



◦ UIHJ and the Work of the HCCH:

◦ *1965 Service Convention*

UIHJ

18 March 2021

Ms ELIZABETH ZORRILLA (Legal Officer)

1

The HCCH

Conference Convention

Hague Conference on Private
International Law

Conférence de la Haye de droit
international privé

*Convention of 15 November 1965
on the Service Abroad of Judicial
and Extrajudicial Documents in
Civil or Commercial Matters
(Service Convention)*

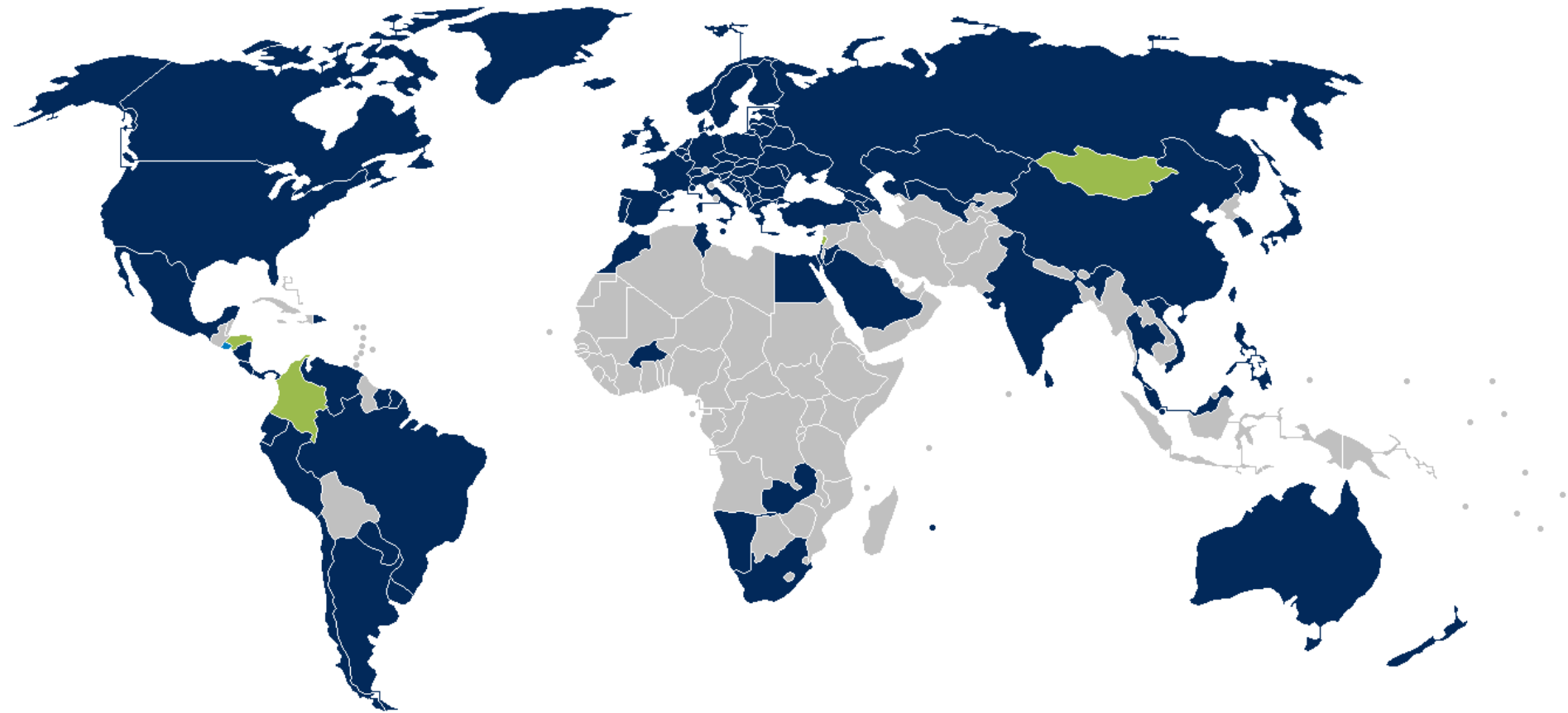
What is the HCCH?



