

**14. CONVENTION ON THE SERVICE ABROAD OF  
JUDICIAL AND EXTRAJUDICIAL DOCUMENTS  
IN CIVIL OR COMMERCIAL MATTERS<sup>1</sup>**

*(Concluded 15 November 1965)*

The States signatory to the present Convention,  
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,  
Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,  
Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.  
This Convention shall not apply where the address of the person to be served with the document is not known.

CHAPTER I – JUDICIAL DOCUMENTS

Article 2

Each Contracting State shall designate a Central Authority which 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 its own law.

Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.  
The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

Article 4

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

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<sup>1</sup> This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law ([www.hcch.net](http://www.hcch.net)), under “Conventions” or under the “Service Section”. For the full history of the Convention, see Hague Conference on Private International Law, *Actes et documents de la Dixième session (1964)*, Tome III, *Notification* (391 pp.).

#### Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either –

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

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.

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.

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.

#### Article 6

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.

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.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

#### Article 7

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.

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

#### Article 8

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.

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.

#### Article 9

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.

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

#### Article 10

Provided the State of destination does not object, the present Convention shall not interfere with –

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,

- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,
- c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

#### Article 11

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

#### Article 12

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

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

- 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

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security. It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

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

#### Article 14

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

#### Article 15

Where 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 the defendant has not appeared, judgment shall not be given until it is established that --

- a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or
- b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention, and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

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 --

- a) the document was transmitted by one of the methods provided for in this Convention,
- 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,
- 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.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

#### Article 16

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 –

- 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
- b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

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.

This Article shall not apply to judgments concerning status or capacity of persons.

### CHAPTER II – EXTRAJUDICIAL DOCUMENTS

#### Article 17

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.

### CHAPTER III – GENERAL CLAUSES

#### Article 18

Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

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

#### Article 19

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

#### Article 20

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

- a) the necessity for duplicate copies of transmitted documents as required by the second paragraph of Article 3,
- b) the language requirements of the third paragraph of Article 5 and Article 7,
- c) the provisions of the fourth paragraph of Article 5,
- d) the provisions of the second paragraph of Article 12.

#### Article 21

Each Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following –

- a) the designation of authorities, pursuant to Articles 2 and 18,
- b) the designation of the authority competent to complete the certificate pursuant to Article 6,
- c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to Article 9.

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

- a) opposition to the use of methods of transmission pursuant to Articles 8 and 10,
- b) declarations pursuant to the second paragraph of Article 15 and the third paragraph of Article 16,
- c) all modifications of the above designations, oppositions and declarations.

#### Article 22

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 Conventions.

#### Article 23

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.

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

#### Article 24

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.

#### Article 25

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

#### Article 26

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

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

#### Article 27

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.

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

#### Article 28

Any State not represented at the Tenth Session of the Hague Conference 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 Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention 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 following 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 Ministry 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.

#### Article 30

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.

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

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.

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

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.

#### Article 31

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 –

- a) the signatures and ratifications referred to in Article 26;
- b) the date on which the present Convention enters into force in accordance with the first paragraph of Article 27;
- c) the accessions referred to in Article 28 and the dates on which they take effect;
- d) the extensions referred to in Article 29 and the dates on which they take effect;
- e) the designations, oppositions and declarations referred to in Article 21;
- f) the denunciations referred to in the third paragraph of Article 30.

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

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

Ministry of Foreign Affairs  
Directorate-General of Legal Affairs  
Plaza Juarez No. 20, Planta Baja  
Edificio Tlatelolco  
Colonia Centro  
delegacion Cuauhtemoc  
C.P. 06010  
Mexico, Distrito Federal

DATE

Dear Sir,

A dependency petition has been filed in the Multnomah County Circuit Court regarding PARENT ADDRESS, Mexico. PARENT is currently residing in Mexico and must be personally served in this lawsuit.

