



# IAFL Introduction to European Family Law Conference, Thessaloniki, Greece

Thursday 18 April

Session 2: Subpoena and service of  
decisions



**IAFL INTRODUCTION TO EUROPEAN FAMILY LAW CONFERENCE IN COLLABORATION WITH  
THE LAW SCHOOL OF ARISTOTLE UNIVERSITY, THESSALONIKI  
EDUCATION PROGRAM**

**Thursday 18 April**

**10:00-10:00 Session 2: Subpoena and service of decisions**

Speakers:

1. Apostolos Anthimos, Greece

## APOSTOLOS ANTHIMOS



### SHORT CV

Attorney at law, Thessaloniki Bar, Greece, admitted to the Supreme Court; Ph.D. in International Civil Litigation (2002). Two masters of Laws from the University of Hanover, Germany (1994) and Thessaloniki (1997). Four monographs on Civil Procedure and Conflict of Laws (in Greek). Co-editor & author of The European Service Regulation – A commentary (Edward Elgar, 2023). Co-Author of Civil Procedure in Greece (IEL - Kluwer law International, 2023). Various publications on topics related to European & International PIL, Arbitration and Dispute resolution, EU law and Civil Procedure. Contact point, European Judicial Network in civil matters. European Judicial Training Network Instructor. Trainer of Judges, lawyers, and MoJ staff in East & Southeastern Europe, Africa, Middle East, Central & Southeastern Asia. Editor for PIL, European & International Civil Procedure in the following law reviews: European Legal Forum (Germany); Thessaloniki Bar Review “Armenopoulos”; Civil Procedure Law Review (GR); Commercial Law Survey (GR). Editor in chief in: Lex & Forum – a law review on conflict of laws (GR). Co-editor, [www.conflictoflaws.net](http://www.conflictoflaws.net) / [www.eapil.org/blog](http://www.eapil.org/blog); Founding, Board and Steering Committee Member of the European Association of Private International Law. Member of EU expert groups (DG JUSTICE AND CONSUMERS) on: Modernization of Judicial Cooperation in Civil and Commercial Matters (2018); Expert Group against SLAPP [Strategic Lawsuits Against Public Participation] (2021). CoE expert: Legal aid and legal representation (2020-2021).

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**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)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 1393/2007 of the European Parliament and of the Council <sup>(3)</sup> has been amended before. Since further substantial amendments are to be made, that Regulation should be recast in the interests of clarity.
- (2) The Union has set itself the objective of maintaining and developing the Union as an area of freedom, security and justice in which the free movement of persons is ensured. To establish such an area, the Union is to adopt, among other measures, measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market.
- (3) For the purposes of the proper functioning of the internal market and the development of an area of civil justice in the Union, it is necessary to further improve and expedite the transmission and service of judicial and extrajudicial documents between the Member States in civil and commercial matters, while ensuring a high level of security and protection in the transmission of such documents, safeguarding the rights of addressees and protecting privacy and personal data. This Regulation seeks to improve the effectiveness and speed of judicial procedures by simplifying and streamlining them as regards the service of judicial and extrajudicial documents in the Union, while at the same time helping to reduce delays and costs for individuals and businesses. Providing greater legal certainty and simpler, streamlined and digitalised procedures, will encourage individuals and businesses to engage in cross-border transactions, thereby boosting trade within the Union and thus the functioning of the internal market.
- (4) This Regulation lays down rules on the service of judicial and extrajudicial documents in the Member States in civil or commercial matters. It should not apply to the service of judicial and extrajudicial documents in other matters such as revenue, customs or administrative matters.
- (5) Cross-border service should be construed as service from one Member State to another Member State.
- (6) This Regulation should not apply to the service of documents on a party's authorised representative in the forum Member State, but should apply to the service of any document on a party in another Member State if such service is required under the law of the forum Member State, irrespective of whether the document has been served on the party's representative.

<sup>(1)</sup> OJ C 62, 15.2.2019, p. 56.

<sup>(2)</sup> Position of the European Parliament of 13 February 2019 (not yet published in the Official Journal) and position of the Council at first reading of 4 November 2020 (not yet published in the Official Journal). Position of the European Parliament of 23 November 2020 (not yet published in the Official Journal).

<sup>(3)</sup> 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).

- (7) Where an addressee has no known address for service in the forum Member State, but has one or more known addresses for service in one or more other Member States, the document should be transmitted to such other Member State for service under this Regulation. This situation should not be construed as domestic service within the forum Member State. In particular, the document should not be served on the addressee by a fictitious method of service, such as service by posting an announcement on the court notice board or by depositing the document in the court file.
- (8) For the purposes of this Regulation, the term 'extrajudicial documents' should be understood to include documents that have been drawn up or certified by a public authority or official, and other documents of which the formal transmission to an addressee residing in another Member State is necessary for the purposes of exercising, proving or safeguarding a right or a claim in civil or commercial law. The term 'extrajudicial documents' should not be understood to include documents issued by administrative authorities for the purposes of administrative proceedings.
- (9) Efficiency and speed in judicial proceedings in civil matters require that judicial and extrajudicial documents be transmitted directly and by rapid means between local bodies designated by the Member States. Member States should be able to designate separate transmitting agencies and receiving agencies or to designate one or more agencies to perform both functions for a period of five years. It should, however, be possible to renew that designation every five years.
- (10) In order to ensure the speedy transmission of documents between Member States for the purposes of service, any appropriate modern communications technology should be used, provided that certain conditions as to the integrity and reliability of the document received are met. Therefore, as a rule, all communication and exchange of documents between the agencies and bodies designated by the Member States should be carried out through a secure and reliable decentralised IT system comprising national IT systems that are interconnected and technically interoperable, for example, and without prejudice to further technological progress, based on e-CODEX. Accordingly, a decentralised IT system should be established for data exchanges under this Regulation. The decentralised nature of that IT system would enable data exchanges exclusively between one Member State and another, without any of the Union institutions being involved in those exchanges.
- (11) Without prejudice to possible future technological progress, the secure decentralised IT system and its components should not be understood to necessarily constitute a qualified electronic registered delivery service as defined by Regulation (EU) No 910/2014 of the European Parliament and of the Council <sup>(4)</sup>.
- (12) The Commission should be responsible for the creation, maintenance and future development of reference implementation software which Member States should be able to use instead of a national IT system, in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulations (EU) 2018/1725 <sup>(5)</sup> and (EU) 2016/679 <sup>(6)</sup> of the European Parliament and of the Council, in particular the principles of data protection by design and by default. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of service of documents.
- (13) In relation to the components of the decentralised IT system which are under the responsibility of the Union, the managing entity should have sufficient resources in order to ensure the proper functioning of that system.
- (14) The competent authority or authorities under national law should be responsible as controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data that they carry out under this Regulation for the transmission of documents between Member States.

<sup>(4)</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

<sup>(5)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>(6)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (15) Transmission through the decentralised IT system could become impossible due to a disruption of the system. Other means of communication could be more appropriate also in exceptional circumstances, which could include situations in which converting voluminous documentation into electronic form would impose a disproportionate administrative burden on the transmitting agency or whereby the original document is needed in paper format to assess its authenticity. Where the decentralised IT system is not used, transmission should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or by postal service.
- (16) In order to enhance electronic cross-border transmission of documents through the decentralised IT system, such documents should not be denied legal effect and should not be considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of such documents as evidence in accordance with national law. It should also be without prejudice to national law regarding the conversion of documents.
- (17) In order to facilitate the transmission and service of documents between Member States, the forms set out in Annex I should be used. The document to be transmitted should be accompanied by a request drawn up using form A in Annex I. The form should be completed in the official language of the Member State addressed or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where service is to be effected, or in another language which that Member State has indicated it can accept. Each Member State should indicate the official language or languages of the Union other than its own which it can accept.
- (18) An acknowledgment of receipt using form D in Annex I should be sent automatically to the transmitting agency through the decentralised IT system or by other means, as soon as possible and in any event within seven days of receipt of the document.
- (19) When it receives a certificate of non-service of documents, it is important for the transmitting agency to know whether the authorities of the Member State addressed have submitted requests to domicile registries or other databases, where such registries or databases exist, for a search for a new address for the person to be served. Therefore, Member States should inform the Commission if their authorities make such requests on their own initiative in cases where the address indicated in the request for service is not correct. However, this Regulation should not impose an obligation on the authorities of the Member States to make such requests.
- (20) Where a request for service cannot be fulfilled on the basis of the information or the documents transmitted, where it falls outside the scope of this Regulation, where non-compliance with the formal conditions makes the service impossible, or where it was sent to a receiving agency not having territorial jurisdiction, the receiving agency should undertake the steps provided for in this Regulation without a delay that is unjustified, unreasonable and unnecessary in the light of the particular circumstances, including the means of communication at the disposal of the receiving agency.
- (21) Speed in transmission requires documents to be served within days of receipt of the document. The service of documents should be effected as soon as possible, and in any event within one month of their receipt by the receiving agency.
- (22) The receiving agency should continue to take all necessary steps to effect the service of the document even in cases where it has not been possible to effect the service within one month of the receipt of the document, for example, because the defendant was on holiday away from his or her home or was on business away from his or her office. However, in order to avoid an open-ended obligation for the receiving agency to take steps to effect the service of a document, the transmitting agency should be able to specify a time limit after which service is no longer necessary, using form A in Annex I.
- (23) To ensure that this Regulation is effective, the circumstances in which it is possible to refuse the document to be served should be confined to exceptional situations.
- (24) In all cases where the document to be served is not in the official language or one of the official languages of the place of service, the receiving agency should inform the addressee in writing using form L in Annex I that the addressee can refuse to accept the document to be served if it is neither in a language which the addressee understands nor in the official language or one of the official languages of the place of service. This rule should also apply to any subsequent service once the addressee has exercised the right of refusal. The right of refusal should also

