

**Hague Conference PIL Convention on the Service Abroad of Judicial  
and Extrajudicial Documents in Civil or Commercial Matters -  
Concluded November 15, 1965**

Hague Conference on Private International Law

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1 **Hague Conference PIL Convention on the Service  
Abroad of Judicial and Extrajudicial Documents in  
Civil or Commercial Matters (Concluded November 15,  
1965)**

2 **Preamble**

*[Preamble]*

3 The States signatory to the present Convention,  
4 Desiring to create appropriate means to ensure that judicial and  
extrajudicial documents to be served abroad shall be brought to  
the notice of the addressee in sufficient time,  
5 Desiring to improve the organisation of mutual judicial assistance  
for that purpose by simplifying and expediting the procedure,  
6 Have resolved to conclude a Convention to this effect and have  
agreed upon the following provisions:

7 **Substantive text of the Convention**

8 **Article 1**

9 The present Convention shall apply in all cases, in civil or com-  
mercial matters, where there is occasion to transmit a judicial or  
extrajudicial document for service abroad.

10 This Convention shall not apply where the address of the person  
to be served with the document is not known.

11 **CHAPTER I ? JUDICIAL DOCUMENTS**

12 **Article 2**

Each Contracting State shall designate a Central Authority which 13  
will undertake to receive requests for service coming from other  
Contracting States and to proceed in conformity with the provisions  
of Articles 3 to 6.

Each State shall organise the Central Authority in conformity with 14  
its own law.

**Article 3** 15

The authority or judicial officer competent under the law of the State 16  
in which the documents originate shall forward to the Central Au-  
thority of the State addressed a request conforming to the model  
annexed to the present Convention, without any requirement of le-  
galisation or other equivalent formality.

The document to be served or a copy thereof shall be annexed to 17  
the request. The request and the document shall both be furnished  
in duplicate.

**Article 4** 18

If the Central Authority considers that the request does not com- 19  
ply with the provisions of the present Convention it shall promptly  
inform the applicant and specify its objections to the request.

**Article 5** 20

The Central Authority of the State addressed shall itself serve the 21

document or shall arrange to have it served by an appropriate agency, either ?

22 a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or

23 b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

24 Subject to sub-paragraph (b) of the first paragraph of this Article, the document may always be served by delivery to an addressee who accepts it voluntarily.

25 If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

26 That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

## 27 **Article 6**

28 The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

29 The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

30 The applicant may require that a certificate not completed by a Cen-

tral Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant. 31

## **Article 7** 32

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate. 33

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English. 34

## **Article 8** 35

Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents. 36

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate. 37

## **Article 9** 38

Each Contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another Contracting State which are designated by the latter for this purpose. 39

Each Contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose. 40

41 **Article 10**

42 Provided the State of destination does not object, the present Con-  
43 vention shall not interfere with ?

44 a) the freedom to send judicial documents, by postal channels, di-  
45 rectly to persons abroad,

46 b) the freedom of judicial officers, officials or other competent per-  
47 sons of the State of origin to effect service of judicial documents  
48 directly through the judicial officers, officials or other competent  
49 persons of the State of destination,

50 c) the freedom of any person interested in a judicial proceeding  
51 to effect service of judicial documents directly through the judicial  
52 officers, officials or other competent persons of the State of desti-  
53 nation.

46 **Article 11**

47 The present Convention shall not prevent two or more Contracting  
48 States from agreeing to permit, for the purpose of service of judicial  
49 documents, channels of transmission other than those provided for  
50 in the preceding Articles and, in particular, direct communication  
51 between their respective authorities.

48 **Article 12**

49 The service of judicial documents coming from a Contracting State  
50 shall not give rise to any payment or reimbursement of taxes or  
51 costs for the services rendered by the State addressed.

50 The applicant shall pay or reimburse the costs occasioned  
51 by-

51 a) the employment of a judicial officer or of a person competent

under the law of the State of destination,

b) the use of a particular method of service.

**Article 13**

54 Where a request for service complies with the terms of the present  
55 Convention, the State addressed may refuse to comply therewith  
56 only if it deems that compliance would infringe its sovereignty or  
57 security.

58 It may not refuse to comply solely on the ground that, under its  
59 internal law, it claims exclusive jurisdiction over the subject-matter  
60 of the action or that its internal law would not permit the action upon  
61 which the application is based.

