

**NOTE SUR LES FORMULES
POUR LA RECONNAISSANCE ET L'EXÉCUTION DES JUGEMENTS**

préparée par Elisabeth Meurling, juriste stagiaire

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**NOTE ON FORMS
FOR THE RECOGNITION AND ENFORCEMENT OF A FOREIGN JUDGMENT**

prepared by Elisabeth Meurling, Legal Intern

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- I: Annex V – Certificate referred to in Articles 54 and 58 of the Regulation on judgments and court settlements (Brussels I Regulation) (authentic in Danish, German, Greek, English, Spanish, French, Italian, Dutch, Portuguese, Finnish and Swedish) (Regulation Brussels I)
- II: Annex I – Certificate referred to in Article 39 concerning judgments in Matrimonial Matters (Brussels II *bis* Regulation) (authentic in Danish, German, Greek, English, Spanish, French, Italian, Dutch, Portuguese, Finnish and Swedish) (Regulation Brussels II *bis*)
- III: Annex I – European enforcement order certificate – Judgment (authentic in Danish, German, Greek, English, Spanish, French, Italian, Dutch, Portuguese, Finnish and Swedish) (European Enforcement Order)
- IV: Annex II – European enforcement order certificate – Court Settlement (authentic in Danish, German, Greek, English, Spanish, French, Italian, Dutch, Portuguese, Finnish and Swedish) (European Enforcement Order)
- V: Annex to the Additional Protocol to the Inter-American Convention on Letters Rogatory, Form C – Certificate of Execution (authentic in English, French, Portuguese and Spanish) (Inter-American Convention on Letters Rogatory)
- VI: *Formulario No 1 – Anexo al Acuerdo Complementario al Protocolo de Cooperación y Asistencia Jurisdiccional en Materia Civil, Comercial, Laboral y Administrativa del Mercosur – Exhorto Cooperacion en Actividades de Mero Tramite* (authentic in Spanish and Portuguese) (*Protocolo de Cooperación y Asistencia Jurisdiccional en Materia Civil, Comercial, Laboral y Administrativa*)

I. INTRODUCTION

1 At its meeting held from 18-20 April 2005, the Drafting Committee had a short discussion on the form¹ referred to in Article 13(3) of the preliminary draft Convention on Exclusive Choice of Court Agreements (hereinafter the Convention). In order to facilitate the work of the Diplomatic Session, the Permanent Bureau was requested to provide a compilation of forms existing under other international instruments covering the recognition and enforcement of judgments.

2 With the assistance of some members of the Drafting Committee, other legal instruments which provide for forms when requesting the recognition or enforcement of a foreign judgment could be identified. Those instruments are the three instruments of the European Community: the *Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters* (hereinafter the Brussels I Regulation),² the *Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility* (hereinafter the Brussels II bis Regulation)³ and the *Regulation creating a European enforcement order for uncontested claims* (hereinafter the European Enforcement Order).⁴ *The Inter-American Convention on Letters Rogatory*, which in its Additional Protocol refers to forms (hereinafter the Inter-American Certificate of Execution),⁵ and the *Protocolo de Cooperación y Asistencia Jurisdiccional en Materia Civil, Comercial, Laboral y Administrativa*, which in its Additional Agreement refers to recommended forms,⁶ have also been mentioned as such instruments; however they primarily concern letters rogatory. Some forms provided for in these instruments can be found in Annex VI and VII to this Note but they will not be discussed here in detail.

3 Firstly, there will be a presentation of the status of the forms as related to above instruments, then a presentation of the effect and content of existing forms and finally a comparison with the proposed Convention form.

¹ The present draft form annexed to the preliminary draft Convention of April 2004 (see Annex to Work. Doc. No 110 Revised of May 2004, also contained in the Annex to Prel. Doc. No. 26), was prepared on the basis of a proposal by the Informal Working Group on the Judgments Project. That proposal goes back to the form adopted during the First Part of the Diplomatic Conference of the Nineteenth Session in June 2001 following an initial proposal by the delegation of the United States of America (Work. Doc. No 46) which had been refined by a working group on forms (Work. Doc. No 110 of 20 June 2001).

² *Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*, O.J. No L 12 of 16 January 2001, p. 1.

