

(c) Service shall be effected by the competent authority of the country where it is to be served, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, or, should a wish to that effect be expressed in the request, in a special form which is not incompatible with such law. If the authority to whom a document has been transmitted is not competent to deal with it, such authority shall of its own motion transmit the document to the competent authority of its own country.

(d) The execution of the request for service can only be refused if the High Contracting Party in whose territory it is to be effected considers it such as to compromise his sovereignty or safety.

(e) The authority which receives the request shall send to the consular officer by whom it was transmitted the documents proving the service or explaining the reason which has prevented such service. Proof of service shall be furnished by a certificate from the authority of the country where service has been effected, setting forth the fact, the manner and the date of such service. The document to be served, and the translation, if any, shall be forwarded in duplicate, and the certificate shall appear on one of the copies, or be attached to it.

#### ARTICLE 4

The document to be served may also be served on the recipient, whatever his nationality, without the intervention of the authorities of the country in which service is to be effected:—

(a) By a diplomatic or consular officer of the High Contracting Party from whose territory the document emanates; or

(b) By an agent appointed by the judicial authority of the country from which the document emanates, or by the party on whose application the document was issued. In the case of documents to be served in Italy, such agent shall always be either a Notary Public or an Advocate, who shall employ for the act of service an official competent by Italian law for this purpose.

The document to be served shall be drawn up in the language of the country in which service is to be effected, or shall be accompanied by a translation in such language, unless the recipient is a subject of the High Contracting Party from whose territory the document emanates.

#### ARTICLE 5

The provisions of Articles 2, 3 and 4 shall not prevent the persons concerned from effecting service directly through the competent officials or officers of the country in which the document is to be served.

#### ARTICLE 6

No fees of any description shall be payable by one High Contracting Party to the other in respect of the service.

Nevertheless, in the case provided for in Article 3, the High Contracting Party making the request must pay to the other High Contracting Party any charges and expenses which are payable under the local law to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall be calculated in accordance with the tariff in force in the country where the documents are served for subjects of the High Contracting Party applied to. Repayment of these charges and expenses shall be claimed by the competent authority from the consular officer by whom the request was transmitted when sending to him the certificate provided for in Article 3 (e).