

Herrn Dr. Christophe Bernasconi LL.M
First Secretary
Hague Conference on
Private International Law
Permanent Bureau
Scheveningsweg 6
2517 KT Den Haag
NIEDERLANDE

Subject: Special Commission of the Hague Conference on Private International Law
relating to the operation of the Hague Conventions on the Service of Documents,
Taking of Evidence and Apostilles from 27 October to 4 November 2003
here: Questionnaires

Dear Dr. Bernasconi,

Thank you very much for sending me the provisional version of the Practical Handbook on the Operation of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and the questionnaire accompanying the Hague Conventions on the areas of service of process, taking of evidence and document administration.

Germany welcomes the new version of the Handbook, as well as the convening of a Special Commission for the discussion of practical questions. To this end, I submit the following in response to the questionnaires which were sent to us:

Hague Convention on the Service of Documents

Questions 1 and 2 do not apply to Germany since they are directed only to non-Party States.

Question 3 – Central Authority

Concerning question 3.1:

In Germany, Central Authorities functions are performed by the *Länder*. An updated list of the addresses, telephone numbers, fax numbers and where available email addresses of the Central Authorities can be found in [Annex 1](#).

Concerning question 3.2:

Communication with the Central Authorities takes place in German.

Concerning 3.3:

For internal purposes, data provided by the *Länder* on the extent of the mutual legal assistance are compiled annually in an overview. Since it is not possible to conduct a precise statistical analysis without investing more than a reasonable degree of effort, the overview only contains a rough outline. I have attached the current overview as [Annex 2](#).

4. Case-law and reference works

Concerning 4.1:

We have nothing to add to the overview in the provisional version of the Handbook regarding significant German court rulings relating to the Hague Convention on the Service of Documents.

Concerning 4.2:

The results of a search on the Internet database "Juris" and in the online catalogue of the "Deutsche Bibliothek" in Frankfurt am Main yielded the literature listed in [Annex 3](#), which has been published since 1992 in connection with the Hague Convention on the Service of Documents and has not yet been mentioned in the preliminary version of the Handbook. Essays on the EU Service Regulation No. 1348/2000 have not been included therein. A list of this kind can, however, be sent specially upon request.

5. Handbook

Concerning 5.1:

The Hague Conference on Private International Law is considering placing additional information for each State party on its website. This could, however, involve a heightened degree of labour for each State party in keeping information current. From our point of view, it would seem prudent to make such information more easily accessible via the Internet, which up to now could only be found separately in different places of the Handbook. In doing so, care should be taken to only include information which is not likely to be subject to any

sudden changes, in order to keep the necessity of updating Member States' information at a minimum. In so far as information is sought concerning the national laws of the Member States of the European Union on the service of process, with the exception of Denmark, reference could be made to the Internet site of the European Judicial Network in civil and commercial matters (http://europa.eu.int/comm/justice_home/ejn/index_en.htm, under the topic "Service of documents").

Concerning 5.2:

We have no further suggestions pertaining to the organisation and structure of the Handbook's provisional version.

Concerning 5.3:

We do not see the necessity to add anything on substantive issues to the Handbook. However, the results of the questionnaire which was sent to the Member States should be included.

Concerning 5.4:

Updating of the Handbook up to now appears to be satisfactory. As regards case-law and reference works, updating of this kind can also be performed on the existing Internet site of the Hague Conference on Private International Law. Due to language barriers, the English or French versions of the Handbook itself are used comparatively seldom in German judicial practice. However, it is used by the higher courts in legal disputes concerning matters of interpretation. Nevertheless, comparatively seldom use is not a drawback since updates on legal practice are carried out another way, i.e. through the annually updated Regulation on Judicial Assistance in Civil Matters (*Rechtshilfeordnung für Zivilsachen* - ZRHO), an administrative regulation.

Concerning 5.5:

It is planned to make useful information on judicial co-operation in civil matters available at the beginning of 2004 to the German judicial and legal practice under the following address: www.rechtshilfe-international.de. Additional reference is made to the website of the European Judicial Network in civil and commercial matters (cf. 5.1), which is managed by the European Commission.

6. Scope of the Convention (Article 1)

Concerning 6.1:

We have no information which would indicate that any changes in the interpretation of the Convention's scope have taken place since 1992.

Concerning 6.2:

We have nothing further to add to the German court rulings listed in the provisional version of the Handbook concerning the interpretation of the phrase "in civil or commercial matters". However, the term "commercial matter" is used in other legal acts, particularly European legal acts. This raises the question as to what extent this term can be comparatively interpreted in the Hague Convention on the Service of Documents and to what extent there are differences. Of particular significance is the case-law of the European Court of Human Rights on Article 1 of the European Convention on Jurisdiction and Enforcement and Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters dated 22 December 2000.

Concerning 6.3:

It has been observed that the courts in not all Contracting States view the application of the Hague Convention on the Service of Documents as binding for the service of process in foreign countries.

What is not mentioned are cases involving so-called fictitious domestic service, where, although the addressee is in fact present in a foreign country, the service itself was already performed domestically and the addressee is then only notified informally of the domestic service.

German law does also provide for situations of this kind under section 184 of the German Code of Civil Procedure (service by mail), although not specifically for the writ of summons, but rather for the final judgment.

This refers instead to cases in which service abroad is effected, factually at least, also under the law of the country where the court has venue, but not on the basis of the Hague Convention on the Service of Documents. Particularly in relations with the United States of America, for instance, defendant industries have reported that only a portion of services abroad are performed on the basis of the Hague Convention on the Service of Documents and that consequently, in practice, the priority accorded to the Convention under Rule 4 f) of the Federal Rules of Civil Procedure is not always observed. Instead, service is performed – partly in addition to service in accordance with the Convention and simultaneously with it – on subsidiaries located in the USA and the effects of service are extended to the defendant foreign parent company. In addition, Rule 4 d) of the Federal Rules of Civil Procedure

endorses the waiving of service that is performed on the basis of international treaties, whereas it ensures the defendant a longer period of time in which to file statements, but at the same time possibly (in domestic service) charges the defendant for all costs connected with the service. Ultimately, cases of service by mail to Germany frequently occur, although Germany objected to this form of service on the basis of the Hague Convention on the Service of Documents.

A further problem exists in the practical incapacity to effect service on U.S. soldiers who are stationed in a third State. Service under the Convention is repeatedly refused by U.S. authorities whilst making reference to the necessity of performing service via the third State in which the respective soldier is stationed. However, the third State then refuses service, since the U.S. soldiers stationed there do not fall under their jurisdiction. As a result, service cannot be effected.

Concerning 6.4:

We have nothing to add to the information in the Handbook on the exclusive character of the Convention.