62 The Central Authority shall, in case of refusal, promptly inform the  
63 applicant and state the reasons for the refusal.

**Article 14**

58 Difficulties which may arise in connection with the transmission of  
59 judicial documents for service shall be settled through diplomatic  
60 channels.

**Article 15**

60 Where a writ of summons or an equivalent document had to be  
61 transmitted abroad for the purpose of service, under the provisions  
62 of the present Convention, and the defendant has not appeared,  
63 judgment shall not be given until it is established that ?

64 a) the document was served by a method prescribed by the internal  
65 law of the State addressed for the service of documents in domestic  
66 actions upon persons who are within its territory, or

62	b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention,	71	a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and	
63	and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.		b) the defendant has disclosed a prima facie defence to the action on the merits.	72
64	Each Contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled-		An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.	73
65	a) the document was transmitted by one of the methods provided for in this Convention,		Each Contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.	74
66	b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,		This Article shall not apply to judgments concerning status or capacity of persons.	75
67	c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.		<b>CHAPTER II ? EXTRAJUDICIAL DOCUMENTS</b>	76
68	Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.		<b>Article 17</b>	77
69	<b>Article 16</b>		Extrajudicial documents emanating from authorities and judicial officers of a Contracting State may be transmitted for the purpose of service in another Contracting State by the methods and under the provisions of the present Convention.	78
70	When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled ?		<b>CHAPTER III ? GENERAL CLAUSES</b>	79
			<b>Article 18</b>	80
			Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.	81
			The applicant shall, however, in all cases, have the right to address	82

a request directly to the Central Authority.

83 Federal States shall be free to designate more than one Central  
Authority.

84 **Article 19**

85 To the extent that the internal law of a Contracting State permits  
methods of transmission, other than those provided for in the pre-  
ceding Articles, of documents coming from abroad, for service  
within its territory, the present Convention shall not affect such pro-  
visions.

86 **Article 20**

87 The present Convention shall not prevent an agreement between  
any two or more Contracting States to dispense with ?

88 a) the necessity for duplicate copies of transmitted documents as  
required by the second paragraph of Article 3,

89 b) the language requirements of the third paragraph of Article 5 and  
Article 7,

90 c) the provisions of the fourth paragraph of Article 5,

91 d) the provisions of the second paragraph of Article 12.

92 **Article 21**

93 Each Contracting State shall, at the time of the deposit of its instru-  
ment of ratification or accession, or at a later date, inform the Min-  
istry of Foreign Affairs of the Netherlands of the following ?

94 a) the designation of authorities, pursuant to Articles 2 and  
18,

b) the designation of the authority competent to complete the cer-  
tificate pursuant to Article 6, 95

c) the designation of the authority competent to receive documents  
transmitted by consular channels, pursuant to Article 9. 96

Each Contracting State shall similarly inform the Ministry, where  
appropriate, of ? 97

a) opposition to the use of methods of transmission pursuant to  
Articles 8 and 10, 98

b) declarations pursuant to the second paragraph of Article 15 and  
the third paragraph of Article 16, 99

c) all modifications of the above designations, oppositions and dec-  
larations. 100

**Article 22** 101

Where Parties to the present Convention are also Parties to one  
or both of the Conventions on civil procedure signed at The Hague  
on 17th July 1905, and on 1st March 1954, this Convention shall  
replace as between them Articles 1 to 7 of the earlier Conven-  
tions. 102

**Article 23** 103

The present Convention shall not affect the application of Article  
23 of the Convention on civil procedure signed at The Hague on  
17th July 1905, or of Article 24 of the Convention on civil procedure  
signed at The Hague on 1st March 1954. 104

These Articles shall, however, apply only if methods of commu-  
nication, identical to those provided for in these Conventions, are  
used. 105



106 **Article 24**

107 Supplementary agreements between Parties to the Conventions  
of 1905 and 1954 shall be considered as equally applicable  
to the present Convention, unless the Parties have otherwise  
agreed.

108 **Article 25**

109 Without prejudice to the provisions of Articles 22 and 24, the  
present Convention shall not derogate from Conventions con-  
taining provisions on the matters governed by this Convention to  
which the Contracting States are, or shall become, Parties.

110 **Article 26**

111 The present Convention shall be open for signature by the States  
represented at the Tenth Session of the Hague Conference on Pri-  
vate International Law.

112 It shall be ratified, and the instruments of ratification shall be  
deposited with the Ministry of Foreign Affairs of the Nether-  
lands.

