

(Annex 2)

**If a Contracting State to the CP Convention (The Convention on Civil Procedure) requests Japan to serve documents**

A state that is not Contracting State to the Service Convention, but is Contracting State to the CP Convention can request Japan's designated authority (MOFA) to serve documents as following (a state that is Contracting state to both the CP Convention and the Service Convention should request it pursuant to the Service Convention (Art. 22 of the Service Convention) (see Annex 1).

● A consul of a requesting state requests the designated authority of Japan (Ministry of Foreign Affairs) to serve the documents (Art. 1, para. 1 of the CP Convention).

**1. Documents necessary for requesting the designated authority in Japan to serve documents**

Forward the following documents to the designated authority in Japan (Ministry of Foreign Affairs) through a consular agent of the requesting state:

- (1) Two copies of the "Request" (Art. 1, para. 1 of the CP Convention)
- (2) Two copies of a Japanese translation of the "Request" (essential) (Art. 1, para. 1 thereof)
- (3) Two copies each of the "documents to be served" (the complaint, judgment, summons, etc.) (Art. 3, para. 1 thereof)
- (4) Two copies of a Japanese translation of the "documents to be served" which is certified as correct by the diplomatic officer or consular agent of the requesting state or by a sworn translator in Japan. (Art. 3, para. 3 thereof)

\* Translation into Japanese is essential if the requesting state wishes for the service of documents by "a method prescribed by its internal legislation or a special method not contrary to internal legislation" under Art. 3, para. 2 of the CP Convention. In the case of delivery to an addressee who accepts it voluntarily as provided in Art. 2 thereof, it is unnecessary to translate the "documents to be served" into Japanese.

**2. Items to be entered in a request**

- (1) "Specifying the authority originating the document forwarded" (Art. 1, para. 1 of the CP Convention)
- (2) "The names and capacities of the parties" (Art. 1, para. 1 thereof)
- (3) "The address of the addressee" (Art. 1, para. 1 thereof)
- (4) "The nature of the document" (Art. 1, para. 1 thereof)

\* If the requesting state wishes for the service of documents by "a method prescribed by its internal legislation or a special method not contrary to internal legislation" under Art. 3, para. 2 of the CP Convention, clearly state so in the request. If the requesting state fails to state this clearly, "delivery to an addressee who accepts it voluntarily" will be made as provided in Art. 2 of the CP Convention (Art. 3, para. 2 thereof).

### **3. Demand for reimbursement of costs**

If “the employment of a judicial officer” or “a particular method not contrary to internal legislation” under Art. 3, para. 2 of the CP Convention is used, the reimbursement of costs will be demanded from the contracting state (Art. 7, para. 2 thereof).

[Reference] the CP Convention

English: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=33>

Japanese:

<https://assets.hcch.net/docs/5d1cca3a-f1bd-4ef0-9af4-718903e72628.pdf#search=%27%E6%B0%91%E4%BA%8B%E8%A8%B4%E8%A8%9F%E3%81%AB%E9%96%A2%E3%81%99%E3%82%8B%E6%9D%A1%E7%B4%84%27>

(Excerpts from the Service Convention)

Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on 17th July 1905, and on 1st March 1954, this Convention shall replace as between them Articles 1 to 7 of the earlier Conventions.

(Excerpts from the CP Convention)

Article 1

In civil or commercial matters, the service of documents addressed to persons abroad shall be effected in the Contracting States on request of a consul of the requesting State, made to the authority which shall be designated by the State addressed. The request, specifying the authority originating the document forwarded, the names and capacities of the parties, the address of the addressee, and the nature of the document in question, shall be in the language of the requested authority. This authority shall send to the consul the certificate showing service or indicating the fact which prevented it.

All difficulties which may arise in connection with the consul's request shall be settled through diplomatic channels.

Any Contracting State may declare, in a communication addressed to the other Contracting States, that it intends that requests for service to be effected on its territory, giving the specifications mentioned in the first paragraph, be addressed to it through diplomatic channels.

The foregoing provisions shall not prevent two Contracting States from agreeing to allow direct communication between their respective authorities.

Article 2

Service shall be effected by the authority which is competent according to the laws of the State addressed. That authority, except in the cases mentioned in Article 3, may confine itself to serving the document by delivery to an addressee who accepts it voluntarily.

Article 3

The request shall be accompanied by the document to be served in duplicate.

If the document to be served is written, either in the language of the requested authority, or in

the language agreed on between the two States concerned, or if it is accompanied by a translation into one of those languages, the requested authority, should the desire be expressed in the request, shall have the document served by a method prescribed by its internal legislation for effecting similar service, or by a special method, unless it is contrary to that law. If such a desire is not expressed, the requested authority shall first seek to effect delivery in accordance with Article 2.

Unless there is agreement to the contrary, the translation provided for in the preceding paragraph shall be certified as correct by the diplomatic officer or consular agent of the requesting State or by a sworn translator of the State addressed.

#### Article 7

The service of judicial documents shall not give rise to reimbursement of taxes or costs of any nature.

However, should there be no agreement to the contrary, the State addressed will have the right to require from the requesting State the reimbursement of the costs occasioned by the employment of a judicial officer or by the use of a particular method of service in the cases mentioned in Article 3.