

Fylgiskjal II.

**SAMNINGUR
um birtingu erlendis
á réttarskjölum og utanréttarskjölum
í einkamálum og verslunarmálum.**

(1965)

Ríki þau sem undirrita samning þennan, sem vilja koma á viðeigandi tilhögun til að tryggja að réttarskjöl og utanréttarskjöl, sem birta skal erlendis, komist tímanlega til vitundar viðtakanda,

sem vilja í þeim tilgangi að bæta skipulag gagnkvæmrar aðstoðar í dómsmálum með einfaldari og skjótari framkvæmd,

hafa í því augnarmiði ákveðið að gera samning og hafa orðið ásátt um eftirfarandi ákvæði:

1. gr.

Samningur þessi gildir um öll einkamál og verslunarmál þar sem senda skal réttarskjöl eða utanréttarskjöl til birtingar erlendis.

Samningur þessi gildir ekki þegar heimilisfang viðtakanda er óþekkt.

I. KAFLI – Réttarskjöl.

2. gr.

Hvert samningsríki skal tilnefna miðlægt stjórnvald sem tekur við beiðnum um birtingu frá öðrum samningsríkjum og framkvæmir hana í samræmi við 3.–6. gr.

Hvert ríki skal skipa miðlægt stjórnvald í samræmi við eigin löggjöf.

3. gr.

Það yfirvald eða sá starfsmaður dómstóls sem til þess er bær samkvæmt lögum þess ríkis sem skjöl koma frá skal senda miðlægu stjórnvaldi viðtökuríkisins beiðni í samræmi við formála í viðauka með samningi þessum, án þess að krafist sé löggildingar eða annarra sambærilegra formsatriða.

Skjal til birtingar eða afrit þess skal fylgja beiðnin. Beiðnin og skjalið skulu vera í tvíriti.

**CONVENTION ON THE SERVICE ABROAD
OF JUDICIAL AND EXTRAJUDICIAL
DOCUMENTS IN CIVIL OR COMMERCIAL
MATTERS**

(Concluded November 15, 1965)

The States signatory to the present Convention, Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,

Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.

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

CHAPTER I – JUDICIAL DOCUMENTS

Article 2

Each Contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other Contracting States and to proceed in conformity with the provisions of Articles 3 to 6.

Each State shall organise the Central Authority in conformity with its own law.

Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.

The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

4. gr.

Þegar miðlægt stjórnvald telur að beiðni samræmist ekki ákvæðum samnings þessa skal það þegar tilkynna beiðanda og tilgreina andmæli sín við beiðninni.

5. gr.

Miðlægt stjórnvald þess ríkis sem beiðni er send til skal sjálf birta skjal eða hlutast til um að það verði birt af viðeigandi stofnun, annaðhvort:

- a. með þeirri aðferð sem kveðið er á um í lögum viðkomandi ríkis um birtingu skjala fyrir mönnum á yfirráðasvæði þess í málum sem rekin eru þar, eða
- b. með þeirri sérstöku aðferð sem beiðandi óskar, nema hún sé ósamrýmanleg lögum þess ríkis sem beiðni er send til.

Að frátöldum þeim tilvikum sem greinir í b-lið 1. mgr. er ávallt heimilt að birta skjal með afhendingu þess til viðtakanda sem er fús til að taka við því.

Nú fer birting skjals fram skv. 1. mgr. og getur þá miðlægt stjórnvald þess ríkis sem beiðni er send til gert kröfu um að skjalið sé ritað eða þýtt á opinbert tungumál ríkisins eða eitthvert af opinberum tungumálum þess.

Með skjali skal birta þann hluta beiðni sem rituð er samkvæmt formála í viðauka með samningi þessum og hefur að geyma samantekt skjals til birtingar.

6. gr.

Miðlægt stjórnvald þess ríkis sem beiðni er send til eða annað yfirvald sem það kann að hafa tilnefnt í því skyni skal fylla út vottorð í samræmi við formála í viðauka með samningi þessum.

Í vottorðinu skal koma fram að skjalið hafi verið birt og með hvaða aðferð, hvar og hvenær birting fór fram og hverjum skjalið var afhent. Hafi birting ekki farið fram skal tilgreina hvað komið hafi í veg fyrir hana.

