

## NORWAY

### LEGAL BASIS

- 1. Has your State signed and/or ratified the *European Convention on State Immunity* (1972) and/or the *United Nations Convention on Jurisdictional Immunities of States and Their Property* (2004)? Do the authorities of your State consider the provisions on these treaties on service of process as a codification of customary international law? Does your State apply any other international legal instrument (apart from bilateral agreements)?**

Norway has ratified the 2005 United Nations Convention on Jurisdictional Immunities of States and their Property (hereafter: “the Convention”). Norway is of the view that the Convention to a large extent codifies customary international law.

- 2. Please provide information on:**
  - a. National legislation (in particular its title, source and content; if available, please provide official translations and/or references to Internet sources).**

The Norwegian procedure is not regulated by legislation.

- b. Case-law and practice, specifying whether your national courts and tribunals review the lawfulness of the service of process by operation of law.**

There are no Norwegian judicial decisions concerning the validity of a service of process by notification to an Embassy in Norway. The Norwegian procedure is explained in a circular by the Ministry of Justice and Public Security, available (in Norwegian) here:

<http://www.regjeringen.no/nb/dep/jd/dok/rundskriv/2007/rundskriv-g-042007---rundskriv-om-rettsa.html?id=458794>

### PROCEDURE

- 3. Please describe the procedure(s) applicable to service of process on a foreign State, specifying the hierarchy between the different methods for serving process. In particular, please provide information on when the service is deemed to be effected, time-limits, the grounds to refuse service of process and the consequences of the unlawfulness of the service.**
  - a. How are the terms “diplomatic channels” (Article 16 § 2 of the European Convention and Article 22 § 1 c) i) of the United Nations Convention) interpreted by your national authorities? Please indicate whether these terms include a notification to the embassy of the State concerned in the State of forum.**

Norway considers the term “diplomatic channels” (article 22.1.c.i of the Convention) to include notification to the Embassy in Norway of the State concerned. As far as possible, Norway, when acting as a forum State, effects service of process against States by notification to the State’s Embassy in Norway. The notification shall contain the writ of summons, an explanatory note verbale from the Ministry of Foreign Affairs, and a formal “Request for a Reply”. The latter document will request a reply within a given period of time, and will inform the recipient that if a reply is not submitted, judgment may be pronounced on the basis of the applicant’s presentation of the facts (judgment by default).

- b. How are the terms “if necessary” (Article 16 § 2 of the European Convention and Article 22 § 3 of the United Nations Convention) interpreted by your national authorities?**

The Norwegian Ministry of Foreign Affairs uses Norwegian, English or French in its official correspondence with the embassies accredited to Norway, based on agreement or established practice with the individual embassy. When notifying a State of a service of process, Norway uses the same language as is used in the regular diplomatic correspondence with the State concerned, being it Norwegian, English or French. If translation is necessary, the documents that will be translated are the writ of summons and “other central documents” (as per the circular referred to above).

Norway considers this approach sufficient to fulfill the requirement in Article 22 § 3 that documents be translated into an official language of the State concerned “if necessary”.

**4. Where your State is the defendant in the proceedings, what is accepted as an adequate service of process? Please specify whether your State accepts the service to its embassy in the State of forum.**

n/a