

**Answers to the Questionnaire accompanying the provisional version of the
new practical handbook of the Hague Convention of 15 November 1965 on
the Service Abroad of Judicial and Extrajudicial Documents in Civil or
Commercial Matters**

6.1 – We haven't noted any changes since 1992 in interpretation of the Convention scope.

6.2 – No, the scope of the phrase "in civil or commercial matters" hasn't given rise of any difficulties. No, the courts haven't interpreted it autonomously.

6.5 – No, the terminology used in the Convention doesn't give rise to the interpretation difficulties.

7.1 – In Ukraine judicial bodies are competent to forward a request for service to the foreign Central Authorities, but it should be sent via the Central Authority – the Ministry of Justice of Ukraine.

8.1 – Delivery through an official is used by our Central Authority. The Ministry of Justice of Ukraine and its territorial bodies are competent to draw up a certificate of the service of documents. The person, entitled to serve documents, is appointed. His/her signature is attested by an emblem seal. Such duties are loaded to the Deputy Minister of Justice.

The letter concerning the receipt of documents and the proposals to take documents are sent to the recipient. The date and time of taking documents are indicated.

The recipient can put his/her signature on each page of the package of documents only at the presence of the Deputy Minister of Justice.

The Deputy Minister authorizes the signature of this person and fulfills the certificate. The package of documents with signature of recipient and with certificate is sent to the requesting body.

Only the Ministry of Justice of Ukraine carries out judicial requests concerning interests of Ukraine.

All the other judicial requests are performed by territorial bodies of the Ministry of Justice of Ukraine.

8.2 – It is necessary to translate all the documents, which are to be served, but if the recipient is the citizen of the State of origin of documents, it's considered that the translation of documents to be served is not necessary.

8.4 – The service is free of charge.

9.1 – It is necessary to translate documents into a language of the requested State.

9.2 – Yes, we think so.

9.4 – We believe that full translation of the document to be served should be made. Otherwise, the documents can be served only if it is accepted by the addressee.

9.5 – No, such translations do not need to be legalized or to bear an apostille, if they are notary certified or otherwise by the authorized person.

10.1 – The average time required for performance of requests for service is 2-3 months after receiving by the Ministry of Justice of Ukraine.

10.2 – Yes, they are, but not very substantial.

11.1 – The service of documents through the diplomatic or consular agents of the foreign country within Ukrainian territory is possible only to the nationals of the State of origin of documents.

The Ministry of Justice of Ukraine is the competent authority for receiving the documents, delivered through consular channels or, if it is requested by emergent circumstances through diplomatic channels.

11.2 – Ukraine will not use within its territory the methods for delivery of judicial documents, provided for under Article 10 of the Convention.

12.1 – Ukrainian authorities apply the Convention to both types of judicial documents.

12.2 – No.

13.1 – Positive. Sometimes there are such situations when it is impossible to carry out a request for service till the indicated date of the court. So in our opinion it's necessary to provide dual-dating system.

13.2 – No, domestic legislation of Ukraine doesn't provide that.

14.1 – It would be possible to deny enforcement of a foreign judgment on the grounds that the documents have been served with breach of p.1 of Article 5, or when there were no bilateral international Agreement between States.

15.1 – No, the rulings, permitting the parties to exclude application of the Convention, haven't been issued in Ukraine.

16. – Ukraine doesn't use fax and e-mail service.

17.1 – Yes, the model forms ought to be revised.

17.2 – Yes, we think so.

17.3 – Yes, we think so.

17.4. – It is one of the possibilities of improving.