Beiðandi getur farið fram á að vottorð sem ekki er ritað af miðlægu stjórnvaldi eða dómsmála-yfirvaldi verði staðfest af öðru hvoru þeirra.

Vottorðið skal sent beint til beiðanda.

7. gr.

Almennir skilmálar formála í viðauka með samningi þessum skulu ávallt ritaðir á frönsku eða ensku. Einnig má rita þá á opinberu tungumáli eða einu af

Article 4

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either –

- a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or
- b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this Article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

Article 6

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

Article 7

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be writ-

opinberum tungumálum þess ríkis sem skjölin koma frá.

Viðeigandi eyður skulu útfylltar annaðhvort á opinberu tungumáli þess ríkis sem beiðni er send til eða á frönsku eða ensku.

8. gr.

Hverju samningsríki er rétt að fela sendierindrekum eða ræðiserindrekum sínum að birta réttarskjöl milliliðalaust fyrir mönnum erlendis, ef ekki er beitt þvingun af neinu tagi.

Hvert ríki getur lýst yfir andmælum við slíkri birtingu innan yferráðasvæðis síns, nema birta skuli fyrir ríkisborgara þess ríkis sem skjal kemur frá.

9. gr.

Hverju samningsríki er einnig rétt að senda skjöl til birtingar fyrir milligöngu ræðismanns til þeirra yfirvalda annars samningsríkis sem það síðarnefnda tilnefni í því skyni.

Þegar sérstakar ástæðu eru fyrir hendi getur samningsríki sent skjöl í sama tilgangi eftir diplóm-atískum leiðum.

10. gr.

Hafi andmæli ekki verið höfð uppi af því ríki sem beiðni er send til kemur samningur þessi ekki í veg fyrir að:

- a. réttarskjöl séu send með pósti beint til þeirra sem eru erlendis,
- b. starfsmenn dómstóla, opinberir starfsmenn eða aðrir sem eru bærir til að birta réttarskjöl í því ríki sem skjöl koma frá láti birta beint fyrir milligöngu starfsmanna dómstóla, opinberra starfsmanna eða annarra sem til þess eru bærir í því ríki sem beiðni er send til,
- c. hver sem hefur hagsmuni af máli birti réttarskjöl beint fyrir milligöngu starfsmanna dómstóla, opinberra starfsmanna eða annarra sem til þess eru bærir í því ríki sem beiðni er send til.

11. gr.

Samningur þessi skal ekki hindra að tvö eða fleiri samningsríki komi sér saman um að leyfa aðrar boðleiðir til birtingar réttarskjala en hér hefur verið kveðið er á um og tekur það sérstaklega til beinna samskipta milli hlutaðeigandi yfirvalda þeirra.

ten in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

Article 8

Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

Article 9

Each Contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another Contracting State which are designated by the latter for this purpose.

Each Contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

Article 10

Provided the State of destination does not object, the present Convention shall not interfere with –

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,
- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,
- c) 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 State of destination.

Article 11

The present Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding Articles and, in particular, direct communication between their respective authorities.

12. gr.

Birting réttarskjala frá samningsriki skal vera án greiðslu eða endurgreiðslu gjalda eða kostnaðar vegna þjónustu þess ríkis sem beiðni er send til.

Beiðandi skal greiða eða endurgreiða kostnað sem leiðir af:

- a. þjónustu starfsmanns dómstóls eða annars manns sem er valdbær samkvæmt lögum þess ríkis sem beiðni er send til,
- b. notkun sérstakrar aðferðar til birtingar.

13. gr.

Þegar fullnægt er skilyrðum þessa samnings verður beiðni um birtingu ekki hafnað nema ríki sem beiðni er send til telji framkvæmd hennar ihlutun í fullveldi sitt eða öryggi.

Beiðni verður ekki synjað af þeirri ástæðu einni að sakarefni eigi samkvæmt lögum aðeins undir dómstóla þess ríkis sem beiðni er send til eða beiðni varði málssókn sem ekki sé heimil í lögum þess.

Nú er beiðni synjað og skal þá miðlægt stjórnvald þegar tilkynna það beiðanda og greina frá ástæðum þess.

14. gr.

Vandkvæði sem geta komið upp vegna sendingar réttarskjala til birtingar skal leysa eftir diplómatisikum leiðum.

15. gr.

