

No. 12140. CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS. OPENED FOR SIGNATURE AT THE HAGUE ON 18 MARCH 1970¹

RATIFICATION

Instrument deposited with the Government of the Netherlands on:

22 June 1982

ITALY

(With effect from 21 August 1982.)

With the following declarations:

[TRANSLATION² — TRADUCTION³]

(1) The Italian Government declares, in accordance with Article 8, that members of the judicial personnel of the requesting authority of another Contracting State may be present at the execution of a Letter of Request, subject to prior authorization by the competent authority designated by the Italian State under (4) paragraph 2 below.

(2) The Italian Government declares, in accordance with Article 18, that a diplomatic officer, consular agent or commissioner who is taking evidence under Article 15, 16 or 17, may apply to the Authority designated by the Italian State under (4) paragraph 2 below, for appropriate assistance to obtain the evidence by compulsion.

(3) The Italian Government declares, in accordance with Article 23, that it will not execute Letters of Request issued for the purpose of obtaining pre-trial discovery of documents as known in Common Law countries.

(4) In accordance with Article 35 the Italian Government designates the Ministry of Foreign Affairs pursuant to Article 2 as the Central Authority which will undertake to receive Letters of Request coming from a judicial authority of another Contracting State and to transmit them to the authority competent to execute them.

In accordance with the above-mentioned Article the Italian Government designates the Court of Appeal within whose jurisdiction proceedings are to take place as the authority competent to:

—Authorize foreign judicial personnel to be present at the execution of a Letter of Request, pursuant to Article 8;

—Authorize foreign diplomatic officers, consular agents or commissioners to take evidence under Article 16 or 17;

—Grant the judicial assistance provided for in Article 18.

Certified statement was registered by the Netherlands on 12 July 1982.

¹ United Nations, *Treaty Series*, vol. 847, p. 231; for subsequent actions, see references in Cumulative Index No. 14, as well as annex A in volumes 949, 1003, 1010, 1021, 1051, 1098, 1120, 1129, 1135, 1136, 1140, 1143, 1145, 1147, 1151, 1154, 1157, 1177, 1194, 1197, 1199, 1208, 1211, 1219, 1225, 1236, 1248, 1261 and 1276.

² Translation supplied by the Government of the Netherlands.

³ Traduction fournie par le Gouvernement néerlandais.