- Intergovernmental Organisation (1893)
- Legislative Mandate:
“**progressive unification of the rules of private international law**”
- Develops and adopts **HCCH Conventions** and **Protocols**

88 HCCH Members

87 States + 1 Regional Economic Integration Organisation (EU)



■ Candidate State

*Applied for membership
(six-month voting period)*



El Salvador

■ Admitted State

*Applied for membership, admitted by
affirmative vote, must still accept Statute*



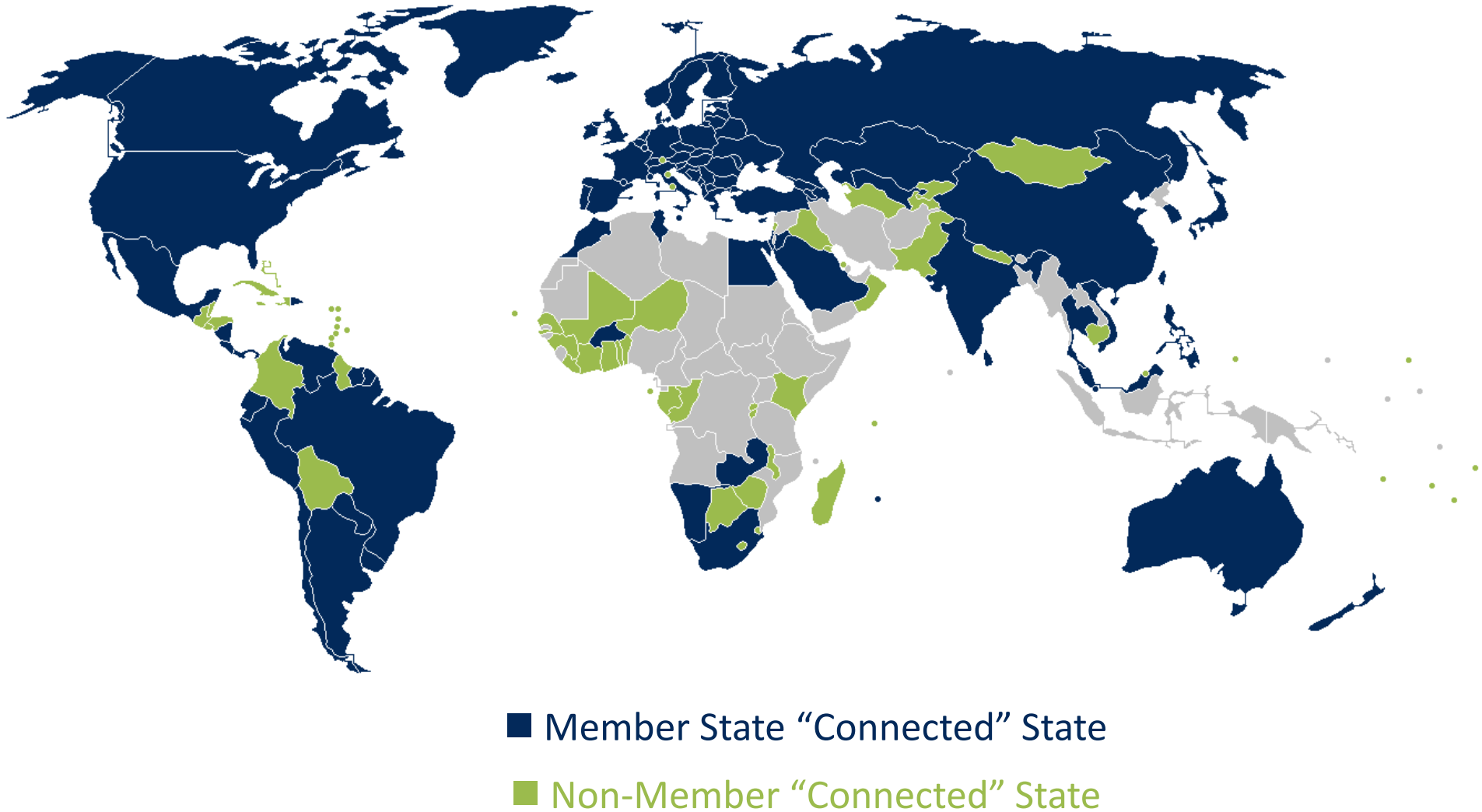
Colombia Honduras Lebanon Mongolia

■ Member State

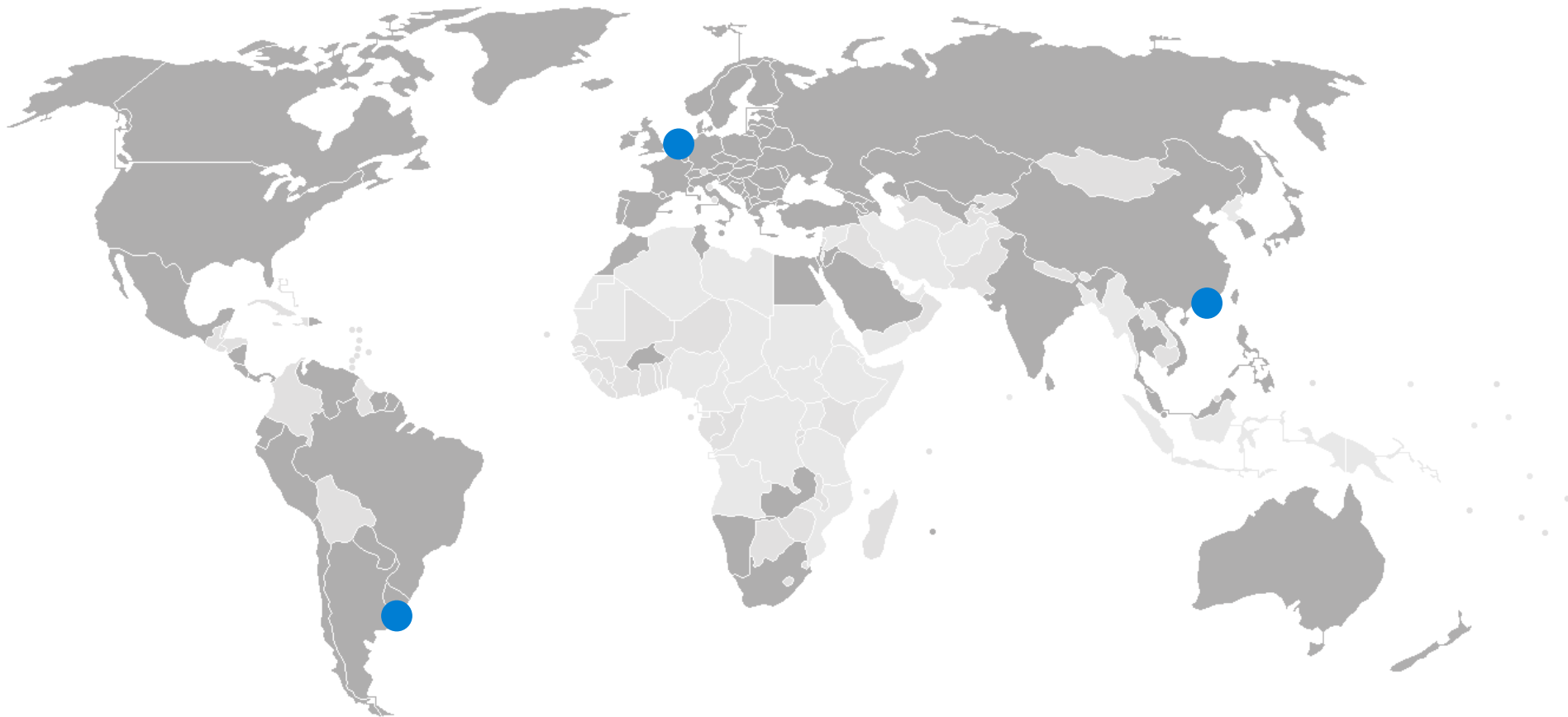
NB: Boundaries on this map are based upon those used by the UN Cartographic Section. The number of States reflects the Parties as recorded by the Depositary (NL MFA). Neither should be taken to imply official endorsement or acceptance.

