

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1971 Nr. 63

A. TITEL

*Verdrag inzake de betekening en de kennisgeving in het buitenland
van gerechtelijke en buitengerechtelijke stukken
in burgerlijke en in handelszaken;
's-Gravenhage, 15 november 1965*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1966, 91. Zie ook *Trb.* 1967, 36 en *Trb.* 1969, 55.

In overeenstemming met artikel 26, eerste lid, is het Verdrag voorts nog ondertekend voor:

Japan 12 maart 1970

C. VERTALING

Zie *Trb.* 1969, 55 en 210.

D. GOEDKEURING

Zie *Trb.* 1966, 91.

E. BEKRACHTIGING

Zie *Trb.* 1968, 63 ¹⁾ en *Trb.* 1969, 55 ²⁾ en 210.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 26, tweede lid, van het Verdrag een akte van bekrachtiging bij het Ministerie van Buitenlandse Zaken te 's-Gravenhage nedergelegd:

Japan ³⁾	28 mei 1970
België ⁴⁾	19 november 1970

¹⁾ In overeenstemming met artikel 21, letter a, van het Verdrag heeft de Regering van de Verenigde Staten van Amerika op 23 april 1970 met betrekking tot de aanwijzing van de centrale autoriteit bedoeld in artikel 2 van het Verdrag, het volgende medegedeeld:

"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. 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.

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."

Voorts heeft de Regering van de Verenigde Staten van Amerika op 24 maart 1971 nog het volgende medegedeeld:

"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."

²⁾ In overeenstemming met artikel 21, letter a, van het Verdrag heeft de Regering van de Verenigde Arabische Republiek op 21 november 1969 het Ministerie van Justitie te Kairo aangewezen als de centrale autoriteit als bedoeld in de artikelen 2 en 18 van het Verdrag.

3) In overeenstemming met artikel 21 van het Verdrag heeft de Regering van Japan op 14 juli 1970 de volgende verklaringen met betrekking tot verscheidene artikelen van het Verdrag aangelegd:

“(1) The Minister for Foreign Affairs is designated as the Central Authority which receives requests for service from other contracting States, pursuant to the first paragraph of Article 2.

(2) The District Court which has rendered judicial aid with respect to the service is designated as the authority competent to complete the certificate in the form of the model annexed to the Convention, pursuant to the first paragraph of Article 6.

(3) The Minister for Foreign Affairs is designated as the authority competent to receive documents transmitted through consular channels, pursuant to the first paragraph of Article 9.

(4) It is declared that the Government of Japan objects to the use of the methods of service referred to in subparagraphs (b) and (c) of Article 10.

(5) It is declared that Japanese courts may give judgement if all the conditions specified in the second paragraph of Article 15 are fulfilled.”.

4) Bij deze bekrachtiging zijn in overeenstemming met artikel 21 van het Verdrag de volgende verklaringen aangelegd:

„1. Conformément à l'article 2, alinéa premier de la Convention, le Ministère de la Justice, Administration de la Législation, Place Poelaert, 4, 1.000 Bruxelles, est désigné comme Autorité centrale;

2. Le Ministère de la Justice est également désigné comme autorité compétente pour recevoir les actes transmis par la voie prévue à l'article 9, alinéa premier de la Convention;

3. Le Gouvernement belge s'oppose à l'usage sur le territoire belge de la faculté prévue à l'article 8, alinéa premier;

4. Le Gouvernement belge déclare se prévaloir de la disposition contenue dans l'article 15, alinéa 2;

5. Conformément à l'article 16, alinéa 3, le Gouvernement belge déclare que les demandes visées à l'article 16, alinéa 2, sont irrecevables si elles sont formées après l'expiration d'un délai d'un an à compter du prononcé de la décision;

6. Le Gouvernement belge croit devoir attirer l'attention sur le fait que toute demande de signification ou de notification faite en application de l'article 5, alinéa premier, lettres a) ou b), donne lieu à l'intervention d'un huissier de justice et que les frais qui en résultent doivent être remboursés conformément à l'article 12 de la Convention.”.

F. TOETREDING

Zie *Trb.* 1969, 210 ¹⁾.

¹⁾ In overeenstemming met artikel 21 van het Verdrag heeft de Regering van Botswana op 19 oktober 1970 de volgende verklaringen met betrekking tot verscheidene artikelen van het Verdrag aangelegd:

“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.”.

G. INWERKINGTREDING

Zie *Trb.* 1969, 55 en 210.

Ingevolge artikel 27, tweede lid, zijn de bepalingen van het Verdrag voor Japan op 27 juli 1970 en voor België op 18 januari 1971 in werking getreden.

H. TOEPASSELIJKVERKLARING

In overeenstemming met zijn artikel 29 is het Verdrag op 20 mei 1970 door het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, onder de navolgende verklaringen, van toepassing verklaard op:

*gebieden in de zin
van artikel 29:*

*autoriteiten als bedoeld in de artikelen
2 en 18:*

Antigua

„The Registrar, High Court of Justice, West Indies Associated States Supreme Court, St. John's, Antigua”.

de Bermuda-eilanden

„The Registrar of the Supreme Court, Bermuda”.

