

**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. | | CHAPTER II ? EXTRAJUDICIAL DOCUMENTS | 76 |
| 68 | Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures. | | Article 17 | 77 |
| 69 | Article 16 | | 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 ? | | CHAPTER III ? GENERAL CLAUSES | 79 |
| | | | Article 18 | 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- 95
tificate pursuant to Article 6,

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

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

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

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

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

Article 22 101

Where Parties to the present Convention are also Parties to one 102
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.

Article 23 103

The present Convention shall not affect the application of Article 104
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.

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

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
date of its entry into force in accordance with the first paragraph of
Article 27, even for States which have ratified it or acceded to it
subsequently.

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

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

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

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

130 **Article 31**

131 The Ministry of Foreign Affairs of the Netherlands shall give notice
to the States referred to in Article 26, and to the States which have
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
accordance with the first paragraph of Article 27;

134 c) the accessions referred to in Article 28 and the dates on which
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-
ticle 21;

f) the denunciations referred to in the third paragraph of Article 137
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

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 143 | Address of receiving authority | 158 | at (place, street, number) | |
| 144 | The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e, | | - in one of the following methods authorised by Article 5: | 159 |
| 145 | (identity and address) ????????????????????????????????????????????? | | a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*. | 160 |
| 146 | a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*. | | b) in accordance with the following particular method*: | 161 |
| 147 | b) in accordance with the following particular method (sub- paragraph (b) of the first paragraph of Article 5)*: ???????.. | | c) by delivery to the addressee, who accepted it voluntarily* . | 162 |
| 148 | c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)*. | | The documents referred to in the request have been delivered to: | 163 |
| 149 | The authority is requested to return or to have returned to the ap- plicant a copy of the documents - and of the annexes* - with a certificate as provided on the reverse side. | | (identity and description of person) | 164 |
| 150 | List of documents | | relationship to the addressee (family, business or other): | 165 |
| | _____ | | 2) that the document has not been served, by reason of the follow- ing facts*: | 166 |
| | _____ | | In conformity with the second paragraph of Article 12 of the Con- vention, the applicant is requested to pay or reimburse the ex- penses detailed in the attached statement*. | 167 |
| | _____ | | Annexes | 168 |
| 151 | Done at _____, the _____ | | Documents returned: ????????????????????????????????????????????? | 169 |
| 152 | Signature and/or stamp. | | In appropriate cases, documents establishing the service: | 170 |
| 153 | * Delete if inappropriate. | | Done at , the | 171 |
| 154 | Reverse of the request CERTIFICATE | | Signature and/or stamp. | 172 |
| 155 | The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention, | | * Delete if inappropriate. | 173 |
| 156 | 1) that the document has been served* | | SUMMARY OF THE DOCUMENT TO BE SERVED Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of Novem- ber 1965. (Article 5, fourth paragraph) | 174 |
| 157 | the (date) | | Name and address of the requesting authority: | 175 |

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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