

*(Acts adopted under Title VI of the Treaty on European Union)*

**COUNCIL ACT**

**of 26 May 1997**

**drawing up a Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters**

(97/C 261/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3 (2) (c) thereof,

Having examined the views of the European Parliament <sup>(1)</sup> following the consultation conducted by the Presidency in accordance with Article K.6 of the Treaty,

Considering that, for the purposes of achieving the objectives of the European Union, the Member States view the rules on cooperation in the service of judicial and extrajudicial documents in civil or commercial matters as a matter of common interest falling within the scope of judicial cooperation in civil matters as laid down in Title VI of the Treaty,

HAVING DECIDED that the Convention, the text of which is attached, which has been signed today by the Representatives of the Governments of the Member States, is hereby drawn up,

RECOMMENDS that it be adopted by the Member States in accordance with their respective constitutional requirements.

Done at Brussels, 26 May 1997.

*For the Council*

*The President*

W. SORGDRAGER

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<sup>(1)</sup> Opinion delivered on 11 April 1997 (not yet published in the Official Journal).

## CONVENTION

drawn up on the basis of Article K.3 of the Treaty on European Union, on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters

THE HIGH CONTRACTING PARTIES to this Convention, Member States of the European Union:

REFERRING to the Act of the Council of the European Union of 26 May 1997,

DESIRING to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters for service between the Member States,

WHEREAS, to that end, the transmission of these documents shall be effected directly and by rapid means, between the agencies designated by the Member States;

WHEREAS Article K.3 (2) (c) of the Treaty on European Union provides that conventions drawn up on the basis of Article K.3 thereof may stipulate that the Court of Justice of the European Communities shall have jurisdiction to interpret their provisions, in accordance with such arrangements as they may lay down;

BEARING IN MIND the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters and, in particular, the provisions in Article 25 thereof that that Convention does not derogate from conventions which contain provisions on the matters governed by it and to which Contracting States are, or shall become, Parties,

HAVE AGREED AS FOLLOWS:

## TITLE I

*Article 1*

## Scope

1. This Convention shall apply in civil and commercial matters where a judicial or extrajudicial document has to be transmitted from one Member State to another for service there.

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

*Article 2*

## Transmitting and receiving agencies

1. Each Member State shall designate the public officers, authorities or other persons, hereinafter referred to as 'transmitting agencies', competent for the transmission of judicial or extrajudicial documents to be served in another Member State.

2. Each Member State shall designate the public officers, authorities or other persons, hereinafter referred to as 'receiving agencies', competent for the receipt of judicial or extrajudicial documents from another Member State.

3. A Member State may declare, when giving the notification referred to in Article 24 (2), that it will designate one transmitting agency or/and one receiving agency. A federal State, a State in which several legal systems apply or a State with autonomous territorial units shall be free to designate more than one such agency. The designation shall have effect for a period of five years and may be renewed at five-year intervals.

4. Each Member State, when giving the notification referred to in Article 24 (2), shall provide the following information:

- (a) the names and addresses of the receiving agencies referred to in paragraphs 2 and 3;
- (b) the geographical areas in which they have jurisdiction;
- (c) the means of receipt of documents available to them; and

- (d) the languages that may be used for the completion of the standard form in the Annex.

The Member States shall notify the depositary of any subsequent modification of such information.

### Article 3

#### Central body

Each Member State shall, when giving the notification referred to in Article 24 (2), designate a central body responsible for:

- (a) supplying information to the transmitting agencies;
- (b) seeking solutions to any difficulties which may arise during transmission of documents for service;
- (c) forwarding, in exceptional cases, at the request of a transmitting agency, a request for service to the competent receiving agency.

A federal State, a State in which several legal systems apply or a State with autonomous territorial units shall be free to designate more than one central body.