³ *Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000*, O.J. No L 338 of 23 December 2003, p. 1.

⁴ *Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European enforcement order for uncontested claims*, O.J. No L 143 of 30 April 2004, p. 15.

⁵ Annex to the *Additional Protocol to the Inter-American Convention on Letters Rogatory* (Form C – Certificate of Execution) of 8 May 1979, entered into force 14 June 1980, OASTS, No 56. States party to the Additional Protocol are Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, the United States of America, Uruguay and Venezuela.

⁶ *Acuerdo Complementario al Protocolo de Cooperación y Asistencia Jurisdiccional en Materia Civil, Comercial, Laboral y Administrativa* of 19 June 1997, Mercosur Decision No 5 of 1997, entered into force 29 April 2000. State parties to the Complementary Agreement are Argentina, Paraguay and Uruguay. *N.B.* There are 11 bilingual forms to improve the judicial cooperation, dealing in particular with letters rogatory.

II. STATUS OF THE FORMS

1. Brussels I Regulation – certificate

4 The Certificate in Annex V⁷ to the Brussels I Regulation is not mandatory for recognition and enforcement. It shall be issued by the court or competent authority if any interested party requests it, according to Articles 54 and 58 of the Brussels I Regulation. The certificate is to be regarded as a standard form but the court or competent authority may accept an equivalent document or dispense with the production of the certificate, according to Article 55(1).

5 The competent authority or the court may not amend the form itself but may delete the marked parts if appropriate.

2. Brussels II *bis* Regulation – certificate

6 The certificate in Annex I⁸ to the Brussels II *bis* Regulation is not mandatory for recognition and enforcement. It shall be produced by the party seeking or contesting recognition or applying for a declaration of enforceability (Article 37(1)). The competent court or authority shall at the request of any interested party issue the certificate (Article 39). The certificate is to be regarded as a standard form (Article 39) but the court addressed may accept equivalent documents or dispense with the production of the certificate (Article 38(1)).

7 As with the above certificate, this form may not be amended. Marked parts within the form itself may be deleted if appropriate.

3. European Enforcement Order

8 The European Enforcement Order has entered into force in January 2004 and shall apply as a whole from 21 October 2005. It has as its objectives the free circulation of judgments and court settlements without any intermediate proceedings (exequatur) needing to be brought in the State of enforcement prior to recognition and enforcement (Articles 1, 5, 20(1) and 24(2)). The certificate in Annex I⁹ to the European Enforcement Order is optional for the creditor who can choose to use the European Enforcement Order or the system under the Brussels I Regulation or other instruments of the European Community (Recital No 20). If he chooses to enforce his judgment as a European Enforcement Order, the certificate is mandatory for recognition and enforcement. The European Enforcement Order certificate shall be issued using the Annex I for judgments (Article 9(1)) and the Annex II¹⁰ for court settlements (Article 24), and it is issued in the language of the judgment (Article 9(2)).

9 The forms in Annexes I and II may not in any way be modified.

III. CONTENT AND EFFECT OF THE FORMS TO THE EXISTING INSTRUMENTS¹¹

10 Firstly, in all the forms the name and the address as well as the telephone number, fax and e-mail of the court or authority issuing the certificate are requested.

⁷ Title: Certificate referred to in Articles 54 and 58 of the Regulation on judgments and court settlements. *N.B.* The certificate in Annex VI to Brussels I Regulation concerning authentic instruments will not be examined in this context.

⁸ Title: Certificate referred to in Article 39 concerning judgments in Matrimonial Matters. *N.B.* The certificate in Annex II to Brussels II *bis* Regulation concerning judgments on parental responsibility and the one in Annex III concerning judgments on rights of access will not be examined in this context.

⁹ Title: European enforcement order – Judgment.

¹⁰ Title: European enforcement order – Court settlement. *N.B.* The certificate in Annex III to the European enforcement order concerning authentic instruments and the certificates on lack and limitation of enforceability (Annex IV) and Replacement certificate (Annex V) following a challenge will not be examined in this context.

¹¹ The presentation of the content of the forms to the mentioned instruments follows the order of the appearance of the questions in the forms.