Concerning 6.5:

The term "writ of summons" does not give rise to any particular difficulties in German law.

7. Forwarding authority

Concerning 7.1:

Those competent to forward a request for service under Article 3 of the Convention are the courts. In Germany, private persons are not competent in respect of the Central Authority.

Concerning 7.2:

There are no longer any recurring problems in determining whether a foreign authority is competent to forward requests for service.

Doubt as to competency can arise at any rate, if requests for service are submitted by foreign attorneys or administrative authorities (e.g. from Norway). In order to avoid having to make checks, it would seem sensible in such cases for attorneys or administrative authorities to simultaneously certify at the time of forwarding their request for service that they are authorised to do so under their national law. Such assurances, which are in keeping with

common practice, are especially recommended for the USA, since not all U.S. states authorise attorneys to submit requests for service.

If as an exception a need of further investigation should exist, direct contact between the Central Authorities would seem the most sensible route. However, this should remain limited to special circumstances. Should the Central Authorities also find it necessary beyond this to exchange further information, this would appear plausible.

8. Methods for service used by the Central Authority

Concerning 8.1:

The competent Central Authority forwards the request for service to the competent Local Court for execution whose jurisdiction is in the addressee's place of residence or location. The Central Authority in Baden-Württemberg (Freiburg Local Court) disregards forwarding to the competent local court if all the conditions for service are met under Article 5 para. 1 a) of the Convention. In such cases, it carries out service itself by having the documents served via registered return receipt in accordance with German civil procedural law.

Under German law, the local court can exact both a simple (informal), as well as a formal service in person. This depends primarily upon the request. However, if simple service has been requested and a translation has also been enclosed, formal service in person – as an upgrade on a simple service, which is of benefit to the person filing the request – may also be performed.

In simple service, under Article 5(2) of the Convention the addressee may refuse to accept the documents without being required to provide any reasons for doing so. Acceptance is voluntary, a fact which must be explained to the addressee.

Formal service under Article 5(1) of the Convention, on the other hand, is only permissible in Germany if the document to be served and any attachments thereto have been prepared in German or have otherwise been translated into German. In such case, documents may also be served against the addressee's will (supplementary service). This particular form of service is frequently requested.

The courts generally perform service in accordance with Article 5(1)(a) of the Convention via the postal service, service in accordance with Article 5(2) of the Convention is performed by court officials or bailiffs.

Services by special request seldom occur. It is in fact the case that requests of this kind are submitted from the United States of America. However, in such cases, when closer enquiry is made, it happens that what is meant by a "special request" is a formal service, which is already provided for under German law within the meaning of Article 5(1), i.e. that service should be performed specifically against the addressee's will.

Concerning 8.2:

Under German law, service requested within the meaning of Article 5(1) of the Convention requires that all documents to be served must be prepared in German or that a translation in German be attached thereto.

Documents prepared in a foreign language without German translations can be served in accordance with Article 5(2) of the Convention (in cases of voluntary willingness on the part of the addressee to accept the foreign documents).

A translation of the summary of the request to be attached (information on the basic content of the documents to be served) is not required; to this extent, however, the language provision pursuant to Article 7 of the Convention is to be complied with.

Germany has concluded no treaties with foreign States which deviate from the translation requirement within the meaning of Article 20(b) of the Convention in the Convention's scope of application.

Concerning 8.3:

The propriety, efficiency and swiftness of service is assured at all levels in Germany. Questions of general importance are discussed regularly by the Federal and Land employees in charge of matters relating to mutual legal assistance and are relayed to the judiciary. Assessment offices specialising in the legal system relating to mutual legal assistance have been established with the presidents of the regional and local courts, where expert personnel handle issues pertaining to mutual assistance. The Regulation on Judicial Assistance in Criminal Matters (*Rechtshilfeordnung für Zivilsachen* - ZRHO), a regulation which applies uniformly at both the Federal and Land levels, gives the judiciary and legal field detailed instructions on conducting mutual legal assistance. In Germany, the processing of foreign requests can be estimated to be completed within three months on average, including shipping time.

Concerning 8.4:

Fees for service are not regularly charged by German offices. Should costs incur, e.g. for the use of a return receipt, due to the administrative expenses involved, the minimal costs incurred thereby are usually not collected on.

In this context, Germany has been observing with concern the development that some States are now requiring fees for service of documents, contrary to the fundamental provision of Article 12(1) of the Convention. In our view, the office administering the performance of service should always have the option of choosing a form of service via a public authority that is free of charge (even if it means that it would be less swift), at least if they – as in Germany – offer gratis service of process even to foreign authorities. A monopolisation on service of process for a fee does not appear to be in the best interest of the accessibility of rights, particularly for law suits that have a low value in dispute. In addition to this, cost burdens are currently being established for disadvantaged parties.

9. Translation requirement

Concerning 9.1:

The declaration by a State that a formal service pursuant to Article 5(1) of the Convention is only admissible if the document to be served is drafted in or translated into its official language, is not inconsistent with the spirit of Article 5(3) of the Convention. The protection of the addressee requires that no document can be obligatorily served on him in a language he cannot understand. Otherwise for his legal defence, he would have to have translations rendered at his own expense. The foreign court would possibly carry on with proceedings, even if the addressee did not understand the document which was to be served on him. Another method would undermine the constitutional and human rights-related right to a fair trial in our view. Therefore, a German Central Authority would also then regularly require a translation, if Germany had not submitted such a declaration. The declaration therefore serves in the interest of legal protection for the foreign office and of acceleration, since translations are not requested unexpectedly. Otherwise, the rights of those carrying out the service are adequately safeguarded by the fact that they can first request a simple (informal) service in order to avoid translation costs. Simple services of this kind are performed frequently in Germany. This does not burden mutual legal assistance relations.

Concerning 9.2:

Germany does not consider it advisable to adopt a Recommendation, according to which the Central Authority can dispense with a translation if it has reason to believe that the addressee can understand the language of the requesting State. For one, in view of the option of simple (informal) service (without a translation), there is no need for a provision of this kind. Secondly, the Central Authority does not usually possess information by which it could assess the language proficiency of the addressee. Thirdly, this would cause a hindrance to court proceedings due to the uncertainty as to the effectiveness of the service, since the foreign court also cannot assess the language proficiency of the addressee any better in the event of the addressee's refusal to accept service. Finally, the provision of Article 8 of EU Service Regulation No. 1348/2000 cannot serve as a model either. First of all, this EU Regulation does not differentiate between formal and informal service. And secondly, the Member States have partly supplemented it in declarations and according to domestic law with formal written instructions and time-limits on refusal of service. This requires a particularly high integration of national legal regulations, which is neither present in the global context of the Hague Convention on the Service of Documents, nor is it necessary. Finally, the efficiency of Article 8 of the EU Service Regulation must first be assessed at the European level.