## TITLE II

### JUDICIAL DOCUMENTS

#### Section 1

#### *Transmission and service of judicial documents*

#### Article 4

##### Transmission of documents

1. Judicial documents shall be transmitted directly and as soon as possible between the agencies designated on the basis of Article 2.
2. The transmission of documents, requests, confirmations, receipts, certificates and any other papers between transmitting agencies and receiving agencies may be carried out by any appropriate means, provided that the content of the document received is true and faithful to that of the document forwarded and that all information in it is easily legible.
3. The document to be transmitted shall be accompanied by a request drawn up using the standard form in the

Annex. The form shall be completed in the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected, or in another language, which that Member State has indicated it can accept. When giving the notification referred to in Article 24 (2), each Member State shall indicate the official language or languages of the European Union other than its own which is or are acceptable to it for completion of the form.

4. The documents and all papers that are transmitted shall be exempted from legalization or any equivalent formality.

5. When the transmitting agency wishes a copy of the document to be returned together with the certificate referred to in Article 10, it shall send the document in duplicate.

### Article 5

#### Translation of documents

1. The applicant shall be advised by the transmitting agency to which he or she forwards the document for transmission that the addressee may refuse to accept it if it is not in one of the languages provided for in Article 8.

2. The applicant shall bear any costs of translation prior to the transmission of the document, without prejudice to any possible subsequent decision by the court or competent authority on liability for such costs.

### Article 6

#### Receipt of documents by receiving agency

1. A receiving agency, on receipt of a document, shall, as soon as possible and in any event within seven days of receipt thereof, send a receipt to the transmitting agency by the swiftest possible means of transmission using the standard form in the Annex.
2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency by the swiftest possible means in order to secure the missing information or documents.
3. If the request for service is manifestly outside the scope of this Convention or if non-compliance with the formal conditions required makes service impossible, the request and the documents transmitted shall be returned, on receipt, to the transmitting agency, together with the notice of return in the standard form in the Annex.

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, to the competent receiving agency in the same Member State if the request complies with the conditions laid down in Article 4 (3) and shall inform the transmitting agency accordingly, using the standard form in the Annex. That receiving agency shall inform the transmitting agency when it receives the document, in the manner provided for in paragraph 1.

#### Article 7

##### Service of documents

1. The receiving agency shall itself serve the document or have it served, either in accordance with the law of the Member State addressed or by a particular form requested by the transmitting agency, unless such a method is incompatible with the law of that Member State.

2. All steps required for service of the document shall be effected as soon as possible. In any event, if it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency by means of the certificate in the standard form in the Annex, which shall be drawn up under the conditions referred to in Article 10 (2). The period shall be calculated in accordance with the law of the Member State addressed.

#### Article 8

##### Refusal to accept a document

1. The receiving agency shall inform the addressee that he or she may refuse to accept the document to be served if it is in a language other than either of the following languages:

(a) the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected;

or

(b) a language of the Member State of transmission which the addressee understands.

2. Where the receiving agency is informed that the addressee refuses to accept the document in accordance with paragraph 1, it shall immediately inform the

transmitting agency by means of the certificate provided for in Article 10 and return the request and the documents of which a translation is requested.

#### Article 9

##### Date of service

1. The date of service of a document pursuant to Article 7 shall be the date on which it is served in accordance with the law of the Member State addressed, without prejudice to Article 8.

2. However, where a document must be served within a particular period in the context of proceedings to be brought or pending in the Member State of origin, the date to be taken into account with respect to the applicant shall be that fixed by the law of that Member State.

3. When giving the notification referred to in Article 24 (2), each Member State may declare that it will not apply paragraphs 1 and 2 of this Article.

#### Article 10

##### Certificate of service and copy of the document served

1. When the formalities concerning the service of the document have been completed, a certificate of completion of those formalities shall be drawn up in the standard form in the Annex and addressed to the transmitting agency, together with, where Article 4 (5) applies, a copy of the document served.

2. The certificate shall be completed in the official language or one of the official languages of the Member State of origin or in another language which the Member State of origin has indicated that it can accept. Each Member State shall, when giving the notification referred to in Article 24 (2), indicate the official language or languages of the European Union other than its own which is or are acceptable to it for completion of the form.

#### Article 11

##### Costs of service

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

2. 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 Member State addressed;
- (b) the use of a particular method of service.