11 In Annex V of the **Brussels I Regulation**, the type and place of the court delivering the judgment or the court settlement are to be filled in. The following information is requested in regard to the judgment or the court settlement: the date, the reference number, the parties, the date of service in case of default, the text of the judgment or the court settlement and the names of the parties receiving legal aid. If it concerns an enforceable obligation (Annex VI to the Brussels I Regulation), this is to be described and the authority who has given the authenticity to the instrument is to be defined by name, place and type. A copy¹² of the judgment or the court settlement is to accompany the certificate (Articles 53(1) and 57(3)). The certificate in itself does not have any legal effect as a judgment, nor is the information in it binding, but it aims to facilitate the recognition and enforcement by certifying some issues in a standardised way.¹³

12 The **Brussels II bis Regulation** concerns the recognition and enforcement in matrimonial matters and the matters of parental responsibility, and the certificates therefore contain sections concerning these matters. The certificate in Annex I to the Regulation shall be produced by the party seeking or contesting recognition or applying for a declaration of enforceability (Article 37(1)). In the certificate, information should include the court (name and place) as well as the judgment (date, reference number, type of judgment and whether the judgment was given in default of appearance). Additionally, the names of the parties receiving legal aid, whether the judgment is subject to appeal and the date for the legal effect are to be filled in. A copy of the judgment¹⁴ is to be attached to the certificate (Article 37(1) a)). The certificate does not have any legal effect as a judgment and the information in it is not binding.

13 In the Annex I and II to the **European Enforcement Order**, the certificates concern uncontested monetary claims and contain therefore a detailed section concerning these matters (as to the amount, the instalments, the currency and the interest rate). Questions not concerning a money claim ask whether the judgment is enforceable in the State of origin (the requesting State), whether the judgment is still subject to challenge and whether it concerns a consumer.

14 A judgment certified as a European Enforcement Order shall be enforced under the same conditions as a judgment handed down in the State of enforcement (Article 20(1)). For the enforcement procedure a copy¹⁵ of the certificate (for judgments or court settlements) and a copy of the judgment or the court settlement have to be provided, according to Article 20(1), paragraph 2, and Article 24(3), as well as a transcription or translation of the certificate (but not of the judgment) into the official language/s of the State of enforcement (Article 20(2)). Only the certified judgment (or court settlement) is binding for the addressed court, as being the subject of the enforcement procedure under the same conditions as a judgment (or court settlement) handed down in the State of enforcement (Article 20(1), paragraph 1, and Article 24(3)). The certificate takes effect within the limits of the enforceability of the judgment (Article 11). It can be said that its effect is to replace *exequatur*.

15 All forms require the authority or the court to fill in the date and the place where the certificate is issued and the Central Authority or the court is to sign *or* to stamp to form.

¹² “ (...) which satisfies the conditions necessary to establish its authenticity (...)”.

¹³ *N.B.* There is a special instrument with in the European Community concerning the exchange of documents: *Council Regulation No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, O.J.* No L 160 of 30 June 2000, p. 37.

¹⁴ *Supra* note 12.

¹⁵ *Supra* note 12.

IV. COMPARISON WITH THE DRAFT FORM OF THE CONVENTION

16 The recommended form of the Convention is not mandatory¹⁶ according to Article 13(3) but may accompany an application for recognition and enforcement. During the discussions of the Special Commission, it was stated that, in contrast to the other forms, it should be allowed to amend and adapt this form when used in a particular case. The form does not have the legal effect of a judgment but the "(...) information contained in it may be relied on by the court addressed in the absence of challenge. Even if there is no challenge, however, the information is not conclusive: the court addressed can decide the matter in the light of all the evidence before it".¹⁷ The text does not state whether the form will be issued on the court's own motion or upon request by an interested party, which means that this is a matter of internal law.

17 The proposed form requests the address of the court of origin (the requesting State), its telephone number, fax and e-mail as well as the name of a contact person. Additionally a reference number of the judgment and the names of the parties are required.

18 The first question concerns whether the court's jurisdiction is based on exclusive choice of court, which is to be certified by documents. Questions No 2, 3, 4 and 5 can be compared to Question No 5 (and No 8) of the certificate in Annex I of the European Enforcement Order. Similar questions to Question 6 on whether the judgment was given in default of appearance are found in Annex V to the Brussels I Regulation (Question No 4.4) and in Annex I to the Brussels II *bis* Regulation (Question No 5.4).