Brits-Honduras

„The Supreme Court Registry, British Honduras”.

de Britse Maagden-
eilanden

„The Administrator, British Virgin Islands”.

de Britse Salomons-
eilanden
(protectoraat)

„The Registrar of the High Court, Honiara, British Solomon Islands Protectorate”.

de Cayman-eilanden

„Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, London, S.W.1.”.

de Centrale en Zuidelijke
Linie-eilanden

„The Registrar of the High Court, Honiara, British Solomon Islands Protectorate”.

de Falkland-eilanden
en onderhorigheden

„The Registrar of the Supreme Court, Stanley, Falkland Islands”.

de Fidji-eilanden

„The Registrar of the Supreme Court, Fiji”.

Gibraltar

„The Deputy Governor, Gibraltar”.

de Gilbert en Ellice-
eilanden
(kolonie)

„The Registrar of the High Court, Tarawa, Gilbert and Ellice Islands Colony”.

Guernsey	„The Bailiff, Bailiff's Office, Royal Court House, Guernsey, Channel Islands”.
Jersey	„The Attorney General, Jersey, Channel Islands”.
het eiland Man	„The first Deemster and Clerk of the Rolls, Rolls Office, Douglas, Isle of Man”.
Montserrat	„The Registrar of the High Court, Montserrat”.
het eiland Pitcairn	„The Governor and Commander-in-Chief, Pitcairn”.
St. Helena en onderhorigheden	„The Supreme Court, St. Helena”.
St. Lucia	„The Registrar of the High Court of Justice, St. Lucia”.
St. Vincent	„The Registrar of the Supreme Court, St. Vincent”.
de Seychellen	„The Supreme Court, Seychelles”.
de Turks- en Caicos-eilanden	„The Administrator, Turks and Caicos Islands”.

- “(a) In accordance with Article 18 of the Convention the authority shown against the name of each territory mentioned above (hereinafter severally called “the designated authority”) is designated as the authority in that territory competent to receive requests for service in accordance with Article 2 of the Convention.
- (b) The authority in each territory competent under Article 6 of the Convention to complete the Certificate of Service is the designated authority.
- (c) In accordance with the provisions of Article 9 of the Convention, the designated authority shall receive process sent through consular channels.
- (d) With reference to the provisions of paragraphs (b) and (c) of Article 10 of the Convention, documents sent for service through official channels will be accepted in a territory listed above by the designated authority and only from judicial, consular or diplomatic officers of other Contracting States.
- (e) The Acceptance by the United Kingdom of the provisions of the second paragraph of Article 15 of the Convention shall equally apply to the territories named above.

The authorities designated in the list will require all documents forwarded to them for service under the provisions of the Convention to be in duplicate and, pursuant to the third paragraph of Article 5 of the Convention, will require the documents to be written in, or translated into, the English language.”.

Ingevolge artikel 29, derde lid, is het Verdrag voor de hierboven genoemde gebieden op 19 juli 1970 in werking getreden.

Hong Kong 20 mei 1970

- “(a) In accordance with Article 18 of the Convention the Colonial Secretary of Hong Kong is designated as the Authority competent to receive requests for service in accordance with Article 2 of the Convention.
- (b) The authority competent under Article 6 of the Convention to complete the Certificate of Service is the Registrar of the Supreme Court of Hong Kong.
- (c) In accordance with the provisions of Article 9 of the Convention the Registrar of the Supreme Court of Hong Kong is designated as the receiver of process sent through consular channels.
- (d) With reference to the provisions of paragraphs (b) and (c) of Article 10 of the Convention, documents sent for service through official channels will be accepted in Hong Kong only by the central or additional authority and only from judicial, consular or diplomatic officers of other Contracting States.
- (e) The acceptance by the United Kingdom of the provisions of the second paragraph of Article 15 of the Convention shall equally apply to Hong Kong.

The authorities designated above will require all documents forwarded to them for service under the provisions of the Convention to be in duplicate and, pursuant to the third paragraph of Article 5 of the Convention, will require the documents to be written in, or translated into, the English language.”

Ingevolge artikel 29, derde lid, is het Verdrag voor Hong Kong op 19 juli 1970 in werking getreden.

J. GEGEVENS

Zie *Trb.* 1966, 91, *Trb.* 1967, 36, *Trb.* 1968, 63 en *Trb.* 1969, 55 en 210.

Voor het op 1 maart 1954 te 's-Gravenhage tot stand gekomen Verdrag betreffende de burgerlijke rechtsvordering zie ook *Trb.* 1971, 58.

Uitgegeven de veertiende april 1971.

De Minister van Buitenlandse Zaken,

J. LUNS.