## Section 2

### *Other means of transmission and service of judicial documents*

#### *Article 12*

##### **Transmission by consular or diplomatic channels**

Each Member State shall be free, in exceptional circumstances, to use consular or diplomatic channels to forward judicial documents, for the purpose of service, to those agencies of another Member State which are designated pursuant to Article 2 or 3.

#### *Article 13*

##### **Service by diplomatic or consular agents**

1. Each Member State shall be free to effect service of judicial documents on persons residing in another Member State, without application of any compulsion, directly through its diplomatic or consular agents.
2. Any Member State may, when giving the notification referred to in Article 24 (2), declare that it is opposed to such service within its territory, unless the documents are to be served on nationals of the Member State in which the documents originate.

#### *Article 14*

##### **Service by post**

1. Each Member State shall be free to effect service of judicial documents directly by post to persons residing in another Member State.
2. Any Member State may, when giving the notification referred to in Article 24 (2), or at any other time, specify the conditions under which it will accept service of judicial documents by post.

#### *Article 15*

##### **Direct service**

1. This Convention shall not interfere with 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 Member State addressed.
2. Any Member State may, when giving the notification referred to in Article 24 (2), declare that it is opposed to the service of judicial documents in its territory pursuant to paragraph 1.

## TITLE III

### EXTRAJUDICIAL DOCUMENTS

#### *Article 16*

Extrajudicial documents may be transmitted for service in another Member State in accordance with the provisions of this Convention.

## TITLE IV

### INTERPRETATION BY THE COURT OF JUSTICE

#### *Article 17*

The Court of Justice of the European Communities shall have jurisdiction to give rulings on the interpretation of this Convention in accordance with the provisions of the Protocol drawn up by the act of the Council of the European Union of 26 May 1997.

## TITLE V

### FINAL PROVISIONS

#### *Article 18*

##### **Executive Committee**

1. A Committee shall be established with responsibility for examining all general questions relating to the application of this Convention.
2. The Committee shall meet at least once a year. It shall meet for the first time as soon as this Convention is applied, as provided for in Article 24 (4), between three Member States. It shall monitor the functioning of this Convention and, in particular, the effectiveness of the

agencies designated pursuant to Article 2 and the practical application of Articles 3 (c) and 9. It shall report to the Council thereon within three years of its first meeting and every five years thereafter.

3. The Committee's tasks shall also include:

- (a) drawing up and annually updating a manual containing the information provided by Member States in accordance with Article 2 (4);
- (b) drawing up a glossary in the official language of the European Union of documents which can be served under this Convention.

4. The Committee may also make proposals designed to:

- (a) expedite the transmission and service of documents;
- (b) make adjustments to the form in the Annex;
- (c) initiate negotiations for the revision of this Convention.

#### Article 19

#### Application of Articles 15 and 16 of the Hague Convention of 1965

Articles 15 and 16 of the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters shall apply in relation to writs of summons or equivalent documents under this Convention as they apply to such documents transmitted under the Hague Convention, and accordingly:

- 1. (a) Where a writ of summons or an equivalent document had to be transmitted to another Member State for the purpose of service, under the provisions of this Convention, and the defendant has not appeared, judgement shall not be given until it is established that:
  - (i) the document was served by a method prescribed by the internal law of the Member State addressed for the service of documents in domestic actions upon persons who are within its territory;

or

- (ii) the document was actually delivered to the defendant or to his residency by another method provided for by this Convention;

and that in either of these cases the service or the delivery was affected in sufficient time to enable the defendant to defend.

- (b) Each Member State shall be free, when giving the notification referred to in Article 24 (2), to declare that the judge, notwithstanding the provisions of subparagraph (a), may give judgement even if no certificate of service or delivery has been received, if all the following conditions are fulfilled:

- (i) the document was transmitted by one of the methods provided for in this Convention;
- (ii) 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;
- (iii) 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.

- (c) Notwithstanding the provisions of subparagraphs (a) and (b), the judge may order, in case of urgency, any provisional or protective measures.

- 2. (a) When a writ of summons or an equivalent document had to be transmitted to another Member State for the purpose of service, under the provisions of this Convention, and a judgement 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 judgement if the following conditions are fulfilled:
  - (i) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgement in sufficient time to appeal; and
  - (ii) the defendant has disclosed a *prima facie* defence to the action on the merits.
- (b) An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgement.