154 States/Parties “Connected” to the HCCH

*A “Connected” State is either a Member State (incl. candidate and admitted States)
or a Contracting State to one or more of the Hague Conventions*



Universal Mandate – Regional Presence



Latin America Regional Office
Buenos Aires
(2005)

Main Office of the Permanent Bureau
The Hague

Asia Pacific Regional Office
Hong Kong
(2012)

Pillars of PIL

JURISDICTION

APPLICABLE LAW

RECOGNITION &
ENFORCEMENT

COOPERATION

NB: The HCCH does not deal with substantive law –
instead it **builds bridges** across legal systems,
(incl. civil law, common law, Sharia law) respecting **legal diversity**

Family & Child Protection Law

- Child Abduction
- Adoption
- Child Protection
- Child Support
- Protection of Adults

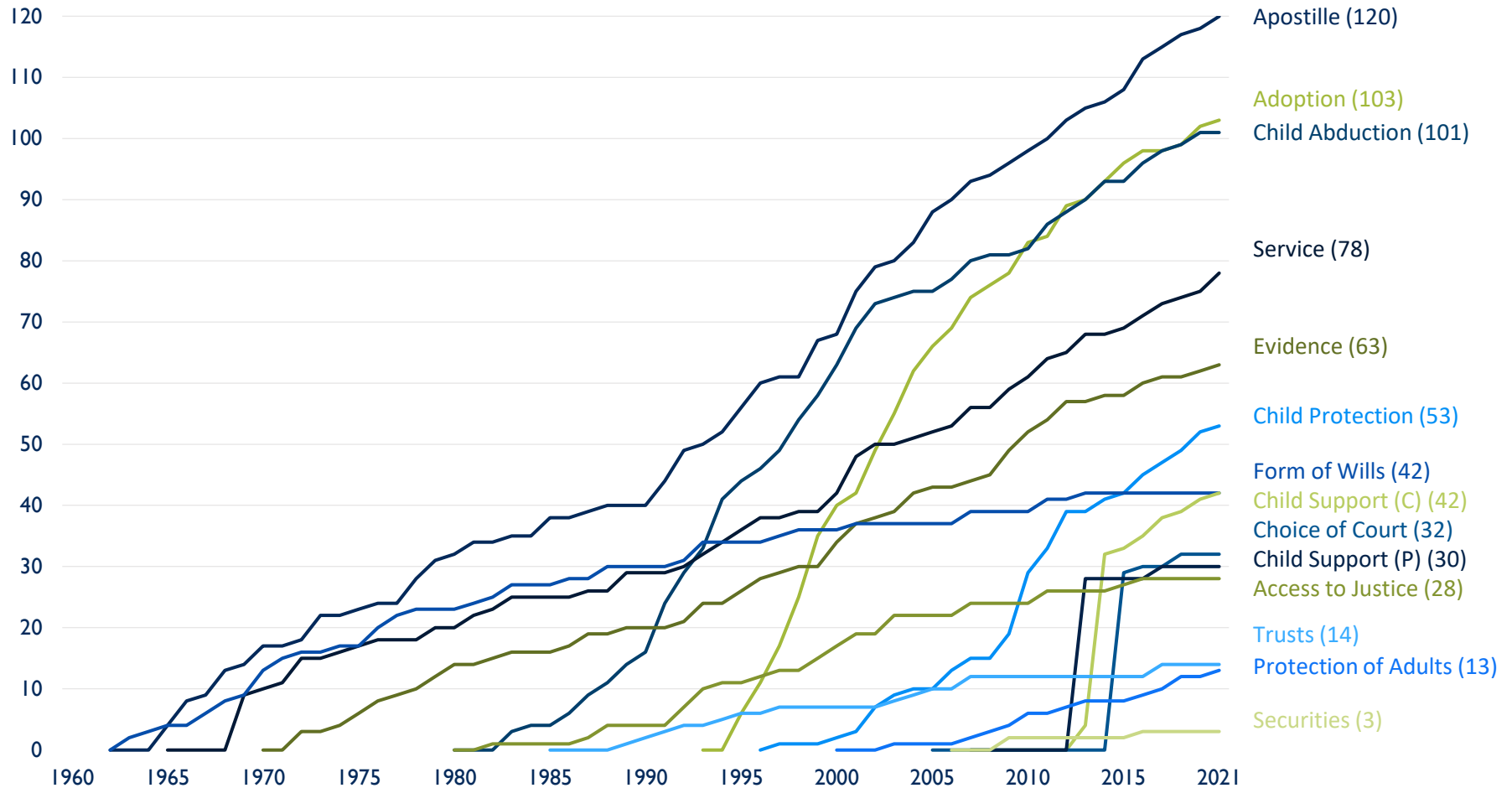
Civil Procedure & Recognition of Documents

