

No. 7303

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

Treaty for the further simplification of judicial relations in connexion with The Hague Convention of 1 March 1954 relating to civil procedure. Signed at The Hague, on 30 August 1962

Official texts: Dutch and German.

Registered by the Netherlands on 10 June 1964.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Traité visant à simplifier davantage les relations juridiques régies par la Convention de La Haye, du 1^{er} mars 1954, relative à la procédure civile. Signé à La Haye, le 30 août 1962

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 10 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7303. TREATY¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY FOR THE FURTHER SIMPLIFICATION OF JUDICIAL RELATIONS IN CONNEXION WITH THE HAGUE CONVENTION OF 1 MARCH 1954² RELATING TO CIVIL PROCEDURE. SIGNED AT THE HAGUE, ON 30 AUGUST 1962

Her Majesty the Queen of the Netherlands and
The President of the Federal Republic of Germany,

Desirous of simplifying further the judicial relations between the two countries in accordance with The Hague Convention of 1 March 1954² relating to civil procedure;

Have agreed to conclude a Treaty and have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

Dr. J. M. A. H. Luns, Minister for Foreign Affairs,

The President of the Federal Republic of Germany :

Dr. J. Löns, Ambassador Extraordinary and Plenipotentiary at The Hague,
and

Professor Dr. A. Bülow, *Ministerialdirektor* in the Federal Ministry of Justice.

The plenipotentiaries, having exchanged their full powers, which were found in good and due form, have agreed on the following provisions :

SERVICE OR COMMUNICATION OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS

Article 1

(1) Judicial and extra-judicial documents emanating from one of the two States shall be transmitted direct, as follows :

- (a) If they are intended for persons in the Federal Republic of Germany, they will be sent by the competent Netherlands judicial authorities to the President of the *Land* Court or District Court within whose jurisdiction the receiver is residing,

¹ Came into force on 3 May 1964, two months after the exchange of the instruments of ratification which took place at Bonn on 3 March 1964, in accordance with article 17.

² United Nations, *Treaty Series*, Vol. 286, p. 265.

(b) If they are to be served on persons in the Netherlands, by the competent German judicial authorities to the Public Prosecutor of the District Court (*Officier van Justitie*) within whose jurisdiction the receiver is residing.

(2) The above-named authorities shall use the language of their country in making applications and in subsequent correspondence.

Article 2

If the authority to whom the document has been transmitted is not competent in the matter, it shall send the document, *ex officio*, to the competent authority and shall notify the requesting authority thereof without delay.

Article 3

(1) The service (communication) by means of ordinary delivery and the formal service (formal communication) of documents shall be effected in accordance with articles 2, 3, 4 and 5 of The Hague Convention.

(2) If the requesting authority has not, as provided in article 3, paragraph 2, of The Hague Convention, expressed the wish to serve (communicate) the document in the manner prescribed by the internal legislation of the requested authority for such service (communication), or in a special manner, and if service (communication) cannot be effected by ordinary delivery in accordance with article 2 of The Hague Convention, the requested authority shall return the document without delay to the requesting authority and notify it of the reason for which ordinary delivery was not possible.

(3) If the requesting authority has not enclosed a translation of the document with the request to serve (communicate) a document in the manner prescribed by the internal legislation of the requested authority for such service (communication), or in a special manner, a translation shall be provided by the requested authority. Any costs incurred in respect of translation shall not be reimbursed; the amount of such costs, however, shall be communicated to the requesting authority.

(4) The translation referred to in article 3, paragraph 2, of The Hague Convention may also be certified by a sworn translator of the requesting State.

(5) The two States reciprocally renounce any right to reimbursement in respect of expenses which, in cases falling under article 3 of The Hague Convention, arise by reason of the assistance of a court official in effecting service (communication) or by reason of the observance of a special form of service; nevertheless the amount of such expenses shall be notified to the requesting authority.