

receipt by the liaison agency, the German court or authority has received neither notification in writing that service has been effected in accordance with sub-paragraph (b) of this paragraph nor any communication stating that it has not been possible to effect service.

(ii) Service shall not, however, be deemed to have been effected if the liaison agency notifies the German court or authority prior to the expiry of the period of twenty-one days that it has not been possible to effect service."

3. Following paragraph 1, sub-paragraph (c), item (ii), the following new item (iibis) shall be added:

"(iibis) If the person to be served has permanently left the Federal Republic, the liaison agency shall notify the German court or authority immediately of this fact and, taking into account the provisions of paragraph 3 of Article 3 of the present Agreement, shall render the German court or authority all assistance in its power."

4. Paragraph 2 shall be replaced as follows:

"2. When a German process server (deutscher Zusteller) serves directly a plaint or other document or court order initiating non-criminal proceedings before a German court or authority, the German court or authority shall so notify the liaison agency in writing prior to or immediately upon the service of process. The contents of the written notification shall be in accordance with Section 205 of the Code of Civil Procedure (Zivilprozessordnung) and, in case of dependents, to the extent permitted by law."

5. Following paragraph 2, the following new paragraph 3 shall be added:

"3. Where a German court or authority serves a judgment or a document in appellate proceedings (Rechtsmittelschrift), the liaison agency shall, upon special or general request of the sending State concerned, be notified thereof immediately to the extent permitted by law except where the liaison agency itself is requested to effect such service, or where the addressee or another party to the proceedings objects. The German court or authority shall inform the liaison agency of any objection."