Concerning 9.3:

Our recommendation would be not to make translation requirements more lenient.

Concerning 9.4:

The translation requirement should not only refer to the document to be served itself, but also to its attachments. They are an essential component of the document and must be able to be understood by the addressee just as much as the document itself. However, the Central Authority itself cannot always assess the extent and accuracy of translations. Therefore, it is up to the addressee to submit a complaint to the foreign court of any incomplete or poor translations.

In so far as it is being considered to deviate from Article 7 of the Convention in future by requiring the inclusion of a translation of the summary on the request for service (information on the essential content of the document), and to do so contrary to the current provision of Article 7 of the Convention, whilst alternatively, however, omitting translations of the documents to be served, this does not seem prudent. For our reasons, reference is made to the explanations provided under 9.1.

The forms themselves (pre-printed portion) are subject to the provisions of Article 7 of the Convention.

Concerning 9.5:

Translations are not subject to any formalities such as legalisation or an *apostille*.

10. Timing

Concerning 10.1:

Within Germany, requests for service pursuant to the Hague Convention on the Service of Documents are usually processed within three months including shipping time.

Concerning 10.2:

There are considerable differences among the Member States in respect of processing time. Processing time from between 8 to 12 months are not uncommon in comparison with non-European foreign countries, including the United States of America. In comparison with Russia, processing periods of over 12 months have since occurred, which may possibly be attributable to the absence of a Central Authority.

Concerning 10.3:

Lengthy processing periods are in most cases not due to the Convention, but are attributable to structural problems in the receiving State. These problems could certainly be improved through an assessment of the work processes, then if necessary by improving personnel, financial and equipment provisions of the Central Authorities who are competent for receipt of process, as well as the those of the requesting agencies, and the reduction of steps in-between and a better and continued training of those agencies concerned in the receiving State. In isolated cases, an enquiry as to the status of the request has led to an acceleration of processing time. Compared to previous years, the trend is now toward acceleration of processing time.

11. Alternative transmission channels

Concerning 11.1:

Service of documents via German consular channels abroad acting with their own competency under Article 8 of the Convention is still used to a notable degree compared to other non-European States. On the whole, however, this channel is considered to be secondary, although still indispensable.

The diplomatic channel under Article 9 of the Convention is used regularly for service of documents on foreign States and foreign diplomats. This channel should continue to be used for service of documents on Germany.

Concerning 11.2:

Germany acts on the principle of service via officials and has objected to the use of postal channels under Article 10 a) of the Convention. Germany also objects to direct service under Article 10 b) of the Convention. German lawyers/solicitors are not authorised to effect service in Germany from abroad.

Concerning 11.4:

Finally, Germany also objects to direct service under Article 10 c) of the Convention.

12. Judicial and extrajudicial documents

Concerning 12.1:

German law makes a distinction between judicial and extrajudicial documents. Extrajudicial documents are, in particular, enforceable notary certification, notary charges invoices and declarations of intent (cf. section 132 of the German Civil Code - *Bürgerliches Gesetzbuch*), such as notices to quit. Extrajudicial documents are also served pursuant to the Convention.

Concerning 12.2:

We have no statistical data on the quantity of extrajudicial documents that make up the entire volume of services. However, this portion of the services would probably comprise less than five percent of the total volume.

13. Date of service

Concerning 13.1:

Germany uses the system of a uniform date of service. Decisive in this is not the transmission of the document to the Central Authority or to a court, but rather the date of the service itself, or otherwise the direct knowledge thereof on the part of the addressee. Compared to those States which use the date of the transmission of the document to an authority as the date of service, problems have arisen in certain cases where the date of the actual service on the addressee with reference to domestic law was not additionally specified on the documents.

After all, the Convention itself also requires that the documents, including the request section on the essential content of the documents, are to be delivered to the addressee (cf. Article 5 (4) of the Convention), and that this delivery is to be documented in the certificate of due performance of service ("The documents referred to in the request have been delivered to:...").

Concerning 13.2:

Germany welcomes the option to always have the possibility of being additionally informed of the date of actual service on the addressee, even if the law of the State performing service bases such service on another (previous) date of service.

14. Exequatur

Concerning 14.1:

In Germany, the acceptance and enforcement declaration of foreign judgments is based, in particular, on European Community law (Council Regulation (EC) Nos. 1347/2000 and 44/2001), the Lugano Convention on Jurisdiction and Enforcement of 1988 and, in the absence of Community or State treaty norms, on German autonomy law, cf. sections 328, 722 et. seq. of the Code of Civil Procedure. In transnational default-judgments, for whichever channel is used, this generally hinges on the proper and punctual service of the writ of summons, either from or into a foreign country. Otherwise the enforcement thereof can be refused due to a breach of the specific conditions of public policy. In comparison to the Contracting States to the Hague Convention on the Service of Documents, which are not simultaneously Member States of the European Union, this international treaty can play a role in the assessment of propriety and punctuality. Nonetheless, only flagrant violations of the Hague Convention on the Service of Documents constitute a breach of a public policy condition.

Since Germany has objected to the use of service channels pursuant to Article 10 of the Council Regulation of the Convention, the situation described in the questionnaire for service from and to Germany could not occur in our view.

15. Exclusion of application of the Convention between the parties

Concerning 15.1:

We have no knowledge of any rulings by a German court, according to which the parties have contractually excluded the application of the Convention between themselves. Also, the possibility to do so does not exist under German law.

16. Fax and electronic mail

Concerning 16.1.a):

Requests for service and the documents to be served may not ordinarily be accepted by email or fax, because the legitimacy of the sender, the authenticity of the signature and seal, and the completeness and correctness of the documents transferred cannot reliably be determined. It can often be expected that the quality of the copies of the documents in fax transmissions will be poor and that this only constitutes the submission of the request.

Concerning 16.1.b):

Requests for service abroad are, as a rule, not sent via fax or email by German authorities.

Concerning 16.2.a):

Requests for service from abroad are, as a rule, not sent electronically or via fax directly to the addressee. However, pls. refer additionally to the response to 16.4.

Concerning 16.2.b):

Germany has objected to the service of documents via postal channels under Article 10.

Concerning 16.2.c)

Pursuant to Article 5(1)(a), service is performed by the Central Authority of the requesting State in accordance with their domestic law.

Should such law allow for the transfer of documents between the Central Authority and the addressee via email or fax, then services of this nature in the requesting State are not objected to, as long as a proper certificate of due performance of service is issued.

Concerning 16.3.a):

German courts do not ordinarily send documents via fax or email.

The forwarding of requests for service to a foreign country via email is hindered by the fact alone that German and foreign Central Authorities do not usually have the digital signature that is required under European law, which is intended to ensure the authenticity of the document.