Þegar senda hefur þurft stefnu eða samsvarandi skjal úr landi til birtingar samkvæmt ákvæðum þessa samnings og stefndi hefur ekki sótt þing skal dómur ekki kveðinn upp nema leitt sé í ljós að:

- a. skjalið hafi verið birt í samræmi við lög þess ríkis sem beiðni var send til um birtingu skjala fyrir mönnum á yferráðasvæði þess í málum sem rekin eru þar, eða
- b. skjalið hafi í raun verið afhent stefnda eða á heimili hans með annarri aðferð sem kveðið er á um í samningi þessum, og í hvoru þessara tilvika hafi birting eða afhending farið fram svo tímanlega að stefnda hafi verið kleift að taka til varna.

Hverju samningsriki er rétt að lýsa því yfir að dómari geti þrátt fyrir 1. mgr. kveðið upp dóm jafnvel þótt vottorð um birtingu eða afhendingu hafi ekki borist, ef eftirfarandi skilyrðum er fullnægt:

- a. skjalið hefur verið sent með einhverjum þeim aðferðum sem kveðið er á um í samningi þessum,

Article 12

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

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 State of destination,
- b) the use of a particular method of service.

Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security.

It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that -

- a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or
 - b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention,
- and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each Contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled-

- a) the document was transmitted by one of the methods provided for in this Convention,

- b) liðinn er hæfilegur frestur að mati dómara, þó ekki skemmri en sex mánuðir, frá þeim degi er skjalið var sent,
- c) ekki hafi borist vottorð af neinu tagi þótt allt hafi verið gert til öflunar þess, sem með sanngirni má ætlast til, fyrir milligöngu þar til bærra yfirvalda í því ríki sem beiðni var send til.
- Þrátt fyrir framangreindar málsgreinar getur dómari gefið fyrirsmæli um bráðabirgða- og verndar- ráðstafanir, ef brýna nauðsyn ber til.
- b) 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,
- c) 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.
- Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

16. gr.

Nú hefur þurft að senda stefnu eða samsvarandi skjal úr landi til birtingar samkvæmt ákvæðum þessa samnings, og dómur gengið á hendur stefnda, sem sótti ekki þing, og skal dómara þá heimilt að undanþiggja stefnda frá áhrifum þess að liðinn sé frestur til að leita endurskoðunar dóms ef eftirfarandi skilyrðum er fullnægt:

- a. stefnda var, sér að ósekju, hvorki kunnugt um skjalið svo tímanlega að hann gæti tekið til varna né fékk vitneskju um dóm svo tímanlega að hann gæti leitað endurskoðunar, og
- b. stefndi hefur uppi efnislegar varnir sem við fyrstu sýn virðast á rökum reistar.
- Beiðni um undanþágu verður að leggja fram innan hæfilegs tíma frá því er stefndi fékk vitneskju um dóm.

Samningsríki getur lýst því yfir að slík beiðni verði ekki tekin til meðferðar ef hún er lögð fram að liðnum þeim fresti sem tilgreindur skal í yfirlýsingunni, en sá frestur skal þó aldrei vera skemmri en eitt ár frá dómsuppkvaðningu.

Þessi grein gildir ekki um dóma er varða réttarstöðu eða hæfi manna.

II. KAFLI – Utanréttarskjöl.

17. gr.

Utanréttarskjöl, sem koma frá stjórnvöldum eða starfsmönnum dómstóla í samningsríki, má senda til birtingar í öðru samningsríki með þeirri aðferð sem kveðið er á um í samningi þessum og í samræmi við fyrirsmæli hans.

III. KAFLI – Almennar reglur.

18. gr.

Hvert samningsríki getur tilnefnt önnur yfirvöld til viðbótar miðlægu stjórnvaldi og skal ákveða valdsvið þeirra.

Beiðanda er þó ávallt rétt að senda beiðni sína beint til miðlæga stjórnvaldsins.

Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment 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 judgment if the following conditions are fulfilled –

- a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and
- b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Contracting State may declare 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 judgment.

This Article shall not apply to judgments concerning status or capacity of persons.

CHAPTER II – EXTRAJUDICIAL DOCUMENTS

Article 17

Extrajudicial documents emanating from authorities and judicial officers of a Contracting State may be transmitted for the purpose of service in another Contracting State by the methods and under the provisions of the present Convention.