I have enclosed a summons and a copy of the LEGAL DOCUMENT . I have included both English and Spanish versions of the summons, petition, and Request for Service Abroad from Article 5 of the Hague Convention. I am seeking your services to personally serve the summons and petition on PARENT. We sincerely appreciate your assistance.

It is imperative that these forms, the petition and the summons be personally served on PARENT No substitute service please. These papers must be handed to PARENT. The person handing these papers to PARENT must complete the "Affidavit of Service" on the reverse side of the original. A notary is not required.

Please return the original summons and affidavit to:

ATTORNEY  
ADDRESS

Thank you for your prompt attention to this matter.

Sincerely,

Jordan Foy Bates  
Youth, Rights & Justice Attorneys at Law  
401 NE 19<sup>th</sup> Ave, Ste. 200  
Portland, OR 97232 USA  
(503) 232-2540 Ext. 142  
Jordan.B@youthrightsjustice.org

**THROUGH THE EYES OF A CHILD**  
**HAGUE CONVENTION ON SERVICE OF PROCESS IN JUVENILE COURT**  
**PROCEEDINGS**

Jordan Bates, Staff Attorney, Youth, Rights & Justice

I. STEPS

- a. Which Hague Convention are we discussing?
  - i. Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters
    1. <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17>
- b. Does the Convention apply to the Country in which parent is located?
  - i. Member States found here:  
<https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>
- c. Address known or unknown?
  - i. If unknown, it doesn't apply (Article 1)
- d. Who is the "Central Authority"?
- e. Two copies
- f. Article 10 – Just mail it! (unless it's to Mexico)
  - i. <https://www.hcch.net/en/states/authorities/notifications/?csid=412&disp=resdn>
- g. Article 15 – Can still proceed if 6 months have passed, sending state has tried everything, and no response from receiving state.

II. CAN "HAGUE SERVICE" BE WAIVED?

- a. Service of process refers to a formal delivery of documents that is legally sufficient to charge the defendant with notice of the pending action.
- b. Department of Human Services v. M.C.- C., 275 Or App 121, 365 P.3d 533 (2015).
- c. ORS 419B.836 – "Failure to comply with ORS 419B.812, 815, 818, 819, 822 and 839 relating to the form of summons, issuance of summons or who may serve summons *does not affect the validity of service of summons or the existence of jurisdiction over the person if the court determines that the served person received actual notice of the substance and pendency of the action....*"

III. OTHER CONSIDERATIONS

- a. ORS 419B.851(3) – If child is a foreign national, must also serve the consulate.
- b. Immigration implications?



# THE HAGUE SERVICE CONVENTION: Service of Process in Juvenile Court Proceedings

Training for JCIP

August 12, 2019

Catherine Terwilliger, AAIC DOJ ChAS

## INTRODUCTION:

- Created by the Hague Conference on Private International Law for the purpose of unifying the rules of private international law
- Consists of 31 Articles that govern service of judicial or extra-judicial documents in civil or commercial matters between Convention signatories
- Primary focus is to simplify service of process abroad and to assure that defendants receive timely notice of the proceeding
- Mexico acceded to the Convention in November 1999, with enforcement in June 2000.
- Convention does apply to juvenile court proceedings. *Dept. of Human Services v. M.C.C.*, 275 Or App 121 (2015)

## HIGHLIGHTS OF THE RULES OF THE CONVENTION

- Convention applies only if the address of the person to be served is known.
- Each contracting state shall designate a Central Authority (CA) which will receive requests for service from other contracting states.
- If CA thinks a request does not comply with the Convention requirements, the CA must promptly inform requesting state and specify objections to the request.
- CA carries out service in accordance with its country's laws or by a method requested by the sending state unless it's incompatible with its laws. CA may require documents to be translated into the language of the receiving state.
- CA for receiving state must complete a certificate of service either with the details of the service or the reasons for why service was not accomplished.
- The Convention Model Form for requesting service must be in English or French and can be completed in the language of the receiving state.