(c) Each Member State may declare, when giving the notification referred to in Article 24 (2), 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 judgement.

(d) This paragraph shall not apply to judgments concerning status or capacity of persons.

#### Article 20

##### Relationship with other agreements or arrangements

1. This Convention shall not affect existing or future agreements which fulfil the conditions laid down in Article K.7 of the Treaty on European Union between two or more Member States and which contain provisions on matters governed by this Convention.

2. Member States shall send to the depositary of this Convention:

- (a) a copy of the agreements or arrangements referred to in paragraph 1;
- (b) any denunciations of those agreements or arrangements.

#### Article 21

##### Legal aid

This Convention shall not affect the application of Article 23 of the Convention on civil procedure of 17 July 1905, Article 24 of the Convention on civil procedure of 1 March 1954 or Article 13 of the Convention on international access to justice of 25 October 1980 between the Member States parties to these Conventions.

#### Article 22

##### Protection of information transmitted

1. Information, including in particular personal data, transmitted under this Convention shall be used by the receiving agency only for the purpose for which it was transmitted.

2. Receiving agencies shall ensure the confidentiality of such information, in accordance with their national law.

3. Paragraphs 1 and 2 shall not affect national laws enabling data subjects to be informed of the use made of information transmitted under this Convention.

#### Article 23

##### Reservations

1. Each Member State, when giving the notification referred to in Article 24 (2), shall declare that it avails itself of one or more of the reservations provided for in:

- (a) Article 2 (3);
- (b) Article 9 (3);
- (c) Article 13 (2);
- (d) Article 15 (2).

2. No reservations other than those expressly provided for shall be permitted.

3. Any Member State may, at any time, withdraw a reservation which it has made. The reservation shall cease to have effect 90 days after the notification of the withdrawal.

#### Article 24

##### Adoption and entry into force

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.

2. Member States shall notify the depositary of the completion of the constitutional procedures for the adoption of this Convention.

3. This Convention shall enter into force 90 days after the notification referred to in paragraph 2 by the last Member State to complete that formality.

4. Until this Convention enters into force, any Member State, may, when giving the notification referred to in paragraph 2, or at any later date, declare that as far as it is concerned the Convention, with the exception of Article 17, shall apply to its relations with Member States that have made the same declaration. Such declarations shall apply 90 days after the date of deposit.

*Article 25***Accession**

1. This Convention shall be open to accession by any State that becomes a member of the European Union.

2. The text of this Convention in the language of the acceding State, drawn up by the Council of the European Union, shall be authentic.

3. Instruments of accession shall be deposited with the depositary.

4. This Convention shall enter into force with respect to any State that accedes to it 90 days after the deposit of its instrument of accession or on the date of entry into force of the Convention if it has not already entered into force at the time of expiry of the said period of 90 days.

5. Where this Convention is not yet in force at the time of the deposit of their instruments of accession, Article 24 (4) shall apply to acceding Member States.

*Article 26***Amendments**

1. Amendments to this Convention may be proposed by any Member State, being a Party to this Convention, or by the Commission. Any proposal for an amendment shall be sent to the depositary, who shall forward it to the Council.

2. Amendments shall be adopted by the Council, which shall recommend that they be adopted by the Member States in accordance with their respective constitutional requirements.

3. Amendments thus adopted shall enter into force in accordance with the provisions of Article 24 (3).

4. Notwithstanding paragraphs 1, 2 and 3, the forms in the Annex may be amended by decisions of the Council, acting on a proposal from the Executive Committee in accordance with Article 18 (4) (b), any Member State, being a party to this Convention, or the Commission.

*Article 27***Depositary and publications**

1. The Secretary-General of the Council of the European Union shall act as depositary of this Convention.

2. The depositary shall publish in the *Official Journal of the European Communities*:

(a) adoptions and accessions;

(b) the date on which this Convention enters into force;

(c) the date on which this Convention is applied as between three Member States;

(d) declarations referred to in Articles 2 (1) and (2), 3, 4 (3), 10 (2), 14 (2), 19 (1) (b) and (2) (c), and 24 (4);

(e) reservations and withdrawals of reservations referred to in Article 23 (1).