In addition, in the electronic transmission of requests for service or certificates of due performance of service via email, on the one hand the document must be signed by the competent individual with the use of an electronic signature that qualifies as such under German signature law, and on the other hand it must be possible for certification agencies to determine and confirm whether the so-called public code is traceable to a particular person (public authority). So that this functions between clients (here the Central Authorities) of differing certification agencies, co-ordination and technical measures are necessary. If the signatures are not compatible with one another, the addressee receives a signed message, whereby the identity of the sender cannot be definitively proven. Neither is the infrastructure of the German courts equipped to make use of this modern method of communication in terms of volume, nor are there any regulations on the global or European-wide use of signature procedures. Moreover, such cases would require the laborious scanning of the accompanying documents (e.g. letters by lawyers).

If the foreign agency requests to have the certificate of due performance – usually comprising one page – sent to them via fax, not by mail, this is basically permissible and feasible. However, in practice, foreign agencies especially do not waive additionally having the originals sent to them. Instead, deliveries via fax or email are only requested in addition to sending the originals – in part to participants in proceedings.

Therefore, it is not part of the duties of the Central Authority of the competent authority of the State being requested to perform work which should be the responsibility of the requesting State.

Furthermore, often an additional copy of the document to be served is sent back in the set of processed documents along with the certificate of due performance of service, so that it can better be determined which document was served. Since the document to be served is often quite voluminous, up to now it has not been particularly feasible to fax this document along with the certificate of due performance of service, or to scan it for use as an email attachment.

Concerning 16.3.b):

German agencies do not accept processed documents via email, since the authenticity of the document and the identity of the addressee can only be determined with difficulty.

Processed documents are also ordinarily not received by fax. Upon co-ordinating with the respective Central Authority, it is, however, conceivable in certain cases to at least send sets of documents to be processed via fax ahead of time, in order to speed up processing. However, the quality of the documents – which is often lacking – must be considered.

Concerning 16.4:

Requests for service which are received from a foreign country are processed as a rule under German law concerning service of process pursuant to Article 5(1)(a) of the Convention. In this respect, the following can be said:

Service of documents via fax or email is permissible if such service may be performed on the conditions of confirmation of receipt, i.e. to attorneys, notaries of public, officers of the court, tax consultants or other such individuals, who as a result of their occupation can be presumed to be reliable addressees, such as public authorities, corporations and institutions under public law.

Service may also be performed on other parties to proceedings via email, if they have given their express consent to the delivery of electronic documents.

For the confirmation of the service, the dated and signed confirmation of receipt by the addressee suffices, which is to be sent back to the court. Confirmation of receipt may be sent back in writing, or via fax or email.

Concerning 16.5:

The transmission via fax should be delivered with the indication “service by confirmation of receipt” and provide the name of the sending agency, name and address of the service addressee and the name of the judicial officers who had the document served. A delivery of this kind is often seen in practice as too complicated.

For the delivery via email, the document must include an electronic signature. German signature law provides for different kinds of signatures; the choice in individual cases is left up to the officer entrusted with the service and is based on whether the signature is only supposed to evidence the authenticity of the sender (this suffices e.g. for summonses to appear) or whether it is also supposed to ensure that the content of the declaration was not unknowingly changed during the transfer process (e.g. written observations). In order to ensure the confidentiality of the transfer and the protection of the data contained therein, the

electronic document must also be secured in an appropriate manner against unauthorised knowledge by third parties.

The following applies to confirmation of receipt: For a transfer via fax, instead of the addressee's signature, a copy thereof suffices. If the confirmation of receipt is sent as an electronic document, it must include an electronic signature (qualified form).

Concerning 16.6:

An agreement between the parties does not in itself lead to the validity of service via email: It depends upon whether the court has been provided with the parties' express consent to the delivery of electronic documents. If the parties are being represented by legal counsel, such legal counsel can be served on condition of confirmation of receipt and thus via email, without the necessity of a special agreement.

17. Model forms

Concerning 17.1:

No revision of the model forms is necessary in our view.

On the form to be used for the submission of a request of service, the manner of service is to be indicated by striking out the undesired manners of service. In our experience, however, it is often the case that none of the variations of service listed are stricken out on requests for service. This is ultimately not a problem, since, if there is any doubt, the manner of service which requires the willingness on the part of the addressee to accept service is considered to be requested (Article 5(2) of the Convention).

Furthermore, the column on the request form entitled "List of documents" is occasionally misinterpreted. To this extent, it would be helpful if there was a general knowledge of the fact that only those documents are to be listed there which are to be served (e.g.: "List of documents to be served to the recipient").

Concerning 17.2:

In our view it is not necessary to include information on the form regarding the amount due, the place and period for payment, the manner in which a defence may be brought and information for the defendant on the consequences of failure to enter a defence. These issues differ according to national law. They are also matters which are unrelated to the service itself and concern the court proceeding in general. Information of this kind can be

attached to the document to be served. The recipient will more than likely read this more carefully than the form itself, which is mainly of interest to the Central Authority. Ultimately, information of this kind would better be included in a transnational order for payment procedure than in service of process procedures.

Concerning 17.3:

An amendment of the request form is not necessary to the extent that the individual forwarding the request should ensure their competency to do so. If private parties are authorised to perform the transmission of documents, e.g. U.S. attorneys, this is ordinarily already ascertainable from the information provided on the form (assurances).

Concerning 17.4:

Any amendment to the forms without an amendment of the Convention is objected to. The introduction of new forms solely by way of a Recommendation of the Special Commission would lack legal assurance and legal authority. In such case it would be feared that foreign agencies would either no longer accept such forms, or, conversely, that they would legally require their use. This would lead to difficulties and delays in mutual legal assistance.

Concerning 17.5:

An electronic version of the forms would be useful.

18. Reservations and reciprocity

Concerning 18.1.

Germany has objected to the manners of service delineated under Article 10.

Concerning 18.2:

Transmission through German consular channels abroad acting with their own competency is performed according to the principle of reciprocity.

19. Bilateral and multilateral agreements.

Concerning 19.1:

A list of bilateral and multilateral agreements, which Germany has concluded with respect to international service can be found in [Annex 4](#).

Concerning 19.2:

The question does not apply to Germany.

Concerning 19.3:

The EU Service Regulation No. 1348/2000 prevails over Article 20(1) of the Convention in its scope of application. This has not given rise to any particular problems. In so far as, in certain cases, requests are received by Germany from EU Member States other than Denmark, these are generally sent back uncompleted with the indication of the possibility of submission of a new request pursuant to the EU Service Regulation.

Concerning 19.4:

This question does not apply.

