - It's necessary to note that all the documents, which are to be served, should be translated into Ukrainian. If the addressee is fluent in the language in which the documents to be served is written, the translation of documents to be served is not necessary.</p>	<p>Bulgaria, Germany, Mexico, Suisse, Ukraine. [5]</p>
<p><b>If there is evidence that the addressee is fluent in the foreign language, would your State still insist on translation?</b></p>	<p>Yes.</p> <p><u>Argentina</u> - Because otherwise the request could not be processed.</p> <p><u>Belgique</u> - Une signification effectuée conformément à l'article 5(1) a) requiert toujours une traduction, voir à ce sujet la communication de la Belgique dans l'information pratique afférente à la Convention. Si les documents ont été rédigés dans une langue que le destinataire ne maîtrise pas, il ne peut être supposé en avoir pris connaissance.</p> <p><u>Canada (British Columbia)</u> - English.</p> <p><u>Canada (Ontario)</u> - The Central Authority does not have the right to waive the language requirements of our rules of civil procedure based on facts known or thought to be known by the Central Authority.</p> <p><u>Canada (Prince Edward Island)</u> - English.</p> <p><u>Canada (Quebec)</u> - For Quebec, translation will be required in all cases where the recipient does</p>	<p>Argentina, Belgique, Canada (Alberta, British Columbia, Prince Edward Island, Quebec), China, Denmark, Germany, Ireland, Japan, Mexico, Poland, Russian Federation, Slovakia, USA. [13]</p>

	<p>not understand the language in which the document is written. All proceedings that commence actions must be translated. Summary translation of other types of documents to be served is acceptable if the recipient agrees. Translation is to be done into the French language; however, the Quebec Central Authority may, upon request, allow a translation into English on condition that the recipient understands that language. (Proviso).</p> <p><u>China</u> - According to the domestic law, the documents to be served must be in Chinese language</p> <p><u>Germany</u> - The Central Authority cannot reliably examine the recipient's knowledge of a language in the service procedure.</p> <p><u>Ireland</u> - For the avoidance of doubt.</p> <p><u>Japan</u> - In Japan, a full translation is required for any document to be served under Article 5(1) <i>a)</i> or <i>b)</i> and the translation together with the original is served to the addressee. We consider this practice to be in the interest of the addressee because it makes it possible for him/her to recognize the contents of the document to be served at the same level as domestic civil cases. In order to truly ensure this interest of the addressee, we consider it appropriate to treat all the requests to be served under Article 5(1) <i>a)</i> or <i>b)</i> in the same manner, regardless of whether or not there is evidence that the addressee is fluent in the language in which the document to be served is written.</p> <p><u>Mexico</u> - Juridical security.</p> <p><u>Poland</u> - It is regulated by the Code of Civil Procedure and also requests form jurisprudence.</p> <p><u>Russian Federation</u> - According to the declaration of the Russian Federation to the Convention and in compliance with the Russian legislation, documents to be served within the territory of the Russian Federation shall only be accepted if they have been written in, or translated into the Russian language.</p> <p><u>Slovakia</u>- Because under internal law, the party has the right to refuse to accept documents if they are not in the Slovak language.</p> <p><u>USA</u> - Because ultimately the language spoken or understood by the addressee is a factual question that is outside of the definitive knowledge of the Central Authority or its contractor, it will not make any assumptions regarding the fact.</p>	
	<p>No.</p> <p><u>China (HK SAR)</u> - If the court or tribunal of a country or place outside the Hong Kong Special Administrative Region certifies that the person to be served understands the language of the process. See Order 69, rule 3(1) of the Rules of the High Court:  <a href="http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument">http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument</a>.</p> <p><u>Spain</u> - In general, the Central Authority requires a translation into Spanish language but not systematically then some exceptions have been made, where there is evidence the addressee is fluent in the language in which the document to be served is written.</p>	<p>Canada (Manitoba), China (HK SAR), Czech Republic, Finland, Luxembourg, Norway, Spain, Sweden, Ukraine, United Kingdom. [10]</p>
	<p>Yes and No // Oui et non.</p> <p>Oui – Moitié des cantons - v. déclaration de la Suisse; Non - Moitié des cantons; si le destinataire</p>	<p>Suisse [1]</p>

	accepte la simple remise.	
<b>30(b). What are the requirements for service by a particular method?</b>	<p><u>Bulgaria</u> - Bulgaria has made reserve on Article 5(3) regarding the translation.</p> <p><u>Canada (Alberta)</u> - See above.</p> <p><u>Canada (Quebec)</u> - Where it is a proceeding introductive of suit, subject to the aforesated Proviso, unless there is insufficient time before the hearing to rectify the situation, in which case service can be effected.</p> <p><u>Germany</u> - See above.</p> <p><u>Suisse</u> - Voir réponse en haut 30.</p> <p><u>Ukraine</u> - It is necessary to note that all the documents, which are to be served, should be translated into Ukrainian. If the addressee is fluent in the language in which the documents to be served are written, it is considered that the translation of documents to be served is not necessary.</p>	Bulgaria, Canada (Alberta, British Columbia, Price Edward Island, Quebec), Germany, Suisse, Ukraine. [5]
<b>If there is evidence that the addressee is fluent in the foreign language, would your State still insist on a translation?</b>	<p>Yes.</p> <p><u>Argentina</u> - Because otherwise the request could not be processes.</p> <p><u>Japan</u> - See the answer to the previous question.</p> <p><u>Ireland</u> - For the avoidance of doubt.</p> <p><u>Mexico</u> - Juridical security.</p> <p><u>Poland</u> - It is regulated by the Code of Civil Procedure and also results form jurisprudence.</p> <p><u>Russian Federation</u> - According to the declaration of the Russian Federation to the Convention mentioned above.</p> <p><u>Slovakia</u> - See answer above to question 30(a).</p> <p><u>USA</u> - See response to 30(b).</p>	Argentina, Denmark, Ireland, Japan, Mexico, Poland, Russian Federation, Slovakia, USA. [9]
	<p>No.</p> <p><u>China (HK SAR)</u> - If the court or tribunal of a country or place outside the Hong Kong Special Administrative Region certifies that the person to be served understands the language of the process. See Order 69, rule 3(1) of the Rules of the High Court: <a href="http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument">http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument</a>.</p>	Belgique, China, China (HK SAR), Czech Republic, Finland, Luxembourg, Netherlands, Norway, Spain, Sweden, Ukraine, United Kingdom. [12]
	<p>Yes and No // Oui et non.</p> <p>Oui – Moitié des cantons - V. déclaration de la Suisse; Non - moitié des cantons; si le destinataire accepte la simple remise.</p>	Suisse. [1]

<p><b>30(c). What are the translation requirements in your State for informal delivery?</b></p>	<p><u>Argentina</u> - Our legal system does not allow informal delivery as a means of service.  <u>Mexico</u> - Not applicable in Mexico.</p> <p>No translation requirement for informal delivery.  <u>Canada</u> - Not applicable.  <u>Russian Federation</u> - Russian competent authorities forward requests only by formal method.  <u>Suisse</u> - Dans la majorité des cantons, le destinataire est toutefois averti que les documents ne sont pas établis dans la langue de la région linguistique concernée (ou accompagnés d'une traduction) et qu'il est en droit de refuser la notification et de requérir la traduction des documents.  <u>USA</u> - Although all formal requests for service of documents made pursuant to Article 5(1), and submitted to the Central Authority's contractor, must be translated into English, along with a translation of the underlying documents, there is no similar requirement that service made directly by the sending states or interested parties through informal means such as mail, consular channels, or privately retained process server be translated. Some courts may rule, however, and typically only if challenged by the defendant, that service of documents not translated into English and made through these informal mechanisms may not provide the recipient with sufficient notice of the nature of the proceeding an opportunity to respond, and therefore, not be enforceable as a matter of due process.</p>	<p>Argentina, Mexico. [2]</p> <p>Belgique, Bulgaria, Canada, China, China (HK SAR), Denmark, Finland, Germany, Japan, Netherlands, Norway, Poland, Russian Federation, Slovakia, Suisse, Ukraine, United Kingdom, USA. [18]</p>
<p><b>31. Which law determines how translation should be prepared?</b></p>	<p><u>Bulgaria</u> - Domestic law of the requesting State.  <u>Germany</u> - According to an interpretation of the Hague Service Convention that is autonomous from the agreement, it is primarily likely to be the right of the requesting State that prevails. Formal requirements are not made of the translation with regard to Article 3(1). The translation must be complete and comprehensible, however. If that is not the case, the request may be rejected.</p> <p>Domestic law of the requested State.  <u>Belgique</u> - Selon l'article 5 du Traité de 15 novembre 1965 l'Autorité centrale de l'Etat requis peut exiger que la pièce qui doit être signifier ou notifier doit être traduit. Ca peut correspondre aux termes de la loi Belge concernant l'emploi des langues en matière judiciaire du 15 juin 1935.  <u>Canada (Alberta)</u> - Canada declared that documents have to be translated in the official language, French or English, of the Province where service is to be made.  <u>Canada (Prince Edward Island)</u> - Canada declared that documents have to be translated in the official language, French or English, of the Province where service is to be made.  <u>Spain</u> - So far Spain has not made a general declaration regarding the necessity to draft or translate all documents into Spanish. This means, in principle, that the Central Authority has the discretion to require such a translation or not. Article 144 of the Spanish Procedural Law establishes that all documents drafted in a foreign language must be accompanied by a</p>	<p>Argentina, Bulgaria, Canada (British Columbia, Ontario), China, Croatia, Finland, Germany, Ireland, Japan, Luxembourg, Norway, Romania, Ukraine, USA. [14]</p> <p>Bahamas, Belgique, Canada (Alberta, Prince Edward Island), Denmark, Israel, Latvia, Mexico, Monaco, Spain, Sweden, United Kingdom. [11]</p>

	<p>translation into Spanish. However, bearing in mind the superior legal hierarchy of international treaties, only if the Treaty in question states otherwise, might this obligation be avoided. In general, the Central Authority requires a translation into Spanish language but not systematically then some exceptions have been made, where there is evidence the addressee is fluent in the language in which the document to be served is written.</p> <p>Both laws.  <u>Canada (Quebec)</u> - The translation should comply with the requirements of the Requesting State, as procedure is governed by the law of the court seized of the matter (a. 3132 of the Civil Code) and the requested State (law of the place of execution). However, in practice, the requested State is only able to verify compliance with the requirements of its own legislation, the law of the place of execution.  <u>Czech Republic</u>- According to the law of the Czech Republic the translation must be done by sworn translator, otherwise the receiver of the documents could refuse the documents. In this case the person must be also instructed that it is necessary to consider legal effects that can arise abroad in due of such refuse.  <u>France</u> - Il doit être fait application combinée des dispositions prévues, en la matière, par la loi interne des deux Etats concernés.  <u>Slovakia</u> - The proper answer is "either of the two laws". In principle, we require that the translation be done by an official translator. The translator may be authorised either under the law of the requesting State or under the Slovak law or even under the law of a third State (<i>i.e.</i> if the requesting State could not find a translator in its territory). A certain "formality" of the translation is required.  <u>Suisse</u> - La loi interne de l'État requérant: Opinions partagés; p.ex. quand la validité de la notification en dépend (l'Etat requérant devrait l'indiquer en choisissant la voie de la lettre b) La loi interne de l'État requis - Opinions partagés.</p>	
	<p><u>Canada (Quebec)</u> - The translation should comply with the requirements of the Requesting State, as procedure is governed by the law of the court seized of the matter (a. 3132 of the Civil Code) and the requested State (law of the place of execution). However, in practice, the requested State is only able to verify compliance with the requirements of its own legislation, the law of the place of execution.  <u>Czech Republic</u>- According to the law of the Czech Republic the translation must be done by sworn translator, otherwise the receiver of the documents could refuse the documents. In this case the person must be also instructed that it is necessary to consider legal effects that can arise abroad in due of such refuse.  <u>France</u> - Il doit être fait application combinée des dispositions prévues, en la matière, par la loi interne des deux Etats concernés.  <u>Slovakia</u> - The proper answer is "either of the two laws". In principle, we require that the translation be done by an official translator. The translator may be authorised either under the law of the requesting State or under the Slovak law or even under the law of a third State (<i>i.e.</i> if the requesting State could not find a translator in its territory). A certain "formality" of the translation is required.  <u>Suisse</u> - La loi interne de l'État requérant: Opinions partagés; p.ex. quand la validité de la notification en dépend (l'Etat requérant devrait l'indiquer en choisissant la voie de la lettre b) La loi interne de l'État requis - Opinions partagés.</p>	Canada (Quebec), Czech Republic, France, Poland, Suisse, Slovakia. [6]
<b>Further comments</b>	<p><u>Canada (Manitoba)</u> - No formal position has been taken.  <u>China (HK SAR)</u> - The domestic law of the Hong Kong Special Administrative Region does not have any specific requirement in this respect.</p>	Canada (Manitoba), China (HK SAR). [2]
<b>D. Costs (Art. 12)</b>		
<b>32. Costs incurred for methods of service. 32(a). What costs are incurred for Formal Service?</b>	<p><u>Germany</u> - The costs have been borne by the German agencies to date, insofar as there is evidence of them. A reimbursement of costs has not been demanded. That does not imply recognition of any legal obligation, however. Explicit reference is made to Article 12.  <u>Israel</u> - General administrative costs.  <u>Russian Federation</u> - The Russian Federation assumes that in accordance with Article 12 of the Convention the service of judicial documents coming from a Contracting State shall not give rise to any payments or reimbursement of taxes or costs for the services rendered by the State addressed. For this reason, the Contracting State which is requested for service should bear all costs.</p>	Germany, Israel, Russian Federation. [3]

<p><b>32(a)(i) Who bears the costs?</b></p>	<p>Requested State.  <u>China</u> - But Chinese side will charge for the service on the reciprocity base when the Chinese applicant is charged for the service by the other States.</p>	<p>Argentina, Bulgaria, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, United Kingdom. [25]</p>
	<p>Applicant / Forwarding Authority / Requesting State.  <u>Bahamas</u> - The cost of serving documentation is made by the Requesting State in the sum of eighty dollars (US\$80.00) via international money order to the peace officer who would have effected service of the same.  <u>Belgique</u> - Le requérant. A ce moment, les frais d'une telle signification doivent être remboursés par la suite. La Belgique souhaite modifier cet état de choses dans un proche avenir en raison du non-paiement de ces frais dans un grand nombre de dossiers : un acompte devra alors être payé au préalable (probablement environ 135 EUR). Les paiements sont effectués sur le compte bancaire de la Chambre Nationale des Huissiers de Justice, les frais bancaires étant à charge du requérant.  <u>Canada (British Columbia)</u> - We will effect service regardless of prepayment. If request is not prepaid, we will invoice the applicant after service is carried out. We accept cheque, cash and money orders/drafts; no electronic transfers.  <u>Canada (Manitoba)</u> - The applicant must pay \$50.00 for sheriff's services. If prepayment is not made, service is effected with a follow-up letter asking for payment. Payment is to the Minister of Finance, by cheque, money order or electronic transfer.  <u>Canada (Ontario)</u> - No change since 2003.  <u>Canada (Prince Edward Island)</u> - We will affect service regardless of prepayment. If request is not prepaid, we will invoice the applicant after service is carried out. We accept cheque, cash and money orders/drafts; no electronic transfers.  <u>Canada (Quebec)</u> - For the service of judicial or extrajudicial documents the bailiff is entitled to a fee of CAN\$50.00 (per recipient), pursuant to section 7.1 of the Tariff of fees and transportation expenses of bailiffs (H-4, r.3). This amount is used to defray the costs of service for the bailiff in Quebec who will be serving the documents.  Payment of the service costs must be made by cheque drawn on a bank in Canada or by traveller's cheque, payable to the "Ministre des Finances du Québec".  Payment of the CAN\$50.00 fee must accompany each request for service. No request will be</p>	<p>Bahamas, Belgique, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), France, Mexico, USA. [6]</p>

	<p>processed unless payment of the bailiff's fees is received. Payment by electronic transfer is not accepted; this is an administrative and technical issue, not a legal one.</p> <p>In regard to notification, no costs are charged to forwarding authorities for the notification of documents by certified mail.</p> <p><u>France</u> - Il revient au requérant d'acquitter la somme forfaitaire de 50 € soit par chèque soit par virement bancaire électronique international, au profit de la Chambre nationale des huissiers de justice (décret n°96-1080 du 12 décembre 1996 portant fixation du tarif des huissiers de justice en matière civile et commerciale).</p> <p><u>USA</u> - All service under Article 5(1) must be sent directly to the contractor identified by the Central Authority and are assessed a flat fee. As of December 2008, the cost of personal service or service by mail is \$95.00. A new contract will be issued prior to the February 2009 Special Commission and any changes in the flat fee will be provided to the Hague Conference Permanent Bureau when they become available. No fee is required, however, if the party to be served is the United States, or its departments or instrumentalities. The United States notes, however, that there is no requirement under U.S. federal law that requests for judicial assistance be referred to the Department of State or the Department of Justice's contractor for execution. The United States has no objection to the informal delivery of such documents by members of diplomatic or consular missions in the United States, through the mails or by private persons if such methods would be effective under applicable law, provided no compulsion is used. The costs or fees associated with the use of privately contracted authorized persons to effect service would be individually negotiated, and unknown to the United States government.</p>	
<p><b>32(b). What costs are incurred for particular method?</b></p>	<p><u>Russian Federation</u> - As there are no methods of service of documents in the Russian Federation other than by the courts, the compensation of costs is out of question.</p> <p><u>Ukraine</u> - In general the service is free of charge. If the execution of the request (including the execution by the particular method requested by the applicant) requires any costs, the court of Ukraine directly or through the Ministry of Justice of Ukraine and its territorial bodies informs the requesting authority, about the amount of such costs and provides relevant bank information. The execution of the request continues after adjustment of the way of payment.</p>	<p>Russian Federation, Ukraine. [2]</p>
<p><b>32(b)(i). Who bears these costs?</b></p>	<p>Requested State.</p> <p><u>China (HK SAR)</u> - If served by post.</p> <p><u>Czech Republic</u> - In most of the cases the cost will be borne by our State, however if a particular and expensive method of service would be required the court might ask for reimbursement of costs.</p> <p><u>Denmark</u> - The answer to this question depends on how unusual the particular method of service requested by the applicant is.</p> <p><u>Norway</u> - In general Norway does not charge the applicant of costs relating to the intervention of judicial officers or competent persons or in relation to service by a particular method. If a request that requires a special method implies large costs, the requesting party should, according to our national guidelines (G-04/2007), be contacted in advance of the serving and given an estimate of</p>	<p>China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Ireland, Israel, Luxembourg, Monaco, Netherlands, Norway, Romania, Slovakia, Spain, Sweden. [16]</p>



	<p>the costs.</p> <p><u>Romania</u> - If the foreign legal authorities request the communication in a more special form that do not infringe the Romanian law, there can be requested a reimbursement of the expenses generated by that procedure.</p>	
	<p>Applicant / Forwarding Authority / Requesting State.</p> <p><u>Argentina</u> - No such cases have occurred. However, Argentina understands that the applicant will bear the costs if a particular method is requested or when the intervention of a judicial officer or other competent person from the required state is called for.</p> <p><u>Canada (Alberta)</u> - Receipt of the \$50.00 service fee is the preferred method, however occasions arise when the Requesting State must be invoiced. Service fee is always reimbursed to the Minister of Finance and Enterprise in Alberta. It is never paid directly to a judicial officer, civil enforcement agency/bailiff or other person. The funds are deposited into our Trust Account and a cheque is made payable to the particular Civil Enforcement Agency serving the documents. Reimbursement is usually by cheque, either drawn on a Canadian or American bank. Cheques drawn on a "foreign" bank are not accepted. Visa is the preferred method of payment for "foreign" countries. The Visa card can be faxed or scanned. Occasionally receive cash. Alberta is not set up to receive funds electronically.</p> <p><u>Canada (British Columbia)</u> - We will affect service regardless of prepayment. If request is not prepaid, we will invoice the applicant after service is carried out. We accept cheque, cash and money orders/drafts; no electronic transfers.</p> <p><u>Canada (Manitoba)</u> - The applicant must pay \$50.00 for sheriff's services. If prepayment is not made, service is effected with a follow-up letter asking for payment.</p> <p><u>Canada (Prince Edward Island)</u> - Receipt of the \$50.00 service fee is the preferred method; however occasions arise when the Requesting State must be invoiced. Service fee is always reimbursed to the Provincial Treasurer of Prince Edward Island. It is never paid directly to a judicial officer, civil enforcement agency or other person. Reimbursement is usually by cheque, money order/drafts; no electronic transfers.</p> <p><u>Canada (Quebec)</u> - We have not received any such requests (see answer to question 29(b)(iii) but if the matter were to arise, the costs would be borne by the requesting State.</p> <p><u>France</u> - Le réquerant. L'existence d'un paiement par avance des frais sera fonction de la forme particulière demandée.</p> <p><u>Japan</u> - Service will be effected regardless of whether or not the costs have been paid. The applicant who receives a bill for the costs at the same time as the certificate referred to in Article 6 must pay the amount by international postal money order.</p> <p><u>Latvia</u> - According to draft amendments to the Civil Procedure Law, Ministry of Justice may ask the competent foreign authority to reimburse the costs of service of documents.</p> <p><u>Poland</u> - The mode of the reimbursement depends on the situation. The most frequently used solutions are: The court covers the costs and afterwards asks for the reimbursement the requesting authority. The court asks for the advance payment before the service and afterwards</p>	<p>Argentina, Bahamas, Belgium, Bulgaria, Canada (Alberta, British Columbia, Manitoba), China, France, Japan, Latvia, Mexico, Poland, United Kingdom, Ukraine, USA. [14]</p>

	<p>asks the requesting authority for the reimbursement of the due amount.</p> <p><u>Ukraine</u> - In general the service is free of charge. If the execution of the request (including the execution by the particular method requested by the applicant) requires any costs, the court of Ukraine directly or through the Ministry of Justice of Ukraine and its territorial bodies informs the requesting authority, about the amount of such costs and provides relevant bank information. The execution of the request continues after adjustment of the way of payment.</p> <p><u>USA</u> - See preceding answer.</p>	
	<p>L'État requis - Majorité des cantons.</p> <p>Le requérant l'autorité expéditrice / l'État requérant - Dans quelques cantons, une avance de frais est requise de l'autorité expéditrice; celle-ci doit payer les frais directement à l'autorité compétente requise concernée, par virement bancaire ou postal.</p>	Suisse. [1]
<b>32(c). What costs are incurred for Informal delivery?</b>	<p>None.</p> <p><u>Argentina</u> - Informal delivery is not permitted by our legal system.</p> <p><u>France</u> - La remise s'effectue sans frais.</p> <p><u>Ireland</u> - Not applicable.</p> <p><u>United Kingdom</u> - Not applicable.</p>	Argentina, France, Ireland, United Kingdom. [4]
<b>32(c)(i). Who bears these costs</b>	<p>Requested State.</p> <p><u>China (HK SAR)</u> - If served by personal delivery.</p>	Belgique, Bulgaria, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Israel, Japan, Latvia, Monaco, Netherlands, Norway, Poland, Romania, Slovakia, Suisse, Sweden. [20]
	<p>Applicant / Forwarding Authority / Requesting State.</p> <p><u>Canada (Alberta)</u> - See above.</p> <p><u>Canada (British Columbia)</u> - We will effect service regardless of prepayment. If request is not prepaid, we will invoice the applicant after service is carried out. We accept cheque, cash and money orders/drafts; no electronic transfers.</p> <p><u>Canada (Manitoba)</u> - The applicant would have to pay \$50.00 if sheriff's services were used for delivery. If prepayment were not made, service would be effected with a follow-up letter asking for payment.</p> <p><u>Canada (Prince Edward Island)</u> - See above.</p> <p><u>USA</u> - As noted above, informal service is permitted within the United States in a variety of ways: by members of diplomatic or consular missions in the United States, through the mails or by private persons if that would be effective under applicable law, provided no compulsion is used. Because the requesting authority, not the U.S. Central Authority, would make</p>	Bahamas, Canada (Alberta, British Columbia, Manitoba, Prince Edward Island), USA. [3]

	arrangements for service using one of these informal means, any costs associated with it must be born by the requesting authority.	
	Not applicable.	Canada (Ontario, Quebec). [1]
<b>E. Modern Technologies</b>		
<b>33. Use of Modern Technologies</b> <b>33(a). Does the law in your State allow, as a requesting State, for a requesting party to electronically send documents to a forwarding authority?</b>	<p>Yes.</p> <p><u>Bulgaria</u> - It is not used in practice, because of better prevention of the rights of the parties. The authenticity of the documents, transmitted via fax or e-mail could be contested. We are strictly applying the provisions of the Convention.</p> <p><u>Canada (British Columbia)</u> - By fax, I understand.</p> <p><u>Canada (Quebec)</u> - In practice, according to the information obtained, only the fax (as a "technology") is currently used for receiving or sending by the Central Authority of Quebec. However, from a legal point of view in Quebec, in regard to service, it is possible:</p> <ul style="list-style-type: none"> <li>• Pursuant to section 82.1 CCP, for a party or his attorney to send a written proceeding, an exhibit or any other document to a bailiff, an advocate or a notary by fax machine. The chosen correspondent prepares copies of the facsimile of the document and an attestation of their authenticity; the copies are presumed to be originals for the purposes of notification, service, filing at the office of the court or evidence. The signature of the advocate, notary or court bailiff is sufficient to certify the authenticity of the document;</li> <li>• Pursuant to section 122 CCP, to serve by registered or certified mail where there is neither sheriff nor bailiff able to act within a radius of 50 kilometres;</li> </ul> <p>Pursuant to section 138 CCP, The judge or clerk may, on motion, if the circumstances so require, authorize a mode of service other than those provided by sections 120, 122, 123 and 130, particularly by public notice or by mail, unless such last mode is already authorized by the said articles:</p> <ul style="list-style-type: none"> <li>• Service by public notice is effected in accordance with the terms of section 139 CCP, which provides inter alia that unless the judge or the clerk decides otherwise, the order is published only once; the publication is made in a newspaper, designated by the judge or clerk, distributed in the locality of the last known address of the defendant or, if no newspaper is distributed in that locality, in the locality where he is required to appear;</li> <li>• Service by mail is made by mailing a copy of the proceeding by registered or certified mail to the party at the last known address of his residence or place of work.</li> <li>• Further, section 140.1 CCP states the service of a written proceeding, an exhibit or any other document on the attorney of a party may, without the authorization of the judge or clerk, be effected by transmitting to him a facsimile of the proceeding, exhibit or other document by fax machine.</li> </ul> <p>From a legal point of view, in Quebec, with regard to notification, it is possible:</p> <ul style="list-style-type: none"> <li>• Pursuant to section 146.2 CCP for notification to be effected by sending the original, a</li> </ul>	Bulgaria, Canada, (British Columbia, Quebec) Finland, Latvia, Netherlands, Spain, Sweden, USA. [8]