En fe de lo cual los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Σε πίστωση των ανωτέρω, οι υπογράφοντες πληρεξούσιοι έθεσαν την υπογραφή τους κάτω από το παρόν πρωτόκολλο.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

Dá fhianú sin, chuir na Lánchumhachtaigh thíos-sínithe a lámh leis an bPrótacal seo.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no presente protocolo.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän pöytäkirjan.

Till bevis härpå har undertecknade befullmäktigade undertecknat detta protokoll.

Hecho en Bruselas, el veintiséis de mayo de mil novecientos noventa y siete, en un ejemplar único, en lenguas alemana, inglesa, danesa, española, finesa, francesa, griega, irlandesa, italiana, neerlandesa, portuguesa y sueca, cuyos textos son igualmente auténticos y que será depositado en los archivos de la Secretaría General del Consejo de la Unión Europea.

Udfærdiget i Bruxelles, den seksogtyvende maj nitten hundrede og syvoghalvfems, i ét eksemplar på dansk, engelsk, finsk, fransk, græsk, irsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, hvilke tekster alle har samme gyldighed og er deponeret i arkiverne i Generalsekretariatet for Rådet for Den Europæiske Union.

Geschehen zu Brüssel am sechsundzwanzigsten Mai neunzehnhundertsiebenundneunzig in einer Urschrift in dänischer, deutscher, englischer, finnischer, französischer, griechischer, irischer, italienischer, niederländischer, portugiesischer, schwedischer und spanischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist; die Urschrift wird im Archiv des Generalsekretariats des Rates der Europäischen Union hinterlegt.

Έγινε στις Βρυξέλλες, στις είκοσι έξι Μαΐου χίλια εννιακόσια ενενήντα επτά, σε ένα μόνο αντίτυπο, στην αγγλική, γαλλική, γερμανική, δανική, ελληνική, ιρλανδική, ισπανική, ιταλική, ολλανδική, πορτογαλική, σουηδική και φινλανδική γλώσσα, όλα δε τα κείμενα είναι εξίσου αυθεντικά και κατατίθενται στα αρχεία της Γενικής Γραμματείας του Συμβουλίου της Ευρωπαϊκής Ένωσης.

Done at Brussels, on the twenty-sixth day of May in the year one thousand nine hundred and ninety-seven, in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic, such original remaining deposited in the archives of the General Secretariat of the Council of the European Union.

Fait à Bruxelles, le vingt-six mai mil neuf cent quatre-vingt-dix-sept, en un exemplaire unique, en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, irlandaise, italienne, néerlandaise, portugaise et suédoise, tous ces textes faisant également foi, exemplaire qui est déposé dans les archives du Secrétariat général du Conseil de l'Union européenne.

Arna dhéanamh sa Bhruiséil, an séú lá is fiche de Bhealtaine sa bhliain míle naoi gcéad nócha a seacht, i scríbhinn bhunaidh amháin sa Bhéarla, sa Danmhairgis, san Fhionlainnis, sa Fhraincis, sa Ghaeilge, sa Ghearmáinis, sa Ghréigis, san Iodáilis, san Ollainnis, sa Phortaingéilis, sa Spáinnis agus sa tSualainnis agus combúdarás ag na téacsanna i ngach ceann de na teangacha sin; déanfar an scríbhinn bhunaidh sin a thaisceadh i gcartlann Ardrúnaíocht Chomhairle an Aontais Eorpaigh.

Fatto a Bruxelles, addì ventisei maggio millenovecentonovantasette, in unico esemplare in lingua danese, finlandese, francese, greca, inglese, irlandese, italiana, olandese, portoghese, spagnola, svedese e tedesca, i testi di ciascuna di queste lingue facenti ugualmente fede, esemplare depositato negli archivi del Segretariato generale del Consiglio dell'Unione europea.