- Form of Wills
- Apostille
- Service
- Evidence
- Access to Justice
- Choice of Court
- Judgments

Commercial & Financial Law

- Trusts
- Securities
- Choice of Law

HCCH Conventions





1965 Service Convention

*Convention of 15 November 1965 on the Service
Abroad of Judicial and Extrajudicial Documents
in Civil or Commercial Matters*

Objectives and advantages

The Service Convention aims to...

- **Simplify** the methods of transmitting documents to be served abroad
- Bring **actual notice** of the document to the addressee
- **Facilitate proof** of service
- Does **not impose** specific means or **methods** of service

78 Contracting parties



Scope

1

Transmission of a document for service **from one** Contracting Party **to another**

2

Judicial or **extra-judicial** in nature

3

Relating to a **civil** or **commercial** matter

4

Address of the person to be served must be **known**

Channels of transmission



Main channel (*Art 5*)



Alternative channels (*Arts 8, 9, 10*)



Derogatory channels (*Arts 11, 19, 24, 25*)

Channels of transmission



Main channel (Art 5)

Central Authority | Model Form | Certificate of Service

Alternative channels (Arts 8, 9, 10)

Derogatory channels (Arts 11, 19, 24, 25)

Main Channel

REQUESTING STATE

Request to Serve Documents



Forwarding Authority
“Requesting State”



REQUESTED STATE

Certificate of Service



Central Authority
of the “Requested State”