apply in respect of service by diplomatic agents or consular officers, service by postal services, electronic service and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

- (25) If a translation is attached to the document to be served, it should be certified or otherwise deemed suitable for proceedings in accordance with the law of the Member State of origin. The translation should be made available to the Member State where service is to take place. The translation of documents into another language for the purpose of ensuring compliance with this Regulation is without prejudice to the ability of the recipient to challenge the correctness of the translation in accordance with the law of the forum Member State.
- (26) If the addressee has refused to accept the document and the court or authority seised of the legal proceedings decides upon verification that the refusal was not justified, that court or authority should consider an appropriate way of informing the addressee of that decision in accordance with national law. For the purposes of verifying whether the refusal was justified the court or authority should take into account all the relevant information on the file in order to determine the language skills of the addressee. Where relevant, when assessing the language skills of the addressee, the court or authority could take into account factual elements, for example documents written by the addressee in the language concerned, whether the addressee's profession involves particular language skills, whether the addressee is a citizen of the forum Member State or whether the addressee previously resided in that Member State for an extended period of time.
- (27) Given the differences between the Member States as regards their rules of procedure, the effective date of service varies from one Member State to another. In the light of such situations and the possible difficulties that may arise, this Regulation should provide for a system under which the law of the Member State addressed determines the date of service. However, where under the law of a Member State a document has to be served within a particular period, the date to be taken into account with respect to the applicant should be that determined by the law of that Member State. That double date system exists only in a limited number of Member States. If Member States apply that system, they should communicate that information to the Commission, which should make that information available electronically through the European Judicial Network in Civil and Commercial Matters established by Council Decision 2001/470/EC <sup>(7)</sup> and on the European e-Justice Portal.
- (28) In order to facilitate access to justice, Member States should lay down a single fixed fee for recourse to a judicial officer or a person competent under the law of the Member State addressed. That fee should respect the principles of proportionality and non-discrimination. The requirement of a single fixed fee should not preclude the possibility for Member States to set different fees for different types of service, as long as they respect those principles.
- (29) Each Member State should be free to effect the service of documents by postal services on persons residing in another Member State directly by registered letter with acknowledgement of receipt or equivalent. It should be possible to use a postal service, whether private or public, for the service of documents in different forms of letters, including bundles of letters.
- (30) In line with the established case law of the Court of Justice of the European Union <sup>(8)</sup>, direct service by postal service under this Regulation should be considered to be validly effected, even if the document was not delivered to the addressee in person, where it was served at the addressee's home address on an adult person who is living in the same household as the addressee or who is employed there by the addressee and who has the ability and is willing to accept the document, unless the law of the forum Member State only allows the service of that document on the addressee in person.
- (31) Efficiency and speed in cross-border judicial proceedings require direct, expedited and secure channels for serving documents on persons in other Member States. Consequently, it should be possible to effect the service of documents directly by electronic means on an addressee who has a known address for service in another Member State. The conditions for the use of such type of direct electronic service should be such as to ensure that electronic service is effected only by electronic means that are available under the law of the forum Member State for the domestic service of documents and should ensure that there are appropriate safeguards for the protection of the interests of the addressee, including high technical standards and a requirement for express consent by the addressee.

<sup>(7)</sup> Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (OJ L 174, 27.6.2001, p. 25).

<sup>(8)</sup> Judgment of the Court of Justice of 2 March 2017, *Andrew Marcus Henderson v Novo Banco SA*, C-354/15, ECLI:EU:C:2017:157.

- (32) It should be possible for an addressee to be served electronically using qualified electronic registered delivery services within the meaning of Regulation (EU) No 910/2014, provided that the addressee has given prior express consent to use electronic means for the purpose of serving documents in the course of legal proceedings. In such cases, prior express consent could be given for specific proceedings or as a general consent to the service of documents in the course of legal proceedings by those means of service. That consent could also be given where, under the law of the forum Member State, procedural documents could be served through an electronic system and the addressee has consented to the use of that system in relation to the service of documents before serving documents on the addressee through that system.
- (33) The addressee could be served electronically without the use of qualified electronic registered delivery services within the meaning of Regulation (EU) No 910/2014, provided that the addressee has given prior express consent to the court or authority seized of the proceedings or to the party responsible for service in those proceedings to use email sent to a specified email address in the course of those proceedings, provided that proof of receipt of the document by the addressee is received. The addressee should confirm receipt of the document by signing and returning an acknowledgement of receipt or by returning an email from the email address furnished by the addressee for service. The acknowledgement of receipt could also be signed electronically. In order to guarantee the security of transmission, Member States could specify additional conditions under which they will accept electronic service by email where their law sets stricter conditions in respect of service by email or where their law does not allow such service by email. Such conditions could address issues such as the identification of the sender and the recipient, the integrity of the documents sent and the protection of the transmission against outside interference.
- (34) It should be possible for any person with an interest in particular judicial proceedings to effect service of documents directly through the judicial officers, officials or other competent persons of the Member State in which the service is sought, provided that such direct service is permitted under the law of that Member State.
- (35) Where national law and this Regulation allow the court to give judgment even if no certificate of service or delivery of the document instituting the proceedings or its equivalent has been received, every reasonable effort should be made to obtain the certificate through the competent authorities or bodies of the Member State addressed before any judgement is given, in compliance with any other requirements safeguarding the interests of the defendant. Unless incompatible with national law, all reasonable efforts should be made to inform the defendant that court proceedings have been instituted using any available channels of communication, including modern communications technology, for which an address or an account is known to the court seized of the proceedings.
- (36) The Commission should draw up a manual containing information relevant for the proper application of this Regulation. The manual should be made available through the European Judicial Network in Civil and Commercial Matters. The Commission and the Member States should do their utmost to ensure that the information in the manual is up to date and complete, especially as regards the contact details of receiving and transmitting agencies.
- (37) In calculating the periods and time limits provided for in this Regulation, Council Regulation (EEC, Euratom) No 1182/71 <sup>(9)</sup> should apply.
- (38) In order to update the forms in Annex I to this Regulation or to make technical changes to those forms, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to that Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(10)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

<sup>(9)</sup> Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

<sup>(10)</sup> OJ L 123, 12.5.2016, p. 1.



- (39) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(11)</sup>.
- (40) This Regulation should prevail over the provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States that have the same scope of application as this Regulation, in particular the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in relations between the Member States party thereto. This Regulation does not preclude Member States from maintaining or concluding agreements or arrangements to expedite or simplify the transmission of documents, provided that those agreements or arrangements are compatible with this Regulation.
- (41) The fundamental rights and freedoms of all persons involved should be fully observed and respected in accordance with Union law, in particular the rights to equal access to justice, to non-discrimination and to the protection of personal data and privacy.
- (42) The information transmitted pursuant to this Regulation should be suitably protected. Such protection falls within the scope of Regulation (EU) 2016/679 and of Directive 2002/58/EC of the European Parliament and of the Council <sup>(12)</sup>. Personal data which are not relevant for the handling of a specific case should be deleted immediately.
- (43) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, the Commission should evaluate this Regulation on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of this Regulation and the need for any further action. Where Member States collect data on the service of documents under this Regulation, in particular information on the numbers of requests transmitted and requests received, the number of cases in which transmission was performed by means other than through the decentralised IT system, the number of certificates of non-service of documents received and the number of notifications of refusal on the grounds of language received by the transmitting agencies, they should provide the Commission with such data for monitoring purposes. The reference implementation software developed by the Commission as a back-end system should programmatically collect the data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, that system may be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission.
- (44) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States because of the differences between national rules governing jurisdiction and the recognition and enforcement of decisions, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (45) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 13 September 2019 <sup>(13)</sup>.
- (46) In order to make its provisions more easily accessible and readable, Regulation (EC) No 1393/2007 should be repealed and replaced by this Regulation.
- (47) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation.

