



Regulation 1393/2007

Service of Documents



Council Regulation (EC) 1393/2007 of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters

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Service of Documents (I)

Legal Basis (continued)

Treaty on the Functioning of the European Union (2009)

Article 81 Treaty (Title V)

“Measures in the field of judicial cooperation in civil matters having cross-border implications, particularly when necessary for the proper functioning of the internal market, aimed at ensuring: (...)

(b) the cross-border service of judicial and extrajudicial documents; ...”

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Service of Documents (II)

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Replaces

1965 Hague Convention on service of documents, as well as
Chapter I of 1954 Hague Convention on civil procedure
between MS

Introduces

- Direct court-to-court dealings
- Uniform standard forms
- New language rules
- Postal service

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Service of Documents (III)

Scope (Art. 1)

Service of *judicial* or *extrajudicial* document

⇒ See Case C-14/08 (*Roda Golf*): notarial deed

In *civil* or *commercial* matters

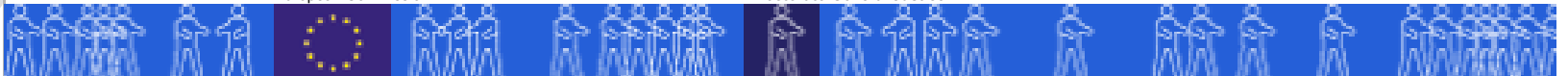
From one *MS* to *another*

Address of person to be served *known*

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Service of Documents (IV)

Agencies and Bodies

Transmitting Agencies - TA (Art. 2 I)

Receiving Agencies - RA (Art. 2 II)

=> Manual of RAs includes:

Name, address, geographical area, means of receipt, languages

http://ec.europa.eu/justice_home/judicialatlascivil/html/ds_docs_en.htm#Manual

Central Bodies (Art. 3)

=> Supply information to TA, seek solutions to difficulties

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Service of Documents (V)

Methods of Transmission I

Service through **TA** and **RA** (VII-VIII), Art. 4-11

Direct Service (X), Art. 15

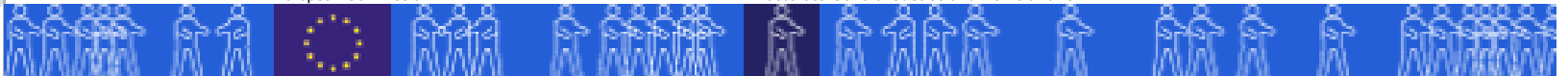
Service by **Post** (IX), Art. 14

Diplomatic/Consular Service, Art. 12-13

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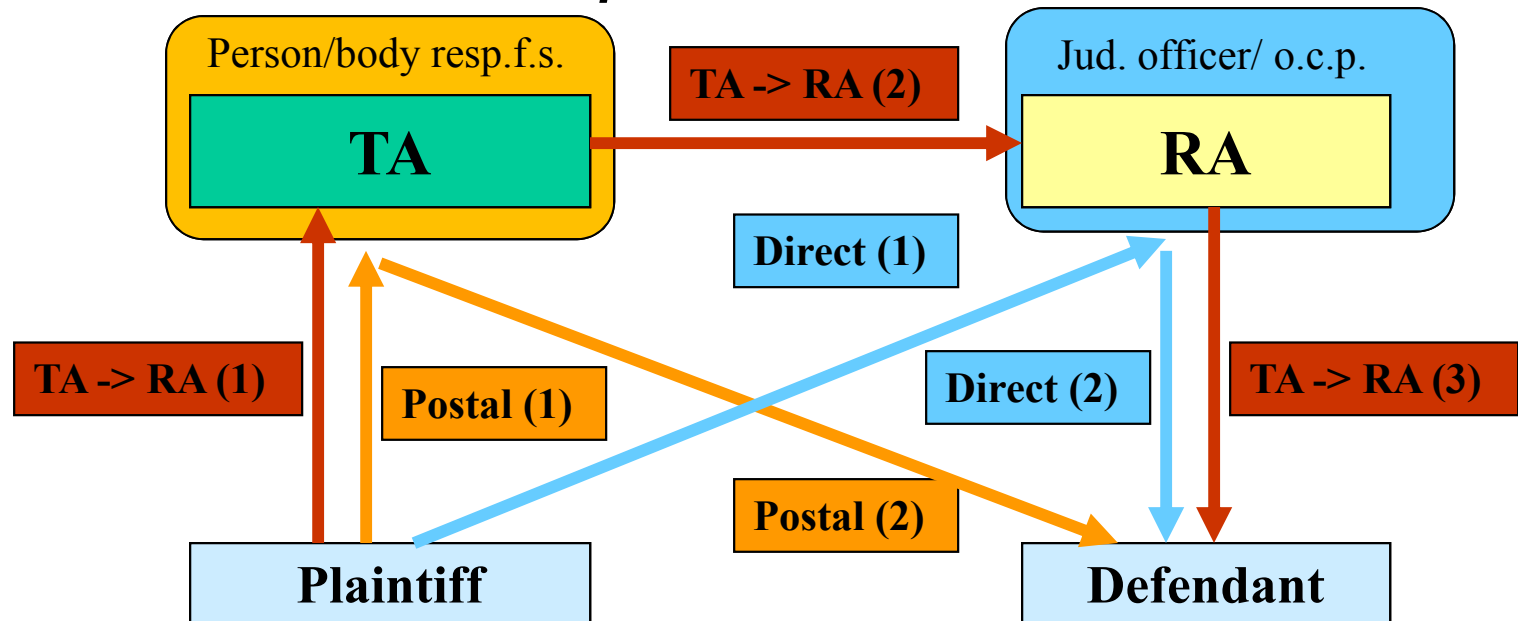