Service Effected

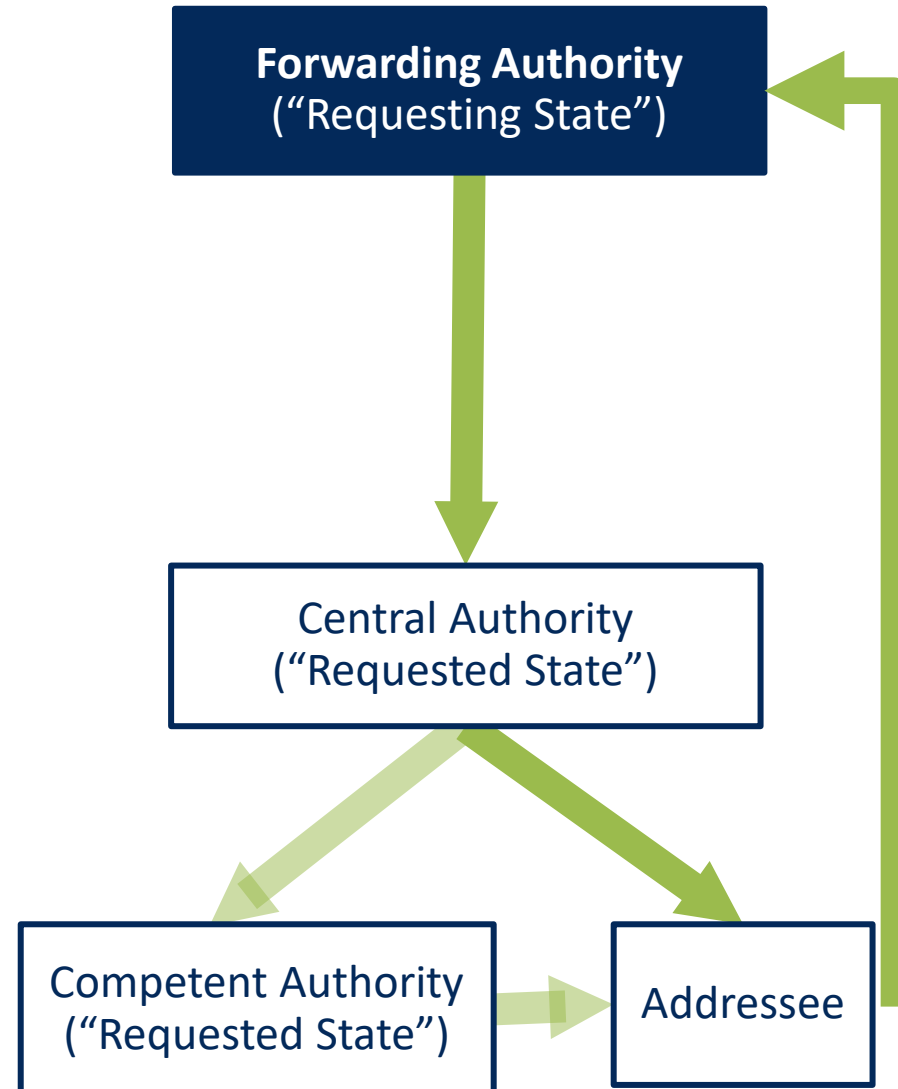


Competent Authority
of the “Requested State”



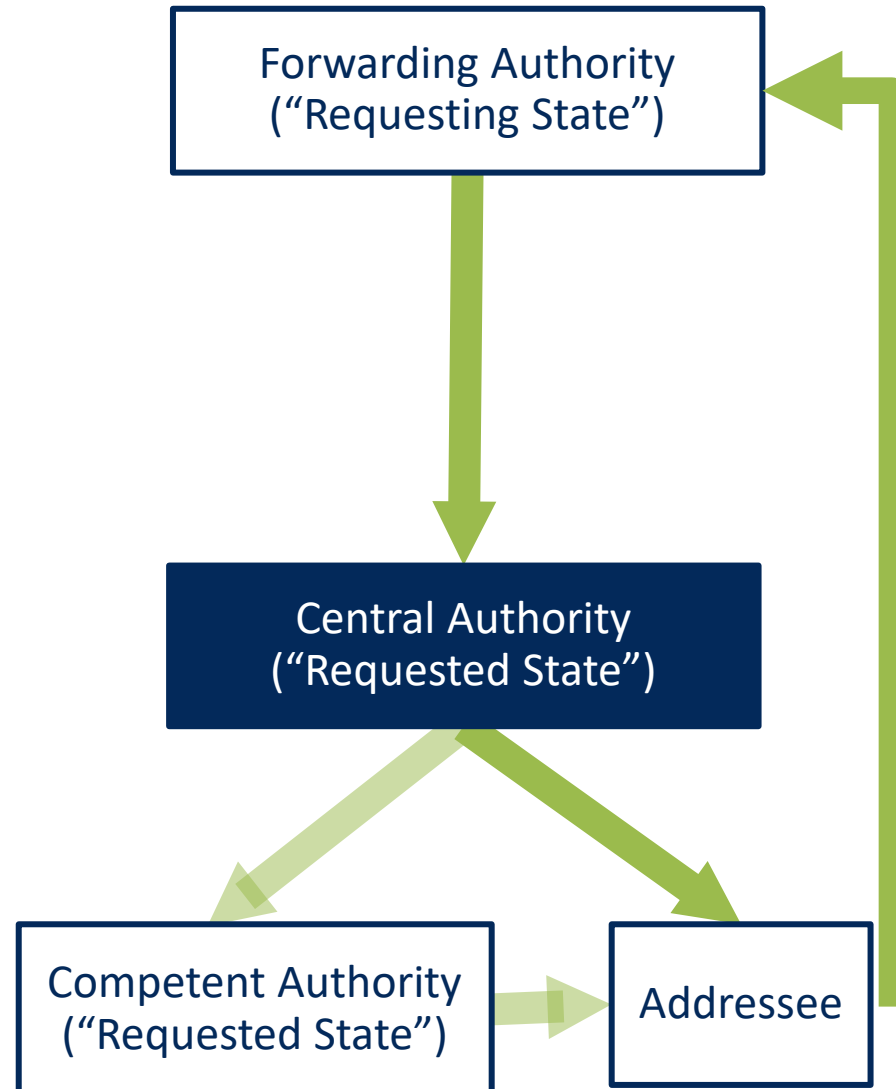
Forwarding Authority

- The law of the Requesting State determines who is the **Forwarding Authority**
- The forwarding authority \neq Central Authority
- Forwarding Authority must use the **Model request Form**
- The Forwarding Authority may request a particular method of service



