

Most treaties provide that a requested state may refuse assistance if the authenticity of the request is not established or the sovereignty or safety of the requested state may be compromised by executing the request.

In every instance where a request for service is not executed by the authority to whom it has been sent, the latter is required to promptly inform the Canadian diplomatic or consular officer who has forwarded the request, stating the grounds on which the execution of the request has been refused or the competent authority to whom it has been forwarded for service.

The authority executing the request for service must provide a certificate proving the service or explaining the reason why such service has been prevented, and setting forth the fact, the manner, the place and the date of such service or attempted service; and shall send the certificate to the Canadian diplomatic or consular officer by whom the request for service was made. The certificate of service or of attempted service is placed on one of the duplicates or attached thereto. As noted previously, proof of service is based on certification rather than a sworn affidavit. It is probable that a Canadian court will accept such a certificate as evidence that the service was carried out in accordance with the required procedure under the local foreign law.

Finally, Canada is obliged to pay for the service according to the local tariff in the state of execution. Thus, when forwarding the documents to the Department of External Affairs, it is important to include an undertaking to reimburse the Department for these charges together with any expenses which might be incurred in carrying out the request.

Service of Quebec judicial documents in France may be made in accordance with the provisions of the 1977 *Entente entre le Québec et la France sur l'entraide judiciaire en matière civile, commerciale et administrative* (see Appendix A). The methods provided for in the entente are not exclusive.

B. Non-Treaty and Non-Entente Countries

1. Civil and Commercial Matters

In the absence of a civil procedure treaty or entente, the question of service of documents and the facilities provided for such procedure are based on the customary courtesies granted under the comity of nations. Thus, service of court documents