<sup>(11)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>(12)</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

<sup>(13)</sup> OJ C 370, 31.10.2019, p. 24.

- (48) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

##### Scope

1. This Regulation applies to the cross-border service of judicial and extrajudicial documents in civil or commercial matters. It does not apply, in particular, to revenue, customs or administrative matters or to the liability of a Member State for actions or omissions in the exercise of state authority (*acta iure imperii*).
2. With the exception of Article 7, this Regulation does not apply where the address of the person to be served with a document is not known.
3. This Regulation does not apply to the service of a document in the forum Member State on a representative authorised by the person to be served, regardless of the place of residence of that person.

#### Article 2

##### Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'forum Member State' means the Member State in which the judicial proceedings take place;
- (2) 'decentralised IT system' means a network of national IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, that enables the secure and reliable cross-border exchange of information between the national IT systems.

#### Article 3

##### Transmitting and receiving agencies

1. Each Member State shall designate the public officers, authorities or other persons competent for the transmission of judicial or extrajudicial documents to be served in another Member State ('transmitting agencies').
2. Each Member State shall designate the public officers, authorities or other persons competent for the receipt of judicial or extrajudicial documents from another Member State ('receiving agencies').
3. Member States may designate separate transmitting agencies and receiving agencies or designate one or more agencies to perform both functions. Federal Member States, Member States in which several legal systems apply and Member States with autonomous territorial units may designate more than one such agency. The designation shall have effect for a period of five years and may be renewed for further five-year periods.
4. Each Member State shall provide the Commission with the following information:
  - (a) the names and addresses of the receiving agencies referred to in paragraphs 2 and 3;

- (b) the geographical areas in which those receiving agencies have jurisdiction;
- (c) the means by which those receiving agencies are able to receive documents where Article 5(4) applies; and
- (d) the languages that may be used for the completion of the forms set out in Annex I.

Member States shall notify the Commission of any subsequent modification of the information referred to in the first subparagraph.

#### *Article 4*

##### **Central body**

Each Member State shall designate a central body that is responsible for:

- (a) supplying information to the transmitting agencies;
- (b) seeking solutions to any difficulties which may arise during the transmission of documents for service;
- (c) forwarding, in exceptional cases, a request for service to the competent receiving agency at the request of a transmitting agency.

Federal Member States, Member States in which several legal systems apply and Member States with autonomous territorial units may designate more than one central body.

#### *Article 5*

##### **Means of communication to be used by transmitting agencies, receiving agencies and central bodies**

1. Documents to be served, requests, confirmations, receipts, certificates and communications carried out on the basis of the forms in Annex I between transmitting agencies and receiving agencies, between those agencies and the central bodies, or between the central bodies of different Member States, shall be transmitted through a secure and reliable decentralised IT system. That decentralised IT system shall be based on an interoperable solution such as e-CODEX.
2. The general legal framework for the use of qualified trust services set out in Regulation (EU) No 910/2014 shall apply to the documents to be served, requests, confirmations, receipts, certificates and communications transmitted through the decentralised IT system.
3. Where the documents to be served, requests, confirmations, receipts, certificates and other communications referred to in paragraph 1 of this Article require or feature a seal or handwritten signature, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead.
4. Where transmission in accordance with paragraph 1 is not possible due to the disruption of the decentralised IT system or due to exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to ensure reliability and security.

#### *Article 6*

##### **Legal effects of electronic documents**

Documents that are transmitted through the decentralised IT system shall not be denied legal effect or considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form.

#### *Article 7*

##### **Assistance in address enquiries**

1. Where the address of the person to be served with the judicial or extrajudicial document in another Member State is not known, that Member State shall provide assistance in determining the address in, at least, one of the following ways:
  - (a) providing for designated authorities to which transmitting agencies may address requests on the determination of the address of the person to be served;

- (b) allowing persons from other Member States to submit requests, including electronically, for information about addresses of persons to be served directly to domicile registries or other publicly accessible databases by means of a standard form available on the European e-Justice Portal; or
- (c) providing detailed information, through the European e-Justice Portal, on how to find the addresses of persons to be served.

2. Each Member State shall provide the Commission with the following information with a view to making it available through the European e-Justice Portal:

- (a) the means of assistance which the Member State will provide in its territory pursuant to paragraph 1;
- (b) where applicable, the names and contact details of the authorities referred to in points (a) and (b) of paragraph 1;
- (c) whether the authorities of the Member State addressed submit, on their own initiative, requests to domicile registries or other databases for information about addresses in cases where the address indicated in the request for service is not correct.

Member States shall notify the Commission of any subsequent modification of the information referred to in the first subparagraph.

## CHAPTER II

### JUDICIAL DOCUMENTS

#### SECTION 1

#### ***Transmission and service of judicial documents***

##### *Article 8*

#### **Transmission of documents**

1. Judicial documents shall be transmitted directly and as quickly as possible between the transmitting and receiving agencies.
2. The document to be transmitted shall be accompanied by a request drawn up using form A in Annex I. The form shall be completed in the official language of the Member State addressed or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where service is to be effected, or in another language which that Member State has indicated it will accept.

Each Member State shall communicate to the Commission any official language of the Union other than its own in which the form may be completed.

3. Documents that are transmitted under this Regulation shall be exempt from requirements of legalisation or any equivalent formality.
4. Where the transmitting agency requests that a copy of the document sent in paper format in accordance with Article 5(4) be returned together with the certificate referred to in Article 14, it shall send that document in duplicate.

##### *Article 9*

#### **Translation of documents**

1. The transmitting agency to which the applicant has forwarded the document for transmission shall advise the applicant that the addressee may refuse to accept the document if it is not in one of the languages provided for in Article 12(1).
2. The applicant shall bear any costs of translation prior to the transmission of the document, without prejudice to any possible subsequent decisions by the court or competent authority on liability for such costs.

*Article 10***Receipt of documents by receiving agency**

1. Upon receipt of a document, the receiving agency shall automatically send to the transmitting agency an acknowledgement of receipt as soon as possible through the decentralised IT system or, where the acknowledgement is sent by other means, as soon as possible and in any event within seven days of receipt, using form D in Annex I.
2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency without undue delay in order to obtain the missing information or documents, using form E in Annex I.
3. Where the request for service is manifestly outside the scope of this Regulation or where non-compliance with the formal conditions required makes service impossible, the request and the documents transmitted shall be returned to the transmitting agency upon receipt, without undue delay, together with a notice of return, using form F in Annex I.
4. Where a receiving agency receives a document for service which it does not have territorial jurisdiction to serve, it shall forward that document without undue delay, together with the request, to the receiving agency that has territorial jurisdiction in the Member State addressed, if the request complies with the conditions laid down in Article 8(2). The receiving agency shall inform the transmitting agency accordingly at the same time, using form G in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the Member State addressed, that receiving agency shall send an acknowledgement of receipt to the transmitting agency as soon as possible and in any event within seven days of receipt, using form H in Annex I.

*Article 11***Service of documents**

1. The receiving agency shall itself serve the document or have it served, either in accordance with the law of the Member State addressed or by a particular method requested by the transmitting agency, unless that method is incompatible with the law of that Member State.
2. The receiving agency shall take all necessary steps to effect the service of the document as soon as possible, and in any event within one month of its receipt. If it has not been possible to effect the service within one month of receipt of the document, the receiving agency shall:
  - (a) immediately inform the transmitting agency by means of form K in Annex I or, if the transmitting agency has requested information by means of form I in Annex I, by means of form J in Annex I; and
  - (b) continue to take all necessary steps to effect the service of the document where service seems to be possible within a reasonable period of time, unless the transmitting agency indicates that service is no longer necessary.

*Article 12***Refusal to accept a document**

1. The addressee may refuse to accept the document to be served if the document is not written in, or is not accompanied by a translation into, either:
  - (a) a language which the addressee understands; or
  - (b) the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected.
2. The receiving agency shall inform the addressee of the right provided for in paragraph 1 where the document is not written in, or is not accompanied by a translation into, a language referred to in point (b) of that paragraph, by enclosing with the document to be served form L in Annex I, which shall be provided in:
  - (a) the official language or one of the official languages of the Member State of origin; and
  - (b) a language referred to in point (b) of paragraph 1.