- A court can enter a judgment upon a party's non-appearance if it receives proof of compliance with the Convention.
- If there is no proof of service, the court can still enter a judgment IF:
  1. The document was transmitted by one of the Convention methods.
  2. At least 6 months has elapsed since the date the document was transmitted.
  3. No certificate has been received despite reasonable efforts to obtain one.

### **SPECIFIC REQUIREMENTS FOR SERVICE IN MEXICO**

- For Mexico, service can only be accomplished through the Mexican Central Authority
- Mexico objects to alternate forms of service provided in the Convention – no service by mail or through consular agents
- Mexico requires Convention Model forms addressed to the Mexican Central Authority be completed in Spanish
- Mexico's service process:
  1. Ministry of Foreign Affairs (SRE) oversees international cases.
  2. Directorate General of Legal Affairs (DGAJ) is under the SRE.
  3. DGAJ serves as the Mexican Central Authority (MCA) for service of foreign documents per the Convention.
  4. Service is carried out by the courts.
  5. Process is from MCA to Superior Court to First Instance court to person to be served.
  6. If service is completed, the certificate is sent back to the MCA through the same channels.

### **EFFECT OF FAILURE TO COMPLY WITH THE CONVENTION**

- Failure to comply voids the service. *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 US 694 (1988) BUT
- Father waived defects in service for failure to comply with the Convention when he failed to raise any objections until 2 years into the juvenile case, father had notice of the proceedings and appeared in the

proceedings personally, via telephone and through counsel. "A party claiming that a court lacks personal jurisdiction over the party because of a defect in service must raise that issue at the earliest possible occasion." *DHS v. M.C.C.*, 275 Or App 123-24.

- Should comply with the Convention to avoid risk of court finding lack of jurisdiction due to service being void. However, in light of the *M.C.C.* case, AAG can argue that defect in service or failure to comply fully with the Convention should not and does not void the proceeding, especially where the state can show that:
  - The method of service was in accordance with Oregon law- by serving a true copy of the summons and petition by PERSONAL SERVICE, MAIL AND REGISTERED MAIL, OR PUBLICATION.
  - The party appeared in the proceeding- personally, by phone, through counsel.
  - The party failed to raise any defects in service at the first opportunity to do so.

# REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ÉTRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.**  
Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye le 15 novembre 1965.

<b>Identity and address of the applicant</b> Identité et adresse du requérant	<b>Address of receiving authority</b> Adresse de l'autorité destinataire

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.:

Le requérant soussigné a l'honneur de faire parvenir – en double exemplaire – à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir :

<b>(identity and address)</b> (identité et adresse)

<input type="checkbox"/>	<b>a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*</b> selon les formes légales (article 5, alinéa premier, lettre a))*
<input type="checkbox"/>	<b>b) in accordance with the following particular method (sub-paragraph b) of the first paragraph of Article 5)*:</b> selon la forme particulière suivante (article 5, alinéa premier, lettre b)* :
<input type="checkbox"/>	<b>c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)*</b> le cas échéant, par remise simple (article 5, alinéa 2)*

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes\* - with the attached certificate.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes\* - avec l'attestation ci-jointe.

*List of documents / Énumération des pièces*

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\* if appropriate / s'il y a lieu

<b>Done at / Fait à</b>	<b>Signature and/or stamp</b> Signature et / ou cachet
The / le	

# CERTIFICATE

## ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

- 1. that the document has been served\***  
que la demande a été exécutée\*

– the (date) / le (date):	
– at (place, street, number): à (localité, rue, numéro) :	

<b>– in one of the following methods authorised by Article 5:</b> dans une des formes suivantes prévues à l'article 5 :	
<input type="checkbox"/>	<b>a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*</b> selon les formes légales (article 5, alinéa premier, lettre a))*
<input type="checkbox"/>	<b>b) in accordance with the following particular method*:</b> selon la forme particulière suivante* :
<input type="checkbox"/>	<b>c) by delivery to the addressee, if he accepts it voluntarily*</b> par remise simple*