CHAPTER III – GENERAL CLAUSES

Article 18

Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

Sambandsríkjum er rétt að tilnefna fleiri en eitt miðlægt stjórnvald.

19. gr.

Samningur þessi kemur ekki í veg fyrir að lög samningsríkis heimili að skjöl erlendis frá séu send með öðrum hætti en kveðið er á um í framangreindum ákvæðum til birtingar innan yfirlýðingavæði þess.

20. gr.

Samningur þessi kemur ekki í veg fyrir að tvö eða fleiri samningsríki geri með sér samkomulag um að víkja frá:

- a. að senda beri skjöl í tvíriti skv. 2. mgr. 3. gr.,
- b. áskilnað um tungumál í 3. mgr. 5. gr. og 7. gr.,
- c. ákvæði 4. mgr. 5. gr.,
- d. ákvæði 2. mgr. 12. gr.

21. gr.

Við afhendingu fullgildingar- eða aðildarskjals eða síðar skal hvert samningsríki skýra utanríkisráðuneyti Hollands frá eftirfarandi:

- a. tilnefningu yfirvalda skv. 2. gr. og 18. gr.,
- b. tilnefningu yfirvalds sem bært er til að fylla út vottorð skv. 6. gr.,
- c. tilnefningu yfirvalds sem bært er til að taka við skjölum sendum fyrir milligöngu ræðismanna skv. 9. gr.

Hvert samningsríki skal með sama hætti eftir því sem við á skýra ráðuneytinu frá eftirfarandi:

- a. andmælum við sendingaraðferð skv. 8. og 10. gr.,
- b. yfirlýsingum skv. 2. mgr. 15. gr. og 3. mgr. 16. gr.,
- c. öllum breytingum á ofangreindum tilnefningum, andmælum og yfirlýsingum.

22. gr.

Milli ríkja sem eiga aðild að samningi þessum og einnig öðrum eða báðum samningunum um einkamálaréttarfar, sem undirritaðir voru í Haag 17. júlí 1905 og 1. mars 1954, skal samningur þessi koma í stað 1.–7. gr. fyrri samninganna.

Federal States shall be free to designate more than one Central Authority.

Article 19

To the extent that the internal law of a Contracting State permits methods of transmission, other than those provided for in the preceding Articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

Article 20

The present Convention shall not prevent an agreement between any two or more Contracting States to dispense with –

- a) the necessity for duplicate copies of transmitted documents as required by the second paragraph of Article 3,
- b) the language requirements of the third paragraph of Article 5 and Article 7,
- c) the provisions of the fourth paragraph of Article 5,
- d) the provisions of the second paragraph of Article 12.

Article 21

Each Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following –

- a) the designation of authorities, pursuant to Articles 2 and 18,
- b) the designation of the authority competent to complete the certificate pursuant to Article 6,
- c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to Article 9.

Each Contracting State shall similarly inform the Ministry, where appropriate, of –

- a) opposition to the use of methods of transmission pursuant to Articles 8 and 10,
- b) declarations pursuant to the second paragraph of Article 15 and the third paragraph of Article 16,
- c) all modifications of the above designations, oppositions and declarations.

Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on 17th July 1905, and on 1st March 1954, this Convention shall replace as between them Articles 1 to 7 of the earlier Conventions.

23. gr.

Samningur þessi hefur hvorki áhrif á beitingu 23. gr. samningsins um einkamálaréttarfar, sem undirritaður var í Haag 17. júlí 1905, né 24. gr. samningsins um einkamálaréttarfar, sem undirritaður var í Haag 1. mars 1954.

Þessi ákvæði gilda þó aðeins ef notaðir eru sömu samskiptahættir og kveðið er á um í samningi þessum.

24. gr.

Viðbótarsamningar milli ríkja sem eiga aðild að samningunum frá 1905 og 1954 skulu einnig taldir eiga við um þennan samning, nema annað hafi verið ákveðið.

25. gr.

Þrátt fyrir ákvæði 22. og 24. gr. skal samningur þessi ekki gilda um samninga sem hafa að geyma ákvæði um málefni sem þessi samningur tekur til og samningsríki eru eða verða síðar aðilar að.

26. gr.