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Service of Documents (VI)

Methods of Transmission II

Example: Service of a writ

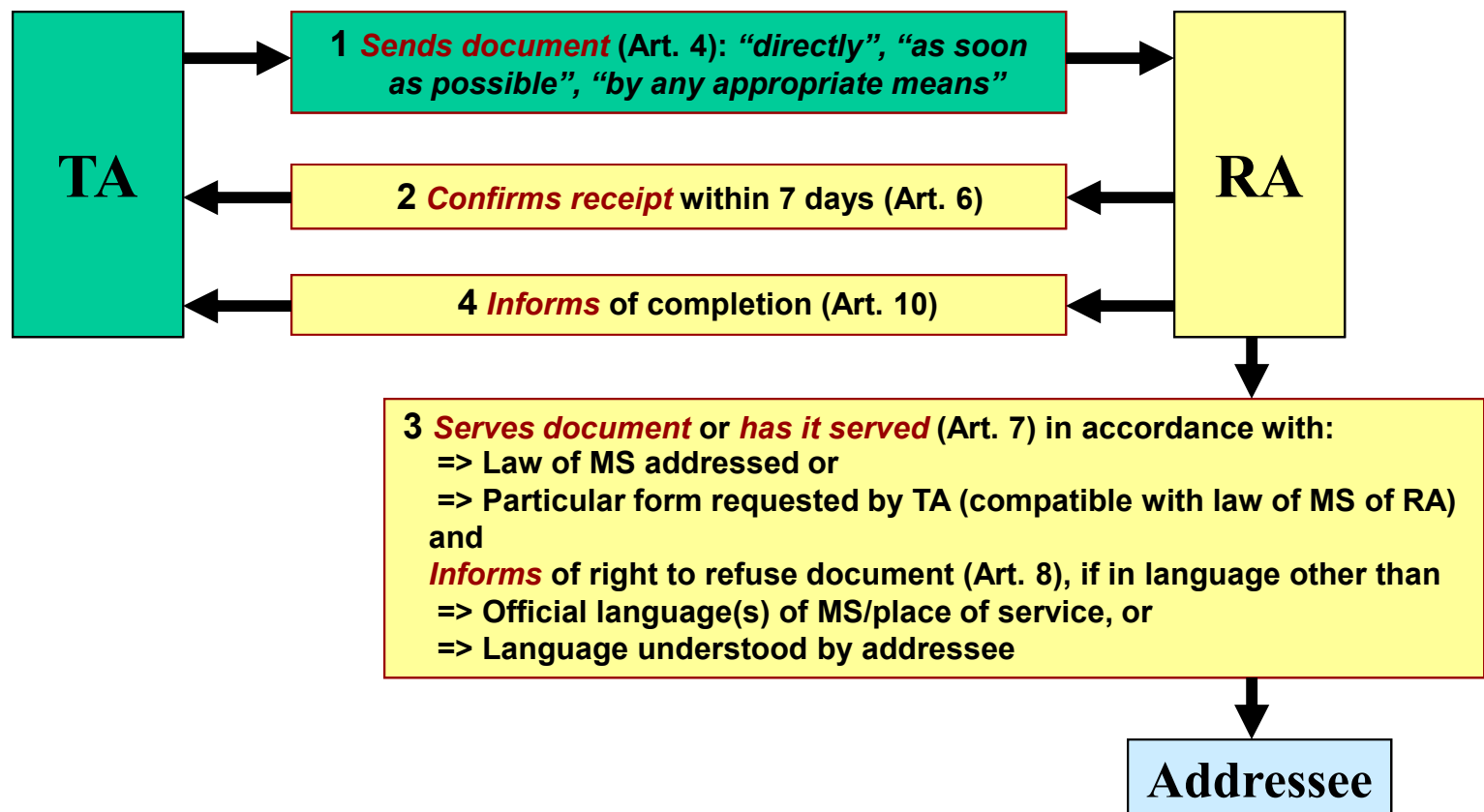


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Service of Documents (VII)

Service TA - RA



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Service of Documents (VIII)

Standard Forms (Annex)

Request for Service of Documents

Acknowledgement of Receipt

Notice of Return of Request and Document

Notice of Retransmission of Request and Document
to appropriate RA

Notice of Receipt by appropriate RA having territorial
jurisdiction to TA

Notice of right to refuse to accept document

Certificate of Service or Non-service of Documents

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Service of Documents (IX)

Service by Post

Person/body responsible for service (TA) can also send document *by post directly to addressee*

=> Not to RA

Condition: Registered letter with acknowledgement of receipt

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Service of Documents (X)

Direct Service

Any person interested in judicial proceeding can also effect service *directly through judicial officer or other competent person of the MS addressed*

=> No involvement of TA

But: this must be allowed under law of MS addressed:

⇒ See *Communications of MS*:

http://ec.europa.eu/justice_home/judicialatlascivil/html/ds_otherinfostate_en.jsp

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Service of Documents (XI)

Communications of MS (Art. 23)

Art. 2: TAs, RAs

Art. 3: Central body

Art. 4: Language(s) accepted for completion of request form

Art. 9: Date of service: time limits

Art. 10: Language(s) accepted for completion of certificate

Art. 13: Service by diplomatic/consular agents accepted ?

Art. 15: Direct service permitted ?

Art. 19: Defendant not appearing: judgment, time period for relief

Art. 20: (Draft) agreements, denunciations or amendments

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