Gedaan te Brussel, de zesentwintigste mei negentienhonderd zevenennegentig, in één exemplaar in de Deense, de Duitse, de Engelse, de Finse, de Franse, de Griekse, de Ierse, de Italiaanse, de Nederlandse, de Portugese, de Spaanse en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek, dat wordt neergelegd in het archief van het Secretariaat-generaal van de Raad van de Europese Unie.

Feito em Bruxelas, em vinte e seis de Maio de mil novecentos e noventa e sete, em exemplar único, nas línguas alemã, dinamarquesa, espanhola, finlandesa, francesa, grega, inglesa, irlandesa, italiana, neerlandesa, portuguesa e sueca, fazendo igualmente fé todos os textos, depositado nos arquivos do Secretariado-Geral do Conselho da União Europeia.

Tehty Brysselissä kahdentenkymmenentenäkuudentena päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän yhtenä ainoana kappaleena englannin, espanjan, hollannin, iirin, italian, kreikan, portugalin, ranskan, ruotsin, saksan, suomen ja tanskan kielellä kaikkien näiden tekstien ollessa yhtä todistusvoimaiset, ja se talletetaan Euroopan unionin neuvoston pääsihteeristön arkistoon.

Utfärdat i Bryssel den tjugosjätte maj nittonhundra nitiosju i ett enda exemplar på danska, engelska, finska, franska, grekiska, iriska, italienska, nederländska, portugisiska, spanska, svenska och tyska, varvid alla texter är lika giltiga, och deponerat i arkiven vid generalsekretariatet för Europeiska unionens råd.

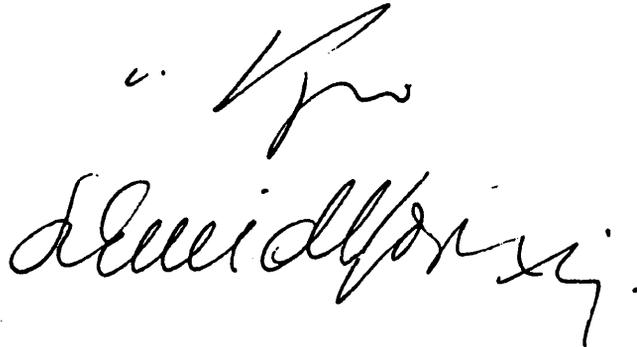
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Voor de regering van het Koninkrijk België  
Für die Regierung des Königreichs Belgien



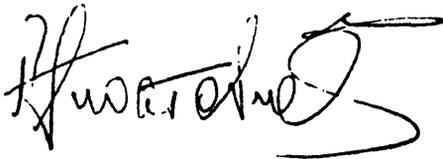
For regeringen for Kongeriget Danmark



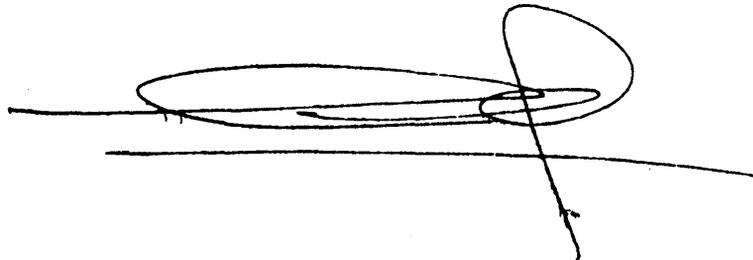
Für die Regierung der Bundesrepublik Deutschland



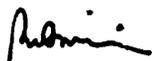
Για την κυβέρνηση της Ελληνικής Δημοκρατίας



Por el Gobierno del Reino de España



Pour le gouvernement de la République française



Thar ceann Rialtas na hÉireann  
For the Government of Ireland

*Mervyn Taylor*

Per il governo della Repubblica italiana

*[Signature]*

Pour le gouvernement du grand-duché de Luxembourg

*[Signature]*

Voor de regering van het Koninkrijk der Nederlanden

*[Signature]*

Für die Regierung der Republik Österreich

*[Signature]*

Pelo Governo da República Portuguesa



Suomen hallituksen puolesta  
På finska regeringens vägnar



På Konungariket Sverige vägnar



For the Government of the United Kingdom of Great Britain and Northern Ireland



ANNEX

**Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters**

(English, inglés, Englisch, αγγλικά, anglais, inglese, engels, inglês, englanti, engelska)

**REQUEST FOR SERVICE OF DOCUMENTS  
(Article 4 (3) of the Convention)**

Reference No. ....

