

**No. 7303**

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**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.*

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

**Traité visant à simplifier davantage les relations juridiques régies par la Convention de La Haye, du 1<sup>er</sup> 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. TREATY<sup>1</sup> 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 1954<sup>2</sup> RELATING TO CIVIL PROCEDURE. SIGNED AT THE HAGUE, ON 30 AUGUST 1962

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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 1954<sup>2</sup> 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,

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<sup>1</sup> 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.

<sup>2</sup> 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.

## LETTERS ROGATORY

*Article 4*

(1) Letters rogatory shall be transmitted direct between the authorities concerned. Article 1, paragraph (1) and article 2 shall apply *mutatis mutandis*.

(2) The authorities aforesaid shall use the language of their country in sending letters rogatory and in subsequent correspondence.

*Article 5*

Letters rogatory shall be drawn up in the language of the requesting 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.

*Article 6*

(1) The two States reciprocally renounce any right to reimbursement of expenses which have been incurred in connexion with the execution of a letter rogatory; this shall apply also to the amounts which have been paid to experts.

(2) The requested authority shall notify the requesting authority of the expenses it has incurred.

*Article 7*

The diplomatic or consular representatives of the two States may execute letters rogatory which concern their own nationals, directly and without employing coercion. The nationality of the person to whom the letter rogatory refers shall be determined in accordance with the law of the State in which it is to be executed.

## DECLARATION THAT DECISIONS RELATING TO COSTS AND EXPENSES ARE ENFORCEABLE

*Article 8*

The request to declare a decision respecting the costs of a law suit enforceable in accordance with the provisions of articles 18 and 19 of The Hague Convention may be made direct to the competent court not only through diplomatic channels, but also by the person entitled.

*Article 9*

A certificate by the competent authority that the decision relating to costs has acquired the force of *res judicata*, shall not require the confirmation of the

highest official in charge of the administration of justice as laid down in article 19, third paragraph, second sentence, of The Hague Convention.

#### *Article 10*

The translation provided in accordance with article 19, second paragraph, sub-paragraph 3, of The Hague Convention may also be certified by a sworn translator in the State in which the decision has been pronounced.

### FREE LEGAL AID

#### *Article 11*

Applications for the granting of free legal aid, submitted in accordance with the provisions of article 23 of The Hague Convention, may also be transmitted direct between the two authorities concerned. Articles 1 and 2 shall apply as appropriate.

#### *Article 12*

The certificates accompanying an application for the granting of free legal aid may be drawn up in the language of the requesting authority; any translation costs which may be incurred shall not be reimbursed.

#### *Article 13*

The competent authorities of the State in which the application for free legal aid is made may, in so far as supplementary information is required concerning the income and financial situation of the applicant, communicate direct with the competent authorities of the other State.

### FINAL PROVISIONS

#### *Article 14*

(1) This Treaty shall apply only to that part of the Kingdom of the Netherlands which is situated in Europe.

(2) This Treaty may be extended, by means of an exchange of notes between the Governments of the two States, to any part of the Kingdom of the Netherlands which is situated outside Europe. In the exchange of notes, the date of entry into force shall be specified.

*Article 15*

This Treaty shall also apply to the *Land* Berlin, unless the Government of the Federal Republic of Germany declares otherwise to the Government of the Kingdom of the Netherlands within a period of three months after entry into force of this Treaty.

*Article 16*

Disputes regarding the interpretation or application of this Treaty shall be settled through diplomatic channels.

*Article 17*

(1) This Treaty shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Bonn.

(2) This Treaty shall enter into force two months after the exchange of the instruments of ratification.

(3) This Treaty may be denounced in writing at any time. The denunciation may be limited to any part of the Kingdom of the Netherlands situated outside Europe to which the Treaty has been extended in accordance with the provisions of article 14, paragraph 2. The denunciation shall take effect six months after the date of notification.

(4) With the entry into force of this Treaty, the Declaration between the Netherlands Government and the German Government for the further simplification of judicial relations of 31 July 1909 shall cease to have effect. Nevertheless, requests for service and letters rogatory already received by the requested authorities at the date of entry into force of this Treaty shall be complied with in accordance with the Declaration of 31 July 1909.

IN WITNESS WHEREOF the plenipotentiaries have signed this Treaty and have thereto affixed their seals.

DONE at The Hague on 30 August 1962 in two originals, in the Dutch and German languages, both texts being equally authentic.

For the Kingdom  
of the Netherlands :  
(Signed) J. LUNS

For the Federal Republic  
of Germany :  
(Signed) J. LÖNS  
(Signed) A. BÜLOW