

# **Questionnaire related to the revision 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**

## **II Administrative information and updates**

### **3 Central authorities**

#### **3.1 The updated contact information of the Norwegian central authority is:**

The Royal Ministry of Justice and the Police  
Department of Civil Affairs  
P.O.Box 8005 Dep  
N-0030 Oslo  
Norway

Telefax: +47 22 24 27 22

Phone: + 47 22 24 54 51

E-mail: [postmottak@jd.dep.no](mailto:postmottak@jd.dep.no)

3.2 The staff of the Ministry of Justice and the Police uses Norwegian and English as languages of communication.

3.3 We do not have statistics that separate requests under this Convention from other incoming requests. In 2002 we received 322 rogatory letters in civil matters. Up to 1 October 2003 we have received 239 rogatory letters from abroad.

These statistics include all incoming rogatory letters, both requests regarding service of documents and taking of evidence.

### **4 Case law and reference works**

We have no significant court rulings or bibliographic references concerning the 1965 Convention.

### **5 Handbook**

The Ministry of Justice and the Police is still considering the matter. However, we welcome the proposal that the information in the second and the third parts of the former Handbook is made available at the Hague Conference's website. In our view it is also important that the addresses of the Central Authorities are correct and updated.

## **III Information relating to application of the convention**

### **6 Scope of the convention**

We have not noted any changes in the interpretation of the Convention, nor have we experienced any particular difficulties in practice.

### **7 Forwarding authority**

7.1 In Norway it is the courts (including the conciliation boards) and certain administrative authorities such as the County Governors that are the competent authorities to

forward requests for service under article 3. In Norway, private persons are not competent forwarding authority.

## **8 Methods for service used by the central authority**

8.1 The Central Authority forwards the documents to the competent district court, which, as a main rule, carries out the task through a process-server. The methods described in the former version of the Handbook are still relevant.

8.2 The translation requirements described in the former version of the Handbook are still relevant. Requests for service will only be complied with when the document to be served is written in Norwegian, Danish or Swedish, or if the request is translated into one of these languages. In the case of an untranslated document, the addressee may be asked to accept the documents voluntarily.

Norway has not entered into any agreement in this respect.

8.3 No

8.4 Service of documents is free of charge in Norway.

## **9 Translation requirements**

This question should be studied more closely. However, where obligatory service is requested it is our view that it is important that the addressee understands the documents served on him. In these cases, it would not be sufficient to have only a summary translated.

Regarding translations, it seems unnecessary that the translations should be legalized or bear an apostille. However, the documents should be translated by an authorized or similarly qualified person.

## **10 Timing**

10.1 The Ministry of Justice and the Police does not have statistics that show the time required for executing a request for service.

10.2 There seem to be substantial differences between the states concerning the time required for the execution of a request. This may vary from one month to one year.

10.3 We do not yet have suggestions for improvements of the procedures for mutual assistance.

## **11 Alternative transmission channels**

11.1 The Ministry of Justice and the Police still receives some requests forwarded through diplomatic channels. In accordance with article 8, Norway has declared that it is opposed to the use of direct consular channels, unless the document is to be served upon a national of the State from which the documents originate.

Diplomatic or consular channels are not used for outgoing requests from Norway, except for service of documents on our own nationals.

11.2, 11.3, 11.4 These transmission channels are not used. In accordance with article 10, Norway has declared that it is opposed to the use of these transmission channels.

## **12 Judicial and extrajudicial documents**

We do not have statistics on the character of the documents that are transmitted for service under the Convention.

## **13 Date of service – double date**

The date of service is normally the date when the documents are delivered to the addressee. We would not be in favour of introducing a system with double dates.

## **14 Exequatur**

The main rule is that foreign judgments are not recognised and cannot be enforced in Norway. Special provisions may allow enforcement based on international arrangements. Incorrect service could under certain circumstances be ground for denial of enforcement.

## **15 Exclusion of application of the Convention between the parties**

There has been no ruling on this issue.

## **16 Fax and electronic mail**

Today, fax and e-mail are in general not used as means of transmission of documents for service. In our view the use of modern technologies should be encouraged, taking into account the need to be able to establish authenticity. We will, however, have to consider this question more thoroughly.

## **17 Model forms**

We have not yet considered this question.

## **18 Reservations and reciprocity**

Not applicable, as Norway has entered reservations in this respect.

## **19 Article 25: Bilateral and multilateral agreements**

19.1 The agreements mentioned in the former version of the Handbook p. 140 are still relevant. Norway has not concluded new agreements concerning international service.