Samningur þessi skal liggja frammi til undirritunar af hálfu þeirra ríkja sem áttu fulltrúa á tíunda fundi Haagráðstefnunnar um alþjóðlegan einkamálarétt.

Hann skal fullgiltur og skulu fullgildingarskjöl afhent utanríkisráðuneyti Hollands.

27. gr.

Samningur þessi skal öðlast gildi á sextugasta degi eftir að þriðja fullgildingarskjalið hefur verið afhent, sbr. 2. mgr. 26. gr.

Gagnvart hverju ríki, sem undirritað hefur samninginn og fullgildir hann síðar, öðlast hann gildi á sextugasta degi eftir að fullgildingarskjöl hefur verið afhent.

28. gr.

Ríki sem ekki átti aðild að tíunda fundi Haagráðstefnunnar um alþjóðlegan einkamálarétt getur gerst aðili að samningi þessum eftir að hann hefur öðlast gildi í samræmi við 1. mgr. 27. gr. Aðildarskjál skal afhent utanríkisráðuneyti Hollands.

Samningurinn öðlast gildi gagnvart slíku ríki nema ríki sem fullgilt hefur samninginn fyrir afhendinguna hafi uppi andmæli við utanríkisráðuneyti

Article 23

The present Convention shall not affect the application of Article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of Article 24 of the Convention on civil procedure signed at The Hague on 1st March 1954.

These Articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

Article 24

Supplementary agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

Article 25

Without prejudice to the provisions of Articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the Contracting States are, or shall become, Parties.

Article 26

The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 27

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 28

Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 27. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such de-

Hollands innan sex mánaða frá þeim degi er ráðuneytið tilkynnir því um aðildina.

Komi ekki fram slík andmæli skal samningurinn öðlast gildi gagnvart ríki sem gerist aðili að honum á fyrsta degi næsta mánaðar eftir að síðasta fresti lýkur samkvæmt næstu málsgrein hér á undan.

29. gr.

Við undirritun, fullgildingu eða aðild getur ríki lýst því yfir að samningur þessi taki í alþjóðlegum samskiptum til allra svæða sem viðkomandi ríki ber ábyrgð á, eða til eins þeirra eða fleiri. Slík yfirlýsing skal taka gildi á þeim degi er samningurinn öðlast gildi gagnvart viðkomandi ríki.

Eftir það skal tilkynna um slíka útfærslu til utanríkisráðuneytis Hollands.

Gagnvart þeim svæðum sem útfærsla tekur til skal samningurinn öðlast gildi sextíu dögum eftir tilkynningu sem getur í næstu málsgrein hér á undan.

30. gr.

Samningur þessi gildir í fimm ár frá þeim degi er hann öðlast gildi skv. 1. mgr. 27. gr., og gildir það einnig gagnvart ríkjum sem síðar fullgilda eða gerast aðilar að samningnum.

Ef samningnum hefur ekki verið sagt upp framlangist hann sjálfkrafa um fimm ár í senn.

Uppsögn skal tilkynna utanríkisráðuneyti Hollands eigi síðar en sex mánuðum fyrir lok fimm ára tímabilsins.

Takmarka má hana við ákveðin landsvæði sem samningurinn tekur til.

Uppsögn hefur aðeins gildi gagnvart því ríki sem hefur tilkynnt um hana. Samningurinn heldur gildi sínu milli annarra samningsríkja.

31. gr.

Utanríkisráðuneyti Hollands skal tilkynna þeim ríkjum sem getur í 26. gr., og ríkjum sem gerst hafa aðilar skv. 28. gr., um:

- a. undirritanir og fullgildingar skv. 26. gr.,
- b. gildistökudag samnings þessa skv. 1. mgr. 27. gr.,

posit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

Article 29

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

Article 30

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 31

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 26, and to the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications referred to in Article 26;
- b) the date on which the present Convention enters into force in accordance with the first paragraph of Article 27;

- c. aðild skv. 28. gr. og hvenær hún öðlast gildi, c) the accessions referred to in Article 28 and the dates on which they take effect;
- d. útfærslu skv. 29. gr. og hvenær hún öðlast gildi, d) the extensions referred to in Article 29 and the dates on which they take effect;
- e. tilnefningar, andmæli og yfirlýsingar skv. 21. gr., e) the designations, oppositions and declarations referred to in Article 21;
- f. uppsagnir skv. 3. mgr. 30. gr. f) the denunciations referred to in the third paragraph of Article 30.