19 Concerning Question No 7 on whether the judgment is subject to review, variants of this question can be found in the studied forms; for instance Question No 7 of Annex I to the European Enforcement Order asks whether the judgment is still subject to the possibility of challenge and Question No 13.3 asks whether it was possible to challenge the judgment. Another example is Question No 7 of Annex I to the Brussels II *bis* Regulation that asks whether the judgment is subject to further appeal.

20 Question No 8 on enforceability is also found in the European Community's forms but with the difference that the question stresses the enforceability of the judgment as a whole, or of part of it.

21 In the proposed Convention form, there is no question on whether any party is receiving legal aid as in Annex V to the Brussels I Regulation (Question No 5) and Annex I to the Brussels II *bis* Regulation (Question No 6).

22 The form under the Convention is to have a signature *or* a stamp by an officer of the court, which is similar to the European Community's forms. However in the English version, only the date and not the place of the court is to be filled in, which differs from all the forms that are exemplified here.

23 The proposed Convention form requires that a "complete and certified copy of the judgment" be attached, *i.e.* not the original document nor an electronic version.¹⁸

24 Finally two remarks on questions that are not dealt with in the proposed form itself. In the proposed form there is no question about the delivery of the judgment to the concerned party, however in case of a default judgment, Article 13(1) c) requires evidence showing that the defaulting party has been notified. The second remark concerns the interest rate in Question 3 in the proposed form, which the European Enforcement Order also treats.¹⁹ This raises the question whether the requested State is

¹⁶ See the Explanatory Report by M. Dogauchi and T.C. Hartley, "Preliminary draft Convention on Exclusive Choice of Court Agreements – draft Report", Prel. Doc. No 26, p. 42, paragraph 185.

¹⁷ *Ibid.*

¹⁸ Cf. remarks on Article 13(1) a) in M. Dogauchi and T.C. Hartley, *supra* note 16, p. 41, paragraph 183.

¹⁹ See, Question No 5.2.1 in Annex I and II to the European Enforcement Order.

bound to apply the interest rate fixed by the requesting State according to the *lex causae*, or the interest rate applicable under its own law. As far as the interest rate is regarded as a procedural matter, Article 14 of the Convention states that it is the law of the requested State which governs the issue.

V. FINAL REMARKS

25 The forms quoted offer a comparison to the proposed Convention form but it should be noted that they are regional and do not concern exactly the same legal matters as the Convention. They should therefore be considered only as examples of forms concerning closely related legal matters in a regional area.

ANNEXES

ANNEX V

Certificate referred to in Articles 54 and 58 of the Regulation on judgments and court settlements

(English, inglés, anglais, inglese, ...)

1. Member State of origin
 2. Court or competent authority issuing the certificate
 - 2.1. Name
 - 2.2. Address
 - 2.3. Tel./fax/e-mail
 3. Court which delivered the judgment/approved the court settlement (*)
 - 3.1. Type of court
 - 3.2. Place of court
 4. Judgment/court settlement (*)
 - 4.1. Date
 - 4.2. Reference number
 - 4.3. The parties to the judgment/court settlement (*)
 - 4.3.1. Name(s) of plaintiff(s)
 - 4.3.2. Name(s) of defendant(s)
 - 4.3.3. Name(s) of other party(ies), if any
 - 4.4. Date of service of the document instituting the proceedings where judgment was given in default of appearance
 - 4.5. Text of the judgment/court settlement (*) as annexed to this certificate
 5. Names of parties to whom legal aid has been granted
- The judgment/court settlement (*) is enforceable in the Member State of origin (Articles 38 and 58 of the Regulation) against:
- Name:

Done at date

Signature and/or stamp

(*) Delete as appropriate.