Yours sincerely,

For the Federal Ministry of Justice,

Dr. Jastrow

Anlage 1**DEUTSCHLAND****Verzeichnis der Zentralen Behörden nebst den zur Verfügung stehenden Kommunikationsmitteln**

Folgende Möglichkeiten der Kommunikation stehen zur Verfügung:

Für Empfang und Versendung: Post und private Zustelldienste, Telefax.

Für formlose Mitteilungen: Telefon und E-Mail.

BADEN-WÜRTTEMBERG Tel.: (49-761) 205-0 Fax: (49-761) 205-18 04 E-Mail: Poststelle@AGFreiburg.iustiz.bwl.de	Präsident des Amtsgerichts Freiburg Holzmarkt 2 D-79098 Freiburg im Breisgau
BAYERN Tel.: (49-89) 55 97-02 Fax: (49-89) 55 97-35 75 E-Mail: poststelle@olg-m.bayern.de	Präsidentin des Oberlandesgerichts München Prielmayerstraße 5 D-80335 München
BERLIN Tel.: (49-30) 90 13-0 Fax: (49 30) 90 13-20 00 E-Mail: poststelle@senjust.verwalt-berlin.de	Senatsverwaltung für Justiz Salzburger Straße 21-25 D-10825 Berlin
BRANDENBURG Tel.: (49-331) 866-0 Fax: (49-331) 866-30 80/30 81 E-Mail: Poststelle@mdje.brandenburg.de	Ministerium der Justiz und für Europaangelegenheiten des Landes Brandenburg Heinrich-Mann-Allee 107 D-14473 Potsdam
BREMEN Tel.: (49-421) 361 42 04 Fax: (49-421) 361 67 13 E-Mail: office@landgericht.bremen.de	Der Präsident des Landgerichts Domsheide 16 D-28195 Bremen
HAMBURG Tel.: (49-40) 428 43-0 Fax: (49-40) 428 43-23 83 E-Mail: poststelle@ag.iustiz.hamburg.de	Präsident des Amtsgerichts Hamburg Sievekingplatz 1 D-20355 Hamburg
HESSEN Tel.: (49-611) 32-0 Fax: (49-611) 32-27 63 E-Mail: poststelle@hmdj.hessen.de	Hessisches Ministerium der Justiz Luisenstraße 13 D-65185 Wiesbaden
MECKLENBURG-VORPOMMERN Tel.: (49-385) 588-0 Fax: (49-385) 588-34 53 E-Mail: poststelle@jm.mv-reglerung.de	Justizministerium Mecklenburg-Vorpommern Demmlerplatz 14 D-19053 Schwerin
NIEDERSACHSEN	Niedersächsisches

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<p>Tel.: (49-511) 120-0 Fax: (49-511) 120-51 70/51 85 E-Mail: poststelle@mj.niedersachsen.de</p>	<p>Justizministerium Waterlooplatz 1 D-30169 Hannover</p>
<p>NORDRHEIN-WESTFALEN</p> <p>Tel.: (49-211) 49 71-0 Fax: (49-211) 49 71-548 E-Mail: poststelle@olg-duesseldorf.nrw.de</p>	<p>Präsidentin des Oberlandesgerichts Düsseldorf Cecilienallee 3 D-40474 Düsseldorf</p>
<p>RHEINLAND-PFALZ</p> <p>Tel.: (49-6131) 16-0 Fax: (49-6131) 16-48 87 E-Mail: poststelle@min.im.rlp.de</p>	<p>Ministerium der Justiz des Landes Rheinland-Pfalz Ernst-Ludwig-Straße 3 55116 Mainz</p>
<p>SAARLAND</p> <p>Tel.: (49-681) 501-00 Fax: (49-681) 501-58 55 E-Mail: poststelle@justiz.saarland.de</p>	<p>Ministerium der Justiz Zähringerstraße 12 D-66119 Saarbrücken</p>
<p>SACHSEN</p> <p>Tel.: (49-351) 446-0 Fax: (49-351) 446-12 99</p>	<p>Präsident des Oberlandesgerichts Dresden Schloßplatz 1 D-01067 Dresden</p>
<p>SACHSEN-ANHALT</p> <p>Tel.: (49-391) 567-01 Fax: (49-391) 567-61 80 E-Mail: poststelle@mj.lsa-net.de</p>	<p>Ministerium der Justiz Hegelstraße 40-42 D-39104 Magdeburg</p>
<p>SCHLESWIG-HOLSTEIN</p> <p>Tel.: (49-431) 988-0 Fax: (49-431) 988-38 70 E-Mail: poststelle@jumi.landsh.de</p>	<p>Ministerium für Justiz, Frauen, Jugend und Familie Lorentzendamm 35 D-24103 Kiel</p>
<p>THÜRINGEN</p> <p>Tel.: (49-361) 37 95-000 Fax: (49-361) 37 95-888 E-Mail: poststelle@tim.thueringen.de</p>	<p>Thüringer Justizministerium Werner-Seelenbinder-Straße 5 D-99098 Erfurt</p>

Anlage
Bericht vom 15. Juli 2003

Jahresübersicht 2002
über ausgehende und eingehende Ersuchen im Rechtsistellerverkehr
in Zivilsachen mit dem Ausland

1

Andrey A.

BMJ
Referat I A 4
I A 4 - 9341 III - 1 - 13.2.162/003

Staat	ausgehende Ersuchen					eingehende Ersuchen				
	Zustellungs- anträge	Rechtsstif- fersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtsstif- fersuchen	Sonstige Ersuchen	Insgesamt	Prozentual
Ägypten	36	5	0	42	0,12 %	47	0	0	47	0,093 %
Äquatorialguinea	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Äthiopien	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Afghanistan	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Albanien	18	0	0	18	0,052 %	0	0	0	0	0,0 %
Algerien	24	1	0	25	0,072 %	10	2	0	12	0,024 %
Andorra	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Angola	3	0	0	3	0,009 %	0	0	0	0	0,0 %
Antigua u. Barbuda	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Argentinien	12	5	0	17	0,049 %	15	12	6	33	0,065 %
Armenien	3	1	0	4	0,011 %	0	0	0	0	0,0 %
Aserbaidschan	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Australien	91	0	0	91	0,26 %	8	1	0	9	0,018 %
Bahamas	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Bahrain	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Bangladesch	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Barbados	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Belarus*)	17	3	0	20	0,057 %	13	1	0	14	0,028 %
Belgien	1.678	36	2	1.716	4,912 %	1.497	18	14	1.529	3,023 %
Belize	6	0	0	6	0,017 %	0	0	0	0	0,0 %
Benin	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Bhutan	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Bolivien	3	0	0	3	0,009 %	1	0	0	1	0,002 %
Bosnien-Herzegowina	74	5	2	81	0,232 %	11	0	0	11	0,022 %
Botswana	3	0	0	3	0,009 %	0	0	0	0	0,0 %
Brasilien	47	11	0	58	0,166 %	23	21	1	45	0,089 %
Brunel Darussalam	0	0	0	0	0,0 %	1	0	0	1	0,002 %
Bulgarien	52	7	0	59	0,169 %	48	4	3	55	0,109 %
BR Jugoslawien	89	6	4	99	0,283 %	15	6	5	26	0,051 %