If there is an indication that the addressee understands an official language of another Member State, form L in Annex I shall also be provided in that language.

Where a Member State translates form L in Annex I into a language of a third country, it shall communicate that translation to the Commission with a view to making it available on the European e-Justice Portal.

3. The addressee may refuse to accept the document either at the time of service or within two weeks of the time of service by making a written declaration of refusal of acceptance. For that purpose, the addressee may either return to the receiving agency form L in Annex I or a written declaration stating that the addressee refuses to accept the document because of the language in which it was served.
4. Where the receiving agency is informed that the addressee refuses to accept the document pursuant to paragraphs 1, 2 and 3, it shall immediately inform the transmitting agency by means of the certificate of service or non-service, using form K in Annex I, and return the request and, where available, each document of which a translation is requested.
5. The service of the refused document may be remedied through the service on the addressee, in accordance with this Regulation, of that document together with a translation into a language provided for in paragraph 1. In such a case, the date of service of the document shall be the date on which the document and its translation were served in accordance with the law of the Member State addressed. However, where the law of a Member State requires a document to be served within a particular period, the date to be taken into account with respect to the applicant shall be the date of the service of the initial document, determined in accordance with Article 13(2).
6. Paragraphs 1 to 5 apply also to the other means of transmission and service of judicial documents provided for in Section 2.
7. For the purposes of paragraphs 1 and 2, the diplomatic agents or consular officers in cases where service is effected in accordance with Article 17, and the authority or person in cases where service is effected in accordance with Article 18, 19 or 20 shall inform the addressee that the addressee may refuse to accept the document and that either form L in Annex I or a written declaration of refusal must be sent to those agents or officers or to that authority or person respectively.

#### *Article 13*

##### **Date of service**

1. Without prejudice to Article 12(5), the date of service effected pursuant to Article 11 shall be the date on which the document was served in accordance with the law of the Member State addressed.
2. However, where the law of a Member State requires a document be served within a particular period, the date to be taken into account with respect to the applicant shall be that determined by the law of that Member State.
3. This Article also applies to the other means of transmission and service of judicial documents provided for in Section 2.

#### *Article 14*

##### **Certificate of service and copy of the document served**

1. Upon completion of the formalities concerning the service of the document in question, the receiving agency shall draw up a certificate of completion of those formalities using form K in Annex I and send it to the transmitting agency, together with, where Article 8(4) applies, a copy of the document served.
2. The certificate referred to in paragraph 1 shall be completed in the official language or one of the official languages of the Member State of origin or in another language which the Member State of origin has indicated that it will accept. Each Member State shall indicate any official language of the Union other than its own in which form K in Annex I may be completed.

*Article 15***Costs of service**

1. The service of judicial documents originating in a Member State shall not give rise to any obligation for the payment or reimbursement of taxes or costs for services rendered by the Member State addressed.
2. By way of derogation from paragraph 1, the applicant shall pay or reimburse the costs of:
  - (a) recourse to a judicial officer or to a person competent under the law of the Member State addressed;
  - (b) the use of a particular method of service.

Member States shall lay down a single fixed fee for recourse to a judicial officer or to a person competent under the law of the Member State addressed. That fee shall be in accordance with the principles of proportionality and non-discrimination. Member States shall communicate such fixed fees to the Commission.

## SECTION 2

***Other means of transmission and service of judicial documents****Article 16***Transmission by diplomatic or consular channels**

In exceptional circumstances, each Member State may use diplomatic or consular channels to transmit judicial documents for the purpose of service to the receiving agencies or central bodies of another Member State.

*Article 17***Service by diplomatic agents or consular officers**

1. Each Member State may effect service of judicial documents on persons residing in another Member State, without the use of coercive measures, directly through its diplomatic agents or consular officers.
2. A Member State may communicate to the Commission that it is opposed to service of judicial documents, as referred to in paragraph 1, within its territory, unless the documents are to be served on nationals of the Member State in which the documents originate.

*Article 18***Service by postal services**

The service of judicial documents may be effected directly by postal services on persons present in another Member State by registered letter with acknowledgement of receipt or equivalent.

*Article 19***Electronic service**

1. The service of judicial documents may be effected directly on a person who has a known address for service in another Member State by any electronic means of service available under the law of the forum Member State for the domestic service of documents, provided that:
  - (a) the documents are sent and received using qualified electronic registered delivery services within the meaning of Regulation (EU) No 910/2014 and the addressee gave prior express consent to the use of electronic means for serving documents in the course of legal proceedings; or

(b) the addressee gave prior express consent to the court or authority seized of the proceedings or to the party responsible for service of documents in such proceedings to the use of email sent to a specified email address for the purpose of serving documents in the course of those proceedings and the addressee confirms receipt of the document with an acknowledgement of receipt, including the date of receipt.

2. In order to guarantee the security of transmission, any Member State may specify and communicate to the Commission the additional conditions under which it will accept electronic service referred to in point (b) of paragraph 1, where its law sets stricter conditions in that respect or does not allow electronic service by email.

#### *Article 20*

#### **Direct service**

1. Any person with an interest in particular judicial proceedings may effect the service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State in which the service is sought, provided that such direct service is permitted under the law of that Member State.

2. A Member State that allows direct service shall provide the Commission with information regarding which professions or competent persons are permitted to effect the direct service of documents in their territory. The Commission shall make that information available through the European e-Justice Portal.

### CHAPTER III

#### **EXTRAJUDICIAL DOCUMENTS**

#### *Article 21*

#### **Transmission and service of extrajudicial documents**

Extrajudicial documents may be transmitted to and served in another Member State in accordance with this Regulation.

### CHAPTER IV

#### **FINAL PROVISIONS**

#### *Article 22*

#### **Defendant not entering an appearance**

1. Where a document instituting proceedings or its equivalent has had to be transmitted to another Member State for the purpose of service under this Regulation and the defendant has not entered an appearance, judgment shall not be given until it is established that the service or the delivery of the document was effected in sufficient time to enable the defendant to enter a defence and that:

- (a) the document was served by a method prescribed by the law of the Member State addressed for the service of documents in domestic actions upon persons who are within its territory; or
- (b) the document was in fact delivered to the defendant or to the defendant's residence by another method provided for by this Regulation.

2. Each Member State may communicate to the Commission the fact that a court, notwithstanding paragraph 1, may give judgment even if no certificate of service or delivery of the document instituting proceedings or its equivalent has been received, provided that all the following conditions are fulfilled:

- (a) the document was transmitted by one of the methods provided for in this Regulation;



- (b) a period considered adequate by the court in the particular case, which shall not be less than six months, has elapsed since the date of the transmission of the document;
- (c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain one through the competent authorities or bodies of the Member State addressed.

That information shall be made available through the European e-Justice Portal.

3. Notwithstanding paragraphs 1 and 2, in justified cases of urgency courts may order any provisional or protective measures.

4. Where a document instituting proceedings or its equivalent has had to be transmitted to another Member State for the purpose of service in accordance with this Regulation and a judgment has been given against a defendant who has not entered an appearance, the judge shall have the power to relieve the defendant from the effects of the expiry of the time for appeal from the judgment where both of the following conditions are fulfilled:

- (a) the defendant, without any fault on the defendant's part, did not have knowledge of the document in sufficient time to enter a defence or did not have knowledge of the judgment in sufficient time to appeal; and
- (b) the defendant has raised a *prima facie* defence to the action on the merits.

An application for such relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Member State may communicate to the Commission the fact that an application for relief will not be admissible if it is filed after the expiry of a deadline set by the Member State in that communication. That deadline shall in no case be sooner than one year following the date of the judgment. That information shall be made available through the European e-Justice Portal.

5. Paragraph 4 shall not apply to judgments concerning the status or capacity of persons.

#### Article 23

### Amendment of Annex I

The Commission is empowered to adopt delegated acts in accordance with Article 24 to amend Annex I in order to update the forms set out therein or to make technical changes to those forms.

#### Article 24

### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 23 shall be conferred on the Commission for a period of five years from 22 December 2020. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### Article 25

##### **Adoption of implementing acts by the Commission**

1. The Commission shall adopt implementing acts establishing the decentralised IT system, setting out the following:
  - (a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;
  - (b) the technical specifications for communication protocols;
  - (c) the information security objectives and relevant technical measures ensuring minimum information security standards for the processing and communication of information within the decentralised IT system;
  - (d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;
  - (e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.
2. The implementing acts referred to in paragraph 1 of this Article shall be adopted by 23 March 2022 in accordance with the examination procedure referred to in Article 26(2).