	<p>certified copy or an abstract of the act, document or notice by registered or certified mail to the last known address of the residence or place of work of the person to be notified.</p> <ul style="list-style-type: none"> <li>• Pursuant to section 146.3 CCP, for notification to be effected, unless prescribed otherwise, by notification of the original or of a copy or abstract of the act, document or notice by regular mail or by any other means of communication where the context does not require the sender to obtain proof of sending. If the circumstances so require, the judge may order the publication by any other appropriate means, in particular by letter, or by an advertisement on the radio or television; he shall then determine the mode of proof of publication.</li> </ul> <p>In principle, considering that in Quebec service is made by delivering a copy to the party in person, it cannot be effected through the use of modern technology. However, in cases where personal delivery is not required, the Act to establish a Legal framework for information technology (R.S.Q., c. C-1.1) (AELFIT) would allow the use of such technology.</p> <p>The AELFIT sets out the general principle of the freedom of individuals in regard to the choice of medium used to file documents. This freedom of choice is tempered by the obligation to respect the rules of law. Similarly, the legal value of a document is neither increased nor diminished solely because of the medium chosen. Indeed, this principle is established at section 5 of the AELFIT. Several sections of the AELFIT and articles of the Civil Code of Québec also delimit the scope of the principle. Thus, for example, section 29 states that:</p> <p>“A person may not be required to acquire a specific medium or technology to transmit or receive a document, unless such requirement is expressly provided by law or by an agreement.”</p> <p>Accordingly, the AELFIT sets out, subject to certain limitations, equivalents for:</p> <ul style="list-style-type: none"> <li>• The facsimile – section 74 AELFIT:</li> </ul> <p>“74. A reference in the law to the possibility of using one or more specific means of transmission such as sending by mail, by messenger, by cablegram or telegram, by fax, by telematic, computerized or electronic means, by way of telecommunication, teletransmission, fibre optics or any other information technology, does not preclude the use of another means of transmission appropriate to the medium of the document to be sent, provided the legislative provision does not require the exclusive use of a specific means of transmission.”</p> <ul style="list-style-type: none"> <li>• Certified or registered mail - section 28 AELFIT;</li> <li>• Mmail – section 28 AELFIT:</li> </ul> <p>“28. A document may be transmitted, sent or forwarded by any means appropriate to the medium, unless the exclusive use of a specific means of transmission is required by law. Where the law requires the use of mail, the requirement may be met by means of the technology appropriate to the medium of the document. Similarly, where the law requires the use of certified or registered mail, the requirement may be met, in the case of a technology-based document, by means of an acknowledgement of receipt in the appropriate medium signed by the recipient, or by any other agreed method.</p> <p>Where the law requires the transmission or reception of a document at a specific address, the address shall comprise, in the case of a technology-based document, an identifier specific to the</p>	
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	<p>location where the recipient may receive communication of such document.”</p> <p>With regard to public notice, the National Assembly of Québec is currently reviewing Bill 65 entitled An Act respecting the application of the Act to establish a legal framework for information technology, which, if it is adopted will provide, through section 70.8 (section 5 of the Bill), the option of fulfilling this obligation through technological means. This section reads as follows:</p> <p>“70.8. No legislative provision that creates an obligation to inform by requiring that information be disseminated, distributed, released, transmitted, published or made known or public in any other way in a territory, including that of Québec, a metropolitan community, an urban agglomeration, a municipality, a locality or a borough, shall be construed as implying an obligation to use a paper document.</p> <p>However, to fulfil the obligation to provide information in a territory using a technology-based document that is accessible or available at a technological address, the following conditions must be met: (1) for information intended for a community as a whole, the appropriate means for accessing the document and examining it at a technological address must be available in the community and their existence made known; (2) for information intended for a category of persons, the appropriate means must be available as provided in subparagraph 1, or those persons must be required by law or under an agreement to acquire the appropriate means for receiving or accessing a technology-based document; and; (3) for information intended for a person identified by the person's relationship to a territory or by the fact that the person may be in that territory or may be contacted there, the person must be able to access and examine the document at a technological address from a place situated in that territory, or the person must have publicly stated that the document will be received or examined at a technological address.”</p> <p><u>Finland</u> - In practice, fax is used in urgent cases.</p> <p><u>Netherlands</u> - The law of our state does not have specific requirements as the law does not mention these forms of modern technology. Fact is that fax and email are widely used and accepted as possible means to receive documents. The network itself is secured, although there can be no absolute guarantee that an incoming fax or email message is free of “unwanted” content.</p> <p><u>Spain</u> – Article 162 of the Spanish Civil Procedural Law introduces the possibility to forward and receive judicial documents by electronic and telematic means as long as the authenticity of its content is guaranteed and there is exact awareness of the moment in which it has been completely sent and received. Fax may be used in case of urgency. E-mail has been used several times, after the original documents of the request have been sent.</p> <p><u>USA</u> - U.S. law does not impose any restrictions on the methods by which documents may be forwarded from a requesting party to a forwarding authority. However, no reliable information is available on the specific means which are in fact used in practice.</p>	
	<p>No.</p> <p><u>Argentina</u> - Because the only kind of transmission accepted is through the Courts.</p>	<p>Argentina, Bahamas, Canada (Alberta, Prince</p>

	<p><u>Canada (Alberta and Prince Edward Island)</u> - Must receive the original and one copy.</p> <p><u>Canada (Ontario)</u> - Our law is silent on such questions. We have a broad range of forwarding authorities that might choose to accept documents sent to them electronically.</p> <p><u>China</u> - Domestic law does not provide for this issue.</p> <p><u>France</u> - Il n'existe pas de dispositions légales en France prescrivant l'utilisation de moyens de transmission particuliers.</p> <p><u>Germany</u> - The request for service must be signed and/or sealed. The technical requirements for transmission with a reliable examination of the origin and authenticity have yet to be fulfilled in this area.</p> <p><u>Israel</u> - The law requires the original documents.</p> <p><u>Japan</u> - The rules for the practical use of the technologies in this context have not been enacted.</p> <p><u>Latvia</u> - Transmission via fax, but only if a written copy is submitted as well.</p> <p><u>Luxembourg</u> - L'acte doit être transmis en original. Ces modalités sont inconnues en droit internes.</p> <p><u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty of an original document.</p> <p><u>Poland</u> - Authentic documents are required under Polish law.</p> <p><u>Romania</u> - There is no provision in the civil procedural legislation on the transmission of documents by modern technologies. The documents are forwarded by post.</p> <p><u>Russian Federation</u> - The Russian legislation doesn't contain the provisions on forwarding and receiving of documents required for service by fax, e-mail or other modern technologies.</p> <p><u>Slovakia</u> - The documents to be served must be "originals" or verified. Electronic transmission does not allow for such verification so far.</p> <p><u>Suisse</u> - Non - Majorité des cantons :</p> <ul style="list-style-type: none"> <li>- Authenticité des documents : dans la forme en papier, signée; normalement transmission par voie postale;</li> <li>- Une AC cantonale précise que dans son canton la requête doit être signée à la main par un représentant de l'autorité expéditrice selon un principe général de droit interne du canton et les actes à notifier doivent être des originaux ou des copies authentiques ; les actes annexes (renseignements, compléments d'information, etc.) peuvent en revanche être faits de manière informelle (par téléphone, fax, e-mail, etc.);</li> </ul> <p>Dans un cas urgent il peut être possible de procéder à une information au préalable par télécopie ou courriel; mais la requête doit être transmise avec signature en original (en papier).</p> <p><u>Ukraine</u> - Request for service the documents under the Service Convention are to be only forwarded in a paper form. Possibility to forward requests by e-mail or fax is not provided by the Ukrainian law.</p> <p><u>United Kingdom</u> - At the moment it needs to be signed.</p>	<p>Edward Island), China, China (HK SAR), Croatia, Czech Republic, France, Germany, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Poland, Romania, Russian Federation, Slovakia, Suisse, Ukraine, United Kingdom. [22]</p>
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<p><b>Further comments</b></p>	<p><u>Canada (Manitoba)</u> - Law in Manitoba is silent on this point. In practice, requests are never received by fax.  <u>Denmark</u> - The question is not regulated by law. However, according to case law a writ must be sent to the courts with an original signature in order to be accepted.</p>	<p>Canada (Manitoba), Denmark. [2]</p>
<p><b>33(b). Does the law in your State allow, as a requesting State, for a forwarding authority to electronically send documents to a foreign CA?</b></p>	<p>Yes.  <u>Bulgaria</u> - See the above at question 33(a).  <u>Canada (British Columbia)</u> - Virtually all requests are received by mail or courier, but we will accept faxes or email PDFs).  <u>Canada (Quebec)</u> - See our answer at question 33(a).  <u>Finland</u> - In practice, fax is used in urgent cases.  <u>Latvia</u> - Transmission via fax, but only if a written copy is submitted as well.  <u>Spain</u> - Spain refers to its answer in relation to question 33(a).  <u>France</u> - S'il n'existe pas de dispositions internes françaises prescrivant l'utilisation de moyens de transmission particuliers, le règlement (CE) No 1393/2007 relatif à la signification et à la notification dans les Etats membres des actes judiciaires et extrajudiciaires en matière civile ou commerciale autorise une transmission « par tout moyen approprié ». Ainsi, l'autorité centrale française a connaissance de ce qu'en pratique, les huissiers de justice recourent à la télécopie ou au courrier électronique aux fins de transmission.  <u>USA</u> - U.S. law does not impose any restrictions on the methods by which document may be sent by a forwarding authority to a Central Authority. However, for the reasons explained above (see, for instance, the response to question 10), the United States has no reliable information on the specific means which are in fact used in practice.</p>	<p>Bulgaria, Canada (British Columbia, Quebec), Finland, France, Latvia, Spain, Sweden, USA. [8]</p>
	<p>No.  <u>Canada (Alberta)</u> - Must mail/courier the original and one copy.  <u>Canada (Ontario)</u> - Our law is silent on the point. We would not serve a document except in paper form and have no means to do so.  <u>Canada (Prince Edward Island)</u> - Must mail/courier the original and one copy.  <u>China</u> - The reason is same as the above.  <u>Germany</u> - Cross-border technical standards are not adequate in order to give legally secure evidence to the requesting party and the forwarding authority that the authentic request has been received and is being processed.  <u>Israel</u> - The law is strict about serving original documents.  <u>Japan</u> - Our domestic law requires the document itself to be served.  <u>Latvia</u> - According to draft amendments to the Civil Procedure Law, Ministry of Justice may ask the competent foreign authority to reimburse the costs of service of documents.  <u>Luxembourg</u> - L'acte doit être transmis en original.  <u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty of an original document.</p>	<p>Argentina, Bahamas, Canada (Alberta, Prince Edward Island), China, China (HK SAR), Croatia, Czech Republic, Germany, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Poland, Romania, Slovakia, Suisse, Ukraine, United Kingdom. [21]</p>

	<p><u>Netherlands</u> - The law of our state does not have specific requirements as the law does not mention these forms of modern technology. Fact is that fax and email are widely used and accepted as possible means to receive documents. The network itself is secured, although there can be no absolute guarantee that an incoming fax or email message is free of "unwanted" content.</p> <p><u>Poland</u> - Authentic documents are required under Polish law.</p> <p><u>Romania</u> - There is no provision in the civil procedural legislation on the transmission of documents by modern technologies. The documents are forwarded from a forwarding authority to the requested Central Authority by post.</p> <p><u>Slovakia</u> - There is no guarantee that the foreign authorities would serve such documents.</p> <p><u>Suisse</u> - Non - majorité de cantons. Une AC cantonale indique que l'envoi par télécopie pourrait être possible, mais qu'il devrait être suivi d'une confirmation par voie postale ou de la requête même envoyée par voie postale.</p> <p><u>Ukraine</u> - Request for service the documents under the Service Convention are only transmitted in a paper form. Possibility to send requests by e-mail or fax is not provided by the Ukrainian law.</p> <p><u>United Kingdom</u> - The request comes with an order from the Court, an authenticated order.</p>	
<b>Further comments</b>	The question is not regulated by law. However, it is the opinion of the Ministry that there is nothing to prevent it in practice.	Denmark. [1]
<b>33(c). Does your State, as a requested State, allow CAs to receive documents electronically from a forwarding authority?</b>	<p>Yes.</p> <p><u>Bulgaria</u> - It is not used in practice. This is in interest of the requesting and requested parties, because of that we are strictly applying the provisions of the Convention.</p> <p><u>Finland</u> - In practice, fax is used in urgent cases.</p> <p><u>France</u> - Voir mutatis mutandis la réponse au b) supra.</p> <p><u>Germany</u> - Fax transmission is accepted by some Central Authorities.</p> <p><u>Ireland</u> - facility is not used</p> <p><u>Latvia</u> - Transmission via fax, but only if a written copy is submitted as well.</p> <p><u>Netherlands</u> - The law of our state does not have specific requirements as the law does not mention these forms of modern technology. Fact is that fax and email are widely used and accepted as possible means to receive documents. The network itself is secured, although there can be no absolute guarantee that an incoming fax or email message is free of "unwanted" content.</p> <p><u>Spain</u> - Spain refers to its answer in relation to question 33(a).</p>	Bulgaria, Finland, France, Germany, Ireland, Latvia, Netherlands, Spain, Sweden. [9]
	<p>No.</p> <p><u>Argentina</u> - Only original documents are acceptable for service.</p> <p><u>China</u> - The reason is same as the above.</p> <p><u>Israel</u> - The law is strict about serving original documents.</p> <p><u>Japan</u> - There is no such domestic legislation which enables the use of those technologies in this context.</p> <p><u>Luxembourg</u> - L'acte doit être transmis en original.</p> <p><u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have</p>	Argentina, Bahamas, China, China (HK SAR), Croatia, Czech Republic, Israel, Japan, Luxembourg, Mexico, Monaco, Poland, Romania, Slovakia, Suisse, Ukraine, United



	<p>juridical certainty of an original document.</p> <p><u>Monaco</u> - En revanche, en cas d'urgence et dans la mesure où les originaux des documents sont transmis par la suite, l'Autorité centrale de Monaco accepte de transmettre les actes reçus pas télécopie au Parquet Général pour exécution.</p> <p><u>Netherlands</u> - The law of our state does not have specific requirements as the law does not mention these forms of modern technology. Fact is that fax and email are widely used and accepted as possible means to receive documents. The network itself is secured, although there can be no absolute guarantee that an incoming fax or email message is free of "unwanted" content.</p> <p><u>Poland</u> - Court requires original documents, so even if the request would be received with use of those technologies, Central Authority would ask for original documents.</p> <p><u>Romania</u> - See the above answer. In case the forwarding authority abroad uses modern technologies for the transmission of documents to the Romanian Central Authority, the request for service shall be complied with. It is up to the provisions of the requesting state to consider whether or not the service of copies of the documents is valid.</p> <p><u>Slovakia</u> - See the response to question 33(a) above.</p> <p><u>Ukraine</u> - Request for service the documents under the Service Convention are only accepted in a paper form. Possibility to accept requests by e-mail or fax is not provided by the Ukrainian law.</p> <p><u>USA</u> - Although U.S. law imposes no legal restrictions on the means by which documents may be sent by a forwarding authority, the U.S. Central Authority through its contractor will only accept service requests received by mail or courier. Requests submitted in any other fashion will not be accepted or executed.</p>	Kingdom, USA. [18]
<b>Further comments</b>	The question is not regulated by law. However, in practice the Ministry of Justice will accept documents forwarded by fax, e-mail or similar technology unless the specific facts of the case give the Ministry reason to require an original signature.	Denmark. [1]
<b>33(d). Does your State, as a requested State, allow your CA to send certificates electronically?</b>	<p>Yes.</p> <p><u>Bulgaria</u> - This form of sending of the certificate of execution is not used in practice.</p> <p><u>Canada (British Columbia)</u> - We often send completed Certificates by fax or emailed PDFs, then mail the original to applicant.</p> <p><u>Canada (Ontario)</u> - But this would depend on the law of the requesting state, as to whether it would allow the applicant to use such a certificate. Ontario is not currently set up to provide Convention-based information by electronic means.</p> <p><u>Canada (Quebec)</u> - See our answer at question 33(a). Note that the Central Authority of Quebec sends the certificate by facsimile and the original by mail.</p> <p><u>Finland</u> - In practice, fax is used in urgent cases.</p> <p><u>France</u> - En principe, cette attestation est transmise par la voie postale mais il peut arriver qu'à la demande expresse d'un requérant, elle lui soit adressée par voie de télécopie. Il n'existe pas de dispositions légales en France prescrivant l'utilisation de moyens de transmission particuliers.</p> <p><u>Israel</u> - It is preferable not to, but if urgent, we will accept the certificate by fax or by email.</p>	Bulgaria, Canada (British Columbia, Ontario, Quebec), Finland, Israel, Latvia, Netherlands, Spain, Sweden.[8]

	<p><u>Latvia</u> - Transmission via fax, but only if a written copy is submitted as well.</p> <p><u>Netherlands</u> - The law of our state does not have specific requirements as the law does not mention these forms of modern technology. Fact is that fax and email are widely used and accepted as possible means to receive documents. The network itself is secured, although there can be no absolute guarantee that an incoming fax or email message is free of "unwanted" content.</p> <p><u>Spain</u> - Spain refers to its answer in relation to question 33(a).</p>	
	<p>No.</p> <p><u>Argentina</u> - Only original documents are acceptable for service.</p> <p><u>Canada (Alberta)</u> - Certificate of execution may be faxed, e-mailed as a temporary measure, but must mail/courier the original.</p> <p><u>Canada (Prince Edward Island)</u> - Certificate of execution may be faxed, e-mailed as a temporary measure, but must mail/courier the original.</p> <p><u>China</u> - The reason is same as the above.</p> <p><u>Germany</u> - It should be definitely ascertainable that execution has taken place since evidence to this effect is required for the judicial proceeding and every risk of liability should be ruled out.</p> <p><u>Japan</u> - There is no such domestic legislation which enables the use of those technologies in this context.</p> <p><u>Luxembourg</u> - L'acte doit être transmis en original.</p> <p><u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty of an original document.</p> <p><u>Monaco</u> - Il n'existe pas de disposition qui prévoit un tel mode de transmission.</p> <p><u>Poland</u> - Authentic documents are required under Polish law. In exceptional circumstances (ex. shortage of time), fax could be accepted, however the Court will subsequently ask for original documents.</p> <p><u>Romania</u> - There is no special provision in this matter. In practice, when there is an urgent matter, the certificate is transmitted by fax or as a scanned document. But the certificate is also sent to the requesting Central Authority by registered mail.</p> <p><u>Slovakia</u> - See the response to question 33(b) above.</p> <p><u>Ukraine</u> - Certificates of execution under the Service Convention are only transmitted in a paper form. Possibility to transmit the certificates by e-mail or fax is not provided by the Ukrainian law.</p> <p><u>United Kingdom</u> - Certificates are signed, authenticated by Court seal and signature.</p>	<p>Argentina, Bahamas, Canada (Alberta, Prince Edward Island), China, China (HK SAR), Croatia, Czech Republic, Germany, Japan, Luxembourg, Mexico, Monaco, Poland, Romania, Slovakia, Ukraine, United Kingdom. [17]</p>
<p><b>Further comments</b></p>	<p><u>Canada (Manitoba)</u> - The law in Manitoba is silent on this point. In practice, certificates of execution are always sent by mail.</p> <p><u>Denmark</u> - The question is not regulated by law. However, it is the opinion of the Ministry that there is nothing to prevent it in practise.</p> <p><u>USA</u> - There is no U.S. law that prohibits the transmission of the certificate of execution by fax, e-mail, or a similar technology. However, the practice of the Central Authority is to transmit the certificates of execution by postal channels. Because the Central Authority's contractor maintains</p>	<p>Canada (Manitoba), Denmark, USA. [3]</p>

	<p>a public website where the status of each service request can be monitored by the forwarding authority, and electronic copies of certificates of execution, once prepared, can be found, forwarding authorities are able to obtain electronic copies of the certificates if needed.</p> <p>Yes and No // Oui et non.  Oui - Deux cantons:  - Si cette méthode est suffisante pour le requérant.  - Seulement si la transmission par télécopie est suivie d'un envoie postale.  Non - Majorité des cantons:  Une information au préalable par télécopie ou courriel devrait néanmoins être possible.</p>	Suisse. [1]
<p><b>33(e). Does your State, as a requesting State, allow certificates to be received electronically?</b></p>	<p>Yes.  <u>Bulgaria</u> - Because of better prevention of the rights of parties, this form of receipt of the certificate of execution is not used in practice.  <u>Canada (British Columbia)</u> - By fax, I understand.  <u>Canada (Ontario)</u> - The law of evidence is in evolution. Normally faxed documents are admissible. Other electronic records are routinely admitted, but might be subject to challenges for authentication.  <u>Canada (Quebec)</u> - See our answer at question 33(a).  <u>Finland</u> - In practice, fax is used in urgent cases.  <u>France</u> - Il n'y a pas d'obstacle légal à la réception de l'attestation d'exécution transmise par télécopie ou courriel.  <u>Israel</u> - It is preferable not to, but if urgent, we will accept the certificate by fax or by email.  <u>Latvia</u> - Transmission via fax, but only if a written copy is submitted as well.  <u>Netherlands</u> - The law of our state does not have specific requirements as the law does not mention these forms of modern technology. Fact is that fax and email are widely used and accepted as possible means to receive documents. The network itself is secured, although there can be no absolute guarantee that an incoming fax or email message is free of "unwanted" content.  <u>Spain</u> - Spain refers to its answer in relation to question 33(a).</p>	Bulgaria, Canada (British Columbia, Quebec), Finland, France, Israel, Latvia, Netherlands, Spain, Sweden. [9]
	<p>No.  <u>Argentina</u> - Only original documents are acceptable for service.  <u>Canada (Alberta)</u> - Original Certificate of Execution is required.  <u>Canada (Prince Edward Island)</u> - Original Certificate of Execution is required.  <u>China</u> - The reason is same as the above.  <u>Germany</u> - See reply to question 33(d) above.  <u>Japan</u> - Our domestic law requires the report itself drawn up by the person who effected the service to be submitted.  <u>Luxembourg</u> - L'acte doit être transmis en original.  <u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty of an original document.</p>	Argentina, Canada (Alberta), China, China (HK SAR), Croatia, Czech Republic, Germany, Japan, Luxembourg, Mexico, Monaco, Poland, Romania, Slovakia, The Bahamas, Ukraine, United Kingdom. [17]

	<p><u>Monaco</u>- Il n'existe pas de disposition qui prévoit un tel mode de transmission. En revanche, en cas d'urgence et dans la mesure où les originaux des documents sont transmis par la suite, l'Autorité centrale de Monaco accepte de transmettre les actes reçus pas télécopie au Parquet Général pour exécution.</p> <p><u>Romania</u> - There is no special provision in this matter.</p> <p><u>Slovakia</u> - Unverified transmission would not be sufficient and so far electronic transmission from abroad does not guarantee such veracity.</p> <p><u>Ukraine</u> - Certificates of execution under the Service Convention are only accepted by courts in a paper form. Possibility to accept certificates by e-mail or fax is not provided by the Ukrainian law.</p> <p><u>United Kingdom</u> - We want authentic original, properly sealed.</p>	
	<p>Yes and No // Oui et non.</p> <p>Oui - deux cantons. Seulement si la transmission par télécopie est suivie d'un envoie postale.</p> <p>Non - Majorité des cantons. Une information au préalable par télécopie ou courriel devrait néanmoins être possible.</p>	Suisse. [1]
<b>Further comments</b>	<p><u>Canada (Manitoba)</u> – The law in Manitoba is silent on this point.</p> <p><u>Denmark</u> - The question is not regulated by law. However, it is the opinion of the Ministry that there is nothing to prevent it in practise. However, the facts of the specific case might give reason to require an original signature.</p> <p><u>Norway</u> - According to the Norwegian Court Act documents to be served have to be originals or certified copies. Therefore we cannot accept the use of fax, e-mail or similar technology in relation to requests for service. If, however, a case is urgent we will consider accepting a request from by fax as long as the requesting party guarantees that the original documents also will be transmitted through the ordinary channel.</p>	Canada (Manitoba), Denmark, Norway. [3]
<b>IV. Alternative Channels of Transmission (Arts 8, 9, 10)</b>		
<b>A. Translation requirements</b>		
<b>34. Does the law of States impose translation requirements on documents transmitted via alternative channels of transmission?</b>	<p>Yes.</p> <p><u>Canada (Ontario)</u> - Our law does not distinguish between methods of transmission in its language requirements.</p> <p><u>Canada (Quebec)</u> - According to section 136 of the Code of Civil Procedure, the Central Authority of Quebec, on a request made through diplomatic channels, may direct a bailiff to serve upon a person in Québec any proceeding issued by a tribunal foreign to Canada. Such service is made by leaving for the party in the ordinary way a true copy of such proceeding, certified by an officer of the court by which such proceeding was issued. If such copy is not drawn in the French or English language, a certified translation thereof must be annexed thereto. The return of service also is made in the ordinary way, but with mention where necessary of the fact that a translation was annexed to the copy served.</p> <p><u>China (HK SAR)</u> - See Order 69, rule 3 of the Rules of the High Court:</p>	Canada (Ontario, Quebec), China (HK SAR), Romania, Spain, Suisse, The Bahamas, United Kingdom. [7]

	<p><a href="http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument">http://www.legislation.gov.hk/BLIS_IND.nsf/FB2D3FD8A4E2A3264825647C0030A9E1/30B88F771F33A626482564FF000E1D51?OpenDocument</a></p> <p><u>Norway</u> - Please note the declaration made by Norway against the alternative channels of transmission in Articles 8 and 10.</p> <p><u>Romania</u> - In case of requesting state, the documents enclosed will be translated in the language of the required state, by care of the legal Romanian authorities and on the expenses of the interested party, except the cases when the parties are exempted from payment of the legal expenses. There is no special provision regarding the translation of documents sent under the alternative channels of transmission to an addressee residing in Romania.</p> <p><u>Suisse</u> - La Suisse a déclaré s'opposer à l'usage, sur son territoire, des voies de transmission prévues des articles 8 et 10 CLaH65. S'agissant de l'art. 8, la Suisse admet la notification par le biais d'agents consulaires ou diplomatiques de l'Etat d'origine de l'acte uniquement lorsque les actes sont destinés à des personnes ayant la nationalité de l'Etat d'origine. Dans ce dernier cas, aucune exigence de traduction est imposée.</p> <p>En ce qui concerne l'art. 9: Conformément à l'article 21, alinéa 1er, lettre c, la Suisse a désigné les Autorités centrales cantonales en tant qu'autorités compétentes pour recevoir les actes transmis par la voie consulaire selon l'article 9 de la Convention. Les actes sont soumis au même exigences de traduction (langue de la région linguistique concernée ou traduction) comme pour les requêtes transmises par la voie principale, puisque l'exécution de la requête s'opère de la même manière comme dans les cas transmis par la voie principale.</p> <p><u>United Kingdom</u> - Unless the documents are in the language in which the recipient is fluent.</p>	
	<p>No.</p> <p><u>Argentina</u> - The Argentine Republic understands that Article 8 applies exclusively to cases in which a national is to be served.</p> <p><u>Denmark</u> - However, please see the comments previously given by Denmark with regard to Article 10 a).</p> <p><u>France</u> - Voir la réponse à la question 30.</p> <p><u>Germany</u> - Germany has lodged an objection under Article 10 of the Hague Service Convention. The service of documents under Article 8 of that Convention is only permissible if the recipient is a citizen of the requesting State.</p> <p><u>Latvia</u> - But according to draft amendments to the Civil Procedure Law, it is planned to introduce a requirement for a Latvian translation of the document and the use of a registered letter with an acknowledgement of receipt in order to serve the document under Article 10 a).</p> <p><u>Mexico</u> - For Mexico, Article 8 applies exclusively to cases in which a national is to be served</p>	<p>Argentina, Bulgaria, Canada (Alberta, British Columbia, Manitoba, Prince Edward Island), China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Poland, Slovakia, Sweden, Ukraine. [22]</p>