Jahresbericht 2002
Oberausgehende und eingehende Ersuchen im Rechtsfahrverkehr
in Zivilsachen mit dem Ausland

Staat	ausgehende Ersuchen						eingehende Ersuchen					
	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual		
Burkina Faso	2	0	0	2	0,006 %	0	0	0	0	0,0 %		
Burundi	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Chile	16	4	0	20	0,057 %	6	1	1	8	0,016 %		
China (Hongkong)	16	2	0	18	0,052 %	2	0	0	3	0,008 %		
China (Macau)	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
China (Taiwan)	12	2	0	14	0,04 %	0	0	0	0	0,0 %		
China (VR)	57	5	0	62	0,177 %	15	5	0	20	0,04 %		
Costa Rica	9	0	0	9	0,026 %	2	0	0	2	0,004 %		
Côte d'Ivoire	5	0	0	5	0,014 %	1	0	0	1	0,002 %		
Dänemark	567	12	2	581	1,663 %	349	9	2	360	0,712 %		
Dominica	0	0	0	0	0,0 %	1	0	0	1	0,002 %		
Dominikanische Republik	23	5	0	28	0,08 %	1	1	0	2	0,004 %		
Dschibuti	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Ecuador	5	0	2	7	0,02 %	0	0	0	0	0,0 %		
El Salvador	2	0	0	2	0,006 %	1	0	0	1	0,002 %		
Eritrea	2	1	0	3	0,009 %	0	0	0	0	0,0 %		
Estland	10	1	0	11	0,031 %	24	1	3	28	0,055 %		
Fidschi	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
Finnland	57	3	0	60	0,172 %	47	2	0	49	0,097 %		
Frankreich	2.891	51	11	2.953	8,452 %	3.836	21	23	3.880	7,67 %		
Gabun	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
Gambia	7	0	0	7	0,02 %	0	0	0	0	0,0 %		
Georgien	8	0	0	8	0,023 %	0	0	0	0	0,0 %		
Ghana	16	1	0	17	0,049 %	1	0	0	1	0,002 %		
Grenada	0	0	0	0	0,0 %	1	0	0	1	0,002 %		
Griechenland	486	26	4	516	1,477 %	1.055	18	12	1.085	2,145 %		
Guatemala	5	0	0	5	0,014 %	0	0	0	0	0,0 %		
Guinea	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
Guinea-Bissau	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Guyana	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
Haiti	0	0	0	0	0,0 %	0	0	0	0	0,0 %		

Jahresübersicht 2002
Über ausgehende und eingehende Ersuchen im Rechtshilfeverkehr
in Zivilsachen mit dem Ausland

Staat	ausgehende Ersuchen					eingehende Ersuchen				
	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual
Heiliger Stuhl	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Honduras	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Indien	39	0	0	39	0,112 %	1	0	0	1	0,002 %
Indonesien	14	0	0	14	0,04 %	0	0	0	0	0,0 %
Irak	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Iran	29	2	0	31	0,089 %	3	1	0	4	0,008 %
Irland	153	7	1	161	0,481 %	24	0	0	24	0,047 %
Island	13	0	0	13	0,037 %	1	0	0	1	0,002 %
Israel	215	8	25	248	0,71 %	4	0	0	4	0,008 %
Italien	2.055	150	19	2.224	6,366 %	971	318	8	1.287	2,564 %
Jamaika	16	5	0	21	0,06 %	4	5	0	9	0,018 %
Japan	19	4	0	23	0,066 %	9	0	0	9	0,018 %
Jemen	1	0	0	1	0,003 %	3	3	0	6	0,012 %
Jordanien	8	0	0	8	0,023 %	24	1	0	25	0,049 %
Kambodscha	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Kamerun	5	0	0	5	0,014 %	0	0	0	0	0,0 %
Kanada	160	10	1	171	0,489 %	36	1	0	37	0,073 %
Kap Verde	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Kasachstan	186	6	1	193	0,552 %	4	2	0	6	0,012 %
Katar	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Kenia	11	4	0	15	0,043 %	0	0	0	0	0,0 %
Kirgisistan	13	3	0	16	0,046 %	1	0	0	1	0,002 %
Kiribati	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Kolumbien	13	1	0	14	0,04 %	1	0	0	1	0,002 %
Komoren	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Kongo	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Kongo (Dem.Rep.)	3	0	0	3	0,009 %	1	0	0	1	0,002 %
Korea (Rep.)	14	0	0	14	0,04 %	5	1	0	6	0,012 %
Korea (Dem.VR)	3	0	0	3	0,009 %	2	0	0	2	0,004 %
Kroatien	125	16	1	144	0,412 %	91	12	10	113	0,223 %

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über ausgehende und eingehende Ersuchen im Rechtshilfeverkehr
in Zivilsachen mit dem Ausland

Staat	ausgehende Ersuchen					eingehende Ersuchen				
	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual
Kuba	38	4	4	46	0,132 %	0	0	0	0	0,0 %
Kuwait	2	0	0	2	0,006 %	17	1	0	18	0,036 %
Laos (Dem.VR)	0	1	0	1	0,003 %	0	0	0	0	0,0 %
Lesotho	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Lettland	25	1	0	26	0,074 %	22	1	0	23	0,045 %
Libanon	17	1	0	18	0,052 %	1	0	1	2	0,004 %
Liberta	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Libyen	5	0	0	5	0,014 %	2	0	0	2	0,004 %
Liechtenstein	101	3	1	105	0,301 %	101	5	0	106	0,21 %
Litauen	44	1	3	48	0,137 %	41	3	0	44	0,087 %
Luxemburg	519	2	1	522	1,494 %	563	2	32	597	1,18 %
Madagaskar	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Malawi	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Malaysia	6	2	0	8	0,023 %	0	1	0	1	0,002 %
Malediven	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Mali	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Malta	18	0	0	18	0,052 %	1	0	0	1	0,002 %
Marokko	47	8	0	55	0,157 %	41	0	0	41	0,081 %
Marshallinseln	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Mauritanien	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Mauritius	5	1	0	6	0,017 %	0	0	0	0	0,0 %
Mazedonien	50	1	0	51	0,146 %	0	0	0	0	0,0 %
Mexiko	27	1	0	28	0,08 %	2	2	0	4	0,008 %
Mikronesien	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Moldau	5	1	0	6	0,017 %	0	0	0	0	0,0 %
Monaco	11	1	0	12	0,034 %	6	0	0	6	0,012 %
Mongolien	2	0	0	2	0,006 %	0	0	0	0	0,0 %
Mosambik	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Myanmar	0	2	0	2	0,006 %	0	0	0	0	0,0 %