#### Article 26

##### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### Article 27

##### **Reference implementation software**

1. The Commission shall be responsible for the creation, maintenance and future development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and future development of the reference implementation software shall be financed from the general budget of the Union.
2. The Commission shall provide, maintain and support on a free-of-charge basis implementation of the software components underlying the access points.

#### Article 28

##### **Costs of the decentralised IT system**

1. Each Member State shall bear the costs of the installation, operation and maintenance of its access points interconnecting the national IT systems in the context of the decentralised IT system.
2. Each Member State shall bear the costs of establishing and adjusting its national IT systems to make them interoperable with the access points and shall bear the costs of administering, operating and maintaining those systems.
3. Paragraphs 1 and 2 shall be without prejudice to the possibility of Member States to apply for grants to support the activities referred to in those paragraphs under the Union's financial programmes.

*Article 29***Relationship with agreements or arrangements between Member States**

1. This Regulation shall prevail in relation to matters to which it applies over other provisions contained in bilateral or multilateral agreements or arrangements concluded by Member States, and in particular the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in relations between the Member States party thereto.
2. This Regulation shall not preclude Member States from maintaining or concluding agreements or arrangements to expedite or further simplify the transmission of documents, provided that those agreements or arrangements are compatible with this Regulation.
3. Member States shall send to the Commission:
  - (a) a copy of any agreements or arrangements referred to in paragraph 2 concluded between the Member States, as well as drafts of any such agreements or arrangements which they intend to adopt; and
  - (b) any denunciation of, or amendments to, those agreements or arrangements.

*Article 30***Legal aid**

This Regulation shall not affect the application of Article 24 of the Hague Convention of 1 March 1954 on Civil Procedure or Article 13 of the Convention on International Access to Justice of 25 October 1980 between the Member States party to those Conventions.

*Article 31***Protection of information transmitted**

1. Any processing of personal data carried out pursuant to this Regulation, including the exchange or transmission of personal data by the competent authorities, shall be in conformity with Regulation (EU) 2016/679.

Any exchange or transmission of information by competent authorities at Union level shall be undertaken in accordance with Regulation (EU) 2018/1725.

Personal data which are not relevant for the handling of a specific case shall be deleted immediately.

2. The competent authority or authorities under national law shall be regarded as controllers within the meaning of Regulation (EU) 2016/679 with respect to personal data processing under this Regulation.
3. Notwithstanding paragraphs 1 and 2, information transmitted under this Regulation shall be used by the receiving agency only for the purpose for which it was transmitted.
4. Receiving agencies shall ensure that such information remains confidential, in accordance with their national law.
5. Paragraphs 3 and 4 shall be without prejudice to national laws enabling data subjects to be informed of the use made of information transmitted under this Regulation.
6. This Regulation shall be without prejudice to Directive 2002/58/EC.

*Article 32***Respect for fundamental rights under Union law**

The fundamental rights and freedoms of all persons involved shall be fully observed and respected in accordance with Union law, in particular the rights to equal access to justice, to non-discrimination and to the protection of personal data and privacy.

*Article 33***Communication, publication and manual**

1. Member States shall communicate to the Commission the information referred to in Articles 3, 7, 12, 14, 17, 19, 20 and 22.

Member States shall communicate to the Commission if their national law requires a document to be served within a particular period as referred to in Articles 12(5) and 13(2).

2. Member States may notify the Commission if they are in a position to operate the decentralised IT system earlier than required by this Regulation. The Commission shall make such information available electronically, in particular through the European e-Justice Portal.

3. The Commission shall publish the information communicated in accordance with paragraph 1 in the *Official Journal of the European Union*, with the exception of the addresses and other contact details of the agencies and of the central bodies and the geographical areas in which they have jurisdiction.

4. The Commission shall draw up and regularly update a manual containing the information referred to in paragraph 1. It shall make the manual available electronically, in particular through the European Judicial Network in Civil and Commercial Matters and on the European e-Justice Portal.

*Article 34***Monitoring**

1. By 2 July 2023, the Commission shall establish a detailed programme for monitoring the outputs, results and impact of this Regulation.

2. The monitoring programme shall specify the action to be taken by the Commission and by the Member States to monitor the outputs, results and impact of this Regulation. It shall set out when the data referred to in paragraph 3 are to be collected for the first time, which shall be at the latest 2 July 2026, and at what further intervals those data are to be collected.

3. Member States shall provide the Commission with the following data necessary for the purposes of monitoring, where available:

- (a) the number of requests for the service of documents transmitted in accordance with Article 8;
- (b) the number of requests for the service of documents executed in accordance with Article 11;
- (c) the number of cases in which the request for the service of documents was transmitted by means other than through the decentralised IT system in accordance with Article 5(4);
- (d) the number of received certificates of non-service of documents;
- (e) the number of refusals of documents for language reasons received by the transmitting agencies.

4. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in points (a), (b) and (d) of paragraph 3 and transmit them to the Commission on a regular basis.

*Article 35***Evaluation**

1. No later than five years after the date of application of Article 5 in accordance with Article 37(2), the Commission shall carry out an evaluation of this Regulation and present a report on its main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by a legislative proposal.

2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1.

*Article 36***Repeal**

1. Regulation (EC) No 1393/2007 shall be repealed as from the date of application of this Regulation, with the exception of Articles 4 and 6 of Regulation (EC) No 1393/2007, which shall be repealed as from the date of application of Articles 5, 8 and 10 referred to in Article 37(2) of this Regulation.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

*Article 37***Entry into force and application**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2022.

2. Articles 5, 8 and 10 shall apply from the first day of the month following the period of three years after the date of entry into force of the implementing acts referred to in Article 25.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 25 November 2020.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

*For the Council*  
*The President*  
M. ROTH

## ANNEX I

## FORM A

## REQUEST FOR SERVICE OF DOCUMENTS

(Article 8(2) of 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) <sup>(1)</sup>)

Reference No of the transmitting agency:

## 1. TRANSMITTING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. Tel.

1.4. Fax (\*):

1.5. Email:

## 2. RECEIVING AGENCY

2.1. Identity:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and postcode:

2.2.3. Country:

2.3. Tel.

2.4. Fax (\*):

2.5. Email:

3. APPLICANT(S) <sup>(2)</sup>

3.1. Identity:

3.2. Address:

3.2.1. Street and number/PO box:

3.2.2. Place and postcode:

3.2.3. Country:

3.3. Tel. (\*):

3.4. Fax (\*):

3.5. Email (\*):

## 4. ADDRESSEE

4.1. Identity:

4.1.1. Date of birth, if available:

<sup>(1)</sup> OJL 405, 2.12.2020, p. 40.

(\*): This item is optional.

<sup>(2)</sup> Where there is more than one applicant, please provide information as set out in items 3.1 to 3.5.

4.2. Address

- 4.2.1. Street and number/PO box:
- 4.2.2. Place and postcode:
- 4.2.3. Country:

4.3. Tel. (\*):

4.4. Fax (\*):

4.5. Email (\*):

4.6. Identification number/social security number/organisation number/or equivalent (\*):

4.7. Any other information relating to the addressee (\*):

5. METHOD OF SERVICE

5.1. In accordance with the law of the Member State addressed

5.2. By the following particular method

5.2.1. If this method is incompatible with the law of the Member State addressed, the document(s) should be served in accordance with the law of that Member State:

- 5.2.1.1. yes
- 5.2.1.2. no

6. DOCUMENT TO BE SERVED

6.1. Nature of the document:

- 6.1.1. judicial 
  - 6.1.1.1. writ of summons
  - 6.1.1.2. decision/judgment
  - 6.1.1.3. appeal
  - 6.1.1.4. other (please specify):

6.1.2. extrajudicial

6.2. Date or time limit after which service is no longer necessary (\*):

..... (day) ..... (month) ..... (year)

6.3. Language of document:

- 6.3.1. original BG  ES  CS  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV  other  (please specify)
- 6.3.2. translation (\*) BG  ES  CS  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV  other  (please specify)

6.4. Number of enclosures:

7. LANGUAGE OF INFORMATION TO THE ADDRESSEE ABOUT THE RIGHT TO REFUSE THE DOCUMENT

For the purposes of Article 12(2) of Regulation (EU) 2020/1784, please indicate in which of the following languages, in addition to the language of the Member State addressed, the information is to be provided:

- 7.1. Official language or one of the official languages of the Member State of origin (?): BG  ES  CZ  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV
- 7.2. Official language of another Member State the addressee might understand: BG  ES  CZ  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV

(\*) This item is optional.