Central Authority

- Each State determines the organisation of the **Central Authority**
- Central Authority **serves** the document or **arranges for it to be served** by a competent authority
- Issuance of a **certificate of service** (using the Model Form)



Model Form

I. REQUEST FOR SERVICE

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 1955. 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 1955.	
Identity and address of the applicant Nom et adresse du requérant	Address of receiving authority Adresse de l'autorité compétente
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 at the address(es), i.e. Le requérant soussigné a l'honneur de faire parvenir – en double exemplaire – à l'autorité compétente 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(s), à savoir :	
(Identity and address) (Nom et adresse)	
<input type="checkbox"/> a) In accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* (conformément aux dispositions du premier alinéa de l'article 5 de la Convention)	
<input type="checkbox"/> b) In accordance with the following particular method (sub-paragraph b) of the first paragraph of Article 5): selon la forme particulière suivante (article 5, alinéa premier, lettre b) :	
<input type="checkbox"/> c) By delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5): 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. L'autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire du(s) acte(s) et des annexes* avec l'attestation ci-jointe.	
List of documents – Énumération des pièces	
* Appendix – Annexe	
Date at / Fait à	Signature and/or stamp Signature et / ou cachet
The / Le	

II. CERTIFICATE

ATTESTATION CERTIFICATE	
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention, que le requérant soussigné fait la remise à valoir, en conformité avec l'article 6 de la Convention, de :	
<input type="checkbox"/> 1. que la demande a été notifiée* But the document has been served* → In French, the reply → À l'original, des réponses	
→ dans une des formes suivantes prévues à l'article 5 : → in one of the following methods provided for in Article 5: <input type="checkbox"/> a) selon les dispositions de l'article 5, alinéa premier, lettre a) Convention* <input type="checkbox"/> b) selon la forme particulière suivante* In accordance with the following particular method* <input type="checkbox"/> c) par remise simple* By delivery to the addressee, if he accepts it voluntarily*	
Les documents mentionnés dans la demande ont été remis à : The documents referred to in the request have been delivered to:	
Nom et qualité de la personne Name and description of person	
Lieu de remise, de notification ou autres, selon l'extension du pays Place of delivery to the addressee (Name, address or other)	
<input type="checkbox"/> 2. que la demande n'a pas été notifiée, en raison des faits suivants* : But the document has not been served, for reason of the following facts* :	
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer au destinataire les frais dus à cette fin, à moins qu'il ne renonce à payer. In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses incurred in the abovementioned case.	
Annexes / Annexes	
Pièces reçues / Documents received	
Tous les éléments des documents, y compris les annexes In appropriate cases, documents constituting the annexes	
Fait à / Done at	Signature et / ou cachet Signature and/or stamp
Le / the	

III.a

COMPLETE WARNING

AVERTISSEMENT WARNING	
Mention de l'adresse du destinataire Mention of addressee of the document	
TRÈS IMPORTANT VERY IMPORTANT	
LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES ÉLÉMENTS ESSENTIELS DE L'ACTE A VOUS DONNÉ QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTOIFS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.	
SI VOS RESSOURCES SONT INSUFFISANTES, RENDEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JURIDIQUE ET LA CONSULTATION JURIDIQUE SONT DANS VOTRE PAYS SONT DANS LE PAYS D'ORIGINE DU DOCUMENT.	
LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JURIDIQUE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES À :	
* APPENDICE	
THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE ESSENTIALS 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 ASSISTANCE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.	
ENQUIREMENTS ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:	
* APPENDIX	
Il est recommandé que les mentions imprimées dans cette note soient rédigées en langue française et en langue anglaise et que les mentions soient, dans la mesure du possible, en l'une des langues officielles de l'État d'origine du acte. Les blancs pour être remplis, soit dans la langue de l'État où le document doit être adressé, soit en langue française, soit en langue anglaise.	
It is recommended that the mentions printed in this notice be written in English and French and where appropriate also in the official language, or one of the official languages of the State in which the document originated. The blanks to be completed shall be in the language of the State in which the document is to be sent, or in English or French.	