<p><b>Further comments</b></p>	<p><u>Russian Federation</u> - The legislation of the Russian Federation doesn't provide for alternative channels of transmission and forwarding documents for service. The only exemption is Article 9 of the Convention, according to which the Contracting State may use consular channels, and under specific circumstances diplomatic channels for transmitting judicial documents for service to the authorities of the Contracting State. In this case the translation of the documents is required.</p> <p><u>USA</u> - In connection with both incoming and outgoing transmittals for service through alternative channels, the necessity and degree of translation is ultimately determined by a due process standard. If the recipient can understand the nature of the papers and proceedings, the minimum due process standard may be satisfied. If service is made under an alternative channel without a translation requirement and the recipient voluntarily accepts service (or waives it), service will generally be considered effective, absent a showing of a denial of due process. The sufficiency of translation is generally raised if at all in United States courts, federal and state, in two contexts: (1) when the plaintiff has made service through an alternative means under Rule 4(f) of the Federal Rules of Civil Procedure and the foreign recipient challenges sufficiency as a part of overall due process and notice; or (2) in subsequent proceedings to enforce a judgment where service was made through alternative means and the recipient challenges the basic notice and due process in the earlier proceedings as a result of service with untranslated documents. The majority of such challenges fail, especially when the transaction involved English agreements or the parties have had significant negotiations in English.</p>	<p>Russian Federation, USA [2].</p>
<p><b>B. Model Form</b></p>		
<p><b>35. Do the forwarding authorities in your State systematically send the "Summary" + "Warning" with alternative channels? Further Comments:</b></p>	<p>Yes.</p> <p><u>Spain</u> - Yes (generally).</p> <p><u>Suisse</u> – Oui - Majorité des cantons Remarque de la Suisse: L'OFJ recommande dans son Guide à l'entraide judiciaire internationale (en linge), lorsque la voie de transmission des l'articles 8, 10 a) ou 10 b) est utilisée pour des requêtes envoyées, soit de joindre une traduction des documents dans la langue de l'Etat de destination soit, à tout le moins, de remplir la partie "Eléments essentiels de l'acte" de la formule modèle selon CLaH65 (p. 3 et 4) dans la langue de l'Etat de destination et de la joindre à la demande, cela afin d'éviter des problèmes au stade de la reconnaissance des décisions. Dans ses Lignes directrices (en linge), l'OFJ fait un référence à la recommandation de la HCCH.</p> <p>No.</p> <p><u>Argentina</u> - No alternative channel of transmission is used.</p> <p><u>France</u> - Le recours à cette partie de la formule modèle ne peut que rester facultatif en l'état du droit.</p> <p><u>Germany</u> - The courts use a German model form (ZRH 1) as determined by the Regulation on Judicial Assistance in Civil Matters (<i>Zivilrechtshilfeordnung</i> – ZRHO).</p>	<p>Bulgaria, Canada (British Columbia, Price Edward Island), Israel, Spain, Suisse, Ukraine, USA. [7]</p> <p>Argentina, China, China (HK SAR), Croatia, Finland, France, Germany, Latvia, Japan, Mexico, Monaco, Netherlands, Romania,</p>

	<p><u>Japan</u> - We do not consider it necessary to send a "Summary" accompanied by the "Warning" systematically when a consular agent effects the service upon a Japanese person, which is the overwhelming majority of the cases under the alternative channels. The same can be said of cases in which it is unclear whether or not the addressee of a service effected by a consular agent is able to understand the Japanese language, for under no circumstances would he/she be served without a full translation.</p> <p><u>Latvia</u> - The "Warning" has not yet been used, but it is going to be introduced by the draft Law on the Convention.</p> <p><u>Mexico</u> - For Mexico, Article 8 applies exclusively to cases in which a national is to be served</p> <p><u>Monaco</u> - Les autorités monégasques n'utilisent pas de voie alternative.</p> <p><u>Netherlands</u> - No data available.</p> <p><u>Romania</u> - The large majority of the documents are transmitted through Central Authorities, not through alternative channels.</p> <p><u>Russian Federation</u> - As long as the Russian Federation doesn't use alternative channels for service of documents, the mark "Warning" is not used.</p>	Russian Federation, The Bahamas, United Kingdom. [16]
	No information available / unknown.	Canada (Manitoba, Ontario, Quebec), Denmark. [2]
	<u>Luxembourg</u> - Le parquet Général ne dispose pas d'information à ce sujet.	Luxembourg. [1]
<b>36. Does your State return a certificate even for alternative channels?</b>	Yes - For service under Article 10 a).	[0]
	Yes - For service under Articles 10 b) and/or 10 c). <u>Belgique</u> - Par exemple, les Huissiers de justice Belges peuvent retourner les pièces à la partie requérante en remplissant ledit certificat. <u>Croatia</u> - The Republic of Croatia has made the declaration by which it has opposed to the use of methods of service indicated in the Article 10 of the Convention. The receiving and forwarding of the request for service is always done through the Central Authority. <u>Netherlands</u> - Bailiffs. But this procedure occurs rarely. <u>Spain</u> - The certificate is transmitted to the applicant when the judicial officers (agents judiciales) perform this duty.	Belgique, Croatia, Netherlands, Spain, United Kingdom, The Bahamas. [6]
	No. <u>Bulgaria</u> - We have declaration. This declaration is in interest of the Bulgarian citizens, who are receiving the documents according the Service Convention. <u>France</u> - Non à la connaissance de l'autorité centrale française. <u>Latvia</u> - According to the draft amendments to the Civil Procedure Law Latvia plans to oppose the application of Article 10 b) and Article 10 c) of the Convention. <u>Mexico</u> - The United Mexican States does not recognize the faculty to send directly the judicial documents to the persons who are in his territory in conformity with the procedures foreseen in the clauses a), b) and c); except that the Judicial Authority grants, exceptionally, the simplification of different formalities from natives, and that it does not turn out to be harmful to	Bulgaria, Canada (Alberta, British Columbia, Prince Edward Island), China (HK SAR), Finland, France, Germany, Japan, Latvia, Mexico, Poland, Romania, Russian Federation, Ukraine. [13]

	<p>the public order or to the individual guarantees. The request shall contain the description of the formalities solicited to be applied for the serving of the notification or movement of the document.</p> <p><u>Russian Federation</u> - As the Russian Federation does not use alternative channels for service of documents.</p> <p><u>Ukraine</u> - Ukraine do not use within its territory the methods for delivery of judicial documents, provided under Article 10 of the Convention.</p>	
<b>Further comments</b>	<p><u>Argentina</u> - The Argentine Republic has opposed using the channels of transmission provided for in Article 10.</p> <p><u>Canada (Quebec)</u> - As the Central Authority of Quebec does not act as a requesting or forwarding authority, we do not have any information on this subject.</p> <p><u>China</u> - Not applicable. China has declared to oppose the service by the methods provided by Article 10.</p> <p><u>Denmark</u> - No information available.</p> <p><u>Luxembourg</u> - Le parquet Général ne dispose pas d'information à ce sujet.</p> <p><u>Norway</u> - Please note Norway's declaration against Article 10.</p> <p><u>Suisse</u> - Cette question est sans objet, vue que la Suisse a déclaré s'opposer à l'usage, sur son territoire, des voies de transmission prévues aux articles 8 et 10. La Suisse ne peut pas être Etat de destination dans ces cas.</p> <p><u>USA</u> - The persons and entities within the United States competent to forward service requests pursuant to Article 3 include any court official, any attorney, or any other person or entity authorized by the rules of the relevant court. Because this is decentralized, the United States is not in a position to respond to this question.</p>	Argentina, China, Denmark, Luxembourg, Norway, Suisse, USA. [7]
<b>C. Diplomatic and Consular Channels</b>		
<b>Article 8 – Direct Channels</b>		
<b>37. Have the diplomatic or consular agents of your State ever been used to effect service in the past 5 years?</b>	<p>Yes.</p> <p><u>Argentina</u> - Argentina understands that service of process via consular channels has been devised to serve documents upon nationals exclusively. However, for this kind of service, Consular Regulations are relied upon instead of the Convention.</p> <p><u>Spain</u> - Several Courts have required diplomatic and consular agents of our State to directly effect service of judicial documents upon persons abroad. No statistical information available.</p>	Argentina, Bulgaria, China, Croatia, Czech Republic, Germany, Japan, Poland, Spain, Suisse. [10]
	<p>No.</p> <p><u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada.</p> <p><u>Canada (Prince Edward Island)</u> - PEI has not had any service abroad.</p> <p><u>China (HK SAR)</u> - No such requests have been received.</p> <p><u>Denmark</u> - No information available.</p>	Canada (Ontario, Prince Edward Island), China (HK SAR), Denmark, Finland, France, Ireland, Israel, Latvia, Mexico, Monaco, Netherlands,



	<p><u>Finland</u> - The requesting authorities are advised to use the main channel instead if they State concerned is a Contracting State.</p> <p><u>France</u> - A la suite de la réforme de procédure civile introduite par décret No 2005-1678 du 28 décembre 2005 relatif à la procédure civile, à certaines procédures d'exécution et à la procédure de changement de nom, le recours à la voie prévue par l'article 8(1) n'est plus autorisé pour une notification accomplie depuis la France et à destination de l'étranger. Cette réforme privilégie le recours au circuit le plus rapide qui s'offre à l'autorité requérante française.</p> <p><u>Israel</u> - The need did not arise.</p> <p><u>Latvia</u> - One of the reasons of not using this channel of service of documents is that several countries have declared that they are opposed to such service within their territory.</p> <p><u>Mexico</u> - The entrusted formalities are requested according to the Vienna Convention on Consular Relations, and the Foreign Service's law and Regulation.</p> <p><u>Monaco</u> - Cela n'a pas été nécessaire.</p> <p><u>Netherlands</u> - No idea, No data available.</p> <p><u>Romania</u> - The service through Central Authorities is much quicker then through diplomatic or consular agents.</p> <p><u>United Kingdom</u> - Documents are always sent directly to the competent authority.</p> <p><u>Ukraine</u> - There were no court requests to serve the documents using the diplomatic and consular agents.</p> <p><u>USA</u> - Title 22, Code of Federal Regulations, Part 92.85. <a href="http://edocket.access.gpo.gov/cfr_2008/aprqt/22cfr92.85.htm">http://edocket.access.gpo.gov/cfr_2008/aprqt/22cfr92.85.htm</a> provides that service of process and legal papers is not normally a U.S. Foreign Service function. Except when directed by the U.S. Department of State, officers of the U.S. Foreign Service are prohibited from serving process or legal papers or appointing others to do so.</p>	<p>Romania, Russian Federation Sweden, Ukraine, United Kingdom, USA. [17]</p>
<p><b>37(a) How many times?</b></p>	<p><u>Argentina</u> - More than 20.</p> <p><u>Bulgaria</u> - Very rarely.</p> <p><u>China</u> - When the addressees in foreign contries are Chinese citizens.</p> <p><u>Czech Republic</u> - 2 (Japan), 3 (Switzerland, Liechtenstein), 1 (Israel).</p> <p><u>Germany</u> - According to information provided by the Federal States, the channel referred to in Article 8(1) has only been used for outgoing requests for service in a few cases. The number is likely to fall further because the German missions abroad can only process such requests in exceptional cases.</p> <p><u>Japan</u> - 393 in the year of 2007. No accurate data for the past five years.</p> <p><u>Suisse</u> - Pas de statistique disponible.</p>	<p>Argentina, Bulgaria, China, Czech Republic, Germany, Japan, Suisse. [7]</p>
<p><b>37(b). In which States.</b></p>	<p><u>Argentina</u> - United States of America, Spain, Italy, France, Brazil, Chile, Peru, Mexico, Uruguay, among others.</p> <p><u>Bulgaria</u> - No statistics.</p> <p><u>China</u> - Those contries in which china has posted diplomatic and consular agents.</p> <p><u>Czech Republic</u> - Japan, Switzerland, Liechtenstein and Israel.</p>	<p>Argentina, Bulgaria, China, Czech Republic, Germany, Japan, Spain, Suisse. [8]</p>

	<p><u>Germany</u> - USA, Canada, Turkey, Russian Federation, Ukraine, Croatia and Pakistan.  <u>Japan</u> - It covers a lot of States; thus we would like to refrain from mentioning them specifically.  <u>Spain</u> - Portugal and South American countries.  <u>Suisse</u> - Dans la pratique, cette méthode est utilisée comme méthode principale pour les requêtes de la Suisse vers les Etats suivants: Canada, Inde, Irlande, USA. De plus, cette méthode peut être utilisée en tant que voie alternative par les autorités requérantes lorsque l'Etat de destination a renoncé à invoquer le principe de réciprocité à l'encontre de la réserve formulée par la Suisse à l'article 8 de la Convention (voir le point 79 des Conclusions et Recommandations 2003).</p>	
<b>37(c). Average time between transmission and service?</b>	<p><u>Argentina</u> - We have no information in that respect.  <u>Bulgaria</u> - Very fast, depending on the frequency of the diplomatic post.  <u>China</u> - 3-6 months.  <u>Czech Republic</u> - 1-2 months (Japan), 1 month (Switzerland) and 3 months (Israel).  <u>Germany</u> - No reliable information is available.  <u>Japan</u> - Approximately two months.  <u>Spain</u>- 1½ to 2 months.  <u>Suisse</u> - Pas de statistique disponible.</p>	Argentina, Bulgaria China, Czech Republic, Germany, Japan, Spain, Suisse. [8]
<b>37(d). Does your State consider this channel efficient and effective?</b>	<p>Yes.  <u>Argentina</u> - The national failed to accept service on account of an alleged change of nationality, for which reason the courts were resorted to.  <u>Poland</u> - We do not have detailed information on this topic, however this channel is important because it allows to service the documents to Polish citizens without translation of documents into the language of the state where the addressee stays.</p>	Argentina, Bulgaria, China, Croatia, Czech Republic, Germany, Japan, Poland, Spain, Suisse. [10]
	No.	[0]
<b>37(e). Occasions where addressee refused to accept?</b>	<p>Yes.  <u>Bulgaria</u> - Article 44 of the Civil Procedure Code ..... "A refusal to accept a communication shall be noted on the receipt and shall be attested by the signature of the server. The refusal of the recipient shall not affect the dueeness of the service".  <u>China</u> - We just returned the documents unserved to the Chinese Court who issued the judicial documents.  <u>Croatia</u> - In these cases, the documents are returned to the court.  <u>Japan</u> - It was up to the individual court which had originally intended that the service be effected. A typical example of the court's decision is service afterwards using the main channel or through publication.  <u>Suisse</u> - L'autorité requérante a été informé qu'elle pouvait procéder selon. L'article 5 Convention Notification.</p>	Bulgaria, China, Croatia, Japan, Suisse. [5]
	No.	Argentina, Czech Republic, Germany, Spain.[4]

<p><b>37(f). Has transmission or service ever been done electronically?</b></p>	<p>Yes. No. <u>Argentina</u> - These means of service of documents are not permitted in our legal system. <u>China</u> - Domestic law does not provide for this issue. <u>Czech Republic</u> - The documents are sent by diplomatic mail only. <u>Japan</u> - Our domestic law requires the document itself to be served.</p>	<p>[0] Argentina, Bulgaria, China, Czech Republic, Germany, Japan, Suisse. [7]</p>
<p><b>Article 9 – Indirect Channels</b></p>		
<p><b>38. Has your State used indirect channels in past 5 years?</b></p>	<p>Yes. <u>Germany</u> - According to the Federal States from which the requests for service came, these channels have only been used in a few cases. <u>Spain</u> - Several courts have used consular channels on certain occasions. No. <u>Argentina</u> - Transmission through Central Authorities is used. <u>China</u> - The main channel is effective enough. <u>China (HK SAR)</u> - Such documents can be sent to the Central Authority if the requested State is a Contracting State. <u>Denmark</u> - No information available. <u>Finland</u> - The main channel has worked well. <u>France</u> - A la suite de la réforme de procédure civile introduite par décret n°2005-1678 du 28 décembre 2005 relatif à la procédure civile, à certaines procédures d'exécution et à la procédure de changement de nom, le recours à la voie prévue par l'article 9(1) n'est plus autorisé pour une notification accomplie depuis la France et à destination de l'étranger. Cette réforme privilégie le recours au circuit le plus rapide qui s'offre à l'autorité requérante française. <u>Israel</u> - The need did not arise. <u>Japan</u> - No benefit or necessity to use the channel was recognized. <u>Mexico</u> - Transmission through Central Authorities is used. The entrusted formalities are requested according to the Vienna Convention on Consular Relations, and the Foreign Service's law and Regulation. <u>Monaco</u> - Il n'y pas eu de cas qui ont conduit à utiliser cette voie de transmission. <u>Netherlands</u> - No reported cases, No data available. <u>Romania</u> - See the answer at question 36. <u>Russian Federation</u> - There was no such necessity. <u>Ukraine</u> - There was no such requests. <u>USA</u> - This has never been requested.</p>	<p>Bulgaria, Czech Republic, Germany, Latvia, Spain, Suisse. [6] Argentina, China, China (HK SAR), Denmark, Finland, France, Ireland, Israel, Japan, Mexico, Monaco, Netherlands, Romania, Russian Federation, Sweden, Ukraine, United Kingdom, USA. [19]</p>

<p><b>38(a). How many times?</b></p>	<p><u>Bulgaria</u> - Very rarely.  <u>Czech Republic</u> - 2 (Japan- but only one was processed), 250 (Switzerland), 5 (Egypt), 5 (Mexico, Guatemala).  <u>Germany</u> - No reliable information is available.  <u>Latvia</u> - There have been several cases when consular channels were used, but these were rare and irregular occasions.  <u>Spain</u> - No statistical information available.  <u>Suisse</u> - Pas de statistique disponible.</p>	<p>Bulgaria, Czech Republic, Germany, Latvia, Spain, Suisse. [6]</p>
<p><b>38(b). Which States?</b></p>	<p><u>Czech Republic</u> - Japan, Switzerland, Egypt, Mexico, Guatemala.  <u>Germany</u> - USA, Canada, Turkey, Russian Federation, China and Romania.  <u>Latvia</u> - In these cases, documents had to be served in the Russian Federation.  <u>Spain</u> - Portugal and some South American countries.  <u>Suisse</u> - Pas de statistique disponible.</p>	<p>Czech Republic, Germany, Latvia, Spain, Suisse. [5]</p>
<p><b>38(c). Average time between transmission and execution?</b></p>	<p><u>Bulgaria</u> - Very fast, depending on the frequency of the diplomatic post.  <u>Czech Republic</u> - 1-2 months (Japan), 2 months (Switzerland), Egypt (the request must be sent via diplomatic channels to the Ministry of Foreign Affairs of Egypt. The time for execution varies by each case and can take up to several months), 3-4 months (Mexico, Guatemala.)  <u>Germany</u> - No reliable information is available.  <u>Latvia</u> - It has usually been a time-consuming process: 6-12 months.  <u>Spain</u> - Around 2 months.  <u>Suisse</u> - Pas de statistique disponible.</p>	<p>Bulgaria, Czech Republic, Germany, Latvia, Spain, Suisse. [6]</p>
<p><b>38(d). Is it efficient and effective?</b></p>	<p>Yes.  <u>Czech Republic</u> - Yes with regards to Switzerland, Mexico and Guatemala.  <u>Germany</u> - The channel is efficient for the progress of the judicial procedure because it enables evidence to be provided that the documents have been served. However, according to reports by the Federal States, the period taken to serve the documents was often too long.  <u>Suisse</u> - Remarque de la Suisse: Cette voie est utilisée rarement; par exemple lorsque un Etat requis, même après plusieurs rappels, ne donne pas suite à une requête ou quand la procédure, même après plusieurs rappels, dure beaucoup plus longue temps que d'habitude.</p> <p>No.  <u>Czech Republic</u> - No with regards to Japan (the judicial documents were always returned to the embassy with additional requests, e.g., to assure about the fact that the expenses would be covered by the Czech authorities, etc.) and Egypt (due to the very long time for execution of a request by Egyptian authorities).  <u>Latvia</u> - The use of consular channels requires involvement of several authorities, which decreases the effectiveness of the service of documents.</p>	<p>Bulgaria, Czech Republic, Germany, Spain, Suisse. [5]</p> <p>Czech Republic, Latvia. [2]</p>

<b>39. Have there been “exceptional circumstances” requiring diplomatic channels?</b>	<p>Yes.</p> <p><u>Bulgaria</u> - When it is a claim on a foreign sovereign state this method is used. For example with some states, having in mind their declarations concerning service of documents.</p> <p><u>Czech Republic</u> - With regards to Egypt, all requests are sent via diplomatic channel to the Ministry of Foreign Affairs of Egypt for further submission to the relevant organ designated for service. That is not an exceptional case in Egypt but a standard procedure required by that State.</p> <p><u>Japan</u> - We consider that the service of a claim on a foreign State, head of State, a government entity, member of government, consular or diplomatic agent or any other official acting for a State or a State-owned company may generally be regarded as exceptional circumstances.</p> <p><u>Netherlands</u> - Service of a document on a state owned company.</p> <p><u>Suisse</u> - Oui, dans la pratique de la Suisse en tant qu'Etat requérant, les circonstances exceptionnelles peuvent avoir trait aux situations mentionnées dans la question 39. Dans quelques cas, c'est l'Etat requis (qui était en même temps destinataire de la notification) qui a demandé à la Suisse de procéder selon l'article 9(2). Voir aussi réponse à la question 25(a).</p> <p><u>Sweden</u>- A request for service on the Government of the Russian Federation was transmitted through diplomatic channels, in compliance with Russian Declaration III.</p>	<p>Bulgaria, Czech Republic, Israel, Japan, Netherlands, Suisse, Sweden.[7]</p>
	<p>No.</p> <p><u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada.</p> <p><u>Denmark</u> - No information available.</p>	<p>Argentina, Canada (Ontario, Prince Edward Island) China, China (HK SAR), Denmark, Finland, France, Germany, Ireland, Latvia, Mexico, Monaco, Norway, Poland, Romania, Russian Federation, Spain, Ukraine, United Kingdom, USA. [20]</p>
<b>40. Has transmission or service occurred electronically?</b>	<p>Yes.</p> <p><u>USA</u> - For service of subpoena on U.S. citizens abroad in accordance with 28 U.S. Code 1783 scanned or faxed copies of subpoenas and courts orders have been transmitted to U.S. embassies for service of subpoenas on U.S. citizens or residents.</p>	<p>USA. [1]</p>
	<p>No.</p> <p><u>Argentina</u> - Our legal system does not allow these means of service.</p> <p><u>Bulgaria</u> - It is not used in practice.</p> <p><u>China</u> - Domestic law does not provide for this issue.</p> <p><u>China (HK SAR)</u> - No such requests have been received.</p> <p><u>Czech Republic</u> - The embassies of the Czech Republic abroad did not receive any request of that kind. In some states this kind of transmission would not be possible as the documents must be</p>	<p>Argentina, Bulgaria, China, China (HK SAR), Czech Republic, Denmark, Finland, France, Germany, Ireland, Japan, Latvia, Mexico, Monaco,</p>

	<p>forwarded to another authority that will deliver them (e.g. Egypt).  <u>Denmark</u> - No information available.  <u>Finland</u> - See response above.  <u>France</u> - La voie officielle des transmissions en pareil cas est la valise diplomatique.  <u>Germany</u> - There does not appear to be sufficient reliable evidence of the service of documents by this means. In addition, there has been no need for it to date.  <u>Japan</u> - Our domestic law requires the document itself to be served.  <u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty of an original document.  <u>Netherlands</u> - No reported cases.  <u>Romania</u> - There is no statistic data regarding cases of transmission of documents from Romania, as a requesting state, by diplomatic or consular agents.  <u>United Kingdom</u>- Not occurred.</p>	<p>Netherlands, Poland, Romania, Russian Federation, Suisse, Sweden, Ukraine, United Kingdom. [22]</p>
<b>Further comments</b>	<p><u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada</p>	<p>Canada (Ontario). [1]</p>
<b>D. Article 10 a) – Postal Channel</b>		
<b>41. If your State opposes Art 10(a):</b>		
<b>41(a). Why?</b>	<p><u>Argentina</u> - Because of the right to defense at trial, infringed by direct communication, which was even carried out in a foreign language.  <u>Bulgaria</u> - The language difficulties for Bulgarian citizens; The international rogatory commission are executed only by Bulgarian district court according the Regulation for the administration in the district, regional, military and appeal courts. By this way the rights of the Bulgarian citizens and the foreign requesting parties are better prevented.  <u>Canada (Alberta)</u> - Alberta Rules of Court state "personal" service.  <u>Canada (Prince Edward Island)</u> - PEI Rules of Civil Procedure state "personal" service.  <u>Croatia</u> - The Republic of Croatia declared that it is opposed to the mode of service specified in Article 10 of the Service Convention. In this way, Ministry of Justice of the Republic of Croatia as central authority responsible for application of the Service Convention has used the possibility of making declaration to the Article 10.  <u>Czech Republic</u> - The reason for the opposition was that the other methods of service of documents were considered sufficient and effective.  <u>Germany</u> - It must be certain that the recipient of the documents in Germany really receives the document to be served in the prescribed language version.  <u>Israel</u> - No objection.  <u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty. The United Mexican States does not recognize the faculty to send directly the</p>	<p>Argentina, Bulgaria, Canada (Alberta, Prince Edward island), Croatia, Croatia, Czech Republic, Germany, Israel, Mexico, Monaco, Norway, Poland, Russian Federation, Slovakia, Suisse, Ukraine. [16]</p>

judicial documents to the persons who are in his territory in conformity with the procedures foreseen in the clauses a), b) and c); except that the Judicial Authority grants, exceptionally, the simplification of different formalities from natives, and that it does not turn out to be harmful to the public order or to the individual guarantees. The request shall contain the description of the formalities solicited to be applied for the serving of the notification or movement of the document.

Monaco - Le droit interne prévoit que la signification des actes se fait par huissier. Seules les copies peuvent être envoyées, pour l'information du destinataire, par lettre recommandée avec demande d'avis de réception.

Norway - Documents to be served in Norway have, according to Norwegian Law, to be written in or translated into Norwegian, Danish or Swedish. When transmission through postal channels from abroad is used, Norwegian Authorities have no guarantee that the documents to be served are in a language the addressee understands.

Poland - In Poland, documents are served formally, *i.e.* service of documents is effected on an *ex officio* basis. Moreover, Polish law do not envisage similar provision to this from Article 10 a) of the Convention. If Poland would not make an opposition the parties of legal proceedings (one party domiciled in Poland and the other abroad) would not be treated similarly. Lastly, Poland was aiming to protect it's citizens from service of documents written in foreign language.

Russian Federation - According to the Declaration of the Russian Federation to the Convention the service of documents with methods required by the Article 10 a) is not permitted in the Russian Federation.

Slovakia - Reasons of protection of the addressee as there is no guarantee that the documents would be sent/served in a language the addressee understands.

