



European Convention on the Service Abroad of Documents relating to Administrative Matters

Strasbourg, 24.XI.1977

Preamble

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, based in particular on respect for the rule of law, as well as human rights and fundamental freedoms;

Believing that the creation of appropriate means of mutual assistance in administrative matters will contribute to the attainment of this aim;

Having regard to the importance of ensuring that documents to be served abroad in administrative matters be brought to the notice of the addressees in good time,

Have agreed as follows:

Chapter I – General provisions

Article 1 – Scope of the Convention

- 1 The Contracting States undertake to afford each other mutual assistance with regard to service of documents relating to administrative matters.
- 2 This Convention shall not apply to fiscal or criminal matters. However, each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, give notice, by a declaration addressed to the Secretary General of the Council of Europe, that, for purposes of requests addressed to it, this Convention shall apply to fiscal matters or to any proceedings in respect of offences the punishment of which does not fall within jurisdiction of its judicial authorities at the time of the request for assistance. This State may specify in the declaration that it is conditional on reciprocity.
- 3 Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession or at any time within five years after the entry into force of this Convention in respect of itself give notice, by a declaration addressed to the Secretary General of the Council of Europe, of the administrative matters with regard to which it will not apply this Convention. Any other Contracting State may claim reciprocity.

- 4 The declarations in pursuance of paragraphs 2 and 3 of this article shall take effect, as the case may be, from the moment of the entry into force of the Convention with regard to the State which has made them or three months after their receipt by the Secretary General of the Council of Europe. They may be withdrawn, partially or wholly, by means of a declaration addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect three months after the date of receipt of this declaration.

Article 2 – Central authority

- 1 Each Contracting State shall designate a central authority to receive and take action on requests for service of documents relating to administrative matters emanating from other Contracting States. Federal States shall be free to designate more than one central authority.
- 2 Each Contracting State may designate other authorities having the same functions as the central authority and shall determine their territorial competence. However, the requesting authority shall in all cases have the right to address itself directly to the central authority.
- 3 Each Contracting State may in addition designate a forwarding authority to centralise requests for service emanating from its own authorities and transmit them to the competent central authority abroad. Federal States shall be free to designate more than one forwarding authority.
- 4 The aforementioned authorities must be either a ministerial department or another official body.
- 5 Each Contracting State shall by a declaration addressed to the Secretary General of the Council of Europe communicate the name and address of the authorities designated in accordance with the provisions of this article.

Article 3 – Request for service

A request for service shall be forwarded to the central authority of the requested State. It shall be made in accordance with the model form appended to the present Convention, together with the document to be served. The request and the document shall be transmitted in duplicate; but the lack of that formality shall not be sufficient cause for refusal to comply with the request.

Article 4 – Exemption from legalisation

The request for service and appendices thereto forwarded in pursuance of this Convention shall be exempt from legalisation, apostille or any equivalent formality.

Article 5 – Conformity with the Convention

If the central authority of the requested State considers that the request does not conform with the provisions of this Convention, it shall so inform the requesting authority without delay, specifying its objections.

Article 6 – Manner of service

- 1 The central authority of the requested State shall effect service under this Convention:
 - 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 requesting authority, unless such a method is incompatible with the law of the requested State.
- 2 Subject to paragraph 1, sub-paragraph b of this article, the document may always be served by delivery to an addressee who accepts it voluntarily.
- 3 Where the requesting authority requests service within a specific time, the central authority of the requested State shall comply with that request if it is possible to do so within that time limit.

Article 7 – Language

- 1 When a foreign document is to be served in accordance with Article 6, paragraph 1, sub-paragraph a, and paragraph 2 of the present Convention, it need not be accompanied by a translation.
- 2 However, in the event of the service of a document being refused by the addressee on the ground that he cannot understand the language in which it is drawn up, the central authority of the requested State shall arrange to have it translated into the official language, or one of the official languages, of this State. Alternatively, it may ask the requesting authority to have the document either translated into or accompanied by a translation in the official language or one of the official languages of the requested State.
- 3 When service of a foreign document is to be effected according to Article 6, paragraph 1, sub-paragraph b, and the central authority of the requested State so requires, the document must be translated or accompanied by a translation into the official language or one of the official languages of the requested State.

Article 8 – Certificate

- 1 The central authority of the requested State or the authority effecting service shall furnish a certificate in accordance with the model form appended to the present Convention. This certificate shall confirm that the request has been complied with, or if the request has not been complied with, it shall give the reason.
- 2 The completed certificate shall be forwarded directly to the requesting authority by the authority drawing it up.
- 3 The requesting authority may ask the central authority of the requested State to countersign any certificate not drawn up by that central authority, where the authenticity of such certificate is challenged.

Article 9 – Forms of request and certificate

- 1 The standard terms on the model form appended to the present Convention shall be printed in one of the official languages of the Council of Europe. They may in addition be printed in the official language of one of the official languages of the State of the requesting authority.
- 2 The blanks opposite these standard terms shall be completed either in the official language or one of the official languages of the requested State, or in one of the official languages of the Council of Europe.

Article 10 – Service by consular officers

- 1 Each Contracting State may effect service directly and without compulsion by its consular officers or, where circumstances so demand, by its diplomatic agents of documents on persons within the territory of other Contracting States.

