

**No. 23650**

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**ISRAEL  
and  
JAPAN**

**Exchange of notes constituting an agreement concerning reciprocal judicial aid in serving judicial documents relating to civil cases. Tokyo, 20 September 1968, 8 July and 2 August 1969**

*Authentic texts: Japanese and English.*

*Registered by Israel on 11 December 1985.*

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**ISRAËL  
et  
JAPON**

**Échange de notes constituant un accord relatif à l'entraide judiciaire concernant la signification d'actes judiciaires en matière civile. Tokyo, 20 septembre 1968, 8 juillet et 2 août 1969**

*Textes authentiques : japonais et anglais.*

*Enregistré par Israël le 11 décembre 1985.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF ISRAEL AND THE GOVERNMENT OF JAPAN CONCERNING RECIPROCAL JUDICIAL AID IN SERVING JUDICIAL DOCUMENTS RELATING TO CIVIL CASES

I

[JAPANESE TEXT — TEXTE JAPONAIS]

近近第26号

昭和43年9月20日

口 上 書

外務省は、在本邦イスラエル大使館に敬意を表するとともに、東京都大田区久ガ原町84に所在の東京理化工業株式会社に対する民事訴訟事件に関する書類の送達方要請越した9月5日付同大使館口上書第I E / 1029号に関し、下記のとおり申し述べる光栄を有する。

記

1. 外国裁判所の訴訟書類の日本における送達は日本国と当該外国との間の司法共助の問題であり、日本国においては、日本国と当該外国との

<sup>1</sup> Came into force on 2 August 1969, in accordance with the provisions of the said notes.

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]GAIMUSHO<sup>3</sup>

No. 26/MAM

*Note Verbale*

The Ministry of Foreign Affairs presents its compliments to the Embassy of Israel and, with reference to the latter's Note Verbale No. IE/1029 of September 5, 1968, requesting the Ministry to serve the judicial documents relating to a civil case on Tokyo Rika Kogyo Ltd., 84, Kugahara-Cho, Ohta-Ku, Tokyo, has the honour to state as follows:

1. Service within the territory of Japan of judicial documents of a foreign court is a matter of reciprocal judicial aid between Japan and the foreign country in question. And it is a rule in Japan that such service is to be executed only by a court in accordance with an agreement on reciprocal judicial aid between Japan and the foreign country. However, as there is no agreement between Japan and Israel on reciprocal judicial aid, in order to make it legally possible for the Japanese court of justice to serve the judicial documents in question, such agreement has to be established in accordance with the provisions of "the Law relating to the Reciprocal Judicial Aid to Be Given at the Request of Foreign Courts" (Law No. 63 of 1905), and therefore the following requirements especially have to be satisfied: namely,

(1) The request shall be made through the diplomatic channel.

(2) The request for the service of judicial documents shall be made in writing stating the name, nationality, and domicile or residence of the person on whom the documents are to be served.

(3) In case the letter of request and documents annexed thereto are not written in the Japanese language, a translation thereof into Japanese shall be appended to the original. (As to this requirement, however, the Ministry wishes that English translation should be acceptable instead, on a reciprocal basis by mutual agreement.)

(4) The State to which the Court making the request belongs shall guarantee the payment of expenses incurred in the execution of the letter of request.

(5) The State to which the Court making request belongs shall assure that it will render judicial aid in matters of same or similar nature if so requested by the Japanese Courts.

Therefore, the Embassy will, in a new Note Verbale, have to inform the Ministry to fulfil the requirements stated in above (1) to (3) and to give the assurance of (4) and (5).

On receipt of such Note Verbale, the Ministry will consider that an agreement has been established between the two countries on reciprocal judicial aid in serving judicial documents relating to civil cases and will undertake to assist in serving the documents in question.

<sup>1</sup> Translation supplied by the Government of Israel.

<sup>2</sup> Traduction fournie par le Gouvernement israélien.

<sup>3</sup> Ministry of Foreign Affairs.

2. Pending such agreement, the documents attached to the Embassy's Note Verbale are returned herewith as Annex 1. There is also enclosed herewith as Annex 2 a copy of "the Law relating to the Reciprocal Judicial Aid to Be Given at the Request of Foreign Courts" together with its English translation for the Embassy's reference.

Tokyo, September 20, 1968

## II

IE/1085

### *Note Verbale*

The Embassy of Israel presents its compliments to the Ministry for Foreign Affairs, and, in reply to the Ministry's Note Verbale No. 26/MAM of 20 September on the subject of the service of certain judicial documents from a Court in Israel upon Tokyo Rika Kogyo Limited, has the honour to inform the Ministry that the Government of Israel is prepared to enter into an agreement of reciprocal judicial aid with the Government of Japan along the lines set out in the Note Verbale.

The Embassy, as representing the Government of Israel in all such matters under the agreement contemplated, undertakes to fulfil the requirements listed in sub-paragraphs (1), (2) and (3) of the Note Verbale, with the variation, in respect of sub-paragraph (3), that a translation into English, instead of a translation into Japanese, will be acceptable on a basis of reciprocity. The Embassy further undertakes to give the assurances stipulated in sub-paragraphs (4) and (5) of the Note Verbale.

In the light of the foregoing, therefore, the Embassy proposes that this reply to the Ministry's Note Verbale, and the Ministry's acknowledgement of its receipt, be regarded as constituting an agreement between Japan and Israel on reciprocal judicial aid in the service of judicial documents bearing upon civil cases and as an undertaking on the part of each State to assist the other in such service.

In the expectation that the Ministry will concur in this proposal, the documents in the matter of Tokyo Rika Kogyo Limited are returned, for the Ministry's good offices, in due course.

The Embassy of Israel avails itself of this opportunity to renew to the Ministry for Foreign Affairs the assurances of its highest consideration.

Tokyo, July 8, 1969

The Ministry of Foreign Affairs  
Tokyo