(\* This item is optional

**1. TRANSMITTING AGENCY**

1.1. Identity: .....  
 1.2. Address: .....  
     1.2.1. Street and Number/PO Box: .....  
     1.2.2. Place and Code: ..... 1.2.3. Country: .....  
 1.3. Tel. No.: ..... 1.4. Fax No.: (\*) ..... 1.5. E-mail (\*): .....

**2. RECEIVING AGENCY**

2.1. Identity: .....  
 2.2. Address: .....  
     2.2.1. Street and Number/PO Box: .....  
     2.2.2. Place and Code: ..... 2.2.3. Country: .....  
 2.3. Tel. No.: ..... 2.4. Fax No.: (\*) ..... 2.5. E-mail (\*): .....

**3. APPLICANT**

3.1. Identity: .....  
 3.2. Address: .....  
     3.2.1. Street and Number/PO Box: .....  
     3.2.2. Place and Code: ..... 3.2.3. Country: .....  
 3.3. Tel. No.: (\*) ..... 3.4. Fax No.: (\*) ..... 3.5. E-mail (\*): .....

**4. ADDRESSEE**

4.1. Identity: .....  
 4.2. Address: .....  
     4.2.1. Street and Number/PO Box: .....  
     4.2.2. Place and Code: ..... 4.2.3. Country: .....  
 4.3. Tel. No.: (\*) ..... 4.4. Fax No.: (\*) ..... 4.5. E-mail (\*): .....  
 4.6. Identification number/social security number/organization number/or equivalent (\*): .....

**5. METHOD OF SERVICE**

5.1. In accordance with the law of the Member State addressed  
 5.2. By the following particular method: .....  
      5.2.1. If this method is incompatible with the law of the Member State addressed, the document(s) should be served in accordance with the law:  
          5.2.1.1. yes  
          5.2.1.2. no

**6. DOCUMENT TO BE SERVED**

(a) 6.1. Nature of the document  
 6.1.1. Judicial  
      6.1.1.1. writ of summons       6.1.1.3. appeal  
      6.1.1.2. judgment       6.1.1.4. other: .....  
 6.1.2. Extrajudicial  
 (b) 6.2. Date or timelimit stated in the document (\*): .....  
 c) 6.3. Language of document:  
     — 6.3.1. original  D  EN  DK  ES  FIN  FR  GR  IT  NL  P  S  
          others: .....  
     — 6.3.2. translation (\*)  D  EN  DK  ES  FIN  FR  GR  IT  NL  P  S  
          others: .....  
 (d) 6.4. Number of enclosures: .....

**7. A COPY OF DOCUMENT TO BE RETURNED WITH THE CERTIFICATE OF SERVICE (Article 4 (5) of the Convention)**

7.1. Yes (in this case send two copies of the document to be served)  
 7.2. No

1. You are required by Article 7 (2) of the Convention to effect all steps required for service of the document as soon as possible. In any event, if it is not possible for you to effect service within one month of receipt, you must inform this Agency by means of the certificate provided for in point 13.  
 2. If you cannot fulfil this request for service on the basis of the information or documents transmitted, you are required by Article 6 (2) of the Convention to contact this Agency by the swiftest possible means in order to secure the missing information or document.

Done at: ....., date: .....  
 Signature and/or stamp: .....

Reference No. of the receiving agency: .....

**ACKNOWLEDGMENT OF RECEIPT  
(Article 6 (1) of the Convention)***This acknowledgment must be sent by the swiftest possible means of transmission as soon as possible after receipt of the document and in any event within seven days of receipt.*

8. DATE OF RECEIPT: .....

Done at: ....., date: .....

Signature and/or stamp: .....