Suisse - Aux termes de l'article 271 chiffre du Code pénal suisse (RS 311.0), commet une infraction « celui qui, sans y être autorisé, aura procédé sur le territoire suisse pour un Etat étranger à des actes qui relèvent des pouvoirs publics » ainsi que « celui qui aura procédé à de tels actes pour un parti à l'étranger ou une organisation de l'étranger » et « celui qui aura favorisé de tels actes ». Cette disposition sanctionne des actes qui violent la souveraineté territoriale de la Suisse et qui ne peuvent dès lors être accomplis qu'à la condition d'être autorisés par les autorités suisses. Selon l'article 299 alinéa 1 CP, commet une infraction « celui qui aura violé la souveraineté territoriale d'un Etat étranger, notamment en procédant indûment à des actes officiels sur le territoire de cet Etat ». Ces dispositions traduisent le principe général de droit international public selon lequel la souveraineté de chaque Etat s'arrête à ses frontières nationales ; les autorités d'un Etat ne peuvent ainsi, en principe, pas exercer d'actes de puissance publique en dehors de leur territoire. Selon la conception suisse, la notification d'actes judiciaires ou extrajudiciaires ainsi que l'obtention de preuves pour un procès constituent des actes de puissance publique (s'agissant de la notification voir par ex. ATF 124 V 47 [50]). Ces actes ne peuvent en conséquence pas être entrepris sans autre par l'autorité saisie en dehors de ses frontières. L'autorité saisie doit alors recourir aux mécanismes de l'entraide, faute de quoi

	<p>elle viole la souveraineté de l'Etat dans lequel elle accomplit de tels actes.</p> <p>En vertu du principe de la réciprocité prévu à l'article 21 de la Convention de Vienne sur le droit des traités (RS 0.111), les autorités suisses doivent s'abstenir de notifier des actes à l'étranger par les voies qui ne sont pas admises en Suisse. L'Etat de destination peut toutefois renoncer à invoquer le principe de réciprocité à l'égard des Etats qui ont émis une réserve, ce qui a été fait par certains Etats présents à la séance de la Commission spéciale de La Haye en octobre/novembre 2003.</p> <p>S'agissant de l'article 10 CLaH 65, la Suisse s'est opposée à la notification directe de l'étranger par la voie postale, qu'il s'agisse des cas visés par les lettres a), b) ou c) de l'article 10 CLaH 65.</p> <p><u>Ukraine</u> - Ukraine do not use within its territory the methods for delivery of judicial documents, provided under Article 10 of the Convention. It is considered that a judicial authority of the State can proceed just within the territory of its own State. Within the territory of Ukraine the documents can be served just by the relevant authorities of Ukraine.</p>	
<p><b>41(b). Does your State use this channel to send documents abroad?</b></p>	<p>Yes.</p> <p><u>Czech Republic</u> - This channel of transmission is used only if another method of delivery is not effective.</p> <p><u>Germany</u> - The postal channel is sometimes used if service by mail is permitted.</p> <p><u>Monaco</u> - La copie de l'exploit établi par l'huissier monégasque est envoyé au destinataire par courrier en vertu de l'article 150 du code de procédure civile. Avant l'envoi, il est vérifié que l'Etat de destination ne s'est pas opposé à l'utilisation de cette voie de transmission. L'acte original est envoyé par le biais des Autorités centrales.</p> <p><u>Norway</u> - Documents emanating from Norway can be served abroad through postal channels. In our opinion a state that has made a reservation is in no position to require the Convention to be applied without reciprocity, but the requested state neither has no obligation to apply the Service Convention with reciprocity. The forwarding authorities in Norway therefore use postal transmission to member states that has not objected to this method of transmission.</p> <p><u>Slovakia</u> - We have contacted all those Contracting Parties who have not made an objection to this form of service whether they applied reciprocity (<i>i.e.</i> opposed to our using this channel). In respect of all those States who replied that they were not opposed, we advised the judicial authorities of the possibility to use this channel.</p> <p><u>Suisse</u> - Seulement vers des Etats qui ont été présents à la séance de la Commission spéciale de La Haye de octobre / novembre 2003 et qui ont indiqué qu'ils n'invoqueraient pas le principe de réciprocité à l'égard des Etats qui ont émis une réserve (voir le point 79 des Conclusions et Recommandations). Pour la majorité de ces Etats, la voie postale est seulement utilisée en tant que voie alternative.</p>	<p>Czech Republic, Germany, Monaco, Slovakia, Suisse. [5]</p>
	<p>No.</p> <p><u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada.</p>	<p>Argentina, Bulgaria, Canada (Alberta, Ontario, Prince Edward Island), Israel, Russian</p>



		Federation, Ukraine, United Kingdom. [7]
<b>Further comments</b>	Mexico refers to its response to question 45.	Mexico. [1]
<b>42. Has Art 10 a) given rise to difficulties?</b>	Yes. No. <u>Belgique</u> - Aucune donnée d'envoi par la poste n'est disponible. Ceci peut éventuellement engendrer des problèmes concernant la délivrance d'un accusé de réception. <u>China (HK SAR)</u> - As far as the Hong Kong Special Administrative Region is concerned, no such difficulties have been perceived	[0] Belgique, Canada, China (HK SAR), Finland, France, Israel, Japan, Latvia, Luxembourg, Mexico, Netherlands, Romania, Slovakia, Spain, Sweden, USA. [16]
<b>Further comments</b>	Please see the comments previously made by Denmark with regard to Article 10(a).	Denmark. [1]
<b>43. How frequently are documents sent for service abroad by postal channels?</b>	No information available - Canada (Ontario, Quebec), China, Denmark, Finland, Japan, Latvia. <u>Belgique</u> - No. <u>Canada (Alberta)</u> - For reasons previously stated, I would say never. <u>Canada (Quebec)</u> - As the Central Authority of Quebec does not intervene where documents are directly sent via postal channels, we do not have information on this question. <u>China (HK SAR)</u> - The Hong Kong Special Administrative Region does not have information on this. <u>Finland</u> - It is not possible to give any numbers but normally the postal channel is used primarily, if possible. <u>France</u> - Aucune donnée statistique n'est disponible sur ce point. <u>Japan</u> - No data which enables a comment on the issue is available. <u>Latvia</u> - Such information is not available. <u>Luxembourg</u> - No. <u>Mexico</u> - We do not have such information. <u>Romania</u> - In cases where the requested state imposes a fee for the serving of documents, the parties choose the postal channel for the transmission. <u>USA</u> - The United States does not have information necessary to respond to this question.	Belgique, Canada (Alberta, Ontario, Quebec), China, Denmark, Finland, France, Japan, Latvia, Luxembourg, Mexico, Romania, USA. [12]
<b>44. Private Couriers.</b>		[0]

<b>44(a). Does your State allow private couriers to be used for service abroad under Art 10(a)?</b>	<p>Yes.  <u>Canada (Ontario)</u> - Such a practice might be more effective in law than general postal delivery, because it might provide evidence of direct in-person service. We have no information about practices involving service of Ontario documents outside Canada.</p>	<p>Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island), Finland, Luxembourg, Romania, Slovakia, Spain, Sweden, USA. [8]</p>
	<p>No.  <u>France</u> - Seuls les greffes ont compétence en France pour notifier par voie postale directe de sorte qu'ils n'ont recours qu'aux services postaux publics.  <u>Japan</u> - For the purpose of service abroad, our domestic law does not provide for the method of sending documents, by postal channels, directly to addressees.  <u>Latvia</u> - Under the Civil Procedure Law, court's couriers can only be used within the territory of Latvia, the use of private couriers for the service of documents abroad is not provided under Latvian legislation.  <u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have juridical certainty. The United Mexican States does not recognize the faculty to send directly the judicial documents to the persons who are in his territory in conformity with the procedures foreseen in the clauses a), b) and c); except that the Judicial Authority grants, exceptionally, the simplification of different formalities from natives, and that it does not turn out to be harmful to the public order or to the individual guarantees. The request shall contain the description of the formalities solicited to be applied for the serving of the notification or movement of the document.</p>	<p>Denmark, France, Israel, Japan, Latvia, Mexico. [6]</p>
	<p>As the Central Authority of Quebec does not intervene where documents are directly sent via postal channels, we do not have information on this question.</p>	<p>Canada (Quebec). [1]</p>
	<p>The UK is reviewing whether it accepts or is opposed to the methods of transmission pursuant to Article 10 a).</p>	<p>United Kingdom. [1]</p>
<b>44(b). Does your State allow the use of private couriers for service of documents under Art 10(a) in your State?</b>	<p>Yes.  <u>Canada (Ontario)</u> - Such service would be permitted. Whether it is legally effective is a matter for the law of the country of origin.  <u>Canada (Quebec)</u> - In regard to notification, yes, and only with the authorization of the judge or the clerk in regard to service.</p>	<p>Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), Finland, France, Luxembourg, Romania, Slovakia, Spain, Sweden, USA. [9]</p>
	<p>No.  <u>Latvia</u> - According to draft amendments to the Civil Procedure Law, the service of documents under Article 10 a) of the Convention would only be effected using a registered letter with an acknowledgement of receipt and if a Latvian translation of the document is provided.</p>	<p>Denmark, Israel, Mexico, Latvia. [4]</p>

<b>Further comments</b>	<p><u>China (HK SAR)</u> - The laws of the Hong Kong Special Administrative Region have no specific requirements in this regard.</p> <p><u>Japan</u> - Japan's position regarding Article 10 a) is not influenced by whether or not private courier services are involved.</p>	China (UK), Japan. [2]
<b>E. Article 10 b) – Judicial Officers, Officials or Other Competent Persons</b>		
<b>45. If applicable, why does your State oppose Art 10(b)?</b>	<p><u>Argentina</u> - Because direct communication between judges is not provided for (communication must take place through letters rogatory).</p> <p><u>Bulgaria</u> - The rights of the Bulgarian citizens and the foreign requesting parties are better prevented using the service of judicial documents through the Central Authority.</p> <p><u>Czech Republic</u> - The reason for opposition was that the other methods for service of documents were considered sufficient and effective.</p> <p><u>Germany</u> - German service law is not familiar with this form of service <i>e.g.</i> for the writ and the notice to appear in court. Control by German agencies is also intended to ensure that the recipient receives the document in a German translation, for example.</p> <p><u>Japan</u> - Our opposition derives mainly from concerns of the relationship between the provision and Japan's sovereign power.</p> <p><u>Latvia</u> - According to draft amendments to the Civil Procedure Law Latvia plans to oppose to the application of Article 10 b) of the Convention so that the Ministry of Justice (the Central Authority) can exercise its authority to examine the admissibility of the incoming request for the service of documents from abroad. Such a provision is also intended to protect the interests of addressees in Latvia to exercise their right to refuse accepting the documents that do not fulfill the language requirements under Latvian law.</p> <p><u>Mexico</u> - Because direct communication between judges is not provided for (communication must take place through letters rogatory).</p> <p><u>Poland</u> - In our view it would restrict the sovereignty of the state, as according to Polish law documents are served formally and only by the courts. Moreover, Polish law do not envisage similar provision to this from art. 10a of the Convention. If Poland would not make an opposition the parties of legal proceedings (one party domiciled in Poland and the other abroad) would not be treated similarly. Lastly, Poland was aiming to protect it's citizens from service of documents written in foreign language.</p> <p><u>Russian Federation</u> - In its Declaration to the Convention service of documents by methods listed in Article 10 of the Convention is not permitted in the Russian Federation.</p> <p><u>Slovakia</u> - Because judicial officers, officials and other competent person in Czechoslovakia were not permitted to provide such assistance.</p> <p><u>Suisse</u> - Voir la réponse à la question 41.</p> <p><u>Sweden</u> - The other methods prescribed in the Convention were considered sufficient</p> <p><u>Ukraine</u> - Ukraine do not use within its territory the methods for delivery of judicial documents, provided under Article 10 of the Convention.</p>	Argentina, Bulgaria, Czech Republic, Germany, Japan, Latvia, Mexico, Poland, Russian Federation, Slovakia, Suisse, Sweden, Ukraine, USA. [14]

	It is considered that a judicial authority of the State can proceed just within the territory of its own State. Within the territory of Ukraine the documents can be served just by the relevant authorities of Ukraine. USA – Not applicable.	
<b>46. If your State does not object to the application of Art 10(b):</b>		
<b>46(a). Which of the following is a “judicial officer, official or other competent person” under Art 10(b)</b>	Attorney or Solicitor.	Canada (British Columbia, Prince Edward Island), Spain, United Kingdom, USA. [4]
	Bailiffs. <u>Denmark</u> - The answer differs depending on whether Denmark is the state of origin or the state of destination. With regard to the latter, the determination of whether the phrase “judicial officers, officials or other competent persons” includes a certain person relies on interpretation of the specific characteristics. With regard to Denmark being a state of origin, the answer is given below.	Canada (Alberta, British Columbia, Manitoba, Prince Edward Island), Denmark, Netherlands, USA. [4]
	Huissiers. <u>Belgique</u> - Dans notre droit interne seuls les huissiers de justice sont habilités de ‘signifier’ un acte. <u>France</u> - Huissiers de justice : lorsque la France est Etat d’origine ou Etat de destination. <u>Romania</u> – State of origin.	Belgique, Canada (Quebec), France, Luxembourg, Monaco, Romania, USA. [7]
	Process servers.	Canada (Alberta, British Columbia, Manitoba, Prince Edward Island), Finland, Spain, USA. [4]
	Court officials. <u>Canada (Manitoba)</u> – Sheriffs. <u>France</u> - Personnel judiciaire : Le Secrétariat greffe des juridictions, dans le seul cas où la France est Etat d’origine. <u>Romania</u> – State of origin.	Canada ( British Columbia, Manitoba, Prince Edward Island), France, Luxembourg, Romania, Spain, USA. [6]
	Notaries. <u>Romania</u> – State of origin.	Canada (British Columbia, Prince Edward Island), Romania, Spain. [3]
	Officials of the executive branch.	Canada (Alberta) [1]
	Other.	Canada (Ontario, Prince

	<p><u>Canada (Ontario)</u> - This is not a concept recognized by our law in this context.</p> <p><u>Canada (Prince Edward Island)</u> - Sheriffs.</p> <p><u>China (HK SAR)</u> - The Hong Kong Special Administrative Region only accepts those entities designated as "forwarding authorities" by other Contracting States.</p>	Edward Island), China (HK SAR). [2]
<b>46(b). How does this channel operate in practice?</b>	<p><u>Canada (Alberta)</u> - All requests are made through the Central Authority of Alberta., they do not receive documents directly from abroad. These would apply to State of Destination. Unsure of the channel of transmission regarding State of Origin.</p> <p><u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada.</p> <p><u>Canada (Prince Edward Island)</u> - All requests are made through the Central Authority of PEI, they do not receive documents directly from abroad. These would apply to State of Destination. Unsure of the channel of transmission regarding State of Origin</p> <p><u>Canada (Quebec)</u> - A Quebec bailiff (huissier) may address a bailiff (huissier) of the requested State and vice versa.</p> <p><u>China (HK SAR)</u> - This channel of transmission operates in a similar manner as the main channel of transmission under Articles 3 and 5 of the Convention.</p> <p><u>Denmark</u> - No information available.</p> <p><u>Finland</u> - Requests are rarely sent or received directly.</p> <p><u>France</u> - Il appartient à ces autorités de correspondre directement entre elles. En effet, le droit français ne prévoit pas de règles particulières pour régir la transmission, que la France soit Etat d'origine ou de destination.</p> <p><u>Luxembourg</u> - En général ils envoient les actes judiciaires directement à leurs homologues à l'étranger.</p> <p><u>Monaco</u> - Les huissiers monégasques déposent les actes au Parquet Général qui les transmet à la Direction de Services Judiciaires pour envoi à l'étranger. C'est la Direction des Services Judiciaires qui établit les formulaires.</p> <p><u>Romania</u> - The judicial officers above mentioned send their documents to the Romanian Central Authority, which forwards them to the competent court for service.</p> <p><u>Netherlands</u> - Bailiff: State of Origin or destination.</p> <p><u>United Kingdom</u> - English/Welsh solicitors receive documents directly from abroad.</p> <p><u>USA</u> - Service in the United States by such persons would be arranged privately and would not involve the U.S. Central Authority. We therefore have no information to respond to this question.</p>	Canada (Alberta, Ontario, Prince Edward Island, Quebec), China, Denmark, Finland, France, Luxembourg, Monaco, Netherlands, Romania, United Kingdom, USA. [11]
<b>46(c). Are there any costs associated with this Channel?</b>	<p><u>Belgique</u> - Les mêmes frais seront dus, à savoir ceux de l'acte rédigé et à signifier à l'étranger ou ceux de l'acte de remise de l'acte provenant de l'étranger.</p> <p><u>Canada (Alberta)</u> - CAN\$50.00. Service Fee would apply.</p> <p><u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada or service of foreign documents within Ontario if they are not sent through the Central Authority.</p> <p><u>Canada (Prince Edward Island)</u> - CAN\$50.00 Service Fee would apply.</p>	Belgique, Canada (Alberta, Ontario, Prince Edward Island, Quebec), China (HK SAR), Denmark, Finland, France, Luxembourg, Netherlands, Romania,

	<p><u>Canada (Quebec)</u> – When there is a transmission from bailiff to bailiff, the Tariff of fees and transportation expenses of bailiffs, R.R.Q., c.H-4, r.3, is definitely applied by bailiffs in Quebec.</p> <p><u>China (HK SAR)</u> - No.</p> <p><u>Denmark</u> – Not relevant.</p> <p><u>Finland</u> - When a request is sent directly to a Finnish process server, the fee is 27 Euros.</p> <p><u>France</u> - Au stade de l’envoi, des frais de transmission sont dus à l’huissier selon le tarif des huissiers relatif aux notifications internationales (article 15-2 du décret No 96-1080 du 12 décembre 1996 portant fixation du tarif des huissiers, modifié par décret No 2007-774 du 10 mai 2007). Il s’agit alors d’un tarif qui varie en fonction du montant de la créance. Au stade de la réception, un montant forfaitaire des frais de réception de 50€ est dû à l’huissier de justice qui procède à la signification de l’acte en France (article 15-1 du décret No 96-1080 du 12 décembre 1996 portant fixation du tarif des huissiers, modifié par décret No 2007-774 du 10 mai 2007).</p> <p><u>Luxembourg</u> - Le droit forfaitaire est fixé au montant de 138 Euros.</p> <p><u>Netherlands</u> - If a bailiff has to be used then costs will be involved and have to be paid by the requesting party.</p> <p><u>Romania</u> - No cost involved when receiving judicial documents.</p> <p><u>Spain</u> - No associated costs.</p> <p><u>United Kingdom</u> - Costs of service met by solicitors.</p> <p><u>USA</u> - If there are such costs they would be contracted privately and the U.S. Central Authority would not have information about this.</p>	Spain, United Kingdom, USA. [12]
<b>46(d). How frequently is this channel used?</b>	<p><u>Canada (Alberta)</u> - State of destination averages 9 per month.</p> <p><u>Canada (Ontario)</u> - We have no such information.</p> <p><u>Canada (Prince Edward Island)</u> - State of Destination averages 2 per year.</p> <p><u>China (HK SAR)</u> - The Hong Kong Special Administrative Region does not keep such information.</p> <p><u>Denmark</u> - No information available.</p> <p><u>Finland</u> - It is rarely used.</p> <p><u>France</u> - Aucune donnée statistique n’est disponible sur ce point.</p> <p><u>Luxembourg</u> - Le parquet général ne dispose pas d’information à ce sujet.</p> <p><u>Romania</u> – Rare.</p> <p><u>United Kingdom</u> - Frequently as a State of destination.</p> <p><u>USA</u> – Unknown.</p>	Canada ( Alberta, Ontario, Prince Edward Island), China (HK SAR), Denmark, Finland, France, Luxembourg, Romania, United Kingdom, USA. [9]
<b>46(e). Can transmission be done electronically?</b>	<p>Yes.</p> <p><u>France</u> - L’autorité compétente française doit pouvoir transmettre ou recevoir la demande de notification par télécopie ou par un courriel.</p>	Belgique, Canada (Alberta, Prince Edward Island, Quebec), Finland, Netherlands, Spain, France, Romania. [7]
	<p>No.</p> <p><u>China (HK SAR)</u> - This is not provided for in the local laws of the Hong Kong Special</p>	Canada (Alberta, Prince Edward Island, Quebec)

	<p>Administrative Region.  <u>Denmark</u> – Not regulated by law.  <u>Luxembourg</u> - Les originaux sont requis.  <u>United Kingdom</u> - Service of original documents must be made.</p>	<p>China (HK SAR),  Denmark, Luxembourg,  United Kingdom. [5]</p>
<p><b>Further comments</b></p>	<p><u>Canada (Manitoba)</u> - Do not know.  <u>Canada (Ontario)</u> - That is a question for the law of the country whose court proceeding is in question. The ability to serve electronically is limited in Ontario and may not be done in any event to initiate a legal proceeding.  <u>USA</u> - The answer would depend on the specific jurisdiction, since in some instances such methods are specifically permitted, and in others not permitted.</p>	<p>Canada (Manitoba, Ontario), USA. [2]</p>
<p><b>F. Article 10 c) – Interested Persons</b></p>		
<p><b>47. Reasons for opposing Art 10(c).</b></p>	<p><u>Bulgaria</u> - By this way the rights of the Bulgarian citizens and the foreign requesting parties are better prevented using the service of judicial documents through the Central Authority.  <u>Czech Republic</u> - The reason for opposition was that the other methods for service of documents were considered sufficient and effective.  <u>Japan</u> - Our opposition derives mainly from concerns of the relationship between the provision and Japan’s sovereign power.  <u>Germany</u> - German service law does not permit the service of documents in a judicial proceeding in this way. It does not conform to the civil proceedings led by a judge in Germany.  <u>Latvia</u> - According to draft amendments to the Civil Procedure Law Latvia plans to oppose to the application of Article 10 c) of the Convention so that the Ministry of Justice (the Central Authority) can exercise its authority to examine the admissibility of the incoming request for the service of documents from abroad. Such provision is also intended to protect the interests of addressees in Latvia to exercise their right to refuse accepting the documents that do not fulfill the language requirements under Latvian law.  <u>Mexico</u> - Because direct communication between judges is not provided for (communication must take place through letters rogatory).  <u>Poland</u> - Under Polish law, the documents are served formally on the request of a judge.  <u>Russian Federation</u> - In its Declaration to the Convention service of documents by methods listed in Article 10 of the Convention is not permitted in the Russian Federation.  <u>Slovakia</u> - Because judicial officers, officials and other competent person in Czechoslovakia were not permitted to provide such assistance.  <u>Suisse</u> - Voir la réponse à la question 41.  <u>Sweden</u> - The other methods prescribed in the Convention were considered sufficient.  <u>Ukraine</u> - Ukraine do not use within its territory the methods for delivery of judicial documents, provided under Article 10 of the Convention. It is considered that a judicial authority of the State can proceed just within the territory of its own State. Within the territory of Ukraine the documents can be served just by the relevant authorities of Ukraine.</p>	<p>Bulgaria, Czech Republic, Germany, Japan, Latvia, Mexico, Poland, Russian Federation, Slovakia, Suisse, Sweden, Ukraine. [12]</p>

<b>Further comments</b>	<u>USA</u> - Not applicable.	USA. [1]
<b>48. Service under Art 10(c).</b>	<u>USA</u> - The United States does not have information necessary to respond to this question	USA. [1]
<b>48(a). Who is an “interested person”?</b>	Attorney or Solicitor.	Canada (Alberta, British Columbia, Prince Edward Island, Quebec) Finland, France, Luxembourg, Monaco, Netherlands, Spain, United Kingdom. [8]
	Bailiffs.	Canada (Alberta, Manitoba, Prince Edward Island), France Netherlands. [3]
	Huissiers. <u>France</u> - En France, un huissier de justice peut être saisi en pratique d’une demande en provenance de l’étranger, par toute partie au procès, par tout tiers intéressé ou par tout intermédiaire (officier ministériel, autorité) qui a la charge de transmettre la demande de notification ou qui est mandaté à cet effet.	Belgique, Canada (Quebec), France, Monaco, Netherlands, Romania. [6]
	Process servers.	Canada (Alberta, British Columbia, Manitoba, Prince Edward Island), France, Netherlands, Spain. [4]
	Court officials. <u>Canada (Manitoba)</u> - Sheriffs.	Canada (Alberta, Manitoba, Prince Edward Island), France, Netherlands, Romania, Spain. [5]
	Notaries.	Canada (Quebec), France, Netherlands, Romania, Spain. [5]
	Officials of the executive branch.	Canada (Alberta, Prince Edward Island), France. [2]
	Other. <u>Canada (Ontario)</u> - We do not make such distinctions in our law. <u>China (HK SAR)</u> - The Hong Kong Special Administrative Region only accepts those entities	Belgique, Canada (Ontario), China (HK SAR), Finland,



	designated as "forwarding authorities" by other Contracting States <u>Finland</u> - Parties to the proceedings. <u>Luxembourg</u> - Les parties.	Luxembourg. [5]
<b>48(b). How does the channel operate in practice?</b>	<u>Canada (Alberta, Prince Edward Island)</u> - Law Society members (lawyers) may send them directly. All others should go through the Central Authority. <u>Canada (Ontario)</u> - We have no information about practices involving service of Ontario documents outside Canada. <u>Canada (Quebec)</u> - We do not have any information on this subject. <u>China (HK SAR)</u> - This channel of transmission operates in a similar manner as the main channel of transmission under Articles 3 and 5 of the Convention. <u>Finland</u> - Any person may send a request for service of documents to the court of first instance. The documents will be executed by a process server. <u>France</u> - Toute personne intéressée à une instance judiciaire doit pouvoir envoyer des actes judiciaires directement à des officiers ministériels, fonctionnaires ou autres personnes compétents de l'État de destination. <u>Monaco</u> - Les huissiers déposent les actes à signifier à l'étranger au Parquet Général. Les autres personnes saisissent les huissiers pour ce faire. <u>Netherlands</u> - Documents may be sent directly to the bailiff in the district were the addressee lives. <u>Romania</u> - In practice, the documents have to be sent through the Romanian Central Authority. <u>United Kingdom</u> - English/Welsh solicitors receive documents directly from abroad.	Canada (Alberta, Ontario, Quebec, Prince Edward Island), China (HK SAR), Finland, France, Monaco, Netherlands, Romania, United Kingdom.[8]
<b>48(c). Are there any costs associated with this channel?</b>	<u>Canada (Alberta, Prince Edward Island)</u> - Receiving: CAN\$50.00, Sending: Follow rules of the State of Destination. <u>Canada (Ontario, Quebec)</u> - We have no relevant information. <u>China (HK SAR)</u> - No. <u>Finland</u> - The fee for service of a document requested by a person other than a judicial officer is at present 27 Euros. <u>France</u> - Depuis la France, il n'y a pas de frais particuliers, autres que ceux liés à l'intervention non obligatoire de professionnels (traducteurs) que solliciterait la personne intéressée. Au stade de la réception, il existe des frais (tarif unique de 50 €) requis par l'intervention de l'huissier de justice, seul compétent en France pour traiter la demande. <u>Luxembourg</u> - Un droit fixe de 139 euro plus des frais variables en fonction de la distance, de droit d'enregistrement, des frais de recherche éventuellement (d'adresse), etc. <u>Netherlands</u> - A bailiff will send an invoice. <u>Romania</u> - The costs of the translations of documents. <u>Spain</u> - No associated costs. <u>United Kingdom</u> - Costs of service met by solicitors.	Canada (Alberta, Ontario, Prince Edward Island, Quebec), China (HK SAR), Finland, France, Luxembourg, Netherlands, Romania, Spain, United Kingdom. [9]

<p><b>48(d). How frequently is this channel used?</b></p>	<p><u>Canada (Alberta)</u> - State of Destination averages 9 per month.  <u>Canada (Ontario)</u> - We have no such information.  <u>Canada (Prince Edward Island)</u> - State of Destination averages 2 per year.  <u>China (HK SAR)</u> - The Hong Kong Special Administrative Region does not keep such information.  <u>Finland</u> - It is seldom used.  <u>France</u> - Aucune donnée statistique n'est disponible sur ce point.  <u>Luxembourg</u> - Le parquet général ne dispose pas de renseignement à ce sujet.  <u>Romania</u> - See the above answer from question 48(b).  <u>United Kingdom</u> - Frequently as a State of destination.</p>	<p>Canada (Alberta, Ontario Prince Edward Island), China (HK SAR), Finland, France, Luxembourg, Romania, United Kingdom. [7]</p>
<p><b>48(e). Can electronic means be used?</b></p>	<p>Yes.  <u>France</u> - Une personne intéressée doit pouvoir transmettre un acte par télécopie ou par un courriel.</p>	<p>Belgique, Canada (British Columbia, Prince Edward Island, Quebec), Finland, France, Monaco, Netherlands, Romania. [7]</p>
	<p>No.  <u>Canada (Alberta)</u> - See previous responses to similar questions.  <u>China (HK SAR)</u> - This is not provided for in the local laws of the Hong Kong Special Administrative Region.  <u>Luxembourg</u> - Cela n'est pas prévu dans la législation interne.  <u>United Kingdom</u> - Service of original documents must be made.</p>	<p>Canada (Alberta), China (HK SAR), Luxembourg, United Kingdom. [4]</p>
	<p>Other.  <u>Canada (Ontario)</u> - That is a question for the law of the country whose court proceeding is in question. The ability to serve electronically is limited in Ontario and may not be done in any event to initiate a legal proceeding.</p>	<p>Canada (Ontario). [1]</p>
<p><b>V. Final refusal to execute the request (Art. 13)</b></p>		
<p><b>49. Final Refusal to execute the request (Art.13) 49(a). In the past 5 years, have any States rejected a request for service on the basis of "sovereignty or</b></p>	<p>Yes.  <u>China</u> - The service would infringe the sovereignty or security of China.  <u>China (HK SAR)</u> - Inappropriate description of the status of the Hong Kong Special Administrative Region, which is part of the People's Republic of China.  <u>Germany</u> - Violation of the principle of State immunity, for example in the case of claims against the Federal Republic of Germany.  <u>Suisse</u> - Demandes concernant des mesures d'exécution forcée en matière fiscale.  - Demandes relative à des "Pfändungs-, Überweisungs- und Arrestbeschluss" adressé à un tiers saisis.  Ces cas représentent des mesures d'exécution forcée transfrontalière inadmissible, qui violent la souveraineté suisse.</p>	<p>China, China (HK SAR), Germany, Suisse. [4]</p>

security”?	No.	Argentina, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, The Bahamas, Ukraine, United Kingdom, USA. [25]
	There is no statistics on that matter.	Russian Federation. [1]
49(b). Are States aware of any requests for service that have been refused by a requested State under Art. 13?	<p>Yes.</p> <p><u>Germany</u> – Claims against the requested State; as a rule, no grounds were given.</p> <p><u>Monaco</u> - L’adresse du destinataire visé dans l’acte à signifier ne mentionnait pas la région du pays destinataire qui a un statut particulier mais seulement l’Etat. L’Etat de destination a donc refusé d’exécuter la demande au motif que l’affaire liée à la demande portait atteinte à la souveraineté et à la sécurité de l’Etat. Il a été demandé à Monaco de renvoyer la requête en apposant le nom de la région et de l’Etat.</p> <p><u>United Kingdom</u> - We sent 8 cases to China for service, all of which were returned for the reason: “The execution of the request would infringe the sovereignty or security of the People’s Republic of China”.</p> <p><u>USA</u> - Sovereignty and public policy were cited in cases involving service on a Foreign State under the Foreign Sovereign Immunities Act.</p>	Germany, Monaco, United Kingdom, USA. [4]
	<p>No.</p> <p><u>Netherlands</u> - We have not received any comments or objections on this subject from another state.</p>	Argentina, Bulgaria , Canada, China, China (HK SAR), Czech Republic, Denmark, Finland, France, Israel, Japan, Latvia, Luxembourg, Mexico, Netherlands, Norway, Poland, Romania, Slovakia, Spain, Suisse, Sweden, The Bahamas, Ukraine. [24]