ANNEX I

CERTIFICATE REFERRED TO IN ARTICLE 39 CONCERNING JUDGMENTS IN MATRIMONIAL MATTERS ⁽¹⁾

1. Member State of origin
2. Court or authority issuing the certificate
 - 2.1. Name
 - 2.2. Address
 - 2.3. Tel./fax/e-mail
3. Marriage
 - 3.1. Wife
 - 3.1.1. Full name
 - 3.1.2. Address
 - 3.1.3. Country and place of birth
 - 3.1.4. Date of birth
 - 3.2. Husband
 - 3.2.1. Full name
 - 3.2.2. Address
 - 3.2.3. Country and place of birth
 - 3.2.4. Date of birth
 - 3.3. Country, place (where available) and date of marriage
 - 3.3.1. Country of marriage
 - 3.3.2. Place of marriage (where available)
 - 3.3.3. Date of marriage
4. Court which delivered the judgment
 - 4.1. Name of Court
 - 4.2. Place of Court
5. Judgment
 - 5.1. Date
 - 5.2. Reference number
 - 5.3. Type of judgment
 - 5.3.1. Divorce
 - 5.3.2. Marriage annulment
 - 5.3.3. Legal separation

⁽¹⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

5.4. Was the judgment given in default of appearance?

5.4.1. No

5.4.2. Yes ⁽¹⁾

6. Names of parties to whom legal aid has been granted

7. Is the judgment subject to further appeal under the law of the Member State of origin?

7.1. No

7.2. Yes

8. Date of legal effect in the Member State where the judgment was given

8.1. Divorce

8.2. Legal separation

Done at date

Signature and/or stamp

⁽¹⁾ Documents referred to in Article 37(2) must be attached.

ANNEX I

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — JUDGMENT

1. Member State of origin: AT BE DE EL ES FI FR
IE IT LU NL PT SE UK
2. Court/Tribunal issuing the certificate
- 2.1. Name:
- 2.2. Address:
- 2.3. Tel./fax/e-mail:
3. If different, Court/Tribunal giving the judgment
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Judgment
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified
- 5.1. Principal Amount :
- 5.1.1. Currency Euro
 Swedish Kronor
 Pounds Sterling
 other (explain)
- 5.1.2. If the claim is for periodical payments
- 5.1.2.1. Amount of each instalment:
- 5.1.2.2. Due date of first instalment:
- 5.1.2.3. Due dates of following instalments
weekly monthly other (explain)

- 5.1.2.4. Period of the claim
- 5.1.2.4.1. Currently indefinite or
- 5.1.2.4.2. Due date of last instalment:
- 5.2. Interest
- 5.2.1. Interest rate
- 5.2.1.1. ... % or
- 5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾
- 5.2.1.3. Other (explain)
- 5.2.2. Interest to be collected as from:
- 5.3. Amount of reimbursable costs if specified in the judgment:
6. Judgment is enforceable in the Member State of origin
7. Judgment is still subject to the possibility of a challenge
Yes No
8. Judgment is on an uncontested claim under Article 3(1)
9. Judgment is in compliance with Article 6(1) (b)
10. The judgment concerns matters relating to consumer contracts
Yes No
- 10.1. If yes:
The debtor is the consumer
Yes No
- 10.2. If yes:
The debtor is domiciled in the Member State of origin (within the meaning of Article 59 of Regulation (EC) 44/2001)
11. Service of the document instituting the proceedings under Chapter III, where applicable
Yes No
- 11.1. Service was effected in compliance with Article 13
or service was effected in compliance with Article 14
or it is proved in accordance with Article 18(2) that the debtor has received the document

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

- 11.2. Due information
The debtor was informed in compliance with Articles 16 and 17
12. Service of summons, where applicable
Yes No
- 12.1. Service was effected in compliance with Article 13
or service was effected in compliance with Article 14
or it is proved in accordance with Article 18(2) that the debtor has received the summons
- 12.2. Due information
The debtor was informed in compliance with Article 17
13. Cure of non-compliance with procedural minimum standards pursuant to Article 18(1)
- 13.1. Service of the judgment was effected in compliance with Article 13
or service of the judgment was effected in compliance with Article 14
or it is proved in accordance with Article 18(2) that the debtor has received the judgment
- 13.2. Due information
The debtor was informed in compliance with Article 18(1)(b)
- 13.3. It was possible for the debtor to challenge the judgment
Yes No
- 13.4. The debtor failed to challenge the judgment in compliance with the relevant procedural requirements
Yes No

