

No. 9432. CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS. OPENED FOR SIGNATURE AT THE HAGUE ON 15 NOVEMBER 1965¹

RATIFICATIONS and ACCESSIONS (a)

Instruments deposited with the Government of the Netherlands on :

2 August 1969²

DENMARK

(With effect from 1 October 1969.)

With the following declarations :

[TRANSLATION—TRADUCTION]

Denmark cannot recognize the method of service provided for in article 10 (c).

Denmark will exercise its right under the second paragraph of article 15 to declare that a judge may give judgement in a case even if the conditions laid down in the first paragraph of article 15 have not been fulfilled.

Denmark will exercise its right under the third paragraph of article 16 to declare that an application will not be entertained if it is filed after the expiration of a period of one year following the date of the judgement. The question of the reopening of a case in which a judgement has been entered against a person by default is governed by the provisions of the code of procedure, specifically articles 373, 374 and 434. Under these provisions, a person against whom a judgement has been entered by default in a case heard at first instance may apply to have the case reopened if he proves that his failure to appear occurred through no fault of his own. The application for reopening of the case must be filed as soon as possible and in any case not more than one year following the date of the judgement.

¹ United Nations, *Treaty Series*, vol. 658, p. 163.

² Upon ratification the Government of Denmark made the following statement:

[TRANSLATION — TRADUCTION]

Articles 2 and 18. The Ministry of Justice is designated as the Central Authority.

Article 6. The Danish court which has requested the service is designated as competent to complete the certificate pursuant to article 6.

Article 9. The local judge of first instance—or the presiding judge in cases concerning the court of first instance of Copenhagen and the court of first instance of the town and canton of Arhus—is designated as competent to receive documents transmitted by consular channels, pursuant to article 9.

2 August 1969¹

NORWAY

(With effect from 1 October 1969.)

With the following declarations :

The Government of Norway is opposed to the use of such methods of service or transmission of documents on its territory as mentioned in Articles 8 and 10 of the Convention.

Norwegian courts may give judgment when all the conditions specified in the second paragraph of Article 15 are fulfilled.

In accordance with the third paragraph of Article 16, applications for relief according to Article 16 will not be entertained if they are delivered to the competent Norwegian authorities after the expiration of three years following the date of the judgment.

2 August 1969²

SWEDEN

(With effect from 1 October 1969.)

With the following declarations :

Swedish authorities are not obliged to assist in serving documents transmitted by using any of the methods referred to in sub-paragraphs (b) and (c) of art. 10.

By virtue of the third paragraph of art. 5 of the Convention the Central Authority requires that any document to be served under the first paragraph of the same article must be written in or translated into Swedish.

¹ Upon ratification the Government of Norway made the following statement:

1. In accordance with Article 2, the Ministry of Justice, Oslo/Dep. is designated as the Central Authority.
2. In accordance with Article 6, the County or Town Court in whose district the document has been served is designated for the purpose of completing the certificate in the form annexed to the Convention.
3. In accordance with Article 9, first paragraph, the County or Town Court in whose district the person to be served is a resident or is staying, is designated as receiver of documents forwarded through consular channels.

² Upon ratification the Government of Sweden made the following statement:

- a) The Ministry for Foreign Affairs (address: Utrikesdepartementet, Juridiska byran, Box 16121, S-103 23 Stockholm 16, Sweden) has been designated Central Authority.
- b) The Central Authority (Ministry for Foreign Affairs) has been designated to receive documents transmitted through consular channels, pursuant to art. 9.

11 September 1969¹

FINLAND

(With effect from 10 November 1969.)

With the following declaration :

Finnish authorities are not obliged to assist in serving documents transmitted by using any of the methods referred to in sub-paragraph (b) and (c) of art. 10 of the Convention.

10 February 1969 ^{a2}

BOTSWANA

(With effect from 1 September 1969.)

10 February 1969 ^{a3}

BARBADOS

(With effect from 1 October 1969.)

Certified statement was registered by the Netherlands on 21 November 1969.

¹ Upon ratification the Government of Finland made the following statement:

1. The Ministry for Foreign Affairs has been designated Central Authority, pursuant to the first paragraph of article 2 of the Convention.
2. The Central Authority (the Ministry for Foreign Affairs) is acting as the authority presupposed in art. 9 of the Convention.

^a In a note, dated 28 September 1970 and received by the Government of the Netherlands on 19 October 1970, the Government of Botswana made the following statement:

Under Article 2 Central Authority will be the Minister of State for External Affairs. Under Article 18 there is no need to designate other authorities.

Under Article 6 the Registrar of the High Court is so designated.

Under Article 9 the Minister of State is so designated.

Under Article 10 Botswana Government advises that it objects to the methods set out in (b) and (c).

Under Article 15 a judge may give judgement if all the conditions specified in paragraph 2 of this Article are fulfilled.

Finally, the Office of the President of the Republic of Botswana advises that all documents forwarded for service be in duplicate and, if in any language other than English, an English translation be attached.

^a Upon accession the Government of Barbados made the following statement:

In accordance with Article 21, section a of the Convention the Government of Barbados has appointed "the Registrar of the Supreme Court of Barbados" as the central authority as stated in articles 2 and 18 of the Convention.