**VI. Protection of the interests of the Plaintiff and Defendant (Arts 15 and 16)**

<p><b>50. Interpretation of “of any kind”. Has 15(2) been fulfilled if certificate indicating no service received?</b></p>	<p>Yes.  <u>Croatia</u> - The Republic of Croatia declared that Croatian courts may render judgement if all conditions set out in Article 15(2) of the Convention are fulfilled.  <u>Japan</u> - Whether or not the conditions specified in Article 15(2) are fulfilled is totally up to the court in charge of the case.  <u>Norway</u> - It will depend on what ground the service was not executed.  <u>Russian Federation</u> - In accordance with the legislation of the Russian Federation the courts of the Russian Federation may give judgements pursuant to Article 15(2) of the Convention. In accordance with the declaration of the Russian Federation the courts may give judgements even if no certificate has been received. The receipt of a certificate that stated that no service has occurred is the grounds for the court to give a respective judgment in accordance with Article 6 of the Convention when the authority that executes a request for service completes a certificate stating that the service has occurred or that no service has occurred.  <u>Suisse</u> - La Suisse n'a pas fait la réserve visée à l'article 15(2). Cette voie est toutefois ouverte au juge suisse, en application du principe de réciprocité, lorsque, d'une part, la notification aurait dû avoir lieu dans un Etat qui a fait une telle déclaration et que, d'autre part, le droit cantonal de procédure du juge saisi le permet.  <u>USA</u> - However, some cases have required a strong demonstration of compliance with “every reasonable effort” and a strong showing of reasonable diligence.</p>	<p>Bulgaria, Canada (Alberta, Prince Edward Island, Quebec), Croatia, Denmark, Japan, Monaco, Norway, Russian Federation, Spain, Suisse, USA. [11]</p>
	<p>No.  <u>Argentina</u> - Because the right to defend as provided for in our legal system would be infringed.  <u>France</u> - L'article 15(2) prévoit que la condition pour statuer au fond est l'absence de retour d'une attestation de remise. Cette condition est différente de l'hypothèse où l'attestation traduit l'échec de la demande de notification. Dans ce dernier cas, le juge doit considérer qu'il n'y a pas eu de notification faite au défendeur. Il y aurait lieu alors de réitérer la demande de notification de l'acte introductif d'instance.  <u>Germany</u> - As soon as evidence of the unsuccessful attempt to serve documents is provided, neglect is not imputed to the requested State. The German court that made the request decides upon further proceedings according to German law (e.g. order that documents be served publicly; legal fiction of service when acceptance has been refused).  <u>Latvia</u> - A defendant, whose place of residence is unknown or who cannot be found at his/her place of residence. In such cases the addressee shall be summoned to the court through publication in the newspaper <i>Latvijas Vēstnesis</i>. Independently of the publication of a summoning notice in the newspaper <i>Latvijas Vēstnesis</i>, plaintiffs have the right to publish the text of the court summons in other newspapers at their own expense. A court may adjudicate a matter without the participation of the defendant, if not less than one month has passed since the day the summons</p>	<p>Argentina, Czech Republic, France, Germany, Latvia, Mexico, Poland, Slovakia, United Kingdom. [9]</p>

	<p>was published in the newspaper Latvijas Vēstnesis.</p> <p><u>Mexico</u> - Because the right to a legal defense provided for in our legal system would be infringed</p>	
<b>Further comments</b>	<p><u>Canada (Manitoba)</u> - Manitoba's Queen's Bench Rules (Rule 19.01(1)) only permit a plaintiff to have a defendant noted in default if "proof of service" of the claim is provided. If personal service cannot be proven, then certain alternatives to personal service are permissible. However, only a judge can dispense of the requirement for service in any given case, based on circumstances that satisfy the judge.</p> <p><u>Canada (Ontario)</u> - Our courts would pay more attention to whether reasonable efforts had been made to serve than to the mere fact of a certificate regardless of its content. They are unlikely to consider a 'no service' certificate to be no certificate, for the purpose of establishing the right under the Convention to give judgment. There is no jurisprudence in support of that statement in the context of the Convention.</p> <p><u>China (HK SAR)</u> - N.A. in relation to the Hong Kong Special Administrative Region.</p> <p><u>Finland</u> - Article 15(2) is not applicable in Finland.</p> <p><u>Luxembourg</u> - Le cas ne s'est jamais présenté.</p> <p><u>Romania</u> - Romania has made no declaration of applicability.</p> <p><u>Slovakia</u> - No such case has arisen yet.</p> <p><u>Sweden</u> - Sweden has made no declaration of applicability with reference to Article 15(2). It is not possible for Sweden to comment on the interpretation and practical application of the said Article.</p> <p><u>Ukraine</u> - Under Articles 76-78 of Civil Procedural Code of Ukraine a judge may deliver a judgement in case a court notice or writ of summons has been not delivered to the defendant in the limited types of cases. For example: divorce cases or recovery of debts. In such cases the judge may deliver a judgement if he received a certificate that stated that no service occurred. In other cases the judge who received a certificate that stated that no service occurred may not deliver a judgment.</p>	<p>Canada (Manitoba, Ontario), China (HK SAR), Finland, Luxembourg, Romania, Slovakia, Sweden, Ukraine [8]</p>
<b>51. If another State considers Art. 15(2) to be satisfied, and enters default judgment, would your State always recognise it?</b>	<p>Yes.</p> <p><u>Suisse</u> - Oui – Sauf si la partie établit que le droit d'être écouté a été violé.</p> <p><u>USA</u> - The decision of the court asked to enforce the default judgment would, however, depend on the relevant circumstances. Possible grounds for refusal of enforcement would include (a) lack of adequate proof of actual service, (b) lack of actual notice, and (c) other due process considerations, such as sufficient opportunity to respond. When service of process has been made under the Convention consistent with the domestic laws and court procedures, courts would typically consider the service effective. This does not preclude a judgment defendant from later challenging the judgment based upon some factual infirmity in the service not otherwise apparent to the court. Thus, for example, if the addressee accepts mail service of an untranslated pleading or document, a U.S. court could still find, if challenged, that the defendant had not been provided reasonable due process and deny enforcement of a resulting judgment. However, there appear to be no reported cases of this happening, in fact. In addition, of course, other procedural or</p>	<p>Argentina, Bulgaria, Canada (British Columbia, Ontario, Prince Edward Island), France, Monaco, Netherlands, Slovakia, Spain, Suisse, The Bahamas, United Kingdom, USA. [12]</p>

	<p>substantive infirmities may exist in the underlying action that might render the judgment also unenforceable. For its part, the United States made the following declaration: In accordance with the second paragraph of Article 15, it is declared that the judge may, notwithstanding the provisions of the first paragraph of Article 15, give judgment even if no certificate of service or delivery has been received, if all the conditions specified in subdivisions (a), (b) and (c) of the second paragraph of Article 15 are fulfilled.</p>	
	<p>No.</p> <p><u>Croatia</u> - Croatian Conflict of Law Act prescribes that a court of the Republic of Croatia shall refuse to recognise the foreign judicial decision if, upon an objection of a person against whom the decision was rendered, it finds that this person was not able to take part in the proceedings due to procedural irregularities. In particular, the person against whom the foreign judicial decision was rendered shall be deemed to have been unable to take part in the proceedings if any summons, statement of claim, or a ruling by which the proceedings were commenced was not served on him personally, or that no such service had been attempted, unless he has, in any way, entered into the proceedings on the merits.</p> <p><u>Latvia</u> - Although there have not yet been such cases, Latvia would probably refuse to recognize such a judgment due to the non-recognition bases provided in the Civil Procedure Law. One of the bases for non-recognition is that the defendant was denied a possibility of defending his or her rights, especially if the defendant who has not participated in the trial was not notified in a timely and proper manner regarding appearing in court.</p> <p><u>Finland</u> - In Finland judgments in civil and commercial matters are primarily recognised and enforced in accordance with the so called Brussels I Regulation (applied within the EU) and the so-called Lugano Convention (applied in relations between States Parties to that Convention). According to Article 34(2) of the Brussels I Regulation a judgment shall not be recognised where it was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with a equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so. According to Article 27(2) of the Lugano Convention a judgment shall not be recognised where it was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with a equivalent document in sufficient time and in such a way as to enable him to arrange for his defence. Recognition and enforcement of a foreign default judgment require that the document instituting the proceedings has been served. Service by "notification au parquet" will therefore not be accepted in Finland.</p> <p><u>Mexico</u> - The Government of Mexico does not recognize from the Judicial Authority the faculty to provide when the defendant does not appear and has not received any supporting communication of the notification or movement or of the delivery of documents that were sent abroad, for the above mentioned effects and to those referred in a) and b) of the first paragraph.</p> <p><u>Norway</u> - The basic principle is that a foreign judgement is not recognised and cannot be enforced</p>	<p>Croatia, Finland, Latvia, Mexico, Norway, Russian Federation, Slovakia, Ukraine. [8]</p>

	<p>in Norway. Foreign judgements can be enforced if there is a special provision that prescribes enforceability. Norwegian law has several such provisions based on international instruments. Most important is the Lugano Convention.</p> <p><u>Russian Federation</u> - The judgement made pursuant to the second paragraph of Article 15 of the Convention may be recognised and enforced if there is an international agreement on recognition and enforcement with a foreign state. If the defendant resides in a foreign state and the judgement is made pursuant to the conditions of the above-mentioned Article, the recognition and enforcement will depend on the legislation of the state where the defendant resides.</p> <p><u>Slovakia</u> - Although the Slovak Republic is not aware of any case where this issue has arisen.</p> <p><u>Ukraine</u> - Under Article 396 of the Civil Procedural Code of Ukraine a judge may refuse to enforce on the territory of Ukraine the foreign court decision on the following grounds: the defendant had no opportunity to appear before the court, because he was not notified about the judicial trial.</p>	
<p><b>Further comments</b></p>	<p><u>Canada (Quebec)</u> - According to Article 3155(3) of the Civil Code, "A Québec authority recognizes and, where applicable, declares enforceable any decision rendered outside Québec except in the following cases: ... 3° the decision was rendered in contravention of the fundamental principles of procedure; ...." Also of note is Article 3156 of the Civil Code, which provides "A decision rendered by default may not be recognized or declared enforceable unless the plaintiff proves that the act of procedure initiating the proceedings was duly served on the defaulting party in accordance with the law of the place where the decision was rendered. However, the authority may refuse recognition or enforcement if the defaulting party proves that, owing to the circumstances, he was unable to learn of the act of procedure initiating the proceedings or was not given sufficient time to offer his defence." The case law has not yet addressed this specific issue of refusal to enforce a foreign judgment when service has been effected in accordance with the modes provided in the Convention</p> <p><u>China (HK SAR)</u> - Not applicable in relation to the Hong Kong Special Administrative Region.</p> <p><u>Denmark</u> - It is a basic principle in Denmark that judgements of a foreign court is neither recognised nor enforced by the Danish courts. However, the courts are in some cases obligated to recognize and enforce a foreign judgement according to international agreements and regulations, for example the Brussels I Regulation and the Lugano Convention. The answer depends on whether these international instruments allow the courts to examine the question of service.</p> <p><u>Germany</u> - There is no German ruling on this. A general prediction as to how a German court would decide cannot be made because the circumstances of the individual case are decisive. Also, it depends on which legal basis is to be used for recognition and for the writ of execution. In recognition proceedings, a regular check is carried out at all events in the case of default judgments to determine whether the document instituting proceedings has been properly and punctually served on the defendant (Section 328 (1)(2) of the Code of Civil Procedure [<i>Zivilprozessordnung</i> - ZPO]).</p> <p><u>Japan</u> - It is totally up to the court in charge of the case whether a judgement is to be recognised</p>	<p>Canada (Quebec), China (HK SAR), Denmark, Germany, Japan, Luxembourg, Romania, Sweden. [8]</p>

	<p>and enforced; thus we find it difficult to choose either "Yes" or "No".</p> <p><u>Luxembourg</u> - Le cas ne s'est jamais présenté.</p> <p><u>Romania</u> - See the above answer.</p> <p><u>Sweden</u> - The basic principle is that a foreign judgement is not recognised and cannot be enforced in Sweden. Foreign judgements can be enforced if there is a special provision that prescribes enforceability. Swedish law has several such provisions based on international instruments. Most important are the Brussels and Lugano conventions and the Brussels I Regulation. For default judgements incorrect service could under certain circumstances be ground for denial of enforcement according to these provisions.</p>	
<p><b>52.</b> <b>Explanations for why no declaration under Art. 15(2)</b></p>	<p><u>Denmark</u> - Declaration has been made.</p> <p><u>USA</u> - Not applicable.</p>	Denmark, USA [2].
<p><b>52(a). If no declaration under Art. 15(2), why not?</b></p>	<p><u>Finland</u> - According to Article 15(2) a judgement may be given, under certain conditions, even if no certificate of service or delivery has been received. The addressee's actual knowledge of the document is thus not required. Consequently, when applying Article 15(2) there is not any guarantee that the rights of the defence have been properly observed. Finland is of the opinion that this kind of procedure does not meet with the requirements of a fair trial. The application of the Hague Convention requires that the address of the person to be served is known. The receiving authority's duty is to send, as soon as possible, a certificate of service stating whether it was possible to serve a document or not. If the addressee cannot be located, the requesting authority should be informed of this. If the addressee is hiding, it is normally possible to use a substitute service.</p> <p><u>Poland</u> - Declaration to this article would lead to unequal treatment of the parties. Different rules would govern the situation of the parties domiciled abroad and in Poland.</p> <p><u>Sweden</u> - The contents of the Article do not comply with the general principles of Swedish procedural law.</p>	Finland, Poland, Sweden. [3]
<p><b>52(b). Considering it?</b></p>	<p><u>Finland</u> - Finland is obviously not assessing such a possibility. During negotiations on the new, revised EU Regulation on service of documents, Finland was firmly of the opinion that Article 19(2) of the Regulation, which corresponds to Article 15(2) of the Hague Convention, should have been deleted.</p> <p><u>Latvia</u> - Latvia is going to make a declaration under Article 15(2) when the draft Law on the Convention is adopted.</p> <p><u>Suisse</u> - La question est examinée dans le cadre du projet de code de procédure civile suisse.</p> <p><u>Sweden</u> - No.</p> <p><u>United Kingdom</u> - Not applicable (declaration already made under Article 15(2)).</p>	Finland, Latvia, Suisse, Sweden, United Kingdom. [5]



<p><b>53. If no Art. 15(2) declaration, what actions would judge take in no certificate received, and defendant has not appeared?</b></p>	<p><u>Finland</u> - The court would ordinarily stay the proceedings until it receives a certificate or an equal document proving that the document instituting the proceedings has been served on the defendant or that service of the document has failed. Obviously, if no document is returned, and considerable time has passed and no information is received from the Central Authority of the requested State, the court will presume that service has not been successful. If the service of documents is impossible due to the fact that no valid address has been obtained or if the service of documents has been unsuccessful in the requested State since the whereabouts of the defendant is unknown, the court may according to Chapter 11, Section 9(1) of the Finnish Code of Judicial Procedure perform the service by way of a public notice. According to Section 10, the service of notice shall be performed by keeping the document and its annexes available in the court registry and by publishing a summary of its contents and the place where it is kept in the Official Gazette, in the first issue of any calendar month. In addition, the court may publish the notice in a newspaper. The public notice shall also be posted on the court bulletin board without delay. The service of the notice shall be deemed to have taken place when the public notice has been published in the Official Gazette. The entering of a default judgment in the above mentioned situation requires that the court has jurisdiction in accordance with the Brussels I Regulation and/or the Lugano Convention, when applicable, or otherwise in accordance with national law.</p> <p><u>Poland</u> - If there is no certificate of a service (or any other proof that the service was effective) a judge cannot give a default judgment. If such a case the judge would repeat an attempt of service.</p> <p><u>Romania</u> - The judge can decide to summon the party by public notice, in case all the means in finding the address of the party are unsuccessful.</p> <p><u>Suisse</u> - La Suisse n'a pas fait la réserve visée à l'article 15(2). Cette voie est toutefois ouverte au juge suisse, en application du principe de réciprocité, lorsque, d'une part, la notification aurait dû avoir lieu dans un Etat qui a fait une telle déclaration et que, d'autre part, le droit cantonal de procédure du juge saisi le permet. En général, pour les cas décrits dans la question 53, il est possible de rendre un jugement par défaut. Avant de rendre un tel jugement, le tribunal saisi peut décider (selon le code de procédure civile applicable) de remplacer la notification, qui n'a pas pu être effectuée à l'étranger, par une publication dans le feuille officielle.</p> <p><u>Sweden</u> - Under Swedish law, a default judgment may not be entered in absence of a certificate of service or other proof of service being made.</p>	<p>Finland, Poland, Romania, Suisse, Sweden, United Kingdom. [6]</p>
	<p>Not applicable (declaration already made under Art. 15(2)).</p>	<p>Belgique, Bulgaria, Canada, France, Japan, Latvia, Mexico, Monaco, Netherlands, United Kindgom USA. [11]</p>

<p><b>54(a). If no declaration under Art 16(3), why not?</b></p>	<p><u>Finland</u> - According to Chapter 12, Section 15(1) of the Finnish Code of Judicial Procedure the party against whom a case has been decided by a judgment by default has the right to appeal against it in the court that rendered the judgment by default. The appeal shall be submitted to the court in writing within thirty days from the date when the appealing party received verifiable notice of the judgment by default in enforcement proceedings where he was present or otherwise. In Finland, a declaration under Article 16(3) would therefore not serve any purpose.</p> <p><u>Japan</u> - The necessity for a declaration has not been recognised. In relation to this issue, "a reasonable time"(Art. 16(2)) is supposed to be decided with reference to Article 97(1) of the Code of Civil Procedure which provides that, where a party who is in a foreign state was unable to observe an unextendable period due to grounds not attributable thereto, he/she may subsequently complete, within two months after the grounds cease to exist, the procedural act to be performed within the unextendable period.</p> <p><u>Latvia</u> - According to the Civil Procedure Law, upon the application of a party to the proceedings, the court shall renew procedural time limits regarding which there has been expiration of the time for appeal, if the reasons for default are found justified. Under Latvian procedural law, the terms for the renewal of time limits are not restricted; therefore Latvia does not plan to introduce any limitations.</p> <p><u>Poland</u> - The declaration would lead to unequal treatment of parties.</p> <p><u>Russian Federation</u> - The Russian Federation has not made declaration under Article 16(3). The question of the possibility of making such a declaration has not been discussed yet.</p> <p><u>Sweden</u> - The default judgments referred to in the article are entered on principles that do not comply with the general principles of Swedish procedural law. However, it may be noted that in Swedish procedural law remedies are available for default judgments where no certificate of service was received.</p>	<p>Finland, Japan, Latvia, Poland, Russian Federatiion, Sweden. [6]</p>
<p><b>54(b). Considering it?</b></p>	<p><u>Finland</u> - Finland is not assessing such a possibility.</p> <p><u>Japan</u> - No.</p> <p><u>Latvia</u> - Latvia does not plan to make a declaration under Article 16(3).</p> <p><u>Poland</u> - No.</p> <p><u>Suisse</u> - La question est examinée dans le cadre du projet de code de procédure civile suisse.</p> <p><u>Sweden</u> - No.</p>	<p>Finland, Japan, Latvia, Poland, Suisse, Sweden. [6]</p>
<p><b>Further comments</b></p>	<p><u>USA</u> - Not applicable.</p>	<p>USA. [1]</p>

<b>VII. Date of service</b>		
<b>55(a). How is the date of service determined in your State?</b>	<p><u>Belgique</u> – Article 52 Code Judiciaire Belge : le délai se compte de minuit à minuit. Il est calculé depuis le lendemain du jour de l’acte ou de l’événement qui y donne cours et comprend tous les jours, même le samedi, le dimanche et les jours fériés légaux. Un acte ne peut toutefois être valablement accompli au greffe qu’aux jours et heures pendant lesquels ce greffe doit être accessible au public.</p> <p>- Article 53bis Code Judiciaire Belge : à l’égard du destinataire, et sauf si la loi en dispose autrement, les délais qui commencent à courir à partir d’une notification sur support papier sont calculés depuis : 1° lorsque la notification est effectuée par pli judiciaire ou par pli recommandé avec accusé de réception, le premier jour qui suit celui où le pli a été présenté au domicile du destinataire, ou, le cas échéant, à sa résidence ou à son domicile élu ; 2° lorsque la notification est effectuée par pli recommandée ou par pli simple, depuis le troisième jour ouvrable qui suit celui où le pli a été remis aux services de la poste, sauf preuve contraire du destinataire.</p>	Belgique. [1]
<b>55(a)(i) Under main channel?</b>	<p><u>Argentina</u> - The date of execution of service by the service agent is the date on which service takes place.</p> <p><u>Bulgaria</u> - By this way our State relies on date mentioned under point 1 of the Certificate.</p> <p><u>Canada (Ontario)</u> - We would rely on the date stated on the certificate unless better evidence of a different date was available.</p> <p><u>China</u> - We consider the date mentioned on the Certificate (Part 1) as the date of Service.</p> <p><u>China (HK SAR)</u> - The date when the service was effected.</p> <p><u>Croatia</u> - Article 149 of Croatian Procedural Act regulates the date of delivery: The certificate of service (acknowledgement of delivery) shall be signed by the recipient who shall also write on it the date of receipt. If the service is on a state body, legal person or physical person who performs a registered occupation the recipient shall place the seal of that body or person alongside the signature. The courier shall mark on the acknowledgement of delivery why no mark of a seal or stamp was placed on the acknowledgement of delivery when the communication was served on that body or person. If the recipient is illiterate or unable to sign, the courier shall write his or her name and surname and date of receipt in letters, and make a remark about why the recipient did not put his or her signature. If the recipient refuses to sign the acknowledgment of delivery, the courier shall indicate it on the acknowledgment of delivery and write in letters the date of delivery, and in that way it shall be deemed that the service was effected. If the service is not effected on a state body or legal person, the courier shall request proof of identity from the person to whom the communication is given, if he/she does not know him/her personally. The courier shall write on the acknowledgment of delivery the name and surname of the person to whom the communication was given and indicate that he/she knows the person to who he/she gave the communication personally, or the number of the document by which he/she established his/her identity and by whom it was issued. A courier who is not a notary public shall indicate</p>	<p>Argentina, Bulgaria, Canada (Ontario), China, China (HK SAR), Croatia, Czech Republic, Germany, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom.</p> <p>[24]</p>

legibly on the acknowledgement of delivery his/her name and surname and capacity, and sign it. If necessary the courier shall write written minutes of the service and enclose it with the acknowledgement of delivery. When a communication of the court has been delivered to the person other than that on whom the communication of the court was supposed to be served, the courier shall indicate on the acknowledgment of delivery the relationship between those two persons. If the date of receipt has been wrongly indicated on the acknowledgment of delivery, it shall be deemed that the service was effected on the day when the communication of the court was delivered. If the acknowledgment of delivery is missing, service may be proved in other ways.

Czech Republic- As a rule, service is deemed to have been served on the date when the addressee received the document regardless of the method of service. In the event that the service cannot be effected in the above mentioned manner, the document should be deposited in a post office or in the premises of the municipal authority, and the notice of it should be placed on the door of the residence of the addressee or in a letter box. In this situation dual-date system is being used, and the date of service is the moment when the addressee collects the document in the post office.

Germany - What is decisive is the date of service in the acknowledgement of service.

Japan - The determination of the date of service will be made pursuant to the relevant entry in the service report; therefore it could be said the date mentioned under point 1 of the Certificate would be relied upon for that purpose.

Latvia - Under the Civil Procedure Law, service is deemed to have occurred when the addressee or a person met in the place of residence of the addressee, or the administration of the place of employment of the addressee has received the document. The document is also deemed to be served on the date when the addressee has refused to receive the document. If the document is served using a postal channel, it is deemed that documents have been served on the seventh day after posting the letter.

Luxembourg - Aux termes de l'article 156 du nouveau code de procédure civile, la signification est réputée faite le jour de la remise de la copie de l'acte à l'autorité compétente pour expédier ou le jour de la remise à la poste, ou en général, le jour où toute autre procédure de signification à l'étranger est engagée.

Mexico - The date of execution of service by the service agent is the date on which service takes place.

Monaco - La date de remise indiquée dans le récépissé est retenue.

Netherlands - Outgoing requests: In the Netherlands a bailiff will serve the documents to the Office of the Prosecutor. The date on which service to the Prosecutor took place constitutes the actual date of service. The prosecutor will then forward the documents to the CA of the relevant country. If the person who lives abroad in a country that is party to the Hague Service Convention receives the documents in a way that is considered "in person" by that country, then the service is considered to be done in person.