The documents referred to in the request have been delivered to:  
Les documents mentionnés dans la demande ont été remis à :

<b>Identity and description of person:</b> Identité et qualité de la personne :	
<b>Relationship to the addressee (family, business or other):</b> Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	

- 2. that the document has not been served, by reason of the following facts\*:**  
que la demande n'a pas été exécutée, en raison des faits suivants\*:

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- In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.**  
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

**Annexes / Annexes**

<b>Documents returned:</b> Pièces renvoyées :	
<b>In appropriate cases, documents establishing the service:</b> Le cas échéant, les documents justificatifs de l'exécution :	

\* if appropriate / s'il y a lieu

<b>Done at / Fait à</b>  The / le	<b>Signature and/or stamp</b> Signature et / ou cachet
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**WARNING**  
**AVERTISSEMENT**

**Identity and address of the addressee**  
Identité et adresse du destinataire

**IMPORTANT**

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

**TRÈS IMPORTANT**

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES « ÉLÉMENTS ESSENTIELS DE L'ACTE » VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE, SOIT DANS VOTRE PAYS, SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES À :

**It is recommended that the standard terms in the notice be written in English and French and where appropriate also in the official language, or in one of the official languages of the State in which the document originated. The blanks could be completed either in the language of the State to which the document is to be sent, or in English or French.**

Il est recommandé que les mentions imprimées dans cette note soient rédigées en langue française et en langue anglaise et le cas échéant, en outre, dans la langue ou l'une des langues officielles de l'État d'origine de l'acte. Les blancs pourraient être remplis, soit dans la langue de l'État où le document doit être adressé, soit en langue française, soit en langue anglaise.

# SUMMARY OF THE DOCUMENT TO BE SERVED

## ÉLÉMENTS ESSENTIELS DE L'ACTE

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965 (Article 5, fourth paragraph).**

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye le 15 novembre 1965 (article 5, alinéa 4).

<b>Name and address of the requesting authority:</b> Nom et adresse de l'autorité requérante :	
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<b>Particulars of the parties*:</b> Identité des parties* :	
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\* If appropriate, identity and address of the person interested in the transmission of the document  
 S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte

**JUDICIAL DOCUMENT\*\***  
 ACTE JUDICIAIRE\*\*

<b>Nature and purpose of the document:</b> Nature et objet de l'acte :	
<b>Nature and purpose of the proceedings and, when appropriate, the amount in dispute:</b> Nature et objet de l'instance, le cas échéant, le montant du litige :	
<b>Date and Place for entering appearance**:</b> Date et lieu de la comparution** :	
<b>Court which has given judgment**:</b> Jurisdiction qui a rendu la décision** :	
<b>Date of judgment**:</b> Date de la décision** :	
<b>Time limits stated in the document**:</b> Indication des délais figurant dans l'acte** :	

\*\* if appropriate / s'il y a lieu

**EXTRAJUDICIAL DOCUMENT\*\***  
 ACTE EXTRAJUDICIAIRE\*\*

<b>Nature and purpose of the document:</b> Nature et objet de l'acte :	
<b>Time-limits stated in the document**:</b> Indication des délais figurant dans l'acte** :	

\*\* if appropriate / s'il y a lieu

## DETAILS

	Practical operation documents
<b>Title</b>	Instructions for filling out the notice established by the author of the Report on the Recommendation
<b>Year of publication</b>	1980



Description (or download in PDF, if available)

**INSTRUCTIONS FOR FILLING OUT THE NOTICE  
ESTABLISHED BY THE AUTHOR OF THE REPORT ON THE RECOMMENDATION  
MR GUSTAF MÖLLER (FINLAND)**

*a identity and address of the addressee*

The *name* and *address* of the intended recipient should appear clearly on top of the warning.