Staat	ausgehende Ersuchen						eingehende Ersuchen					
	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual		
Namibia	11	3	0	14	0,04 %	2	0	0	2	0,004 %		
Nauru	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Nepal	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Neuseeland	20	0	1	21	0,06 %	2	0	0	2	0,004 %		
Nicaragua	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
Niederlande	3.126	76	9	3.211	9,191 %	823	6	3	832	1,645 %		
Niger	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Nigeria	16	1	0	17	0,049 %	1	0	0	1	0,002 %		
Nördl. Marianen	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Norwegen	106	5	0	111	0,318 %	221	1	0	222	0,439 %		
Österreich	5.593	144	31	5.768	16,51 %	18.903	1.055	76	20.034	39,605 %		
Oman	1	1	0	2	0,006 %	0	0	0	0	0,0 %		
Osttimor (Dem.Rep.)	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Pakistan	49	13	2	34	0,097 %	1	0	0	1	0,002 %		
Palau	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Panama	6	0	0	6	0,017 %	2	1	0	3	0,006 %		
Papua-Neuguinea	3	0	0	3	0,009 %	0	0	0	0	0,0 %		
Paraguay	7	0	0	7	0,02 %	0	0	0	0	0,0 %		
Peru	9	1	0	10	0,029 %	0	0	0	0	0,0 %		
Philippinen	48	5	1	54	0,155 %	2	0	0	2	0,004 %		
Polen	1.424	140	5	1.569	4,491 %	6.640	505	45	7.190	14,214 %		
Portugal	218	56	4	278	0,796 %	90	149	4	243	0,48 %		
Ruanda	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Rumänien	132	9	2	143	0,409 %	789	24	2	815	1,611 %		
Russ. Föderation	422	30	5	457	1,308 %	87	21	3	111	0,219 %		
Salomonen	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Sambia	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
Sarwa	1	0	0	1	0,003 %	0	0	0	0	0,0 %		
San Marino	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
São Tomé und Príncipe	0	0	0	0	0,0 %	0	0	0	0	0,0 %		
Saudi-Arabien	12	1	0	13	0,037 %	9	1	0	10	0,02 %		

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über ausgehende und eingehende Ersuchen im Rechtshilfeverkehr
in Zivilsachen mit dem Ausland

Staat	ausgehende Ersuchen					eingehende Ersuchen				
	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual
Schweden	238	9	1	247	0,707 %	38	2	0	40	0,079 %
Schweiz	3.558	68	7	3.633	10,399 %	1.687	128	15	1.830	3,618 %
Senegal	4	0	0	4	0,011 %	1	0	0	1	0,002 %
Seychellen	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Sierra Leone	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Simbabwe	1	0	0	1	0,003 %	1	0	0	1	0,002 %
Singapur	14	2	0	16	0,046 %	5	0	0	5	0,01 %
Slowakei	55	13	1	69	0,197 %	83	36	2	121	0,239 %
Slowanien	48	7	0	55	0,157 %	24	9	1	34	0,067 %
Somalia	0	0	0	0	0,0 %	0	1	0	1	0,002 %
Spanien	2.360	134	20	2.514	7,196 %	429	173	7	609	1,204 %
Sri Lanka	18	0	0	18	0,052 %	15	1	0	16	0,032 %
St. Kitts u. Nevis **)	0	0	0	0	0,0 %	0	0	0	0	0,0 %
St. Lucia	1	0	0	1	0,003 %	0	0	0	0	0,0 %
St. Vincent u. die Grenadinen	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Sudan	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Südafrika	63	5	0	68	0,195 %	8	1	0	9	0,018 %
Suriname	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Swasiland	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Syrien, Arab. Rep.	4	0	1	5	0,014 %	1	0	0	1	0,002 %
Tadschikistan	0	2	0	2	0,006 %	0	0	0	0	0,0 %
Tansania	1	0	0	1	0,003 %	0	0	0	0	0,0 %
Thailand	74	8	2	84	0,24 %	0	0	0	0	0,0 %
Togo	4	0	0	4	0,011 %	0	0	0	0	0,0 %
Tonga	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Trinidad u. Tobago	10	0	0	10	0,029 %	0	0	0	0	0,0 %
Tschad	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Tschechien	282	37	10	329	0,942 %	666	232	25	923	1,825 %
Türkei	1.183	91	15	1.289	3,669 %	4.808	310	33	5.151	10,183 %

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über ausgehende und eingehende Ersuchen im Rechtshilfeverkehr
in Zivilsachen mit dem Ausland

Staat	ausgehende Ersuchen					eingehende Ersuchen				
	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual	Zustellungs- anträge	Rechtshilfe- ersuchen	Sonstige Ersuchen	Insgesamt	Prozentual
Tunesien	60	6	1	67	0,192 %	18	3	0	21	0,042 %
Turkmenistan	3	0	0	3	0,009 %	0	0	0	0	0,0 %
Tuvalu	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Uganda	4	2	0	6	0,017 %	0	0	0	0	0,0 %
Ukraine	89	9	1	99	0,283 %	45	1	0	46	0,091 %
Ungarn	236	12	2	250	0,716 %	1.731	47	7	1.785	3,529 %
Uruguay	3	1	0	4	0,011 %	2	1	0	3	0,006 %
Usbekistan	11	1	0	12	0,034 %	1	0	0	1	0,002 %
Vanuatu	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Verlkanstadt	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Venezuela	15	0	0	15	0,043 %	1	0	0	1	0,002 %
Vereinigte Arabische Emirate	26	1	1	28	0,08 %	3	1	0	4	0,008 %
Vereinigte Staaten von Amerika	1.839	94	26	1.959	5,607 %	762	21	0	783	1,548 %
Vereinigtes Königreich	1.401	46	6	1.453	4,159 %	111	0	2	113	0,223 %
Vietnam	13	5	0	18	0,052 %	0	0	0	0	0,0 %
Zentralafrikanische Republik	0	0	0	0	0,0 %	0	0	0	0	0,0 %
Zypern	26	3	0	29	0,083 %	0	0	0	0	0,0 %
zusammen	33.217	1.482	238	34.937	100,0 %	47.025	3.213	346	50.584	100,0 %

*) Nur für den amtlichen zwischenstaatlichen Schriftverkehr; für den innersaatlichen Schriftverkehr sowie Beschriftung von Landkarten u.ä. gilt "Weißrussland".