	<p><u>Norway</u> - In general the date of service is regarded as the time when the addressee receives the documents. We rely on the date mentioned under point 1 of the Certificate unless there are circumstances that tells otherwise.</p> <p><u>Poland</u> - The date of a service is a moment of a factual receipt of a document by the addressee (date and time on the acknowledgment signed by the addressee).</p> <p><u>Romania</u> - The date of service is the date mentioned on the certificate when the documents have been served.</p> <p><u>Russian Federation</u> - The legislation of the Russian Federation does not make a provision that determines the date of service. Nevertheless the Russian Federation does its best to serve the documents to the date of the court session, which is indicated in the request, at the same time taking into account the indications mentioned in paragraph 1 of the certificate.</p> <p><u>Slovakia</u> - It is the law of the requested State that has to provide an answer to this question.</p> <p><u>Spain</u> - In Spain, there is not such a system. Besides, it is not usually necessary to determine the date of service for the applicant.</p> <p><u>Suisse</u> - Selon le mode par lequel la notification a été exécutée, la date est déterminée de la façon suivante:</p> <ul style="list-style-type: none"> <li>- Date où la personne vient retirer l'acte au guichet du tribunal ou la date à laquelle l'acte lui est remis par la police.</li> <li>- Date de la remise effective au destinataire ou son représentant.</li> <li>- Notification par la poste (p. ex. par voie postale sous forme de AJ; v. question 29): La date de notification est celle du jour où le destinataire reçoit l'acte ou celle du retrait du pli postal (pendant le délai de garde de la Poste).</li> </ul> <p>En principe, le point 1 de l'attestation devrait indiqué la date décisive pour la notification. La date indiquée sur l'attestation est donc présumée être celle de la notification. La date de notification est celle que détermine le droit de l'Etat requis si la notification a lieu en vertu de l'article 5 al. 1 lett. a CLA65, respectivement celle que détermine le droit de l'Etat requérant si une forme spéciale est requise au sens de la lett. b ou la date de remise effective de l'acte dans les autres cas.</p> <p><u>Sweden</u> - As a main rule, service is deemed to have occurred when the addressee has received the document regardless of the method of service being used. In that context Sweden would rely on the date mentioned under point 1 of the Certificate. In addition, The Service Act stipulates specific ways to determine the date of service with regards to the different methods of service used mentioned under question 29 above.</p> <p><u>Ukraine</u> - In Ukraine the precise moment when the documents have actually been served is the date of service. A court relies on the date mentioned under point 1 of the Certificate to determine the actual date of service.</p> <p><u>United Kingdom</u>- The date of service is determined as being two business days after the date of posting.</p>	
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<p><b>55(a)(ii) Under alternative channels?</b></p>	<p><u>Argentina</u> - The date when the person appears at the consulate and signs the record through which notification takes place or the moment when the notice is received, if the documents are mailed, due to reasons of distance or impossibility to go to the consulate.</p> <p><u>Bahamas</u> - Once the peace officer serves the document on the individual/company he would execute an Affidavit of Service which would include:</p> <p>(1) the specific date upon which the service was effected,</p> <p>(2) the list of document(s) that were served;</p> <p>(3) that the Certificate was signed and dated by the individual or representative who was authorised to accept service on behalf of the individual or company.</p> <p>(4) the Affidavit of Service would be executed before the Registrar of the Supreme Court, the judicial officer designated as responsible for matters under this Convention.</p> <p><u>Bulgaria</u> - The date mentioned under point 1 of the Certificate. Bulgaria has made declaration on Article 10 of the Convention.</p> <p><u>Canada (Manitoba)</u> - For personal service, the date of service usually is the date on which it actually occurs. It is only for alternatives to personal service where effective dates tend to be used.</p> <p><u>Canada (Ontario)</u> - We would rely on the best evidence of actual date of service.</p> <p><u>Canada (Prince Edward Island)</u> - Sheriff or Deputy Sheriff swears affidavit of Service.</p> <p><u>Canada (Quebec)</u> - In either case, for transmissions abroad, Quebec law makes no specific provision for determining the date of service for the plaintiff.</p> <p><u>China (HK SAR)</u> - The date when service was effected.</p> <p><u>Czech Republic</u> - As a rule, service is deemed to have been served on the date when the addressee received the document regardless of the method of service.</p> <p><u>Denmark</u> - The determination of the date of service depends on the method of service in question. In the case of service by letter, the date, which the receiving part notes to be the date he/she received the mail, is considered the date of service, cf. § 156 of the Danish Administration Act. Has the receiving part not noted a date of reception, the date of the postmark on the returning letter is considered as the date of service. In the case of service by a bailiff appointed by the court or by a public official of the Danish post office authorities (Post Danmark A/S), the date of service is the date that the document was handed over to either the person in question or one of the persons allowed to receive the document on behalf of that person (see the answer to question 29(a)).</p> <p><u>Finland</u> - In both cases, the date of service is the actual date of service.</p> <p><u>Germany</u> - The authoritative reference is the provable date of delivery.</p> <p><u>Israel</u> - The operative date is that of the actual service mentioned in the certificate.</p> <p><u>Japan</u> - The determination of the date of service will be made pursuant to the relevant entry in the service report, which would most definitely be acquired by the court even when alternative channels are used.</p>	<p>Argentina, Bulgaria ,  Canada (Manitoba,  Ontario, Prince Edward  Island, Quebec), China  (HK SAR), Czech  Republic, Denmark,  Finland, Germany, Israel,  Japan, Latvia,  Luxembourg, Mexico,  Netherlands, Norway,  Poland, Romania, Russian  Federation, Slovakia,  Suisse, Sweden, The  Bahamas, Ukraine, United  Kingdom. [24]</p>
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	<p><u>Latvia</u> - There are no specific provisions according to the use of alternative channels of transmission. Please see answer to question 55(a)(i) above.</p> <p><u>Luxembourg</u> - Le cas ne s'est jamais présenté.</p> <p><u>Mexico</u> - Not applicable.</p> <p><u>Netherlands</u> - Alternative channels cannot be used. See procedure above.</p> <p><u>Norway</u>- Please note Norway's declaration against Article 8 and 10. The date of service when the request has been transmitted through diplomatic or consular channels will coincide with the date mentioned above under question 55(a)(i) above.</p> <p><u>Poland</u> - The date of service is the moment of factual receipt of a document by the addressee at the Court Secretariat.</p> <p><u>Romania</u> - The date of service is the day when the certificate accompanying the registered mail is signed by the addressee.</p> <p><u>Russian Federation</u> - There are no alternative channels of transmission.</p> <p><u>Slovakia</u> - It is the law of the requested State that has to provide an answer to this question.</p> <p><u>Suisse</u> - La Suisse ayant fait une déclaration d'opposition selon l'art. 8 et l'art 10 CLaH65, ces cas ne se présentent pas. Pour les cas de l'art. 9: voir réponse 55(a)(i).</p> <p><u>Sweden</u> - See the reply under question 55(a)(i) above.</p> <p><u>Ukraine</u> - In Ukraine the precise moment when the documents have actually been served is the date of service. A court relies on the date mentioned under point 1 of the Certificate to determine the actual date of service</p> <p><u>United Kingdom</u> - The date of service is determined as being on the day the document is sent, if the transmission is sent before 4:30 pm. It is deemed as being sent on the next day if it is sent after that time.</p>	
<p><b>For both</b></p>	<p><u>France</u> - Dans les cas (i) et (ii), la date de notification est celle à laquelle l'acte est remis ou délivré à son destinataire. Toutefois, à l'égard du requérant, la date à prendre en considération est celle de l'expédition de la demande de notification par l'huissier de justice ou le greffe ou, à défaut, la date de réception par le parquet compétent.</p> <p><u>USA</u> - U.S. courts will typically look to the actual date on which the defendant received service, whether service is made domestically or effected abroad, and whether it is made through the main channel for transmission or the alternative channels for transmission.</p>	<p>France, USA. [2]</p>
<p><b>55(b). If documents must be served within time limit, does law protect interests of applicant when service in hands of foreign</b></p>	<p>Yes.</p> <p><u>Bulgaria</u> - We do not determine a date; we just set the dead line, until which the forwarded document is to be served.</p> <p><u>Canada (British Columbia)</u> - Rules of Court Rule 13(6).</p> <p><u>Canada (Manitoba)</u> - Section 143 CCP provides however that the judge or clerk may order the plaintiff who delays having a motion to institute proceedings served to do so within the time fixed under pain of annulment of the motion to institute proceedings.</p> <p><u>Canada (Ontario)</u> - The Rules of Civil Procedure generally do not impose a time limit for service. They provide for a time limit for responding to the documents served. Statements of defence</p>	<p>Bulgaria, Canada (British Columbia, Manitoba, Ontario, Prince Edward Island), France, Luxembourg, Mexico, United Kingdom. [6]</p>

<p><b>officials?</b></p>	<p>where defendants are served outside North America may be filed within 60 days; the normal period is 20 days. (Rule 18.01).  <u>Canada (Prince Edward Island)</u> - Rules of Civil Procedure.  <u>France</u> - L'article 643 du code de procédure civile prévoit que les délais de comparution, d'appel, d'opposition, de recours en révision et de pourvoi en cassation sont augmentés de deux mois pour les personnes qui demeurent à l'étranger. Les articles 647-1 et 653 du code de procédure civile font une distinction entre la date de notification à l'endroit du requérant et celle à l'endroit du destinataire. A l'endroit du requérant, la date de notification est la date d'expédition de la demande de notification par l'huissier de justice ou le greffe ou, à défaut, la date de réception par le parquet compétent.  <u>Luxembourg</u> - Voir l'article 156 énoncé ci avant.  <u>Mexico</u> - In some cases. For example, in the Amparo trials, the hearings can be deferred.  <u>United Kingdom</u> - The time limit of 6 months can be extended.</p>	
	<p>No.  <u>Canada (Quebec)</u> - Section 143 CCP provides however that the judge or clerk may order the plaintiff who delays having a motion to institute proceedings served to do so within the time fixed under pain of annulment of the motion to institute proceedings.  <u>Poland</u> - In Poland, the requirement for a service within a specific period of time does not exist.  <u>Slovakia</u> - The law of our State does not require for any of the documents to be served within a specific period.</p>	<p>Argentina, Canada (Alberta, Quebec), China (HK SAR), Croatia, Czech Republic, Finland, Israel, Latvia, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Suisse, Sweden, The Bahamas, Ukraine. [18]</p>
<p><b>Further comments</b></p>	<p><u>Germany</u> - There are no special rules here. In general, Section 167 of the Code of Civil Procedure (<i>Zivilprozessordnung</i> - ZPO) applies. The deadline for the service of documents is deemed to have been observed already upon receipt of the request by the court if service takes place shortly afterwards. The usual times required for transmission and processing abroad are also to be taken into account here.  <u>Japan</u> - Our domestic law does not require that documents be served within a specific period.  <u>Spain</u> - The law of Spain does not require that documents be served within specific periods.  <u>Suisse</u> - Le droit en Suisse n'exige pas que les actes soient notifiés dans un certain délai.  <u>USA</u> - U.S. courts are divided on the degree of leniency shown when service has been made abroad. Some courts have been rigid about both the issue of statute of limitations (which is independent of the issue of effective service under the Hague Service Convention) and service that exceeds the 120 day limit under Federal Rule 4(m). Other courts have been sympathetic to plaintiffs who cannot control the timing of the service.</p>	<p>Germany, Japan, Spain, Suisse, USA. [5]</p>



<b>55(c). Has the absence of an explicit rule on date of service caused practical difficulties?</b>	Yes. <u>Argentina</u> - Due to the delays it involves.	Argentina. [1]
	No.	Bulgaria, Canada, China, China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Israel, Japan, Latvia, Mexico, Monaco, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Sweden, The Bahamas, Ukraine, United Kingdom, USA. [26]
	Yes and No // Oui et non. Oui: Seulement deux cantons. Non: Majorité des cantons.	Suisse. [1]
<b>PART THREE – OTHER OPERATIONAL ISSUES</b>		
<b>I. Model Form annexed to the Service Convention</b>		
<b>A. Fillable PDF versions of the Model Form</b>		
<b>56. Further Comments</b>	<p><u>Argentina</u> - The Argentine Republic proposes that the trilingual English/French/Spanish form be uploaded. The English-Spanish and French-Spanish versions of the Form are attached hereto as Annex 3.</p> <p><u>China</u> - That will be very useful.</p> <p><u>Czech Republic</u> - In the Annex to this Questionnaire we attached the forms in an English/French/Czech version. We consider that these fillable forms are very useful and we would very much appreciate if the version of the forms with Czech language would be available on the HCCH website. In case that there is some technical problem with the attached version, please contact us.</p> <p><u>Germany</u> - In Germany, forms in three languages are required (German, English and either French, Spanish or Russian).</p> <p><u>Japan</u> - We do not have any particular comment on this issue.</p> <p><u>Mexico</u> - For the Mexican authorities it would be very useful if the forms are sent in Spanish.</p> <p><u>Netherlands</u> - The model forms in the different languages are indeed very useful. The English/French version for us is perfect to work with.</p>	Argentina, China, Czech Republic, Germany, Japan, Mexico, Netherlands, Russian Federation, Slovakia, Suisse, United Kingdom. [11]

	<p><u>Russian Federation</u> - The courts of the Russian Federation have the version of the Model Form in trilingual versions (English, French and Russian) and they use it.</p> <p><u>Slovakia</u> - Slovakia is interested in this possibility and will provide the text of the Model Form.</p> <p><u>Suisse</u> - Sur le site de l'OFJ se trouve une version quadrilingues allemand/français/italien/anglais (voir: <a href="http://www.rhf.admin.ch/rhf/fr/home/rhf/muster/zustellung_HZUe65.html">http://www.rhf.admin.ch/rhf/fr/home/rhf/muster/zustellung_HZUe65.html</a>).</p> <p><u>United Kingdom</u> - A good idea and would be used.</p>	
<b>B. Request Form (Art. 3)</b>		
<b>57. Does your State agree that the first box on the request form refers to the forwarding authority?</b>	<p>Yes.</p> <p><u>Bulgaria</u> - Our interpretation for "forwarding authority" includes the court where the proceeding is taking place in the requesting State, notaries and bailiffs.</p> <p><u>Canada (Ontario)</u> - This follows from the wording of the form – but it goes against our usual format for judicial documents that are drawn up in the name of the parties not of their representatives (and in Canada, the parties' lawyer is likely to be the transmitting authority).</p> <p><u>Czech Republic</u> - In the Czech Republic, the forwarding authority is the Court where the proceeding is taking place.</p>	<p>Argentina, Belgique, Bulgaria, Canada (Alberta, Ontario Prince Edward Island, Quebec), China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom, USA. [30]</p>
	No – It refers to the Plaintiff.	[0]
	No – It refers to Counsel representing the Plaintiff (where different from the forwarding authority).	Canada (British Columbia).[1]
	No – It refers to the court where the proceeding is taking place in the requested State.	Canada (British Columbia), China (HK SAR). [2]
<b>Further comments</b>	<u>Canada (Manitoba)</u> - This is not an issue that has been studied in Manitoba. Generally, it is assumed that the person who has filled out the form has correctly identified the applicant as required under the Convention.	Canada (Manitoba).

<p><b>58. Does your State include information about the competence of the forwarding authority on the Model Form?</b></p>	<p>Yes.  <u>Denmark</u> - According to the information received from the Danish Court Administration.  <u>Germany</u> - However, in the case of a minority of requests, this information is not included. The Federal States from which these requests for service come give the following reasons for this:  - The conclusions of 2003 are not known.  - Additional information other than details concerning the requesting party is not compulsory.  <u>Latvia</u> - The information that is included in the Model Form about the forwarding authority (Ministry of Justice) is its name and address.</p>	<p>Argentina, Bulgaria, Canada (Alberta, British Columbia, Prince Edward Island) China, Czech Republic, Denmark, Germany, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Romania, Russian Federation, Slovakia, Sweden, Ukraine. [19]</p>
	<p>No.  <u>China (HK SAR)</u> - The form is forwarded to the requested State with a covering letter from the forwarding authority, namely the Chief Secretary for Administration.  <u>Finland</u> - All requests are channelled through the Central Authority.  <u>France</u> - La formule modèle préconisée par les autorités françaises est issue directement du site internet de la Conférence de La Haye de Droit International Privé et figure dans la dernière version du manuel pratique.  <u>Norway</u> - It is deemed sufficient that information regarding the forwarding authorities and their competences is published on the HCCH website.  <u>Poland</u> - No data available, as it is left to the decisions of the courts.  <u>Spain</u> - Because a lot of courts are sending the requests for service directly. Some of them systematically follow the conclusions but others don't follow them.</p>	<p>China (HK SAR), Finland, France, Norway, Poland, Spain, United Kingdom. [7]</p>
<p><b>Further comments</b></p>	<p><u>Belgique</u> - Pour les huissiers de justice c'est seulement le formulaire standardisé de demande officiel qui leur semble être utilisé.  <u>Suisse</u> - Des informations sur les autorités expéditrices suisses se trouvent sur le site de HCCH (informations pratiques).  <u>Canada (Manitoba, Ontario, Quebec)</u> - The Central Authority is not involved and therefore the practice is unknown, no information available.  <u>USA</u> - The persons and entities within the United States competent to forward service requests pursuant to Article 3 include any court official, any attorney, or any other person or entity authorized by the rules of the relevant court. Because this is decentralized, the United States is not in a position to respond to this question. The material on the Department of State Bureau of Consular Affairs web page about service of process includes the recommendation that forwarding authorities cite their authority under U.S. state law where applicable.</p>	<p>Belgique, Canada (Manitoba, Ontario, Quebec), Suisse, USA. [4]</p>

<b>C. Certificate (Art. 6)</b>		
<b>59. Does that word “applicant” in Art 6(4) refer to the Forwarding Authority?</b>	Yes. <u>Argentina</u> - However, in many cases, the certification is forwarded to the person appearing in the form as applicant. <u>Czech Republic</u> - In the Czech Republic, the forwarding authority is the Court where the proceeding is taking place.	Argentina, Belgique, Canada (Alberta, Manitoba, Prince Edward Island, Quebec), China, China (HK SAR), Czech Republic, Denmark, Germany, Finland, France, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, Ukraine, United Kingdom, USA. [29]
	No – It refers to the Plaintiff.	[0]
	No – It refers to Counsel representing the Plaintiff (where different from the forwarding authority).	Canada (British Columbia). [1]
	No – It refers to the court where the proceeding is taking place in the requested State.	Canada (British Columbia). [1]
	No – It refers to the nearest Embassy representing the requesting State.	[0]
	No – Other. <u>Bulgaria</u> - We are sending the Certificate directly to the applicant via the Central authority of the requesting State.	Bulgaria. [1]
<b>Further comments</b>	<u>Canada (Ontario)</u> - We do not transmit documents for service and have no knowledge of the practice of those who do. <u>Canada (Quebec)</u> - As the Central Authority of Quebec is not involved in the processing of these requests, we do not have any information regarding this question	Canada (Ontario, Quebec). [1]

## II. E-service

### A. In strictly domestic situations

<p><b>60. Does the law of your State allow for electronic service?</b></p>	<p>Yes.</p> <p><u>Canada (British Columbia)</u> – By fax, pursuant to the Rules of Court, Rule 11, but only where the address for delivery given by the litigant includes a fax number.</p> <p><u>Canada (Quebec)</u> – See the answer to question 33(a).</p> <p><u>Georgia</u> - We have to notice that Civil Procedure Act of Georgia introduces different methods of serving judicial documents in strictly domestic situations. Civil Procedure Act may allow for documents to be sent by fax or e-mail when interested parties are invited to take actions in civil proceedings. Modern methods of technology are used in order to serve the writ of summons to parties and their representatives. In some situations judicial officers use telephone to contact with representatives or their defendants and introduce them the writ of summons or an equivalent document. In such circumstances an act is made to prove that addressee was informed to appear in court. When a writ of summons or an equivalent document had to be served under the provisions of Civil Procedure of Georgia (Art. 70) the delivery must be effected in sufficient time to enable the defendant or his/her representatives to defend. Paragraph 3 of Article 70 of Civil Procedure of Georgia allows for writ of summons to be served by postal channels, by fax, e-mail or by a similar modern technology or by the judicial officers. Only the judge has the power to decide which method of service must be used in each case. In some situations the documents may be served by the judicial officers in the building of the court. When the writ of summons is send by use of modern modes of technology, for example: by fax or e-mail, service upon the addressee is acknowledged by the receipt provided by such technologies itself and additional certificate is made by the court to notify that modern methods of service were used.</p> <p><u>Montenegro</u> - See response below at question 60(a).</p> <p><u>South Africa</u> - Yes, but only in circumstances where after diligent search the respondent or defendant cannot be traced. Other measures of service of process than prescribed have to be ordered by a court and are case specific.</p> <p><u>United Kingdom</u> - Fax and e-mail.</p> <p><u>USA</u> - In the United States, service of process by electronic means (including facsimile and email) is being used with some frequency, although it remains an exception to the normal requirement of personal service. (Service by SMS, text-messages to cell-phones, or web-posting – such as through “Facebook” or similar accounts – has not gained currency or approval.) The Federal Rules of Civil Procedure do not expressly permit or restrict service of a summons and complaint via email, although Fed. R. Civ. P. 5(b)(2)(E) now provides for service of other documents (such as pleadings) by electronic means (including facsimile) when consented to in</p>	<p>Brésil, Bulgaria, Canada (British Columbia, Manitoba, Onatrio, Quebec) Czech Republic, Finland, France, Georgia, Germany, Macedonia, Montenegro, Romania, South Africa, Spain, Sweden, Ukraine, United Kingdom, USA. [17]</p>
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	<p>writing by the person served. The laws in only a few states address the issue specifically. However, the decision to permit alternative methods of service such as email or facsimile typically remains within the discretion of the courts, and judges have been receptive to requests to use electronic means of effecting service where justified under the circumstances (for example, when more traditional methods are not practical or have proven ineffective and service by electronic means is likely to provide actual and timely notice of the proceedings). For example, in <i>Snyder v. Alternate Energy Inc.</i>, 19 Misc.3d 954, 857 N.Y.S.2d 442 (2008), the Civil Court of the City of New York permitted "alternative service" by email where despite their best efforts plaintiffs had been unable to locate a physical address where they could make personal service on two defendants. The court noted that, in order to meet the constitutional requirements of due process, service of process must be accomplished by a legally approved method that is reasonably calculated to give the defendant notice of the pending lawsuit. In this situation, the only address plaintiffs could find was an e-mail address. Acknowledging some uncertainty that an e-mailed summons and complaint would in fact make its way across the internet to its intended target, the court found that "such concerns are not reason enough to summarily reject an application for alternate service simply because the method sought involves e-mail. Of course, the mere fact that a defendant has a computer and an e-mail address is not [by itself] a basis to allow a plaintiff to resort to e-mail service. In this case, however, plaintiffs have shown that [the defendant] is regularly online using an e-mail address that by all indications is his. Under these particular facts, a court could readily conclude that service by e-mail is reasonably calculated, under all the circumstances, to apprise the defendants of the action brought against them." See also <i>D.R.I., Inc. v. Dennis</i>, 2004 WL 1237511 (S.D. N.Y. 2004), where the court permitted alternate service of the summons and complaint pursuant to Fed. R. Civ. P. 4 and N.Y. C.P.L.R. § 308(5) where the plaintiff had already attempted, without success, to serve the defendant at his last known address; <i>Hollow v. Hollow</i>, 193 Misc.2d 691, 747 N.Y.S.2d 704 (S.Ct., Oswego County 2002). A growing number of states allow facsimile machines to play some role in service of process. See, for example, West's Annotated California Code of Civil Procedure § 1013, Florida Rules of Civil Procedure 1.080(b), Washington Rev. Code Annotated § 59.18.365. As the court in <i>Snyder</i> acknowledged, there are still no reliable means for confirming that e-mail or fax service has in fact been received by the person to whom it was sent, nor is there an effective way to prove the date when such service was made. Nevertheless, if a party accepts service of process through electronic channels and does not subsequently challenge the service, it is unlikely that a U.S. court would find the service of process to be ineffective.</p>	
	<p>No.  <u>Serbia</u> - Although there is a plan to introduce service by using some modalities of modern technologies.  <u>Russian Federation</u> - The legislation of the Russian Federation does not allow for documents to be served by fax, e-mail, SMS, the posting of a message on a website, or by a similar modern technology.</p>	<p>Argentina, Australia, Belgique, Canada (Alberta, Prince Edward Island), China (HK SAR), Denmark, Ireland, Israel, Japan, Latvia,</p>

		Luxembourg, Malaysia, Mexico, Monaco, Netherlands, Norway, Paraguay, Poland, Russian Federation, Serbia, Slovakia, South Africa, The Bahamas. [23]
	Yes and No // Oui et non.	Suisse. [1]
<b>If no, are there plans to introduce service by using such technologies</b>	<p>Yes.</p> <p><u>Argentina</u> - We are studying the possibility of incorporating new technologies into the service system.</p> <p><u>Belgique</u> - Loi relative à la procédure par voie électronique du 10 juillet 2006 et Loi modifiant certaines dispositions du Code Judiciaire en vue de la procédure par voie électronique du 5 août 2006. L'entrée en vigueur des deux lois est toutefois actuellement postposée au 01.01.2011 au plus tard.</p> <p><u>Denmark</u> - In 2004, a bill on digital communication in the judicial system, including rules on digital service, was passed, but not set into force. According to the bill, a document can be served by sending a digital message, e.g. an e-mail. However the document is only considered to be served, if the receiving part acknowledges receipt of the message. Acknowledgement can be done by sending a digital message (e.g. an e-mail) signed digitally (digital signatur) or by returning a signed copy of the message. The minister of justice is given the power to establish the time of coming into force.</p> <p><u>Monaco</u> - Pas dans un avenir immédiat.</p> <p><u>Suisse</u> - Le projet de code de procédure civile suisse (P-CPCS) prévoit que les actes peuvent être notifiés par voie électronique avec l'accord de la personne concernée (voir réponse 29).</p>	Argentina, Belgique, Denmark, Monaco, Suisse. [5]
	No.	Australia, Canada (Alberta, Prince Edward Island), Ireland, Israel, Japan, Latvia, Malaysia, Mexico, Norway, Poland, Slovakia, South Africa. [12]
<b>60(a). If yes, in what legal framework?</b>	<u>Brésil</u> - Dans le Droit brésilien, la communication des actes de procédure peut avoir lieu par la "citation", "intimation" ou "notification". En 2006, on a introduit la possibilité juridique d'utiliser la Procédure Juridique Électronique. Il s'agit d'une procédure totalement électronique, qui sera disponible sur Internet. On voit, principalement, l'exemple de la Juridiction Spéciale Fédérale dans le développement de la « Juridiction Virtuelle », visant éliminer tout mouvement physique de procédures dans son domaine. Il y a aussi, dans le Judiciaire des États, plusieurs projets dans	Brésil, Bulgaria, Czech Republic, Finland, France, Georgia, Macedonia, Montenegro, Romania, South Africa, Spain, Suisse, Sweden, Ukraine,

	<p>ce sens, soit pour les procédures ordinaires, soit pour les procédures des Juridictions Spéciales. Dans la Procédure Juridique Électronique on a la communication électronique des actes de procédure. La Loi 11.419, du 19 décembre 2006, a apporté la permission et les paramètres pour la communication électronique des actes de procédure (citation et intimation), étant appliquée aux procédures civile, pénale et du travail, ainsi qu'aux juridictions spéciales, dans n'importe quel niveau de juridiction. Il n'y a qu'une restriction par rapport à la citation, en Droit de Procédure Pénale et Infraçionnelle. Finalement, il est intéressant d'observer l'inclusion de la possibilité d'utilisation de commission rogatoire électronique, situation où la signature du juge devra être électronique. Telle possibilité se trouve dans le Code de Procédure brésilien, inserée par la Loi 11.419/2006.</p> <p><u>Canada (Manitoba)</u> - Yes, by fax and e-mail, but only for documents other than originating documents.</p> <p><u>Canada (Ontario)</u> - For service on solicitor of record once the proceeding has been commenced. Electronic transmission requires consent of the recipient. See Rule 16.05.</p> <p><u>Czech Republic</u> - The legal framework for using modern technology for serving documents is regulated in the Civil Procedure Code no. 99/1963 Coll. in the § 45 f). This service is possible only if the addressee asks explicitly for this service and communicates his electronic address. The addressee must also provide the court with electronic signature, followed with qualified certificate of the electronic signature, which is recognised in the Czech Republic under EC Directive No 99/93 ES, or some international treaty, according to the law No 227/2000Coll., on electronic signature.</p> <p><u>Bulgaria</u> - According the Bulgarian Civil Procedure Code – Server.</p> <p>Article 42. (1) Communications shall be served by a court official, by post or through a courier service by means of a registered item with an addressee's acknowledgment of receipt. Where there is no court institution in the place of service, service may be effected care of the municipality or the mayoralty.</p> <p>(2) On a motion by the party, the court may order that communications be served by a private enforcement agent. The costs of the private enforcement agent shall be borne by the party.</p> <p>(3) Where the communication has not been served in another manner, the court may decree, as an exception, that service be effected by a court official by means of telephone, telex, telefax or by telegram.</p> <p>(4) Communications may furthermore be served upon the party at an electronic address named thereby. Any such communications shall be presumed served upon the receipt thereof in the named information system.</p> <p><u>Finland</u> - The service of a trial document other than a writ of summons may be carried out by sending the document electronically to an e-mail address or fax number notified to the court as the address for service by the party in question. This does mean that for example invitations, exhortations and notices may be served electronically.</p> <p><u>France</u> – Possibilité conférée au greffe des juridictions à compter du 1er janvier 2009, de notifier</p>	<p>United Kingdom. [15]</p>
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par voie électronique les actes de procédures, pièces, avis. Par ailleurs, en matière de copropriété, l'article 64 du décret No 67-223 du 17 mars 1967 prévoit que certaines notifications d'actes sont valablement faites par télécopie avec récépissé. Est à actuellement à l'étude un projet de réforme visant à autoriser la signification par voie électronique des actes d'huissiers de justice.