Þessu til staðfestu hafa undirritaðir, sem til þess hafa fullt umboð, undirritað samning þennan.

Gjört í Haag 15. nóvember 1965 á ensku og frönsku, og eru báðir textar jafngildir, í einu eintaki, sem varðveitt skal í skjalasafni ríkisstjórnar Hollands, og staðfest endurrit skal sent eftir diplómatisku leiðum til hvers ríkis sem átti aðild að tíunda fundi Haagráðstefnunnar um alþjóðlegan einkamálarétt.

FORMÁLAR (BEIÐNI OG VOTTORÐ)
SAMANTEKT SKJALS TIL BIRTINGAR

(viðaukar fyrir 3., 5., 6. og 7. gr.)

VIÐAUKI VIÐ SAMNINGINN

Formálar.

REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.

Identity and address of the applicant	Address of receiving authority

The undersigned applicant has the honour to transmit – in duplicate – the documents listed below and, in conformity with Article 5 of the above-mentioned

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

FORMS (REQUEST AND CERTIFICATE)
SUMMARY OF THE DOCUMENT TO BE SERVED

(annexes provided for Articles 3, 5, 6 and 7)

ANNEX TO THE CONVENTION

Forms

REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.

Identity and address of the applicant	Address of receiving authority

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 on the addressee, *i.e.*, (identity and address)

- a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*.
- b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of Article 5)*:
- c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)*.

The authority is requested to return or to have returned to the applicant a copy of the documents – and of the annexes* – with a certificate as provided on the reverse side.

List of documents

Done at , the

Signature and/or stamp.

* Delete if inappropriate.

Reverse of the request

CERTIFICATE

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,

- 1) that the document has been served*
 - the (date)
 - at (place, street, number)
 - in one of the following methods authorised by Article 5:
- a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*.
- b) in accordance with the following particular method*:
- c) by delivery to the addressee, who accepted it voluntarily*.

The documents referred to in the request have been delivered to:

- (identity and description of person)

Convention, requests prompt service of one copy thereof on the addressee, *i.e.*, (identity and address)

- a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*.
- b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of Article 5)*:
- c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)*.

The authority is requested to return or to have returned to the applicant a copy of the documents – and of the annexes* – with a certificate as provided on the reverse side.

List of documents

Done at , the

Signature and/or stamp.

* Delete if inappropriate.

Reverse of the request

CERTIFICATE

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,

- 1) that the document has been served*
 - the (date)
 - at (place, street, number)
 - in one of the following methods authorised by Article 5:
- a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*.
- b) in accordance with the following particular method*:
- c) by delivery to the addressee, who accepted it voluntarily*.

The documents referred to in the request have been delivered to:

- (identity and description of person)

– relationship to the addressee (family, business or other):

2) that the document has not been served, by reason of the following facts*:

In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes

Documents returned:

In appropriate cases, documents establishing the service:

Done at, the

Signature and/or stamp.

* Delete if inappropriate.

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.

(Article 5, fourth paragraph)

Name and address of the requesting authority:

Particulars of the parties*:

JUDICIAL DOCUMENT**

Nature and purpose of the document:

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Date and place for entering appearance**:

Court which has given judgment**:

Date of judgment**:

– relationship to the addressee (family, business or other):

2) that the document has not been served, by reason of the following facts*:

In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes

Documents returned:

In appropriate cases, documents establishing the service:

Done at, the

Signature and/or stamp.

* Delete if inappropriate.

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.

(Article 5, fourth paragraph)

Name and address of the requesting authority:

Particulars of the parties*:

JUDICIAL DOCUMENT**

Nature and purpose of the document:

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Date and place for entering appearance**:

Court which has given judgment**:

Date of judgment**:

Time-limits stated in the document**:

Time-limits stated in the document**:

EXTRAJUDICIAL DOCUMENT**

EXTRAJUDICIAL DOCUMENT**

Nature and purpose of the document:

Nature and purpose of the document:

Time-limits stated in the document**:

Time-limits stated in the document**:

* If appropriate, identity and address of the person interested in the transmission of the document.

* If appropriate, identity and address of the person interested in the transmission of the document.

** Delete if inappropriate.

** Delete if inappropriate.