(?) This item applies only to the MS which have several official languages.

8. A COPY OF THE DOCUMENT TO BE RETURNED WITH THE CERTIFICATE OF SERVICE (Article 5(4) of Regulation (EU) 2020/1784)

8.1. Yes (in this case, send two copies of the document to be served)

8.2. No

9. REASONS FOR NOT TRANSMITTING THROUGH THE DECENTRALISED IT SYSTEM (Article 5(4) of Regulation (EU) 2020/1784) (\*)

Electronic transmission was not possible due to:

disruption of the decentralised IT system

exceptional circumstances

1. You are required by Article 11(2) of Regulation (EU) 2020/1784 to take all necessary steps to effect the service of the document as soon as possible, and in any event within one month of its receipt. If it has not been possible for you to effect the service within one month of receipt, you must inform this agency by indicating that fact in item 2 of the certificate of service or non-service of documents.

2. If you cannot fulfil this request for service on the basis of the information or documents transmitted, you are required by Article 10(2) of Regulation (EU) 2020/1784 to contact this agency in order to obtain the missing information or documents using form E in Annex I to Regulation (EU) 2020/1784

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

(\*) This item only applies from the date of application of the decentralised IT system in accordance with Article 37(2) of Regulation (EU) 2020/1784.



FORM B <sup>(1)</sup>

## REQUEST TO DETERMINE THE ADDRESS OF THE PERSON TO BE SERVED

(Article 7(1)(a) of 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) <sup>(2)</sup> <sup>(3)</sup>)

Reference No of the transmitting agency:

## 1. TRANSMITTING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. Tel. (\*):

1.4. Fax (\*):

1.5. Email:

## 2. REQUESTED AUTHORITY

2.1. Identity:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and postcode:

2.2.3. Country:

2.3. Tel. (\*):

2.4. Fax (\*):

2.5. Email:

## 3. ADDRESSEE

3.1. Identity:

3.2. Last known address:

3.2.1. Street and number/PO box:

3.2.2. Place and postcode:

3.2.3. Country:

3.3. Known personal details of the addressee (if natural person), if available:

3.3.1. Name at birth:

3.3.2. Other known name(s):

3.3.3. Date and place of birth:

3.3.4. Identification number/social security number/or equivalent:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(3)</sup> This form applies only to the Member States which provide assistance in accordance with Article 7(1)(a) of Regulation (EU) 2020/1784.

(\*) This item is optional.

- 3.3.5. Mother's or father's name at birth:
- 3.3.6. Other information:
- 3.4. Known details of the addressee (if legal person), if available:
  - 3.4.1. Registration number or equivalent:
  - 3.4.2. Name(s) of the member(s) of the board/representative:
- 3.5. Tel. (\*):
- 3.6. Fax (\*):
- 3.7. Email (\*):
- 3.8. Other information, if available:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

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(\*) This item is optional.

FORM C <sup>(1)</sup>

## REPLY TO THE REQUEST TO DETERMINE THE ADDRESS OF THE PERSON TO BE SERVED

(Article 7(1)(a) of 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) <sup>(2)</sup> <sup>(3)</sup>)

Reference No of the requested authority:

Reference No of the transmitting agency:

## 1. ADDRESSEE

1.1. Identity:

1.2. Known address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. No address could be determined

1.4. Other information:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(3)</sup> This form applies only to the Member States which provide assistance in accordance with Article 7(1)(a) of Regulation (EU) 2020/1784.

## FORM D

## ACKNOWLEDGEMENT OF RECEIPT

(Article 10(1) of 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) <sup>(1)</sup>)

This acknowledgement of receipt should be sent through the decentralised IT system or otherwise as soon as possible after receipt of the document and in any event within seven days of receipt. <sup>(2)</sup>

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> The obligation to send the acknowledgement through the decentralised IT system only applies from the date of application of the decentralised IT system in accordance with Article 37(2) of Regulation (EU) 2020/1784.

## FORM E

## REQUEST FOR ADDITIONAL INFORMATION OR DOCUMENTS FOR THE SERVICE OF DOCUMENTS

(Article 10(2) 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) <sup>(1)</sup>)

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. The request cannot be executed without the following additional information:
  - 1.1. Addressee's identity (\*):
  - 1.2. Date of birth (\*):
  - 1.3. Identification number/social security number/organisation number/or equivalent (\*):
  - 1.4. Other (please specify):
2. The request cannot be executed without the following documents:
  - 2.1. Documents to be served (\*):
  - 2.2. Proof of payment (\*):
  - 2.3. Other (please specify):

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

(\*) This item is optional.

## FORM F

## NOTICE OF RETURN OF REQUEST AND DOCUMENT

(Article 10(3) of 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) <sup>(1)</sup>)

The request and document must be returned on receipt.

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. REASON FOR RETURN:

1.1. The request is manifestly outside the scope of the Regulation:

1.1.1. address unknown

1.1.2. the matter is not civil or commercial

1.1.3. the service is not from one Member State to another Member State

1.1.4. other (please specify):

1.2. Non-compliance with the formal conditions required makes service impossible:

1.2.1. the document is not easily legible

1.2.2. the language used to complete the form is incorrect

1.2.3. other (please specify):

1.3. The method of service is incompatible with the law of the Member State addressed (Article 11(1) of Regulation (EU) 2020/1784)

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

## FORM G

## NOTICE OF RETRANSMISSION OF REQUEST AND DOCUMENT TO THE APPROPRIATE RECEIVING AGENCY

(Article 10(4) of 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) <sup>(1)</sup>)

The request and document were forwarded to the following receiving agency, which has territorial jurisdiction to serve it:

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. APPROPRIATE RECEIVING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. Tel.

1.4. Fax (\*):

1.5. Email:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

(\*) This item is optional.

## FORM H

**ACKNOWLEDGMENT OF RECEIPT BY THE APPROPRIATE RECEIVING AGENCY HAVING TERRITORIAL JURISDICTION TO THE TRANSMITTING AGENCY**

(Article 10(4) of 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) <sup>(1)</sup>)

This acknowledgment of receipt should be sent through the decentralised IT system or otherwise as soon as possible after receipt of the document and in any event within seven days of receipt. <sup>(2)</sup>

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> The obligation to send the acknowledgement through the decentralised IT system only applies from the date of application of the decentralised IT system in accordance with Article 37(2) of Regulation (EU) 2020/1784.



FORM I <sup>(1)</sup>

REQUEST FOR INFORMATION ON SERVICE OR NON-SERVICE OF DOCUMENTS

(Article 11(2) of 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) <sup>(2)</sup>)

Service shall be effected as soon as possible. If it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency.

Reference No of the transmitting agency:  
 Reference No of the receiving agency (if available):

- 1. THE REQUEST WAS SENT BUT NO INFORMATION ON SERVICE OR NON-SERVICE HAS BEEN RECEIVED
  - 1.1. The request was sent 
    - date: .....
  - 1.2. The acknowledgement of receipt was received 
    - date: .....
  - 1.3. Other information was received

2. TRANSMITTING AGENCY

- 2.1. Identity:
  - Items 2.2 to 2.6 are optional when a copy of the request for service of documents is attached:
- 2.2. Address:
  - 2.2.1. Street and number/PO box:
  - 2.2.2. Place and postcode:
- 2.3. Country:
- 2.4. Tel.
- 2.5. Fax (\*):
- 2.6. Email:

3. RECEIVING AGENCY

- 3.1. Identity:
  - These items are optional when a copy of the request for service of documents is attached:
- 3.2. Address:
  - 3.2.1. Street and number/PO box:
  - 3.2.2. Place and postcode:
- 3.3. Country:
- 3.4. Tel.
- 3.5. Fax (\*):
- 3.6. Email:

<sup>(1)</sup> The use of this form is optional.  
<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.  
 (\*) This item is optional.

#### 4. ADDRESSEE

##### 4.1. Identity:

##### 4.1.1. Date of birth, if available:

These items are optional when a copy of the request for service of documents is attached:

##### 4.2. Address:

##### 4.2.1. Street and number/PO box:

##### 4.2.2. Place and postcode:

##### 4.2.3. Country:

##### 4.3. Tel. (\*):

##### 4.4. Fax (\*):

##### 4.5. Email (\*):

##### 4.6. Identification number/social security number/organisation number/or equivalent (\*):

##### 4.7. Any other information relating to the addressee (\*):

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

(\*). This item is optional.