Georgia - We have to notice that Civil Procedure Act of Georgia introduces different methods of serving judicial documents in strictly domestic situations. Civil Procedure Act may allow for documents to be sent by fax or e-mail when interesting parties are invited to take actions in civil proceedings. Modern methods of technology are used in order to serve the writ of summons to parties and their representatives. In some situations judicial officers use telephone to contact with representatives or their defendants and introduce them the writ of summons or an equivalent document. In such circumstances an act is made to prove that addressee was informed to appear in court. When a writ of summons or an equivalent document had to be served under the provisions of Civil Procedure of Georgia (Article 70) the delivery must be effected in sufficient time to enable the defendant or his/her representatives to defend. Paragraph 3 of article 70 of Civil Procedure of Georgia allows for writ of summons to be served by postal channels, by fax, e-mail or by a similar modern technology or by the judicial officers. Only the judge has the power to decide which method of service must be used in each case. In some situations the documents may be served by the judicial officers in the building of the court. Loi: <http://www.admin.ch/ch/f/rs/1/173.110.fr.pdf> Règlement <http://www.admin.ch/ch/f/rs/1/173.110.29.fr.pdf>.

Germany - Provision is made for the possibilities of serving an electronic document in Section 174 of the ZPO. Reference is made to the electronic document in Section 130(a) and (b) of the ZPO (judicial electronic document).

Macedonia - Law on amending the Law on Civil Procedure Official Gazette of the Republic of Macedonia No 110 from 02.09.2008 allows for documents to be served by e-mail.

Montenegro - In accordance with the legal framework regulating service in civil and commercial matters, the service of documents (summons, rulings, conclusions and other official files) is carried out, as a rule, by delivering the letter to the person to whom it is intended. Additionally, the laws prescribe that the service is done by post, telefax or e-mail, or that is done by an authority through an official person or through the person registered for physical or electronic delivery. As regards the legal framework, it is important to mention that a set of laws regulating these matters has been adopted in Montenegro. Namely, the Law on Electronic Signature regulating the use of electronic signature in legal transactions, in administrative, judicial and other procedures, was adopted in 2003. The Law prescribes that the receipt of electronic document with electronic signature or advanced electronic signature cannot be refused only because it is made in electronic form (apart from exceptions listed in the Law). The Law on Electronic Document was adopted in 2008 and it regulates the method of use of electronic documents in legal transactions, administrative, judicial and other procedures, as well as the

	<p>rights, obligations and responsibilities of companies, entrepreneurs, legal entities and individuals, state authorities, state administration authorities, the bodies of local self-government units and authorities and organizations exercising public powers in relation to the electronic document. In line with this Law, electronic document has the same validity as the document made on paper. Electronic document for the needs of legal entity and an individual can be used and circulated only based on explicitly and freely expressed will to accept e-document for personal and business needs and other relations. Legal entity and an individual cannot refuse an electronic document only because it was made, used and put in circulation in electronic form. In accordance with this Law, electronic document is deemed received if it has been received by the recipient in person, by the person authorized by the recipient to receive the document or if received by the recipient's information system or the information system of the person the recipient authorized to receive the document. The time of receipt of electronic document is the time when the electronic document sent entered the information system of the recipient or of the person authorized by the recipient. The confirmation of receipt of electronic document, if requested, must be made by the recipient within a term indicated by the sender in its request for delivery of notification of receipt. The recipient must confirm receipt by an action confirming receipt in material form, including automated systems of receipt confirmation. Electronic document sent is deemed received at the moment when the sender receives the receipt confirmation from the recipient.</p> <p><u>Romania</u> - The Romanian Civil Procedural Code stipulates that the documents are served by civil court officers. In the situation that this kind of service is not possible, the documents are transmitted by post (registered mail) or by any other mean that can guarantee the transmission of the content of the text and the receiving acknowledgment.</p> <p><u>South Africa</u> - Yes, but only in circumstances where after diligent search the respondent or defendant cannot be traced. Other measures of service of process than prescribed have to be ordered by a court and are case specific.</p> <p><u>Spain</u> - Yes, it is possible according to Article 162 of the Civil Procedural Law, but the Court and the addressees have to be provided with the necessary technical equipment to use electronic services. Secondly, these electronic and telematic means have to guarantee the authenticity of the document's content and the integrity of the service, as well as the exact time in which it has been forwarded and received.</p> <p><u>Suisse</u> - Pour l'instant, des normes déjà en vigueur concernent seulement les procédures au niveau fédéral devant le Tribunal fédéral. Les parties, qui sont tenues d'indiquer au Tribunal fédéral leur domicile ou leur siège, peuvent en outre lui indiquer une adresse électronique ainsi que leur clé cryptographique publique et accepter que les notifications leur soient faites par voie électronique (Loi du 17 juin 2005 sur le Tribunal fédéral, RS 173.110). Un règlement du Tribunal fédéral sur la communication électronique avec les parties et les autorités précédentes fixe les modalités de la communication électronique. Il dispose entre autres que les parties qui désirent transmettre leurs mémoires par voie électronique au Tribunal fédéral, doivent s'enregistrer sur</p>	
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	<p>une plate-forme de distribution reconnue. L'inscription sur une plate-forme de distribution vaut acceptation de recevoir les notifications par voie électronique. Le règlement prévoit que les traités internationaux demeurent réservés en ce qui concerne la communication électronique à partir ou vers des domiciles de notification situés à l'étranger.</p> <p><u>Sweden</u> - When service by proclamation is used (see question 29(a)(i)) a notice is published on the website of the gazette Post- och Inrikes tidningar that documents have been made available at the office of the authority or court. It may be noted that a complete overview of the Service Act is currently being conducted. Within the scope of that overview a more frequent use of modern technology for the purpose of service of documents is discussed.</p> <p><u>Ukraine</u> - Under Article 74 of Civil Procedural Code of Ukraine there is possibility to serve only the judicial notices by fax or other modes of communication, which fix the notification.</p> <p><u>United Kingdom</u> - Where the last known residential or business address is not known or the defendant no longer resides or carries on business at the address.</p>	
<p><b>60(b). If yes, is a secured transmission required?</b></p>	<p><u>Brésil</u> - La sécurité de la procédure électronique, y inclus la "communication électronique des actes de procédure", est assurée par l'enregistrement préalable des parties de la procédure dans le Pouvoir Judiciaire. Dans le cas d'utilisation de Journal Électronique de la Justice, le site et le contenu des publications devront être signés de façon numérique, basé sur un certificat émis par l'autorité certificatrice accréditée Et, concernant la citation ou intimation faite par moyen électronique sur un portail propre avec accès pour ceux qui y sont inscrits, ce besoin d'enregistrement préalable apporte la sécurité. Il est important de remarquer la création de la AC-JUS (<a href="http://www.acjus.gov.br/">http://www.acjus.gov.br/</a>), autorité qui certifie et rend possible la définition des règles et profils de certificats, spécifiques pour les application du Judiciaire. La AC-JUS est la première Autorité certificatrice créée et tenue par le Pouvoir Judiciaire, ce qui a aidé la mise en oeuvre de la Certification Numérique, permettant, de cette façon, le déploiement de la Procédure Judiciaire Électronique.</p> <p><u>Bulgaria</u> - Yes, we consider that a secured transmission would help for better prevention of the rights of the parties.</p> <p><u>Canada (Manitoba)</u> - The rules do not compel use of secured transmissions.</p> <p><u>Canada (Ontario)</u> - Not specified.</p> <p><u>Czech Republic</u> - No.</p> <p><u>Finland</u> - There is no obligation to use secured transmissions</p> <p><u>France</u> - S'agissant de la notification des actes par voie électronique par le greffe, il est prévu que «les procédés techniques utilisés doivent garantir (...) la fiabilité de l'identification des parties à la communication électronique, l'intégrité des documents adressés, la sécurité et la confidentialité des échanges, la conservation des transmissions opérées et permettre d'établir de manière certaine la date d'envoi et celle de la réception par le destinataire. » (article 748-6 du code de procédure civile). A l'heure actuelle, les garanties d'une telle transmission n'ont pas encore été fixées pour l'ensemble des tribunaux.</p> <p><u>Germany</u> - Compatible special software and a (qualified) digital signature.</p>	<p>Brésil, Bulgaria, Czech Republic, Finland, France, Germany, Macedonia, Montenegro, Spain, Sweden, United Kingdom. [11]</p>

	<p><u>Macedonia</u> - Service of documents by e-mail is done by secured transmission thru the judicial IT system to the addressee's secured inbox. This is yet to be done in practice when the application of the above mentioned Law will begin.</p> <p><u>Montenegro</u> - In practice, the method of service depends on the nature or importance of the documents which need to be served. Thus, the complaint, response to complaint, the summons, legal remedy, judgement and ruling against which interlocutory appeals are allowed, shall be delivered to the party in person or to its legal representative or attorney. The other documents shall be delivered in person if that is explicitly prescribed by the law, or if the court deems that increased caution is necessary due to attached original documents or for some other reason. (Art. 136 of the Law on Civil Procedure).</p> <p><u>Spain</u> - Spain refers to its response under question 60(a).</p> <p><u>Sweden</u> - No.</p> <p><u>United Kingdom</u> - No.</p>	
<p><b>60(c). If yes, how is service acknowledged and proven?</b></p>	<p><u>Brésil</u> - Si et comment la signification ou notification au destinataire a été constatée et prouvée dans de telles circonstances.</p> <p>a) Journal Électronique de la Justice: Étant donné que la publication dans le Journal Électronique de la Justice est utilisée pour les cas dans lesquels la citation n'est pas personnelle, la preuve de la citation se produit uniquement avec la publication de la décision sur l'Internet. Les délais de procédure commenceront le premier jour utile après la date de publication.</p> <p>b) Citation ou intimation par Internet, sur un portail propre accessible aux inscrits, dispensant la publication dans le Journal officiel (y compris électronique): L'intimation sera considérée effectuée le jour où la personne intimée effectuera la consultation électronique du teneur de l'intimation, certifiant dans les actes électroniques sa réalisation. Cette consultation doit être faite dans les 10 jours passés comptés de la date d'envoi de l'intimation, sous peine de considérer l'intimation automatiquement effectuée à la fin de ce délai. Juste comme information, on pourra remettre un courrier électronique communiquant l'envoi de l'intimation, à ceux qui demanderont tel service. Mais le fait de recevoir l'email n'est pas considéré intimation. Il est nécessaire d'accéder le portail.</p> <p><u>Bulgaria</u> - See question 60(a).</p> <p><u>Canada (Manitoba)</u> - If service needs to be proven, it is done by declaration in an affidavit.</p> <p><u>Canada (Ontario)</u> - Express acceptance is needed for email service.</p> <p><u>Czech Republic</u> - The addressee must confirm receipt of the documents within 3 days of the date of transmission. That is done by electronic means supplied with electronic signatures (please refer to the response of the Czech Republic to question 60(a)).</p> <p><u>Finland</u> - Service does not need to be proven in these situations. The transmission report of the sender would be sufficient.</p> <p><u>France</u> - L'article 748-3 du code de procédure civile qui entrera en vigueur le 1er janvier 2009 prévoit que les notifications des actes par voie électronique par le greffe « font l'objet d'un avis électronique de réception adressé par le destinataire, qui indique la date et, le cas échéant,</p>	<p>Brésil, Bulgaria, Czech Republic, Finland, France, Georgia, Macedonia, Montenegro, Romania, Spain, Sweden, Switzerland, Ukraine, United Kingdom. [14]</p>

	<p>l'heure de celle-ci ».</p> <p><u>Germany</u> - By means of a qualified acknowledgement of receipt bearing the date and the signature of the addressee.</p> <p><u>Georgia</u> - When the writ of summons is sent by use of modern modes of technology, for example: by fax or e-mail, service upon the addressee is acknowledged by the receipt provided by such technologies itself and additional certificate is made by the court to notify that modern methods of service were used.</p> <p><u>Macedonia</u> - The service upon the addressee is acknowledged or proven when there is a return signal and certificate electronically signed with his electronic signature.</p> <p><u>Montenegro</u> - The Law on Civil Procedure prescribes that, when the documents are served by e-mail, it shall be deemed that the documents are served at the moment when the document is sent by e-mail (Art. 127). As regards the petitions to the court, if the petitions have been sent by e-mail, the time of delivery to the court shall be deemed to be the time indicated on the verification of the advanced electronic signature. The Law also prescribes that if the petition was sent by telefax, the delivery date shall be deemed to be the date on which the fax is received in the court. If the petition was sent by telegraph, it shall be deemed submitted within a deadline, if the petition with the same contents is delivered subsequently to the court or sent to the court by registered mail within three days from the date of delivery of the telegram to the post. (Art. 109).</p> <p><u>Romania</u> - By signature of the addressee on the certificate that accompanies the registered mail / by e-mail or fax confirmation.</p> <p><u>Spain</u> - Spain refers to its response under question 60(a).</p> <p><u>Sweden</u> - Service of proclamation requires a formal decision by the authority or court. Provided that the notice was published within ten days of such a decision, service is acknowledged on the tenth day of the decision.</p> <p><u>Switzerland</u> - Selon le règlement du Tribunal fédéral, les parties qui désirent transmettre leurs mémoires par voie électronique au Tribunal fédéral, doivent s'enregistrer sur une plate-forme de distribution reconnue. L'inscription sur une plate-forme de distribution vaut acceptation de recevoir les notifications par voie électronique. L'acte judiciaire est déposé dans une case postale électronique sur la plate-forme de distribution en vue de son retrait. Le système peut adresser par courriel une invitation à retirer l'envoi. Le délai de garde de sept jours commence à courir dès le dépôt. Le retrait de l'acte judiciaire par le destinataire détermine le moment de la notification. Un acte judiciaire non retiré est réputé reçu au plus tard sept jours après son dépôt.</p> <p><u>Ukraine</u> - There is fixed notification of service of judicial notice by fax or other modes of communication.</p> <p><u>United Kingdom</u> - Only acknowledged if person contacts the plaintiff or the Court. Proof by witness statements for the facts.</p>	
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**B. In cross-border situations outside of the Service Convention**

**61. Have States served documents abroad via mechanisms or avenues outside of the Convention?**

Yes.

Montenegro - The service of documents by all relevant authorities in situations that do not fall within the scope of this Convention is done in accordance with the national legislation regulating these matters. Please see answer to question 60.

USA - In the court's discretion, service of process by electronic means may also be permissible on foreign defendants (*i.e.*, those outside the territory of the United States) under Fed. R. Civ. P. 4(f)(3). For example, in *Philip Morris USA Inc. v. Veles Ltd.*, 2007 WL 725412 (S.D. N.Y. 2007), the federal district court held that service via electronic mail was sufficient in a trademark infringement action brought by a Virginia corporation, as owner of several trademarks on brand-name cigarettes, against foreign defendants who operated online cigarette stores, where (i) the defendants conducted business extensively, if not exclusively, through their Internet websites and corresponded regularly with customers via e-mail, (ii) the defendants did not disclose their physical addresses or location of incorporation on their web sites, and (iii) the defendants appeared to be foreign corporations of unknown citizenship. The court concluded that service by e-mail was reasonably calculated to inform the defendants of the pendency of this action, and noted that the defendants themselves did not dispute having received e-mail service. See also *Williams v. Advertising Sex LLC.*, 231 F.R.D. 483 (N.D.W.Va., 2005) (service by e-mail appropriate where (i) foreign defendants were sophisticated participants in e-commerce and maintained e-mail addresses linked to established web sites used to conduct business and (ii) the defendants had eluded service through traditional means); *Rio Properties Inc. v. Rio Intern. Interlink*, 284 F.3d 1007 (9th Cir. 2002) (in trademark infringement suit against a foreign Internet business entity, email service permitted where plaintiff's prior attempts to serve by conventional means in the United States had been unsuccessful, due to refusal of attorney and courier service to accept service on entity's behalf, and investigator was unable to locate entity's whereabouts in Costa Rica); *Williams-Sonoma Inc. v. Friendfinder Inc.*, 2007 WL 1140639 (N.D.Cal. 2007) (email service permitted on defendants in the Ukraine, the Czech Republic, Israel, Switzerland, the Philippines, Norway, Canada, India and England since physical addresses for a number of the named defendants could not be located, specific defendants had refused to accept service, and plaintiff established that the email accounts had been effective means of communicating with the defendants, which would serve the purposes of ensuring the defendants receive adequate notice of this action and an opportunity to be heard). In general, U.S. courts appear inclined to authorize email service in cross-border situations when the foreign defendant has successfully evaded traditional methods of service and is utilizing e-mail as its preferred or sole method of communication. By the same token, requests for such service have been rejected when the plaintiff has not previously attempted to serve the defendant through traditional methods of service before requesting the court to authorize e-mail service. The courts have also

Canada (Quebec), Montenegro, South Africa, USA. [4]

	<p>been reluctant to authorize e-mail service when they are not satisfied that e-mail is the mode of communication most likely to give the defendant notice of the action. Courts have taken different approaches to the question of how much weight to give to the legality of e-mail service in the foreign country in which the defendant resides. <i>Compare Prewitt Enterprises Inc. v. Org. of Petroleum Exporting Countries</i>, 353 F.3d 916, 927-28 (11th Cir. 2003) with <i>Rio Properties Inc. v. Rio Int'l Interlink</i>, 284 F.3d 1007 (9th Cir. 2002). Generally, see Stewart and Conley, "E-mail Service on Foreign Defendants: Time for an International Approach?", 38 Georgetown Journal of International Law 755 (2007).</p>	
	<p>No.  <u>Australia</u> – No, not to our knowledge.  <u>Denmark</u> - According to the information received from the Danish Court Administration.</p>	<p>Argentina, Australia, Belgique, Bulgaria , Brésil, Canada (Alberta, British Columbia, Prince Edward Island), Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Israel, Japan, Latvia, Luxembourg, Macedonia, Malaysia, Mexico, Monaco, Netherlands, Norway, Paraguay, Poland, Romania, Russian Federation, Serbia, Slovakia, Suisse, Sweden, The Bahamas, Ukraine, United Kingdom. [34]</p>
<p><b>61(a). If yes, in what legal framework?</b></p>	<p><u>Canada (Quebec)</u> - Service by facsimile (abroad) has already been authorized pursuant to section 138 CCP.  <u>Montenegro</u> - See above response at question 61.  <u>South Africa</u> - Yes, but only in circumstances where after diligent search the respondent or defendant cannot be traced. Other measures of service of process than prescribed have to be ordered by a court and are case specific.</p>	<p>Canada (Quebec), Montenegro, South Africa. [3]</p>
<p><b>61(b). If yes, is a secured transmission required?</b></p>	<p><u>Canada (Quebec)</u> - We do not have any information regarding this subject.</p>	<p>Canada (Quebec). [1]</p>

<p><b>61(c). If yes, how is service acknowledged and proven?</b></p>	<p><u>Canada (Quebec)</u> - Section 146.0.1 CCP provides that service by fax machine may be proved by means of a transmission slip or, failing that, by means of an affidavit from the person who effected the service. Further, section 146.0.2 CCP provides that a written proceeding, exhibit or other document that is served by fax machine must be accompanied with a transmission slip setting out:</p> <p>(a) the name, address and telephone number of the sender;  (b) the name of the attorney to be served and the fax number of the receiving fax machine;  (c) the date and time of transmission;  (d) the total number of pages transmitted, including the transmission slip;  (e) the fax number of the transmitting fax machine; and  (f) the nature of the document.</p>	<p>Canada (Quebec). [1]</p>
<p><b>Further comments</b></p>	<p><u>China (HK SAR)</u> - No information is available in relation to the Hong Kong Special Administrative Region.</p>	<p>China (HK SAR). [1]</p>
<p><b>C. E-service and the main channel of transmission under the Service Convention</b></p>		
<p><b>62. Has the CA of your State received a request for electronic service?</b></p>	<p>Yes.  <u>USA</u> - The Central Authority, through its contractor, will only accept service requests received by mail or courier. Requests submitted in any other fashion will not be accepted or executed. We do not maintain the necessary information to otherwise respond to this question.</p> <p>No.  <u>Canada (Manitoba)</u> - This is not an issue that has required resolution in Manitoba.  <u>Canada (Ontario)</u> - Likely to refuse since not in accordance with our law for most purposes. Would need direction as to method of proof of service. Since Ontario does not restrict foreigners from serving directly, we would expect parties that are allowed by their own court rules to serve electronically to serve in that manner directly from home. There would be no need to use the Ontario Central Authority as an intermediary.  <u>Canada (Quebec)</u> - We have not received any such requests (see answer to question 32(b)(i)) but if we were to receive one, the costs would be borne by the requesting State. Moreover, a service request of this kind would have to comply with the rules of the Code of Civil Procedure. Therefore, with the authorization of the judge or the court, service could perhaps be effected through one of these modes. For notification, it would be possible without such authorization.  <u>China (HK SAR)</u> - The requests will be returned to the applicants.  <u>Croatia</u> - The requests for service would be transmitted if they were compatible with the domestic law.  <u>Czech Republic</u> - The request for service would be executed if it were compatible with the law of the Czech Republic.  <u>Denmark</u> - Not to the knowledge of the Ministry of Justice.  <u>Finland</u> - The Central Authority would probably suggest to the Authority of the requesting State that the documents be served in a traditional manner by post or bailiff.</p>	<p>Argentina, USA. [2]</p> <p>Bulgaria, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island, Quebec), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Suisse, Sweden, Ukraine, United Kingdom. [26]</p>



	<p><u>France</u> - Une telle demande ne pourrait être présentée qu'en application de l'article 5(1) b) de la convention de La Haye Notification. L'autorité centrale française se réserverait la possibilité d'exiger des preuves quant à la qualité du requérant ainsi que de subordonner la réception à une acceptation par le destinataire et le cas échéant, à la production d'une traduction en langue française, s'il n'a pas été établi dans une langue comprise du destinataire.</p> <p><u>Ireland</u> - Response would depend on the nature of the request. Central Authority would be likely to require that e-service be followed up by personal or postal service so that there would be proof of service if required at a later date.</p> <p><u>Israel</u> - The applicant will be asked to send original documents.</p> <p><u>Japan</u> - Our Central Authority would inform the applicant that such service as requested cannot be effected and would ask whether it still wishes to continue the request for service by other methods.</p> <p><u>Latvia</u> - Although there have not yet been such cases, the Central Authority of Latvia would return the documents that were asked to be served by the methods described above because they are incompatible with the Latvian law. The Central Authority would indicate the possible methods under Latvian law which could be used for the service of documents.</p> <p><u>Mexico</u> - It would be returned, because the domestic legislation does not contemplate this type of service.</p> <p><u>Netherlands</u> - Such a request would be refused.</p> <p><u>Norway</u> - Refers to its response under question 33.</p> <p><u>Poland</u> - The Central Authority would accept the request however ask for providing authentic documents that are to be served.</p> <p><u>Romania</u> - According to Romanian Law No 189/2003, the Ministry of Justice sends the request and the documents enclosed to the court in which jurisdiction leaves the addressee or it has its headquarters. The requested Romanian court will proceed to service of the documents according to the procedure of the internal Romanian law, that is by civil court officers/ by post (registered mail) or by any other mean that can guarantee the transmission of the content of the text and the receiving acknowledgment.</p> <p><u>Russian Federation</u> - In case the Ministry of Justice of the Russian Federation receives a request for service that expressly asked for documents to be served with the use of modern technology it is not in a position to forward it to the competent court to execute the request because the legislation of the Russian Federation does not provide for the execution of documents received by fax, e-mail, SMS, the posting of a message on a website, or by a similar modern technology.</p> <p><u>Slovakia</u> - The foreign Central Authority would be asked to send the documents in paper version too (not only by electronic means).</p> <p><u>Suisse</u> - Les autorités suisses ne donnerait pas suite à la demande, car il s'agirait d'une forme incompatible avec le droit suisse. L'autorité requérante serait inviter à reformuler sa demande d'une autre manière. Une seule AC signale que, si les actes sont envoyés en papier avec la demande, une information préalable au destinataire par fax (seulement ce type de technologie</p>	
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	<p>moderne) serait envisageable, si l'autorité requérante le désire, mais la notification même devrait être faite par la voie normale. Car pour pouvoir établir l'attestation on doit pouvoir vérifier qui a reçu les actes (et sa relation avec le destinataire) et quand.</p> <p><u>Ukraine</u> - Under Article 74 of Civil Procedural Code of Ukraine there is possibility to serve only the judicial notices by fax or other modes of communication, which fix the notification. But in any particular occasion when the Ministry of Justice of Ukraine will receive the request to serve the documents by fax we will consider it in the light of efficiency of the fixation of notification.</p> <p><u>United Kingdom</u> - Would serve by fax or e-mail if domestic rules are fulfilled.</p>	
<b>62(a). From which States?</b>	<u>Argentina</u> – Italy.	Argentina. [1]
<b>62(b). Did the request provide any particular explanation?</b>	Yes – Urgency.	[0]
	Yes – Failure of previous attempts.	[0]
	Yes – Use of such technologies approved in forum.	[0]
	Yes – All parties gave consent.	[0]
	Yes – Other. <u>Argentina</u> - Moving the date of a hearing forward, even though the formal request had already been sent to the Judge.	Argentina. [1]
	No.	[0]
<b>62(c). Were the requests executed?</b>	Yes.	[0]
	No. <u>Argentina</u> - In the Argentine Republic, service is executed through the judicial channel. <u>Slovakia</u> - According to Slovak law, the documents to be served must be sent to the addressee in original (paper) format.	Argentina, Slovakia, United Kingdom. [3]
<b>62(c)(i). If so, on what legal basis?</b>		[0]
<b>62(c)(ii). Was a secured transmission used or required?</b>		[0]
<b>62(c)(iii). How was service acknowledged and proven?</b>		[0]

<b>63. Has your State sent a request for electronic service?</b>	Yes. No. <u>Denmark</u> - According to the information received from the Danish Court Administration.	[0] Argentina, Bulgaria, Canada (Alberta, British Columbia, Prince Edward Island), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, Germany, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Suisse, Sweden, Ukraine, United Kingdom. [25]
<b>Further comments</b>	<u>Canada (Ontario)</u> - We have no information about requests sent abroad for service. <u>France</u> - Le recours à ce procédé reste inconnu du ministère de la justice. <u>Netherlands</u> - As far as we know of this has never been done before. <u>USA</u> - The Central Authority does not have information concerning outgoing requests for service under the Convention. It is likely, however, that in some situations U.S. litigants have in fact made requests for service abroad expressly asking for documents to be served by one of the enumerated methods.	Canada (Ontario), France, Netherlands, USA. [4]
<b>63(a). To which States?</b>		[0]
<b>63(b). Did the request provide any particular explanation?</b>	Yes – Urgency.	[0]
	Yes – Failure of previous attempts.	[0]
	Yes – Use of such technologies approved in forum.	[0]
	Yes – All parties gave consent.	[0]
<b>63(c). Were these requests actually executed?</b>	Yes.	[0]
	No.	[0]
<b>64. Would your State recognise and execute a foreign judgement if service was</b>	Very likely. <u>Canada (Quebec)</u> - According to Article 3155(3) of the Civil Code, "A Québec authority recognizes and, where applicable, declares enforceable any decision rendered outside Québec except in the following cases: ... (3) the decision was rendered in contravention of the fundamental principles of procedure; ...." Also of note is Article 3156 of the Civil Code, which provides that "A decision rendered by default may not be recognized or declared enforceable unless the plaintiff proves	Canada (Quebec), Macedonia, Norway, Romania, Sweden. [5]