In addition, where the document is not sent to or served upon the addressee in his private capacity, he should be informed that he is receiving it e.g. in his capacity as director of a company, tutor, representative of an estate, trustee, receiver in bank-ruptcy, etc.

*b enquiries about the availability of legal aid or advice in the country where the document was issued may be directed to ...*

Here the *name*, *address* and where appropriate the *telephone number* should be given of the authority or organization in the country where legal action is to be taken which is most qualified to give the recipient full details on the availability of legal aid or advice (e.g. court, legal aid bureau, law society).

*c name and address of the requesting authority (where appropriate the words "or authority or person who caused the document to be issued" are to be added)*

Besides the *name* and *address*, it is also recommended to insert in the corresponding blank of this item the *telephone number* of the requesting authority or of the authority (or person) who caused the document to be issued, so that the recipient may in a speedy and informal way enquire there for further details.

In the event that further information is only available elsewhere, the name, address and telephone number of the authority or person concerned should be given in addition.

*d particulars of the parties*

The corresponding blanks of this item should be completed with the *names* and *addresses* (perhaps sometimes also the *telephone numbers*) of the parties, *i.e.* the plaintiff and the respondent. Where an extrajudicial document is concerned, the name and address of the person interested in the transmission of the document should be stated. In the case of a judgment it will be the names of the person entitled to the judgment and the person against whom the judgment is given. If the addressee is one of the parties and the corresponding blank to the item "*identity and address of the addressee*" has been properly completed, it is of course unnecessary to complete this item with all the particulars of that party.

*e judicial and extrajudicial documents*

The "SUMMARY OF THE DOCUMENT TO BE SERVED" distinguishes between a "JUDICIAL DOCUMENT" and an "EXTRAJUDICIAL DOCUMENT" .

Any document relating to litigation, including summary proceedings or uncontested proceedings, e.g. summons, judgment, order or application, is regarded as a judicial document. Any other legal document is to be classified as an extrajudicial document.

If the document to be sent or served is a judicial document, the capitals "EXTRAJUDICIAL DOCUMENT" should be deleted, and *vice versa*.

*f nature and purpose of the document*

The nature and purpose of the document means the legal classification of the document, for example, writ of summons, judgment, order, etc. A brief summary of contents of the document (e.g. claim or judgment for divorce, alimony or maintenance, or for damages) falls under the "purpose of the document". When the document relates to legal proceedings, the reference to the purpose of the document may be expressed very briefly since the nature and purpose of the proceedings will be described more in detail under the next item (g).

*g nature and purpose of the proceedings and where appropriate the amount in dispute*

Under this item, which only relates to judicial documents, the remedy or relief sought by the claimant should be mentioned more in detail than under the preceding item. Thus, for instance, when a sum of money is claimed, the exact sum should be mentioned and, where appropriate, briefly the ground for the claim, e.g. damages arising out of a traffic accident.

*h date and place for entering appearance*

If inappropriate this item, which relates to judicial documents only, should be deleted.

If the recipient who is to take action on the document sent or served abroad is required to enter appearance before a court or an authority, the exact date and place for entering appearance should be mentioned under this item. In order to avoid any misunderstanding, the *month* should be written in *letters*. If possible it may moreover be appropriate to mention the possible qualifications which are required of a representative, e.g. a lawyer authorized by the court concerned.

*i court which has given judgment and date of judgment*

If inappropriate these items, which relate to judicial documents only, should be deleted.

These two items do not seem to present any problems which have to be dealt with in these instructions. In some cases it may, however, be appropriate to mention the *address* of the court, e.g. when the judgment is a default judgment and the person against whom the judgment is given has the possibility to apply to that court for the re-opening of the judgment on the grounds of default.

*j time-limits stated in the document*

If inappropriate this item, which may relate to both judicial and extrajudicial documents, should be deleted.

Any time-limit stated in the document for the institution of legal proceedings or review of a judgment or a decision, should be mentioned under this item.