Done at date

.....
Signature and/or stamp

ANNEX II

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — COURT SETTLEMENT

1. Member State of origin: AT BE DE EL ES FI FR
IE IT LU NL PT SE UK
2. Court issuing the certificate
- 2.1. Name:
- 2.2. Address:
- 2.3. Tel./fax/e-mail:
3. If different, Court approving the settlement or before which it was concluded
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Court settlement
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified
- 5.1. Principal Amount:
- 5.1.1. Currency Euro
Swedish Kronor
Pounds Sterling
other (explain)
- 5.1.2. If the claim is for periodical payments
- 5.1.2.1. Amount of each instalment:
- 5.1.2.2. Due date of first instalment:
- 5.1.2.3. Due dates of following instalments
weekly monthly other (explain)

- 5.1.2.4. Period of the claim
- 5.1.2.4.1. Currently indefinite or
- 5.1.2.4.2. Due date of last instalment:
- 5.2. Interest
- 5.2.1. Interest rate
- 5.2.1.1. ... % or
- 5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾
- 5.2.1.3. Other (explain)
- 5.2.2. Interest to be collected as from:
- 5.3. Amount of reimbursable costs if specified in the court settlement:
6. The court settlement is enforceable in the Member State of origin

Done at date

.....
Signature and/or stamp

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

**ANNEX TO THE ADDITIONAL PROTOCOL TO THE INTER-AMERICAN
CONVENTION ON LETTERS ROGATORY**

FORM C

CERTIFICATE OF EXECUTION¹

To:

(Name and address of judicial or administrative authority that issued the letter rogatory)

In conformity with the Additional Protocol to the Inter-American Convention on Letters Rogatory, signed at Montevideo on May 8, 1979, and in accordance with the attached original letter rogatory, the undersigned Central Authority has the honor to certify the following:

*A. That one copy of the documents attached to this Certificate has been served or delivered as follows:

Date:

At (address)

By one of the following methods authorized by the Convention.

* (1) In accordance with the special procedure or additional formalities that are described below, as provided for in the second paragraph of Article 10 of the above-mentioned Convention, or

* (2) By service personally on the identified addressee or, in the case of a legal entity, on its authorized agent, or

* (3) If the person or the authorized agent of the entity to be served was not found, in accordance with the law of the State of destination: (Specify method used)

* Delete if inapplicable.

*B. That the documents referred to in the letter rogatory have been delivered
Identity of person

Relationship to the addressee
(Family, business or other)

*C. That the documents attached to the Certificate have not been served or delivered for the following reason(s):

*D. In conformity with the Protocol, the party requesting execution of the letter rogatory is requested to pay the outstanding balance of costs in the amount indicated in the attached statement.

Done at _____ the _____ day of _____ 19 __

Signature and stamp of Central Authority of the State of destination

Where appropriate, attach originals or copies of any additional documents proving service or delivery, and identify them.

* Delete if inapplicable.

MERCOSUR

FORMULARIO N° 1 (*)

ANEXO AL
ACUERDO COMPLEMENTARIO AL PROTOCOLO
DE COOPERACION Y ASISTENCIA
JURISDICCIONAL EN MATERIA CIVIL,
COMERCIAL, LABORAL Y ADMINISTRATIVA
DEL MERCOSUR

EXHORTO
COOPERACION EN ACTIVIDADES DE MERO
TRAMITE ⁽¹⁾

(citaciones, intimaciones, emplazamientos,
notificaciones u otras semejantes)
- Artículo 5, a -

DE LA AUTORIDAD CENTRAL DEL ESTADO
REQUERENTE

Estado:
Repartición²⁾:
Dirección:
Teléfono:
Fax:
E-mail:

A LA AUTORIDAD CENTRAL DEL ESTADO
REQUERIDO

Estado:
Repartición²⁾:
Dirección:
Teléfono:
Fax:
E-mail:

DEL ORGANISMO JURISDICCIONAL REQUERENTE

Denominación:
Dirección:

AL ORGANISMO JURISDICCIONAL REQUERIDO

-si se conociere-
Denominación:
Dirección:

EXPEDIENTE

Carátula:
Número:

JUICIO

Objeto:
Naturaleza:

PARTES

ACTOR:
Nombre:
Domicilio constituido:

DEMANDADO:

Nombre:
Domicilio:

SOLICITANTE DE LA MEDIDA

Calidad: ACTOR/DEMANDADO/OTRO³⁾
Nombre:



MERCOSUL

FORMULÁRIO N° 1 (*)

ANEXO AO
ACORDO COMPLEMENTAR AO PROTOCOLO DE
COOPERAÇÃO E ASSISTÊNCIA JURISDICCIONAL
EM MATÉRIA CIVIL, COMERCIAL, TRABALHISTA
E ADMINISTRATIVA
DO MERCOSUL

CARTA ROGATÓRIA
COOPERAÇÃO EM ATIVIDADES DE SIMPLES
TRÂMITE ⁽¹⁾

(citações, intimações, citações com prazo definido,
notificações ou outras semelhantes)
- Artigo 5, a -

DA AUTORIDADE CENTRAL DO ESTADO
REQUERENTE

Estado:
Repartição²⁾:
Endereço:
Telefone:
Fax:
E-mail:

À AUTORIDADE CENTRAL DO ESTADO
REQUERIDO

Estado:
Repartição²⁾:
Endereço:
Telefone:
Fax:
E-mail:

DO ÓRGÃO JURISDICCIONAL REQUERENTE

Denominação:
Endereço:

AO ÓRGÃO JURISDICCIONAL REQUERIDO

-se conhecido-
Denominação:
Endereço:

EXPEDIENTE

Tipo da ação:
Número:

PROCESSO

Tipo da ação:
Natureza:

PARTES

AUTOR:
Nome:
Domicílio:

RÉU:

Nome:
Domicílio:

SOLICITANTE DA MEDIDA

Qualidade: AUTOR/RÉU/OUTRA³⁾
Nome:

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Dirección
 Domicilio constituido:

APODERADO DEL SOLICITANTE DE LA MEDIDA EN EL ESTADO REQUERIDO -si lo hubiere- (art. 6, d)
 Nombre:
 Dirección en el Estado requerido:

EN EL SUPUESTO DE DESIGNARSE PROFESIONALES PARA INTERVENIR EN EL DILIGENCIAMIENTO DEL EXHORTO, IDENTIFICACIÓN DE LA PERSONA QUE EN EL ESTADO REQUERIDO PROCEDERÁ A DAR CUMPLIMIENTO AL PAGO DE LOS HONORARIOS DEVENGADOS: (art. 15)
 Nombre:
 Dirección:

A. La resolución que ordena la medida y la expedición del presente exhorto dice: (art. 6, c):

B. Se solicita la pronta CITACION, INTIMACION, EMPLAZAMIENTO, NOTIFICACION, U OTRA MEDIDA SEMEJANTE (art. 6, e)¹⁾
 Nombre:
 Dirección:

Cualquier otro dato que pueda servir para su individualización: (ej. documento de identidad)

C. El plazo del que dispone la persona afectada por la medida para cumplirla es de: (art. 6, f) días CORRIDOS/HÁBILES²⁾ contados a partir del día siguiente al de la notificación.

D. La autoridad que suscribe solicita que la CITACION, INTIMACION, EMPLAZAMIENTO, NOTIFICACION U OTRA ³⁾ se practique en la siguiente forma⁴⁾:

1.- De acuerdo con el procedimiento especial o formalidades adicionales que a continuación se describen (art. 6, g y art. 12):

2.- En la forma prevista por la ley del Estado requerido (art. 12)

3.- A fin de facilitar el cumplimiento del exhorto se suministra la siguiente información complementaria: (art. 6, h)

Se solicita se entregue a la autoridad jurisdiccional los

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Residência:
 Domicílio:

PROCURADOR DA PARTE SOLICITANTE DA MEDIDA NO ESTADO REQUERIDO - se houver (art.6, d)
 Nome:
 Endereço no Estado requerido:

CASO SEJAM DESIGNADOS PROFISSIONAIS PARA INTERVIR NO DILIGENCIAMENTO DA CARTA ROGATÓRIA, SOLICITA-SE A IDENTIFICAÇÃO DA PESSOA QUE, NO ESTADO REQUERIDO, PROCEDERÁ AO PAGAMENTO DAS DESPESAS E HONORÁRIOS DEVIDOS(art. 15):
 Nome:
 Endereço:

A. A decisão que ordena a medida e a expedição da presente carta rogatória diz (art. 6, c):

B. Solicita-se a pronta CITAÇÃO/INTIMAÇÃO/CITAÇÃO COM PRAZO DEFINIDO/NOTIFICAÇÃO OU OUTRA MEDIDA SEMELHANTE (art. 6, e). ¹⁾
 Nome:
 Endereço:

Cualquier otro dato que possa servir para sua identificação (por exemplo, carteira de identidade):

C. O prazo de que dispõe a pessoa afetada pela medida para cumpri-la é de: (art.6, f)dias CORRIDOS/ ÚTEIS ²⁾, contados a partir do dia seguinte ao da notificação.