113 **Article 27**

114 The present Convention shall enter into force on the sixtieth day  
after the deposit of the third instrument of ratification referred to in  
the second paragraph of Article 26.

115 The Convention shall enter into force for each signatory State which  
ratifies subsequently on the sixtieth day after the deposit of its in-  
strument of ratification.

**Article 28**

Any State not represented at the Tenth Session of the Hague Con-  
ference on Private International Law may accede to the present  
Convention after it has entered into force in accordance with the  
first paragraph of Article 27. The instrument of accession shall  
be deposited with the Ministry of Foreign Affairs of the Nether-  
lands.

The Convention shall enter into force for such a State in the ab-  
sence of any objection from a State, which has ratified the Con-  
vention before such deposit, notified to the Ministry of Foreign Affairs  
of the Netherlands within a period of six months after the date on  
which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter  
into force for the acceding State on the first day of the month fol-  
lowing the expiration of the last of the periods referred to in the  
preceding paragraph.

**Article 29**

Any State may, at the time of signature, ratification or accession,  
declare that the present Convention shall extend to all the territories  
for the international relations of which it is responsible, or to one or  
more of them. Such a declaration shall take effect on the date of  
entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Min-  
istry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in  
such an extension on the sixtieth day after the notification referred  
to in the preceding paragraph.

124 **Article 30**

125 The present Convention shall remain in force for five years from the  
126 date of its entry into force in accordance with the first paragraph of  
127 Article 27, even for States which have ratified it or acceded to it  
128 subsequently.

126 If there has been no denunciation, it shall be renewed tacitly every  
127 five years.

127 Any denunciation shall be notified to the Ministry of Foreign Affairs  
128 of the Netherlands at least six months before the end of the five  
129 year period.

128 It may be limited to certain of the territories to which the Convention  
129 applies.

129 The denunciation shall have effect only as regards the State which  
130 has notified it. The Convention shall remain in force for the other  
131 Contracting States.

130 **Article 31**

131 The Ministry of Foreign Affairs of the Netherlands shall give notice  
132 to the States referred to in Article 26, and to the States which have  
133 acceded in accordance with Article 28, of the following ?

132 a) the signatures and ratifications referred to in Article 26;

133 b) the date on which the present Convention enters into force in  
134 accordance with the first paragraph of Article 27;

134 c) the accessions referred to in Article 28 and the dates on which  
135 they take effect;

135 d) the extensions referred to in Article 29 and the dates on which  
they take effect;

136 e) the designations, oppositions and declarations referred to in Ar-  
137 ticle 21;

f) the denunciations referred to in the third paragraph of Article  
30.

**[Post Provisions]**

**[Post Clauses (If any: Signed; Witnessed; Done; Authentic  
Texts; & Deposited Clauses)]**

In witness whereof the undersigned, being duly authorised thereto, 138  
have signed the present Convention.

Done at The Hague, on the 15th day of November, 1965, in the En- 139  
glish and French languages, both texts being equally authentic, in  
a single copy which shall be deposited in the archives of the Gov-  
ernment of the Netherlands, and of which a certified copy shall be  
sent, through the diplomatic channel, to each of the States repre-  
sented at the Tenth Session of the Hague Conference on Private  
International Law.

**[Annex]**

**FORMS (REQUEST AND CERTIFICATE) SUMMARY OF THE 140  
DOCUMENT TO BE SERVED (annexes provided for Articles  
3, 5, 6 and 7)**

ANNEX TO THE CONVENTION Forms REQUEST FOR SERVICE 141  
ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS Con-  
vention on the Service Abroad of Judicial and Extrajudicial Docu-  
ments in Civil or Commercial Matters, signed at The Hague, the  
15th of November 1965.

Identity and address of the applicant 142



Particulars of the parties\*:

176

177 JUDICIAL DOCUMENT\*\*

178 Nature and purpose of the document:

179 Nature and purpose of the proceedings and, where appropriate,  
the amount in dispute:

180 Date and place for entering appearance\*\*:

181 Court which has given judgment\*\*:

182 Date of judgment\*\*:

183 Time-limits stated in the document\*\*:

184 EXTRAJUDICIAL DOCUMENT\*\*

185 Nature and purpose of the document:

186 Time-limits stated in the document\*\*:

187 \* If appropriate, identity and address of the person interested in the  
transmission of the document.

188 \*\* Delete if inappropriate.

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