

PART ONE – GENERAL INFORMATION AND STATISTICS

I. Questions for non-Contracting States

1) Please indicate why your State is not a Contracting State to the Service Convention (select as many answers as are relevant):

The availability of possibilities for transmission of documents for service abroad, proof of service abroad and protection of the interests of plaintiffs and defendants under domestic law, bilateral or regional agreements, treaties or instruments means that so far it has not appeared to your authorities that there would be added value in becoming a Party to the Service Convention

The number of cross-border cases that require the service abroad of judicial or extrajudicial documents has so far been limited and has not required a global framework

There are legal obstacles in your domestic legal system that prevent your State from becoming a party to the Convention – if so, please specify what these are:

Your State considers that there are specific issues arising out of the Service Convention (*e.g.*, costs, the absence of specific deadlines for the transmission and execution of requests for service, the absence of a specific provision on how to determine the date of service, the need, where requested, to translate documents to be served in accordance with Art. 5(3), etc.) which dissuade your State from joining the Service Convention – please explain:

Your State does not have the means or resources to properly implement the Service Convention

The question of becoming a Party to the Convention has never been examined in detail

Other reason – please explain:

Since 2005, we have been developing a new civil law framework in Chile and, therefore, a series of decisions remain to be taken, including the possibility of adopting the above Convention.

This means that, before making a decision, the civil law system must be defined in full, i.e. any decision on the said Convention, as well as any necessary reservations, if adopted, must be made on such basis.

According to the civil procedural reform schedule, this would be adopted during the first semester 2009, at which time the new Civil Procedure Code would be submitted for consideration of the Congress.

2) Please forward a list of any bilateral or regional agreements, treaties or instruments to which your State is a party and that provide rules for the transmission of documents to be served abroad, for proof of service, and for the protection of the interests of plaintiffs and defendants:

Inter-American Convention on Letters Rogatory of January 1975, ratified by Chile in August 1976.

3) Is your State currently studying the Service Convention or does your State envisage studying it with a view to becoming a State Party in the near future?

YES – please specify (status of considerations in your State, etc.):

YES, as stated in the reply to question No. 1, we are exploring the possibility of becoming a Party to the above Convention. However, a final decision may only be adopted after concluding the new civil procedure legal framework. Only then, based on its new features, will it be possible to analyse the

strengths and weaknesses that adopting the rules of the Convention might have in our legal systems.

[] NO