D. A Autoridade que assina solicita que a CITAÇÃO/ INTIMAÇÃO/CITAÇÃO COM PRAZO DEFINIDO/ NOTIFICAÇÃO OU OUTRA MEDIDA ³⁾ se pratique da seguinte forma⁴⁾:

1.- De acordo com o procedimento especial ou as formalidades adicionais descritas a seguir (arts.6, g e 12)


2.- Na forma prevista na lei do Estado requerido (art. 12).

3.- A fim de facilitar o cumprimento da carta rogatória se presta a seguinte informação complementar (art.6, h)

F. Solicita-se sejam entregues à Autoridade Jurisdiccional os



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<p>documentos enumerados en I: Autoridad:¹⁾</p> <p>G. Se solicita se informe con la debida antelación, por intermedio de las Autoridades Centrales, el lugar, fecha y hora en que la medida solicitada se hará efectiva, a fin de permitir que la autoridad requirente, las partes interesadas o sus respectivos representantes puedan comparecer y ejercer las facultades autorizadas por la legislación de la Parte requerida: (art. 11) SI/NO ²⁾</p> <p>H. Se ruega a la Autoridad requerida devolver al requirente una copia de los documentos adjuntos al presente exhorto y un certificado de cumplimiento conforme el Formulario N° 6.</p> <p>I. Título u otra identificación de los documentos que deban ser entregados (art. 6, c) ³⁾</p> <p>Hecho en a los días del mes de del año</p> <p>Firma y sello del Órgano Jurisdiccional del Estado requirente</p> <p>Firma y sello de la Autoridad Central del Estado requirente</p> <p>1) Completar el original y dos copias de este formulario con su respectiva traducción. (art.10). 2) Ministerio al que pertenece la Autoridad Central. 3) Testar lo que no corresponda. En "OTRO" especificar. 4) Testar lo que no corresponda, en "OTRA MEDIDA" especificar. 5) Testar lo que no corresponda. 6) Si se conociere indicar el nombre. 7) Los documentos indicados se acompañan con su respectiva traducción. (art.10)</p> <p>(*) SI FALTARE ESPACIO COMPLETAR EN HOJA APARTE</p>		<p>documentos enumerados em I: Autoridade:¹⁾</p> <p>G. Solicita-se sejam informados com a devida antecedência, por intermédio das Autoridades Centrais, o lugar, a data e a hora em que a medida solicitada será cumprida, a fim de permitir que a Autoridade requirente, as partes interessadas ou seus respectivos representantes possam comparecer e exercer as facultades autorizadas pela legislação da Parte requerida (art.11). SIM/NÃO ²⁾</p> <p>II. Solicita-se à Autoridade requerida devolver ao requirente uma cópia dos documentos apensos à presente carta rogatória e um certificado de cumprimento conforme o formulário 6.</p> <p>I. Título ou outra identificação dos documentos que devem ser entregues (art.6, c) ³⁾</p> <p>Feito em em de de</p> <p>Assinatura e carimbo do Órgão Jurisdiccional do Estado requirente</p> <p>Assinatura e carimbo da Autoridade Central do Estado requirente</p> <p>1) Preencher o original e duas cópias deste formulário, com a respectiva tradução (art.10). 2) Ministério ao qual pertence a Autoridade Central. 3) Riscar o que não couber. Em "OUTRA", especificar. 4) Riscar o que não couber. Em "OUTRA MEDIDA" especificar. 5) Riscar o que não couber. 6) Se conhecida, indicar o nome. 7) Os documentos indicados são apresentados com a respectiva tradução (art.10).</p> <p>(*) SE FALTAR ESPAÇO, COMPLETAR EM FOLHA À PARTE</p>