<p><b>electronic?</b></p>	<p>that the act of procedure initiating the proceedings was duly served on the defaulting party in accordance with the law of the place where the decision was rendered. However, the authority may refuse recognition or enforcement if the defaulting party proves that, owing to the circumstances, he was unable to learn of the act of procedure initiating the proceedings or was not given sufficient time to offer his defence." The case law has not yet addressed this specific issue of refusal to enforce a foreign judgment when service is effected by fax, e-mail, SMS, the posting of a message on a website, or by a similar modern technology.  <u>Romania</u> - The requesting party must prove that the writ of summons was effectively served.</p>	
	<p>Likely.  <u>Canada (Ontario)</u> - The condition would be acceptable proof of actual service, though that might depend on the court giving the judgment and whether the defendant within Ontario claimed lack of service and of notice of the proceeding.  <u>France</u> - Probable dès lors que cette forme était admise dans l'Etat de destination de l'acte introductif d'instance ou n'était pas incompatible avec son droit.  <u>Slovakia</u> - It would depend on, in particular, whether such service was considered lawful in the State of origin, how the rights of defence were observed and whether the defendant objected to such service.  <u>USA</u> - A U.S. court asked to enforce a foreign judgment in an action where service of process had been accomplished by fax or email would likely be guided by basic concepts of due process. (Since service by SMS, text messaging to cell phones, posting messages on a website or by similar methods is not yet practiced in the United States it would be difficult to predict the acceptability of those methods in any particular circumstance.) Where the method in question was effective in providing actual notice of the proceedings to the defendant and sufficient time for the defendant to respond, a court would not be likely to refuse enforcement simply on the basis that service had been made by means other than personal service. A more serious question might be raised where the chosen method of service was (i) illegal under the law of the state where the judgment had been rendered or (ii) specifically impermissible under the law of the jurisdiction in which enforcement was sought.</p>	<p>Canada (Ontario), France, Mexico, Monaco, Slovakia, Russian Federation, USA. [7]</p>
	<p>Very unlikely.  <u>Czech Republic</u> - In the Czech Republic, the procedural law prescribes that the writ of summons must be served with the method "into own hands". That means it must be proved that the party was facilitated to attend the procedure. Otherwise it will not be possible to recognize and execute the judgement.  <u>Poland</u> - The Central Authority would ask for the authentic copies of the documents that are to be delivered.</p>	<p>Canada (Alberta, British Columbia, Prince Edward Island), Czech Republic, Israel, Luxembourg, Poland. [5]</p>
	<p>Depends on the technology.  <u>Bulgaria</u> - At the present time we have not used modern technology method of service.  <u>Finland</u> - Service by fax or e-mail will probably in the future be acceptable methods of service.  <u>Latvia</u> - A foreign judgment shall not be recognised only if the defendant was denied a possibility</p>	<p>Bulgaria, Finland, Latvia, Spain, Ukraine, United Kingdom. [6]</p>

	<p>of defending his or her rights, especially if the defendant who has not participated in the trial was not notified regarding appearing in court in a timely and proper manner, except if the defendant has not appealed such judgment even though he or she had the possibility to do so.</p> <p><u>Ukraine</u> - Regardless of the method of service of judicial documents, the court will require the document, which certifies that the service was effective.</p> <p><u>United Kingdom</u> - Fax and e-mail.</p>	
	No.	Argentina. [1]
<b>Further comments</b>	This is not an issue that has yet required resolution in Manitoba.	Canada (Manitoba). [1]
	The answer depends entirely on the situation at hand.	Denmark. [1]
	No statement can be made on that because the German courts decide upon individual cases in judicial independence. There have not yet been any court decisions. The service of documents by SMS or by posting a message on a website would be likely to lead to greater difficulties in recognition than service by e-mail because German law makes no provision at all for those means of service.	Germany. [1]
	<u>Japan</u> - It is totally up to the court in charge of the case whether a judgement is to be recognised and enforced; thus it is impossible to comment on the likeliness.	Japan. [1]
	Very likely and very unlikely. <u>Macedonia</u> - There isn't appropriate legal ground neither for recognising and enforcing such agreement nor for not doing so. In this case if the contracting parties can prove that the usage of the technologies that they agree on is efficient and secured the State would take positive actions if not, negative reaction could be expected.	Macedonia. [1]
	There is no case law on this subject.	Netherlands. [1]
	Probable et improbable. Probable : Probable pour le cas où l'Etat dans lequel l'acte introductif d'instance a été notifié est l'Etat du for et que la voie de notification correspond au droit du for. Improbable : Dans le cas où l'acte à été notifié au destinataire en Suisse par une voie de la technologie moderne et que la reconnaissance et l'exécution est demandée en Suisse, une reconnaissance semble être improbable. La voie des technologies modernes pourrait être assimilée à la voie postale directe, contre laquelle la Suisse a déclaré s'opposer.	Suisse. [1]
<b>65. Would your State recognise and enforce an agreement made by parties to accept electronic service?</b>	Very likely.	Canada (British Columbia), Norway, United Kingdom. [3]
	Likely. <u>Bulgaria</u> - At the present time we have not used modern technology method of service. <u>France</u> - Probable dès lors qu'il est recouru à ces modes en conformité avec l'article 5(1) b) de la convention de La Haye Notification, c'est-à-dire à partir du moment où le mode de signification ou de notification choisi n'est pas incompatible avec la loi de notre Etat. <u>Latvia</u> - Agreements made by the parties to a contract on the methods of communication	Bulgaria, France, Latvia, Slovakia, USA. [5]

	<p>between the parties most likely would not be a reason for not recognizing such an agreement.</p> <p><u>Slovakia</u> - We refer to our response at question 64, however, the additional problem would be that such an agreement would most likely not be considered valid under Slovak law, so the issue of public policy might be raised in the recognition proceedings. In the absence of any jurisprudence to that effect it is difficult to predict the outcome.</p> <p><u>USA</u> - It is likely that U.S. courts would give effect to a prior contractual agreement freely entered into by the parties to accept service of process by electronic or other modern technological means, since there is no general mandatory rule in the U.S. against service by such means, although (i) it is possible that in some jurisdictions the permissible methods of service are restricted by law and (ii) in a specific case it would certainly be open to a party to argue that the chosen means did not in fact result in actual notice of the proceedings and appropriate time to respond.</p>	
	<p>Very unlikely.</p> <p><u>Canada (Alberta)</u> - Alberta Rules of Court state personal service.</p> <p><u>Canada (Prince Edward Island)</u> - PEI Rules of Civil Procedure state personal service.</p> <p><u>Canada (Ontario)</u> - Parties to a transaction cannot make up their own rules of court. We are talking here about the service of judicial documents, not private documents. To the extent that lawyers can agree to accept email service after the start of a proceeding that would be enforceable if the agreement were made before the start of litigation (probably).</p> <p><u>Canada (Quebec)</u> - Civil procedure is a public-law matter in Quebec, so there would be difficulties if the parties operated outside of the legislation. The service referred to in the question would have to be effected in accordance with the applicable law. However, the likelihood that Quebec would recognize and enforce such an agreement could change if the provisions of Bill 65, entitled An Act to establish a Legal framework for information technology are adopted (see our answers to questions 33 and 67 regarding this subject).</p> <p><u>Czech Republic</u> - The documents must be served by the court, however the addressee can agree in advance to receive the documents by electronic means (please also refer to the answer to question 60(a)).</p> <p><u>Finland</u> - This question would have to be decided on a case by case basis. In relations between major enterprises such as Microsoft and Nokia such agreements could be acceptable, in consumer matters this would probably not be the case.</p> <p><u>Germany</u> - There is far-reaching freedom of contract in the area of the law of contract. The parties can determine how documents should be forwarded to them. However, the parties may not determine what means of delivery are used in judicial proceedings. This is subject to public procedural law, of which unrestricted use may not be made.</p> <p><u>Israel</u> - Such methods of serving documents are not recognized in this country. Consequently, even if parties to a contract agree as stated, there will be no way of putting the agreement into effect.</p> <p><u>Mexico</u> - Because, according to the Political Constitution of Mexico, it is necessary to have</p>	<p>Canada (Alberta, Prince Edward Island, Ontario, Quebec), Czech Republic, Finland, Germany, Israel, Mexico, Poland, Romania, Russian Federation, Suisse, Ukraine. [11]</p>

	<p>juridical certainty of an original document.</p> <p><u>Suisse</u> - Majorité des cantons. Selon la Loi du 17 juin 2005 sur le Tribunal fédéral l'accord de procéder à des notifications par voie électronique se fait entre la partie et le tribunal (il ne se fait pas entre les parties). De même, le projet de Code de procédure civile suisse part du principe d'un accord entre l'autorité et la personne concernée.</p> <p><u>Ukraine</u> - All the court procedures (legal measures) are regulated by the Civil Procedural Code of Ukraine, so an agreement made by parties to a contract can not change procedural rules.</p>	
<b>Further comments</b>	<p><u>Argentina</u> - No, would not recognise.</p> <p><u>Canada (Manitoba)</u> - Do not know.</p> <p><u>Denmark</u> - The answer depends entirely on the situation at hand.</p> <p><u>Japan</u> - It is totally up to the court in charge of the case whether a judgement is to be recognised and enforced; thus it is impossible to comment on the likelihood.</p> <p><u>Netherlands</u> - There is no case law on this subject.</p> <p><u>Spain</u> - It would depend on the technology being used.</p> <p><u>Sweden</u> - The Service Act applies in every case of service of documents in a case before a Swedish court or other authority. The method of service is therefore not open for the decision of the parties to a contract.</p>	<p>Argentina, Canada (Manitoba), Denmark, Japan, Netherlands, Spain, Sweden. [7]</p>
<b>D. E-service and the alternative channels of transmission under the Service Convention</b>		
<b>66. Does your State interpret "postal channels" as including:</b>	<b>Yes</b>	<b>No</b>
<b>(a) Fax</b>		<p>Argentina, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, The Bahamas, United Kingdom, USA. [27]</p>
<b>(b) E-Mail</b>	<p>Czech Republic (Refers to the response given to question 60(a)). [1]</p>	<p>Argentina, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island), China (HK SAR), Croatia, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, The Bahamas, United Kingdom, USA. [26]</p>
<b>(c) SMS</b>		<p>Argentina, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan,</p>

		Latvia, Luxembourg, Mexico, Monaco, Netherlands, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, The Bahamas, United Kingdom, USA. [27]
<b>(d) The posting of a message on a website.</b>		Argentina, Canada (Alberta, British Columbia, Manitoba, Ontario, Prince Edward Island), China (HK SAR), Croatia, Czech Republic, Denmark, Finland, France, Germany, Ireland, Israel, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Poland, Romania, Russian Federation, Slovakia, Spain, Suisse, Sweden, The Bahamas, United Kingdom, USA. [27]
<b>Further comments</b>	<p><u>Argentina</u> - The Argentine Republic deems 'postal channel' to be the mailing of documents directly to the interested party.</p> <p><u>Bulgaria</u> - See the declaration of Bulgaria on article 10 of the Convention.</p> <p><u>Canada (Manitoba)</u> - none of these issues have yet required resolution.</p> <p><u>Canada (Ontario)</u> - However, we might not object to such service if our rules allowed for it anyway. In other words, we do not put much weight on the 'exception' for postal channels under Article 10, because we do not restrict what parties can do anyway.</p> <p><u>Canada (Quebec)</u> - General answer for paragraphs (a) to (d):  In Quebec, Section 2 of an Act to establish a Legal framework for information technology sets out the general principle of the freedom of individuals in regard to the choice of medium used to file documents. This freedom of choice is tempered by the obligation to respect the rules of law. Similarly, the legal value of a document is neither increased nor diminished solely because of the medium chosen. Indeed, this principle is established at Section 5 of the AELFIT, which reads as follows: "5. The legal value of a document, particularly its capacity to produce legal effects and its admissibility as evidence, is neither increased nor diminished solely because of the medium or technology chosen. A document whose integrity is ensured has the same legal value whether it is a paper document or a document in any other medium, insofar as, in the case of a technology-based document, it otherwise complies with the legal rules applicable to paper documents. A document in a medium or based on technology that does not allow its integrity to be confirmed or denied may, depending on the circumstances, be admissible as testimonial evidence or real evidence and serve as commencement of proof, as provided for in Article 2865 of the Civil Code. Where the law requires the use of a document, the requirement may be met by a technology-based document whose integrity is ensured." Furthermore, the Civil Code of Québec also states at Article 2840 "It is not necessary to prove that the medium of a document or that the processes, systems or technology used to communicate by means of a document ensure its integrity, unless the person contesting the admission of the document establishes, upon a preponderance of evidence, that the integrity of the document has been affected."  Several sections of the AELFIT delimit the scope of the principle. Hence, Section 29 states that: "A person may not be required to acquire a specific medium or technology to transmit or receive a document, unless such requirement is expressly provided by law or by an agreement."</p>	Argentina, Bulgaria, Canada (Manitoba, Ontario), China (HK SAR), Mexico, Norway, Poland, Russian Federation, Suisse, USA. [10].



Thus, while the expression "postal channel" in paragraph 10(a) of the Convention has not been interpreted in Quebec case law, subsection 28(2) of the AELFIT sets out the principle of the means of transmission of paper documents. Accordingly, any mode of transmission appropriate to the medium of the document may be used. Similarly, Section 74 of the AELFIT provides that "74. A reference in the law to the possibility of using one or more specific means of transmission such as sending by mail, by messenger, by cablegram or telegram, by fax, by telematic, computerized or electronic means, by way of telecommunication, teletransmission, fibre optics or any other information technology, does not preclude the use of another means of transmission appropriate to the medium of the document to be sent, provided the legislative provision does not require the exclusive use of a specific means of transmission." In other words, where a law refers to the possibility of using one mode of transmission, it can be construed to encompass another mode appropriate to the medium of the document. This provision therefore removes any lingering doubt regarding the possibility of using a different mode of transmission appropriate to the medium of the document. However, this freedom conferred by Sections 28 and 74 may be limited by statute: when the law requires the exclusive use of a particular means of transmission, the document must necessarily be transmitted by that means. In that regard, exclusive means of transmission are set out in Quebec's Code of Civil Procedure.

Thus, in regard to technological documents, section 28 identifies acceptable equivalents as follows:

- where the law requires the use of mail, the requirement may be met by means of the technology appropriate to the medium of the document;
- where the law requires the use of certified or registered mail, the requirement may be met, in the case of a technology-based document, by means of an acknowledgement of receipt in the appropriate medium signed by the recipient, or by any other agreed method.
- Where the law requires the transmission or reception of a document at a specific address, the address shall comprise, in the case of a technology-based document, an identifier specific to the location where the recipient may receive communication of such document.

In view of section 138 CCP, it is conceivable that a judge could authorize the use of a technological means to serve documents abroad. For notification, which is effected by registered or certified mail, there is no problem. Also see our answer to question 67 regarding future developments.

China (HK SAR) - The alternative channels are not provided for under the local laws in the Hong Kong Special Administrative Region.

Mexico - Mexico deems 'postal channel' to be the mailing of documents directly to the interested party.

Norway - Since Norway has made a reservation against Article 10, we do not have a particular point of view regarding the interpretation of the expression "postal channels".

Poland - According to Polish civil procedure, a "postal channel" means the delivery by mail.

Russian Federation - In accordance with the declarations of the Russian Federation the service of

	<p>documents by methods listed in Article 10 of the Convention is not permitted in the Russian Federation.</p> <p><u>Suisse</u> – Courriel - La situation pourrait se modifier en cas d'entrée en vigueur du projet de Code de procédure civile suisse, lorsque la Suisse connaîtra en droit interne la notification par voie électronique. Il est imaginable qu'à ce moment-là, une notification par courriel serait mis à égale avec la voie de la poste de l'article 10 a), à laquelle la Suisse à formulé une opposition.</p> <p><u>USA</u> - As a general matter, the term "postal channels" would not be interpreted to include any of the four specified alternatives. However, we are aware of at least one judicial decision in which the court denied plaintiff's request to serve a summons and complaint via email or facsimile by analogizing such service to service by "postal channels." In that case, the defendants were located in the Federal Republic of Germany, and the court's decision turned on the Federal Republic's objection under Article 10 of the Hague Service Convention. <i>Agha v. Jacobs</i>, Slip Copy, 2008 WL 2051061 (N.D.Cal., 2008). To date, that decision does not appear to have been followed by other courts.</p>	
<b>E. Miscellaneous</b>		
<b>67. Any other developments?</b>	<p><u>Australia</u> - There have not been any developments in Australia in relation to e-service. However, Australia will consider this matter in greater detail as part of, and following, its preparations for accession to the Hague Service Convention.</p> <p><u>Brésil</u> - Les récents changements survenus dans la législation brésilienne de procédure concernant la notification des actes de procédure ont été expliquées et décrites à la question 60.</p> <p><u>Bulgaria</u> - At this time the use of modern technology in Bulgaria has been developed concerning Apostille Convention and we hope that in the future it would be provided regarding the Service Convention.</p> <p><u>Canada (Ontario)</u> – No changes since 2003.</p> <p><u>Canada (Quebec)</u> – The National Assembly of Québec is currently reviewing Bill 65 entitled An Act respecting the application of the Act to establish a Legal framework for information technology, adopted in principle on 4 June 2008. The purpose of the Bill is to apply to all legislation the principles of neutrality and functional equivalence that are set out in the Act to establish a legal framework for information technology and that make interchangeability and freedom of choice of media and technologies possible. Specifically, Section 70.7 proposed by this Bill (Section 5 of the Bill) merits special attention: it provides that an obligation to inform a person can be met by delivering a document using a means of communication or an object enabling the recipient to receive the document at a technological address. Document delivery in this manner covers all obligations to inform, <i>i.e.</i>, notice, notification or service of a document; however, it is subject to the limitations identified in the provision, namely (1) only if the recipient agrees to receive the document at that address, or (2) if all other means provided by law to contact the recipient have been exhausted. Bill 65 also provides, through section 70.8 (section 5 of the Bill), a functional equivalent for the dissemination of a public notice when it is allowed.</p>	<p>Australia, Brésil, Bulgaria, Canada (Ontario, Quebec), Denmark, Germany, Japan, Latvia, Montenegro, Slovakia, South Africa, Suisse, USA. [13]</p>

	<p>Once it comes into force, this section can be used to fulfil the obligation to provide information within a territory using a technology-based document that is accessible or available at a technological address. "70.7. Where a legislative provision provides that the obligation to inform must be met by delivering a document, including notification, to a recipient, the document may be delivered using a means of communication or an object enabling the recipient to receive the document at a technological address. However, the document may be delivered in that manner only if the recipient agrees to receive it at that address or publicly states that documents will be received at a technological address, or if all other means provided by law to contact the recipient have been exhausted. Nevertheless, where a legislative provision provides that a document may be delivered to its recipient at the place where the recipient exercises the functions of office or works, a document may be delivered at the address of that place or at a technological address where the recipient may be contacted. However, the document may be delivered at the technological address only if that address has been designated, by the recipient or a person in a position of authority in relation to the recipient, as the place where the recipient may receive technology-based documents, directly or through another person."</p> <p>"70.8. No legislative provision that creates an obligation to inform by requiring that information be disseminated, distributed, released, transmitted, published or made known or public in any other way in a territory, including that of Québec, a metropolitan community, an urban agglomeration, a municipality, a locality or a borough, shall be construed as implying an obligation to use a paper document.</p> <p>However, to fulfil the obligation to provide information in a territory using a technology-based document that is accessible or available at a technological address, the following conditions must be met:</p> <p>(1) for information intended for a community as a whole, the appropriate means for accessing the document and examining it at a technological address must be available in the community and their existence made known;</p> <p>(2) for information intended for a category of persons, the appropriate means must be available as provided in subparagraph 1, or those persons must be required by law or under an agreement to acquire the appropriate means for receiving or accessing a technology-based document; and</p> <p>(3) for information intended for a person identified by the person's relationship to a territory or by the fact that the person may be in that territory or may be contacted there, the person must be able to access and examine the document at a technological address from a place situated in that territory, or the person must have publicly stated that the document will be received or examined at a technological address."</p> <p><u>Denmark</u> - No information available.</p> <p><u>Germany</u> - The entry into force of the Regulation on European orders for payment paves the way for a cross-border electronic order for payment procedure. The Local Court in Wedding (Berlin) has central competence for this in Germany.</p> <p><u>Japan</u> - There have been no such developments.</p>	
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	<p>The final stage of the implementation of this system is currently underway. It already operates in a certain number of courts but not completely. The issue of ratification of this Convention will be considered simultaneously with the completion of implementation of the judicial information system. We believe the setting-up of the judicial information system will eliminate the problems regarding the simplified service and that thereby necessary conditions which will greatly facilitate accession to this Convention will be fulfilled.</p> <p><u>Slovakia</u> - Refers to the response provided by the European Community.</p> <p><u>South Africa</u> - No. However, service of Court processes as well as personal service is currently under consideration by the Rules Board. The issues arising from the questionnaire will be addressed in due course.</p> <p><u>Suisse</u> - Voir réponse à la question 60.</p> <p><u>USA</u> - See the cases and materials cited in the foregoing responses.</p>	
<p><b>68(a). Should modern technology be further encouraged by 2009 SC via specific Conclusions and Recommendations?</b></p>	<p>Yes.</p> <p><u>Bulgaria</u> - They will help the future service of documents on the Convention.</p> <p><u>Finland</u> - The use of modern technologies should be promoted. Recommendations on this issue could be helpful.</p> <p><u>Germany</u> - Recommendations are always useful. However, the question is whether they are sufficient in order to enforce the increased use of modern technology in the cross-border serving of documents.</p> <p><u>Spain</u> - For the moment it seems to be the most suitable.</p> <p><u>Macedonia</u> - Only for the purpose to give time and to provide general guidance for the States to prepare themselves for the following Protocol.</p> <p><u>Suisse</u> - P.ex. pour régler la communication entre autorité expéditrice et AC de l'Etat requis ou la transmission de l'attestation d'exécution. (La communication entre partie requérante et autorité expéditrice tombe sous le droit interne).</p>	<p>Belgique, Bulgaria, Finland, Germany, Luxembourg, Poland, Spain, Suisse, United Kingdom, USA. [10]</p>
	<p>No.</p> <p><u>Israel</u> - Israel considers that present non technological methods for transmitting documents do not present serious difficulties and consequently further development of methods is not necessary.</p>	<p>Argentina, Israel, Mexico, Slovakia, Ukraine. [5]</p>
<p><b>Further Comments:</b></p>	<p><u>Argentina</u> - Although we understand the dynamism that new technologies might bring to these aspects, the Argentine Republic is not ready to address this type of issues, mainly due to the lack of infrastructure.</p> <p><u>Communauté européenne</u> - La Communauté attache une grande importance à l'utilisation des technologies modernes dans le cadre de la signification et la notification des actes, comme dans tout autre domaine de la justice. Le nouveau règlement communautaire sur la signification et la notification des actes ne contient pas de règles précises en la matière, mais les formulaires annexés au règlement se prêtent sans autre à une transmission par voie électronique. Il convient dans ce contexte de souligner que des travaux pour promouvoir davantage l'utilisation des moyens technologiques modernes sont en cours au niveau de la Communauté dans le cadre de la</p>	<p>Argentina, Communauté européenne, Czech Republic, Denmark, France, Japan, Latvia, Netherlands, Poland, Romania, Sweden. [11]</p>

	<p>stratégie dite de « e-justice ». Les expériences qui se feront dans ce domaine pourront s'avérer utiles aussi dans le contexte de l'application de la convention notification. La Communauté est en tout état de cause d'avis que tous les efforts doivent être mis en oeuvre pour promouvoir l'utilisation des technologies modernes, tant au niveau communautaire qu'au niveau des États parties à la convention. La Communauté serait plutôt favorable à l'adoption de conclusions et recommandations spécifiques concernant l'utilisation des technologies modernes.</p> <p><u>Czech Republic</u> - The position of the Czech Republic to this question corresponds to the response of the European Community.</p> <p><u>Denmark</u> - Please be aware of the comments made by the European Community.</p> <p><u>France</u> - La question fera l'objet d'une réponse coordonnée de la Communauté européenne.</p> <p><u>Japan</u> - We value the increase in possibilities of using modern technologies; however we do not consider it crucial to adopt Specific Conclusions and Recommendations to that effect by the 2009 Special Commission or a Protocol to the Service Convention.</p> <p><u>Latvia</u> - Please see the answer of the European Community.</p> <p><u>Netherlands</u> - The Netherlands refers to the answer given by the European Community.</p> <p><u>Poland</u> - Conclusion and Recommendations are a very useful tool and might help in developing the use of the Service Convention.</p> <p><u>Romania</u> - The position of the Romania to this question corresponds to the response of the European Community.</p> <p><u>Sweden</u> - Sweden refers to the response of the European Community in relation to question 68.</p>	
<b>68(b). By a Protocol to the Convention?</b>	<p>Yes.</p> <p><u>Bulgaria</u> - By this way the use of modern technology will be regulated.</p> <p><u>Slovakia</u> - Since the possibility of transmitting or accepting documents for service by way of modern technologies is dependent on the veracity of the documents so transmitted, both the receiving and the transmitting State must have certain guarantees at place. Such a system is perhaps easier set up when there is a harmonized international obligation (standard) which all Parties have to observe and/or when there is an "international right" to use such channels and an obligation to accept such channels.</p> <p><u>Suisse</u> - P.ex. pour introduire certaines methodes de la technologie moderne p.ex en tant que voie alternative au sens de l'article 10.</p>	Bulgaria, Mexico, Slovakia, Suisse, Ukraine, United Kingdom, USA. [7]
	<p>No.</p> <p><u>Finland</u> - A protocol solely concerning modern technology issues might be slightly over dimensioned.</p>	Argentina, Belgique, Finland, Poland. [4]
<b>Further comments</b>	<p><u>Czech Republic</u>- The position of the Czech Republic to this question corresponds to the response of the European Community.</p> <p><u>France</u> - La question fera l'objet d'une réponse coordonnée de la Communauté européenne.</p> <p><u>Germany</u> - The Federal Republic of Germany is still undecided concerning its response to this question. Adopting a Protocol would require the participation of as many States as possible for the financial and organisational efforts for the use of modern means of communication to be</p>	Czech Republic, France, Germany, Japan, Netherlands, Romania. [6]

	<p>worthwhile. Therefore it must be ensured not only legally, but also practically, that a real improvement in the cross-border service of documents is achieved by modern technology. Above all, that means that the necessary technical aids be provided and used by expert staff in all States Party.</p> <p><u>Japan</u> - We value the increase in possibilities of using modern technologies; however we do not consider it crucial to adopt Specific Conclusions and Recommendations to that effect by the 2009 Special Commission or a Protocol to the Service Convention.</p> <p><u>Netherlands</u> - The Netherlands refers to the answer given by the European Community.</p> <p><u>Romania</u> - The position of the Romania to this question corresponds to the response of the European Community.</p> <p><u>USA</u> - The United States believe that it would clearly be worthwhile to have a discussion about the emergence of new technologies and methods of communication which are relevant to the service of process in trans-border situations. The rapid development and deployment of new and technologically sophisticated means of communication, and their worldwide acceptance and expanding use in the business and legal communities, makes such a discussion essential. Ignoring these developments simply increases the risk of conflict and controversy, while threatening to marginalize the mechanisms established by the Service Convention. The object of the discussion could be, in the first instance, the formulation of a non-binding statement of principles or best practices aimed at encouraging states to update their domestic laws and practices to take account of these new technological facts and business practices, authorizing courts to permit "e-service" in appropriate cases, domestically as well as internationally, and providing that "e-service" from abroad is not automatically illegal. While we are not adverse to discussing how these modern technologies might best be integrated into the operation of the Service Convention, we believe that requiring Central Authorities to respond to requests for "e-service" is a different and potentially more difficult question.</p>	
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