FORM J <sup>(1)</sup>

REPLY TO REQUEST FOR INFORMATION ON SERVICE OR NON-SERVICE OF DOCUMENTS  
 (Article 11(2) of 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) <sup>(2)</sup>)

Reference No of the requested authority:

Reference No of the transmitting agency:

Addressee:

1. INFORMATION ON STATUS OF SERVICE OF DOCUMENT

- 1.1. The request was not received
- 1.2. The request cannot be executed within one month of receipt for the following reasons:
  - 1.2.1. Determination of current address of addressee is in progress
  - 1.2.2. Service is in progress – documents were sent to the addressee, however their delivery has not yet been confirmed
  - 1.2.3. Service is in progress – documents were sent to the addressee, however the deadline for refusal has not expired
  - 1.2.4. All options for service have not yet been exhausted
  - 1.2.5. Service has already been executed, see copy of the certificate attached
  - 1.2.6. Request replied to on ..... (date). Reply attached
  - 1.2.7. Request for additional information or document is pending
  - 1.2.8. Other
- 1.3. It is estimated that the request will be executed by .....

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> The use of this form is optional.  
<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.

## FORM K

## CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS

(Articles 11(2), 12(4) and 14 of 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) <sup>(1)</sup>)

Service shall be effected as soon as possible. If it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency (Article 11(2) of Regulation (EU) 2020/1784)

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. COMPLETION OF SERVICE (Article 14)

1.1. Date and address of service

1.2. The document was

1.2.1. served in accordance with the law of the Member State addressed, namely

1.2.1.1. handed to

1.2.1.1.1. the addressee in person

1.2.1.1.2. another person

1.2.1.1.2.1. Name:

1.2.1.1.2.2. Address:

1.2.1.1.2.2.1. Street and number/PO box:

1.2.1.1.2.2.2. Place and postcode:

1.2.1.1.2.2.3. Country:

1.2.1.1.2.3. Nature of relationship with the addressee:

family  employee  other

1.2.1.1.3. the addressee's address

1.2.1.1.4. another address (please specify)  <sup>(2)</sup>

1.2.1.2. served by postal services

1.2.1.2.1. without acknowledgement of receipt

1.2.1.2.2. with the enclosed acknowledgement of receipt

1.2.1.2.2.1. from the addressee

1.2.1.2.2.2. from another person

1.2.1.2.2.2.1. Name:

1.2.1.2.2.2.2. Address:

1.2.1.2.2.2.2.1. Street and number/PO box:

1.2.1.2.2.2.2.2. Place and postcode:

1.2.1.2.2.2.2.3. Country:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> Address established by the receiving agency in accordance with Article 7(2)(c) of Regulation (EU) 2020/1784.

1.2.1.2.2.3. Nature of relationship with the addressee:

family  employee  other

1.2.1.3. served electronically (please state how):

1.2.1.4. served by another method (please state how):

1.2.2. served by the following particular method (please state how):

1.3. The addressee of the document was informed, in accordance with Article 12(2) of Regulation (EU) 2020/1784, in writing that the addressee may refuse to accept the document if it is not written in or accompanied by a translation into either a language which he or she understands or the official language or one of the official languages of the place of service.

2. INFORMATION IN ACCORDANCE WITH ARTICLE 11(2) OF REGULATION (EU) 2020/1784

It was not possible to effect service within one month of receipt

3. REFUSAL OF DOCUMENT (Article 12(4) of Regulation (EU) 2020/1784)

3.1. The addressee refused to accept the document due to the language used

3.1.1. Date of attempt of service:

3.1.2. Date of refusal, if available:

3.2. The document is annexed to this certificate.

3.2.1. Yes

3.2.2. No

4. REASON FOR NON-SERVICE OF DOCUMENT

4.1. Address unknown

4.1.1. Steps to establish the address were undertaken <sup>(?)</sup> yes  no

4.2. Addressee cannot be located

4.3. Document could not be served before the date or time limit stated in item 6.2 in the request for service of documents (Form A)

4.4. Other (please specify)

4.5. The document is annexed to this certificate yes  no

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(?)</sup> This item applies only to the MS which provide the assistance in accordance with Article 7(2)(c) of Regulation (EU) 2020/1784.

## FORM L

## INFORMATION TO THE ADDRESSEE ABOUT THE RIGHT TO REFUSE TO ACCEPT A DOCUMENT

(Article 12(2) and (3) of 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) <sup>(1)</sup>)

Addressee:

## I. INFORMATION TO THE ADDRESSEE

The enclosed document is served in accordance with Regulation (EU) 2020/1784

You may refuse to accept the enclosed document if it is not written in or accompanied by a translation into either a language which you understand or the official language or one of the official languages of the place of service.

If you wish to exercise this right, you must refuse to accept the document at the time of service directly with the person serving the document or within two weeks of service by returning, to the address indicated below, this form completed by you, or a written declaration indicating that you refuse to accept the enclosed document because of the language in which it was provided.

Please note that if you refuse to accept the enclosed document but the court or authority seised of the legal proceedings in the course of which the service became necessary subsequently decides that the refusal was not justified, it may apply legal consequences provided for by the law of the forum Member State, such as deeming the service valid, for unjustified refusals.

II. ADDRESS TO WHICH THE FORM SHOULD BE RETURNED <sup>(2)</sup>:

1. Identity:

2. Address:

2.1. Street and number/PO Box:

2.2. Place and postcode:

2.3. Country:

3. Reference No:

4. Tel.

5. Fax (\*):

6. Email:

III. DECLARATION OF THE ADDRESSEE <sup>(3)</sup>:

I refuse to accept the document because it is not written in, or accompanied by a translation into, either a language which I understand or the official language or one of the official languages of the place of service.

I understand the following language(s):

|           |                          |            |                          |
|-----------|--------------------------|------------|--------------------------|
| Bulgarian | <input type="checkbox"/> | Lithuanian | <input type="checkbox"/> |
| Spanish   | <input type="checkbox"/> | Hungarian  | <input type="checkbox"/> |
| Czech     | <input type="checkbox"/> | Maltese    | <input type="checkbox"/> |
| German    | <input type="checkbox"/> | Dutch      | <input type="checkbox"/> |
| Estonian  | <input type="checkbox"/> | Polish     | <input type="checkbox"/> |
| Greek     | <input type="checkbox"/> | Portuguese | <input type="checkbox"/> |

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> To be filled in by the authority effecting the service.

<sup>(\*)</sup> This item is optional.

<sup>(3)</sup> To be filled in and signed by the addressee.

- |          |                          |           |                          |
|----------|--------------------------|-----------|--------------------------|
| English  | <input type="checkbox"/> | Romanian  | <input type="checkbox"/> |
| French   | <input type="checkbox"/> | Slovak    | <input type="checkbox"/> |
| Irish    | <input type="checkbox"/> | Slovenian | <input type="checkbox"/> |
| Croatian | <input type="checkbox"/> | Finnish   | <input type="checkbox"/> |
| Italian  | <input type="checkbox"/> | Swedish   | <input type="checkbox"/> |
| Latvian  | <input type="checkbox"/> |           |                          |

Other  (please specify): .....

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

\_\_\_\_\_

## ANNEX II

**Repealed Regulation with list of the successive amendments thereto**

|   |   |
|---|---|
| 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).   |   |
| Council Regulation (EU) No 517/2013 of 13 May 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of the Republic of Croatia (OJ L 158, 10.6.2013, p. 1). | Only amendments to Annexes I and II to Regulation (EC) No 1393/2007 |