III.b

SUMMARY OF THE DOCUMENT TO BE SERVED

ÉLÉMENTS ESSENTIELS DE L'ACTE SUMMARY OF THE DOCUMENT TO BE SERVED	
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 1955 (article 5). Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1955 (Article 5, fourth paragraph).	
Nom et adresse de l'autorité requérante Name and address of the requesting authority	
Mention des parties (Name of the parties)	
<input type="checkbox"/> 1. si la loi, l'ordonnance ou l'acte de procédure relatifs à la signification du acte. If national law, order or process relating to the service of the document	
<input type="checkbox"/> ACTE JUDICIAIRE* JUDICIAL DOCUMENT	
Nature et objet de l'acte Nature and purpose of the document	
Nature et objet de l'instance, le cas échéant. Nature et objet de l'acte. Nature and purpose of the proceedings, if applicable. Nature and purpose of the document.	
Date et lieu de la signification* Date and place for delivery appearance*	
Jurisdiction qui a rendu la décision* Court which has given judgment*	
Date de la décision* Date of judgment*	
Indication des délais figurant dans l'acte* Time limits stated in the document*	
* À la fin / Appendix	
<input type="checkbox"/> ACTE EXTRAJUDICIAIRE* EXTRAJUDICIAL DOCUMENT	
Nature et objet de l'acte Nature and purpose of the document	
Indication dans l'acte figurant dans l'acte* Time limits stated in the document*	
* À la fin / Appendix	

Channels of transmission



Main channel (*Art 5*)



Alternative channels (*Arts 8, 9, 10*)

Diplomatic/consular channels | Postal channels | Direct communication



Derogatory channels (*Arts 11, 19, 24, 25*)

Alternative Channels

Diplomatic and consular channels Art. 8 and 9

Postal channel Art. 10 a)

Direct communication Art. 10 b) and c)

*A Contracting State may **object** to the use of any one of these alternative channels*

Channels of transmission



Main channel (*Art 5*)

Alternative channels (*Arts 8, 9, 10*)

Derogatory channels (*Arts 11, 19, 24, 25*)

Other channels | Bilateral and multilateral agreements

Use of technology




Transmitting a document
by electronic means

(as provided for by the Convention)




Executing the request by
electronic means


(as provided for by domestic law)

Français Other languages Secure Portal Search ...

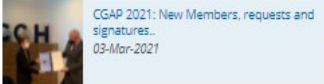
MEMBERS & PARTIES INSTRUMENTS PROJECTS GOVERNANCE PUBLICATIONS & STUDIES




Hague Conference on Private International Law Conférence de La Haye de droit international privé




HCCH
Council on General Affairs and Policy – Conclusions & Decisions now...
05-Mar-2021



CGAP 2021: New Members, requests and signatures...
03-Mar-2021



Publication of the 2020 Annual Report...
01-Mar-2021



HCCH
Connecter Protéger Coopérer Depuis 1893
Connecting Protecting Cooperating Since 1893

SEE ALL NEWS

HCCH VIDEO

- Adoption
- Child Abduction
- Child Support
- Divorce
- Protection of Adults
- Protection of Children



- Access to Justice
- Apostille
- Choice of Court
- Evidence
- Form of Wills
- Judgments
- Service



- Choice of Law in Contracts
- Securities
- Trusts



- INCADAT
- IHNJ / e-IHNJ Secure Platform
- iSupport
- e-APP



- Cohabitation outside marriage
- Family agreements involving children
- Jurisdiction
- Parentage/Surrogacy
- Protection Orders
- Post-Convention Projects
- Tourists and Visitors (ODR) Project



- Upcoming meetings
- Standing Committee Meeting
- Experts' Group on the e-APP & New Technologies
- CDR





ELIZABETH ZORRILLA

Legal Officer

secretariat@hcch.net

www.hcch.net