- 2 Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, object by means of a declaration addressed to the Secretary General of the Council of Europe to such service within its territory in the case of documents to be served upon its nationals or upon nationals of a third State or upon stateless persons. Any other Contracting State may claim reciprocity.
- 3 The declaration in pursuance of paragraph 2 of this article shall take effect at the time of the entry into force of this Convention with regard to the State which has made it. It may be withdrawn by means of a declaration addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect three months after the date of receipt of this declaration.

Article 11 – Service by post

- 1 Each Contracting State may effect service of documents directly through the post on a person within the territory of other Contracting States.
- 2 Each Contracting State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or within five years after the entry into force of this Convention in respect of itself, by a declaration addressed to the Secretary General of the Council of Europe, object, in a general manner or partially, either because of the nationality of the addressee or for defined categories of documents, to such service within its territory. Any other Contracting State may claim reciprocity.
- 3 The declaration in pursuance of paragraph 2 of this article shall take effect, as the case may be, at the time of the entry into force of the Convention with regard to the State which has made it or three months after its receipt by the Secretary General of the Council of Europe. It may be withdrawn, partially or wholly, by means of a declaration addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect three months after the date of receipt of this declaration.

Article 12 – Other channels of transmission

- 1 Any Contracting State shall be free to use diplomatic or consular channels for the purpose of requesting service of documents.
- 2 This Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of documents, channels of transmission other than those provided in the preceding articles and, in particular, direct communication between their respective authorities.

Article 13 – Costs

- 1 The service of a foreign document in accordance with Article 6, paragraph 1, sub-paragraph a, and paragraph 2 of this Convention shall not give rise to any payment or refund of fees or costs for the services rendered by the requested State.
- 2 The requesting authority shall be required to pay or refund the costs incurred by the form of service it requests in accordance with Article 6, paragraph 1, sub-paragraph b.

Article 14 – Refusal to comply

- 1 The central authority of the requested State to which a request for service is addressed may refuse to comply with it:
 - a if it considers that the matter to which the document to be served relates is not an administrative matter in the sense of Article 1 of this Convention;

- b if it considers that compliance would interfere with the sovereignty, security, public policy or other essential interests of that State;
 - c if the addressee cannot be found at the address indicated by the requesting authority and his whereabouts cannot be easily determined.
- 2 In the event of refusal, the central authority of the requested State shall promptly inform the requesting authority and state the reasons for such refusal.

Article 15 – Time-limits

When a document is transmitted for service within the territory of another Contracting State the addressee shall be allowed, in the event that such service implies a time-limit affecting him, reasonable time, such time to be determined by the requesting State, from the moment he has received the document, to attend the proceedings or be represented or to make representations, as the case may be.

Article 16 – Other international agreements or arrangements

Nothing in this Convention shall affect existing or future international agreements and practices or other arrangements between Contracting States which relate to matters dealt with in the present Convention.

Chapter II – Final clauses

Article 17 – Entry into force of the Convention

- 1 This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.
- 2 The Convention shall enter into force on the first day of the month following the expiration of three months after the date of the deposit of the third instrument of ratification, acceptance or approval.
- 3 In respect of any signatory State ratifying, accepting or approving it subsequently, the Convention shall come into force on the first day of the month following the expiration of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 18 – Revision of the Convention

At the request of any Contracting State, or after the third year following the entry into force of the Convention, the Contracting States shall proceed to a multilateral consultation in which any member State of the Council of Europe may have itself represented by an observer, in order to examine its application, as well as the advisability of its revision or of an enlargement of any of its provisions. This consultation shall take place during a meeting convoked by the Secretary General of the Council of Europe.

Article 19 – Accession of a State not a member of the Council of Europe

- 1 After the entry into force of this Convention, the Committee of the Ministers of the Council of Europe may invite any non-member State to accede thereto, by a decision taken by a two-thirds majority of the votes cast, including the unanimous votes of the Contracting States.

- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 20 – Territorial scope of the Convention

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later time, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect six months after the date of receipt by the Secretary General of the Council of Europe of the notification.

Article 21 – Reservations to the Convention

No reservations may be made to this Convention.

Article 22 – Denunciation of the Convention

- 1 Any Contracting State may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall take effect on the first day of the month following the expiration of a period of six months after the date of receipt by the Secretary General of such notification. This Convention shall, however, continue to apply to requests for service received before the date on which the denunciation takes effect.

Article 23 – Function of the depositary of the Convention

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State which has acceded to this Convention of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Article 17, paragraphs 2 and 3;
- d any declaration received in pursuance of the provision of Article 1, paragraphs 2, 3 and 4;
- e any declaration received in pursuance of the provisions of Article 2, paragraph 5;
- f any declaration received in pursuance of the provisions of Article 10, paragraphs 2 and 3;

- g any declaration received in pursuance of the provisions of Article 11, paragraphs 2 and 3;
- h any declaration or notification received in pursuance of the provisions of Article 20, paragraphs 2 and 3;
- i any notification received in pursuance of the provisions of Article 22, paragraph 1, and the date on which denunciation takes effect.

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

Done at Strasbourg, this 24th day of November 1977, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.