**NOTICE OF RETURN OF REQUEST AND DOCUMENT  
(Article 6 (3) of the Convention)***The request and document must be returned on receipt.*

9. REASON FOR RETURN: .....

- 9.1. The request is manifestly outside the scope of the Convention:
- 9.1.1. the document is not civil or commercial.
- 9.1.2. the service is not from one Member State to another Member State
- 9.2. Non-compliance with formal conditions required makes service impossible:
- 9.2.1. the document is not easily legible
- 9.2.2. the language used to complete the form is incorrect
- 9.2.3. the document received is not a true and faithful copy
- 9.2.4. other (please give details): .....
- 9.3. The method of service is incompatible with the law of that Member State (Article 7 (1) of the Convention)

Done at: ....., date: .....

Signature and/or stamp: .....

**NOTICE OF RETRANSMISSION OF REQUEST AND DOCUMENT  
TO THE APPROPRIATE RECEIVING AGENCY  
(Article 6 (4) of the Convention)***The request and document were forwarded on to the following receiving agency, which has territorial jurisdiction to serve it:*

10.1. IDENTITY: .....

10.2. Address: 10.2.1. Street and Number/PO Box: .....

10.2.2. Place and Code: ..... 10.2.3. Country: .....

10.3. Tel. No.: ..... 10.4. Fax No. (\*): ..... 10.5. E-mail (\*): .....

Done at: ....., date: .....

Signature and/or stamp: .....

Reference No. of the appropriate receiving agency: .....

**NOTICE OF RECEIPT BY THE APPROPRIATE RECEIVING AGENCY TO THE TRANSMITTING AGENCY  
(Article 6 (4) of the Convention)***This notice must be sent by the swiftest possible means of transmission as soon as possible after receipt of the document and in any event within seven days of receipt.*

11. DATE OF RECEIPT: .....

Done at: ....., date: .....

Signature and/or stamp: .....

**CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS**  
**(Article 10 of the Convention)**

*The service shall be effected as soon as possible. In any event, if it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency (according to Article 7 (2) of the Convention).*

12.  COMPLETION OF SERVICE

(a) 12.1. Date and address of service: .....

(b) 12.2. The document was

(A)  12.2.1. served in accordance with the law of the Member State addressed, namely

12.2.1.1. handed to

12.2.1.1.1. the addressee in person

12.2.1.1.2. another person

12.2.1.1.2.1. Name: .....

12.2.1.1.2.2. Address: .....

12.2.1.1.2.2.1. Street and Number/PO Box: .....

12.2.1.1.2.2.2. Place and Code: ..... 12.2.1.1.2.2.3. Country: .....

12.2.1.1.2.3. Relation to the addressee:

Family  Employee  others

12.2.1.1.3. the addressee's address

12.2.1.2. served by post

12.2.1.2.1. without acknowledgment of receipt

12.2.1.2.2. with the enclosed acknowledgment of receipt

12.2.1.2.2.1. from the addressee

12.2.1.2.2.2. another person

12.2.1.2.2.2.1. Name: .....

12.2.1.2.2.2.2. Address: .....

12.2.1.2.2.2.2.1. Street and Number/PO Box: .....

12.2.1.2.2.2.2.2. Place and Code: ..... 12.2.1.2.2.2.2.3. Country: .....

12.2.1.2.2.2.3. Relation to the addressee:

Family  Employee  others

12.2.1.3. other method (please say how) .....

(B)  12.2.2. served by the following particular method (please say how): .....

(c) 1.2.3. The addressee of the document was informed (orally) (in writing) that he or she may refuse to accept it if it was not in an official language of the place of service or in an official language of the state of transmission which he or she understands.

13.  INFORMATION IN ACCORDANCE WITH ARTICLE 7 (2)

It was not possible to effect service within one month of receipt.

14.  REFUSAL OF DOCUMENT

The addressee refused to accept the document on account of the language used. The documents are annexed to this certificate.

15.  REASON FOR NON-SERVICE OF DOCUMENT

15.1. Address unknown

15.2. Addressee cannot be located

15.3. Document could not be served before the date or time -limit stated in point 6.2.

15.4 Others (please specify): .....

The documents are annexed to this certificate.

Done at: ....., date: .....

Signature and/or stamp: .....