

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

RATIFICATION

Instrument deposited with the Government of the Netherlands on :

19 November 1970²

BELGIUM

(To take effect on 18 January 1971.)

With the following declarations :

[TRANSLATION — TRADUCTION]

The Belgian Government is opposed to the exercise on Belgian territory of the freedom referred to in article 8, first paragraph;

The Belgian Government declares that it is availing itself of the provision in article 15, second paragraph;

In accordance with article 16, third paragraph, the Belgian Government declares that the applications referred to in article 16, second paragraph, will not be entertained if they are filed after the expiration of a period of one year from the date of the judgement;

The Belgian Government believes that it should draw attention to the fact that any request for service pursuant to article 5, first paragraph, (a) or (b), requires the employment of a process server, and that the resulting costs must be reimbursed in accordance with article 12 of the Convention.

DESIGNATION of a Central Authority under article 2 of the Convention

Notification received by the Government of the Netherlands on :

23 April 1970

UNITED STATES OF AMERICA

“ Under article 2 of the Convention, each State is required to designate a Central Authority to receive requests for service of documents coming from other countries.

¹ United Nations, *Treaty Series*, vol. 658, p. 163, and annex A in volumes 700 and 737.

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

[TRANSLATION — TRADUCTION]

In accordance with article 2, paragraph 1, of the Convention, the Ministry of Justice, Administration de la Législation, Place Poelaert, 4, 1.000 Brussels, is designated as the Central Authority.

The Ministry of Justice is also designated as the authority competent to receive the documents forwarded through the channels referred to in article 9, second paragraph of the Convention.

Although this Central Authority always is to be available, its use is not compulsory and there is provision (articles 8 through 11) for service through channels outside the Central Authority, including service by diplomatic or consular officers. These provisions are optional, however, and, since consular officers of the United States are prohibited by regulation from serving legal process or appointing other persons to do so, the United States will not avail itself of these provisions of the Convention. It is anticipated that courts in the United States will be advised by the Department of Justice of the possibility of sending requests for service of legal process directly to the Central Authority of the country concerned.

“ The Department of State has been designated as the Central Authority under the Convention by Executive Order 11471 issued on May 28, 1969. As such, it will receive requests for service of legal process from the courts of countries parties to the Convention and forward them to the Department of Justice for service by the appropriate United States Marshal. When action has been completed, the documents will be returned to the Department of State and sent to the appropriate mission abroad for mailing to the court.

“ United States Marshals will charge a standard fee of \$15.00 for their services under the Convention. Therefore, each request for service should be accompanied by an international money order made payable to the ‘ Treasurer of the United States ’ in the sum of \$15.00.¹

“ The United States Marshals only have access to persons who are physically present within their areas of jurisdiction. Therefore, it will not be possible for them to effect service on United States citizens or residents of the United States who are temporarily outside of the country either by reason of service with the Armed Forces of the United States, employment for the United States Government, or in some other capacity.”

Certified statement was registered by the Netherlands on 4 December 1970.

¹ Subsequently, in a note received by the Government of the Netherlands on 25 March 1971, the Government of the United States of America communicated the following additional information :

“ The requirement that each request for service be accompanied by an international money order made payable to the ‘ Treasurer of the United States ’ in the sum of \$15.00 was not intended to include international “ postal ” money orders. The use of postal money orders is not feasible because the negotiable instrument does not physically accompany the request and is extremely difficult to correlate with a particular request for service. The appropriate means to remit prepayment of the Marshal’s fee is an international money order or check — preferably a bank or certified check — which can accompany the request until service is made.”