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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	13870/23
Subject:	The 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters: Line to take concerning the accession of Singapore - Approval

I. EXPLANATORY BACKGROUND

1. The Working Party in Civil Law Matters (General Questions) wishes to bring to the attention of Coreper the question of the European Union's¹ position to the accession of Singapore to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereafter 'the 1965 Hague Convention').

¹ In accordance with articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark does not take part in the establishment of the EU's position.

II. THE 1965 HAGUE CONVENTION

2. The 1965 Hague Convention falls under EU exclusive external competence, pursuant to Article 3(2) TFEU, insofar as the provisions of the Convention may affect or alter the scope of common EU rules on the service of judicial or extrajudicial documents in civil and commercial matters².
3. All EU Member States are parties to the 1965 Hague Convention. In the absence of a Regional Economic Integration Organisation (REIO) clause, the European Union cannot formally become a Contracting Party to the 1965 Hague Convention. Any actions that the European Union wishes to take in respect of this Convention will have to go through the intermediary of the Member States acting in the interest of the European Union.

² Such as Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) (OJ L 405 2.12.2020, p. 40) [EUR-Lex - 02020R1784-20201202 - EN – EUR-Lex \(europa.eu\)](#), and, to the extent that it is still applicable, Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79). [EUR-Lex - 32007R1393 - EN - EUR-Lex \(europa.eu\)](#)

4. Pursuant to Article 28 of the 1965 Hague Convention, any third State may accede to the Convention.³ The Convention enters into force for the third State in the absence of any objection from a State represented at the Tenth Session of the Hague Conference on Private International Law that has ratified the Convention before the accession.⁴ Such an objection must be made within a period of six months after the date on which the accession was notified. A single validly made objection will not have merely bilateral effects between the objecting contracting party and the third State, but will result in preventing the third State from becoming a party to the Convention in relation to all contracting parties.⁵
5. The Depositary notified Singapore's accession to the 1965 Hague Convention on 16 May 2023. The six-months deadline for any objection to the proposed accession expires on **16 November 2023**.⁶

³ See Article 28, first paragraph of the 1965 Hague Convention, which reads as follows: 'Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 27.'

⁴ See Article 28, second paragraph of the 1965 Hague Convention, which reads as follows: 'The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such deposit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.' See also Article 26 of the 1965 Hague Convention, which states that 'The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law. It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands'.

⁵ See Article 28, second paragraph of the 1965 Hague Convention, cited in the previous footnote.

⁶ According to information provided by the Depositary.
[004235_Notificaties_104.pdf \(overheid.nl\)](#)

6. According to the Commission's information, which was presented orally in the Working Party on Civil Law matters (General Questions) on 6 September 2023, Singapore has appointed its Central Authority under the 1965 Convention and published the relevant contact details and practical information on the HCCH website. According to the Commission, due to the nature of this Convention which does not require further implementation for its application, no other assessment is needed.
7. The two policy options as resulting from the 1965 Hague Convention are: (a) No objection to an accession; (b) Objection to an accession.

III. SUMMARY OF THE CONTRIBUTIONS BY THE WORKING PARTY ON CIVIL LAW MATTERS AND ITS RECOMMENDATION ON THE ACCESSION OF SINGAPORE

8. The Working Party on Civil Law Matters (General Questions) discussed the accession of Singapore to the 1965 Hague Convention on 6 September and 4 October 2023 and did not identify any fundamental obstacles related to the civil law area which could lead to an objection to the accession. The Commission shares the same views.
9. The Working Party on Civil Law Matters (General Questions), therefore, is recommending to Coreper that the European Union, through its Members States, should not raise an objection to the accession of Singapore to the 1965 Hague Convention.
10. This recommendation to approve a line to be taken in the case of Singapore is without prejudice to the procedure to be followed in the future to establish the European Union's position concerning the accession of third States to such Hague Conventions which have the same accession mechanism as the 1965 Hague Convention.

IV. CONCLUSION

11. In view of the above, the Permanent Representatives Committee is invited to recommend to the Council to approve that the line to be taken by the European Union, through its Member States acting in the interest of the European Union, is not to raise an objection to Singapore's accession to the 1965 Hague Convention.