**) In der Verfassung des Landes auch als (Föderation) St. Christoph und Nevis bezeichnet.

juris Web - Einfach mehr Wissen

DATE: 10-SEP-2003

Anlage 3

Nr: BJLU034969316

Otte, Karsten, Dr iur MCJ Hochschulassistent in Köln

Heilung fehlerhafter Zustellungen - Verhältnis des HaagZustÜbk zu nationalem Recht (f)

Anmerkung

EWIR 1993, 201-202

HaagZustÜbk Art 5, ZPO § 187

Kurzreferat

(F)

Die Anmerkung nimmt den Beschluß des BGH, 2. Dezember 1992, XII ZB 64/91, zum Anlaß, die Bedeutung des HaagZustÜbk für die Frage der Heilung fehlerhafter Zustellungen und sein Verhältnis zu nationalen Heilungsgrundsätzen zu verdeutlichen. Abschließend spricht Verfasser die vom BGH nicht behandelte Frage der Rechtslage in dem Fall an, in dem der Urteilsstaat das HaagZustÜbk nicht gezeichnet hat, führt die vom BGH angestellten Überlegungen für diesen Fall fort und gelangt zu dem Ergebnis, die Entscheidung enthalte Widersprüchliches.

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◀ Zurück Weiter ▶

◀ Zurück Weiter ▶

Anlage 4**Multi- und bilaterale Übereinkommen im Zustellungsrecht, bei denen Deutschland Vertragspartei ist****1. Haager Übereinkommen vom 1. März 1954 über den Zivilprozess****- Zusatzvereinbarungen hierzu -****Belgien**

Deutsch-belgische Vereinbarung vom 25. April 1959 zur weiteren Vereinfachung des Rechtsverkehrs nach dem Haager Übereinkommen vom 1. März 1954

Dänemark

- Deutsch-dänische Vereinbarung vom 1. Juni 1910 zur weiteren Vereinfachung des Rechtshilfeverkehrs in der Fassung der Vereinbarung vom 6. Januar 1932
- Weitere deutsch-dänische Vereinbarung vom 1. Juni 1914 zur Vereinfachung des Rechtshilfeverkehrs

Frankreich

Deutsch-französische Vereinbarung vom 6. Mai 1961 zur weiteren Vereinfachung des Rechtshilfeverkehrs nach dem Haager Übereinkommen vom 1. März 1954 über den Zivilprozess

Luxemburg

Deutsch-luxemburgische Vereinbarung vom 1. August 1909 zur weiteren Vereinfachung des Rechtshilfeverkehrs

Niederlande

Deutsch-niederländischer Vertrag vom 30. August 1962 zur weiteren Vereinfachung des Rechtshilfeverkehrs nach dem Haager Übereinkommen vom 1. März 1954 über den Zivilprozess

Norwegen

Deutsch-norwegische Vereinbarung vom 17. Juni 1977 zur weiteren Vereinfachung des Rechtshilfeverkehrs nach dem Haager Übereinkommen vom 1. März 1954 über den Zivilprozess

Österreich

Deutsch-österreichische Vereinbarung vom 6. Juni 1959 zur weiteren Vereinfachung des rechtlichen Verkehrs nach dem Haager Übereinkommen vom 1. März 1954

Polen

Deutsch-polnische Vereinbarung vom 14. Dezember 1992 zur weiteren Erleichterung des Rechtshilfeverkehrs nach dem Haager Übereinkommen vom 1. März 1954

Schweden

Deutsch-schwedische Vereinbarung vom 1. Februar 1910 zur weiteren Vereinfachung des Rechtshilfeverkehrs

Schweiz

- Deutsch-schweizerische Vereinbarung vom 30. April 1910 zur weiteren Vereinfachung des Rechtshilfeverkehrs
- Deutsch-schweizerisches Abkommen vom 24. Dezember 1929 über das Verfahren bei Anträgen auf Vollstreckbarerklärung der im Artikel 18 des Haager Abkommens über den Zivilprozess vom 17. Juli 1905 bezeichneten Kostenentscheidung

Tschechien

Deutsch-tschechischer Vertrag vom 2. Februar 2000 zur weiteren Erleichterung des Rechtshilfeverkehrs

2. Haager Übereinkommen vom 15. November 1965 über die Zustellung gerichtlicher und außergerichtlicher Schriftstücke im Ausland in Zivil- oder Handelssachen

Australien

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Bahamas

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Barbados

Geltung

a) des Haager Übereinkommens vom 15. November 1965 über die Zustellung und

b) des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Dominika

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Fidschi

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Gambia

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Grenada

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Griechenland

Deutsch-griechisches Abkommen vom 11. Mai 1938 über die gegenseitige Rechtshilfe in Angelegenheiten des bürgerlichen und Handels-Rechts

Guyana

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Jamaika

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Kanada

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Kenia

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Lesotho

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Liechtenstein

Deutsch-liechtensteinische Vereinbarung vom 17. Februar/29. Mai 1958 über den unmittelbaren Geschäftsverkehr in Zivil- und Strafsachen zwischen den Justizbehörden der Bundesrepublik Deutschland und des Fürstentums Liechtenstein

Malawi

Geltung

a) des Haager Übereinkommens vom 15. November 1965 über die Zustellung und

b) des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Malaysia

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Malta

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Marokko

Deutsch-marokkanischer Vertrag über die Rechtshilfe und Rechtsauskunft in Zivil- und Handelssachen

Mauritius

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Nauru

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Neuseeland

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Nigeria

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Salomonen

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Sambia

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Seyschellen

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Sierra Leone

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Singapur

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

St. Lucia

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Swasiland

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Tansania

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Trinidad und Tobago

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr

Tunesien

Deutsch-tunesischer Vertrag vom 19. Juli 1966 über Rechtsschutz und Rechtshilfe, die Anerkennung und Vollstreckung gerichtlicher Entscheidungen in Zivil- und Handelssachen sowie über die Handelsschiedsgerichtsbarkeit

Türkei

Deutsch-türkisches Abkommen vom 28. Mai 1929 über den Rechtsverkehr in Zivil- und Handelssachen

Vereinigtes Königreich Großbritannien und Nordirland

Deutsch-britisches Abkommen vom 20. März 1928 über den Rechtsverkehr

Vereinigte Staaten von Amerika

Deutsch-amerikanischer Freundschafts-, Handels- und Schifffahrtsvertrag
vom 29. Oktober 1954

- Art. VI Abs. 1, Nr. 6 und 7 des Protokolls -

Zypern

Geltung des deutsch-britischen Abkommens vom 20. März 1928 über den Rechtsverkehr