## ANNEX III

## CORRELATION TABLE

| Regulation (EC) No 1393/2007 | This Regulation            |
|------------------------------|----------------------------|
| Article 1(1)                 | Article 1(1)               |
| Article 1(2)                 | Article 1(2)               |
| Article 1(3)                 | -                          |
| -                            | Article 1(3)               |
| -                            | Article 2                  |
| Article 2                    | Article 3                  |
| Article 3                    | Article 4                  |
| -                            | Article 5(2), (3) and (4)  |
| -                            | Article 6                  |
| -                            | Article 7                  |
| Article 4(1)                 | Article 8(1)               |
| Article 4(2)                 | Article 5(1)               |
| Article 4(3)                 | Article 8(2)               |
| Article 4(4)                 | Article 8(3)               |
| Article 4(5)                 | Article 8(4)               |
| Article 5                    | Article 9                  |
| Article 6                    | Article 10                 |
| Article 7                    | Article 11                 |
| Article 8(1)                 | Article 12(1), (2) and (3) |
| Article 8(2)                 | Article 12(4)              |
| Article 8(3)                 | Article 12(5)              |
| Article 8(4)                 | Article 12(6)              |
| Article 8(5)                 | Article 12(7)              |
| Article 9                    | Article 13                 |
| Article 10                   | Article 14                 |
| Article 11                   | Article 15                 |
| Article 12                   | Article 16                 |
| Article 13                   | Article 17                 |
| Article 14                   | Article 18                 |
| -                            | Article 19                 |
| Article 15                   | Article 20(1)              |
| -                            | Article 20(2)              |
| Article 16                   | Article 21                 |
| Article 17                   | Article 23                 |
| -                            | Article 24                 |

| Regulation (EC) No 1393/2007 | This Regulation |
|------------------------------|-----------------|
| -                            | Article 25      |
| Article 18                   | Article 26      |
| -                            | Article 27      |
| -                            | Article 28      |
| Article 19                   | Article 22      |
| Article 20                   | Article 29      |
| Article 21                   | Article 30      |
| -                            | Article 31(1)   |
| -                            | Article 31(2)   |
| Article 22(1)                | Article 31(3)   |
| Article 22(2)                | Article 31(4)   |
| Article 22(3)                | Article 31(5)   |
| Article 22(4)                | Article 31(6)   |
| -                            | Article 32      |
| Article 23(1)                | Article 33(1)   |
| -                            | Article 33(2)   |
| Article 23(2)                | Article 33(3)   |
| Article 23(3)                | Article 33(4)   |
| -                            | Article 34      |
| Article 24                   | Article 35(1)   |
| -                            | Article 35(2)   |
| Article 25                   | Article 36      |
| Article 26                   | Article 37      |
| Annex I                      | Annex I         |
| Annex II                     | Annex I         |
| -                            | Annex II        |
| Annex III                    | Annex III       |

(In the relations between the Contracting States, this Convention replaces the first chapter of the Convention on civil procedure of 1 March 1954)

## CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS

*(Concluded November 15, 1965)*

The States signatory to the present Convention,  
Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,  
Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,  
Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

### *Article 1*

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.  
This Convention shall not apply where the address of the person to be served with the document is not known.

## CHAPTER I – JUDICIAL DOCUMENTS

### *Article 2*

Each Contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other Contracting States and to proceed in conformity with the provisions of Articles 3 to 6.  
Each State shall organise the Central Authority in conformity with its own law.

### *Article 3*

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.  
The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

### *Article 4*

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

### *Article 5*

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either –  
*a)* by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or  
*b)* by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this Article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed. That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

#### *Article 6*

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

#### *Article 7*

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

#### *Article 8*

Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

#### *Article 9*

Each Contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another Contracting State which are designated by the latter for this purpose. Each Contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

#### *Article 10*

Provided the State of destination does not object, the present Convention shall not interfere with –

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,
- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,
- c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

#### *Article 11*

The present Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding Articles and, in particular, direct communication between their respective authorities.

#### Article 12

The service of judicial documents coming from a Contracting State shall not give rise to any payment or reimbursement of taxes or costs for the services rendered by the State addressed.

The applicant shall pay or reimburse the costs occasioned by-

- a) the employment of a judicial officer or of a person competent under the law of the State of destination,
- b) the use of a particular method of service.

#### Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security.

It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

#### Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

#### Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that –

- a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or
- b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention,

and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each Contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled-

- a) the document was transmitted by one of the methods provided for in this Convention,
- b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,
- c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

#### Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled –

- a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and
- b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

This Article shall not apply to judgments concerning status or capacity of persons.

## CHAPTER II – EXTRAJUDICIAL DOCUMENTS

### *Article 17*

Extrajudicial documents emanating from authorities and judicial officers of a Contracting State may be transmitted for the purpose of service in another Contracting State by the methods and under the provisions of the present Convention.

## CHAPTER III – GENERAL CLAUSES

### *Article 18*

Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority. Federal States shall be free to designate more than one Central Authority.

### *Article 19*

To the extent that the internal law of a Contracting State permits methods of transmission, other than those provided for in the preceding Articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

### *Article 20*

The present Convention shall not prevent an agreement between any two or more Contracting States to dispense with –

- a) the necessity for duplicate copies of transmitted documents as required by the second paragraph of Article 3,
- b) the language requirements of the third paragraph of Article 5 and Article 7,
- c) the provisions of the fourth paragraph of Article 5,
- d) the provisions of the second paragraph of Article 12.

### *Article 21*

Each Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following –

- a) the designation of authorities, pursuant to Articles 2 and 18,
- b) the designation of the authority competent to complete the certificate pursuant to Article 6,
- c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to Article 9.

Each Contracting State shall similarly inform the Ministry, where appropriate, of –

- a) opposition to the use of methods of transmission pursuant to Articles 8 and 10,
- b) declarations pursuant to the second paragraph of Article 15 and the third paragraph of Article 16,
- c) all modifications of the above designations, oppositions and declarations.

### *Article 22*

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on 17th July 1905, and on 1st March 1954, this Convention shall replace as between them Articles 1 to 7 of the earlier Conventions.

#### *Article 23*

The present Convention shall not affect the application of Article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of Article 24 of the Convention on civil procedure signed at The Hague on 1st March 1954.

These Articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

#### *Article 24*

Supplementary agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

#### *Article 25*

Without prejudice to the provisions of Articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the Contracting States are, or shall become, Parties.

#### *Article 26*

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.

#### *Article 27*

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

#### *Article 28*

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. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

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.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

#### *Article 29*

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

#### *Article 30*

The present Convention shall remain in force for five years from the date of its entry into force in accordance with

the first paragraph of Article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

#### *Article 31*

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 26, and to the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications referred to in Article 26;
- b) the date on which the present Convention enters into force in accordance with the first paragraph of Article 27;
- c) the accessions referred to in Article 28 and the dates on which they take effect;
- d) the extensions referred to in Article 29 and the dates on which they take effect;
- e) the designations, oppositions and declarations referred to in Article 21;
- f) the denunciations referred to in the third paragraph of Article 30.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

N.B. On 25 October 1980 the Fourteenth Session adopted a [\*Recommendation on information to accompany judicial and extrajudicial documents to be sent or served abroad in civil or commercial matters\*](#) (*Actes et documents de la Quatorzième session (1980)*, Tome I, *Matières diverses*, p. I-67; *idem*, Tome IV, *Entraide judiciaire*, p. 339; *Practical Handbook on the Operation of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*).

FORMS (REQUEST AND CERTIFICATE)

SUMMARY OF THE DOCUMENT TO BE SERVED

(annexes provided for Articles 3, 5, 6 and 7)



ANNEX TO THE CONVENTION

*Forms*

REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters,

signed at The Hague, the 15th of November 1965.

Identity and address  
of the applicant

Address of receiving  
authority

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, *i.e.*,

(identity and address) .....

*a)* in accordance with the provisions of sub-paragraph (*a*) of the first paragraph of Article 5 of the Convention\*.

*b)* in accordance with the following particular method (sub-paragraph (*b*) of the first paragraph of Article 5)\*:

.....

*c)* by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)\*.

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes\* - with a certificate as provided on the reverse side.

*List of documents*

.....  
.....  
.....  
.....  
.....  
.....

Done at . . . . . , the . . . . .  
Signature and/or stamp.

\* Delete if inappropriate.

*Reverse of the request*

CERTIFICATE

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,  
1) that the document has been served\*

- the (date)

.....

- at (place, street, number)

.....

.....

- in one of the following methods authorised by Article 5:

*a)* in accordance with the provisions of sub-paragraph (*a*) of the first paragraph of Article 5 of the Convention\*.

*b)* in accordance with the following particular method\*: .....

.....

*c)* by delivery to the addressee, who accepted it voluntarily\* .

The documents referred to in the request have been delivered to:

- (identity and description of person)
- .....

.....

- relationship to the addressee (family, business or other):
- .....

.....  
 .....

2) that the document has not been served, by reason of the following facts\*:

.....  
 .....  
 .....

In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

*Annexes*

Documents returned: .....

.....  
 .....

In appropriate cases, documents establishing the service:

.....  
 .....

Done at . . . . . , the . . . . .

Signature and/or stamp.

\* Delete if inappropriate.

**SUMMARY OF THE DOCUMENT TO BE SERVED**

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters,

signed at The Hague, the 15th of November 1965.

(Article 5, fourth paragraph)

Name and address of the requesting authority:

.....  
.....

Particulars of the parties\*:

.....  
.....

#### JUDICIAL DOCUMENT\*\*

Nature and purpose of the document:

.....  
.....

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

.....  
.....

Date and place for entering appearance\*\*:

.....  
.....

Court which has given judgment\*\*:

.....  
.....

Date of judgment\*\*:

.....  
.....

Time-limits stated in the document\*\*:

.....  
.....

#### EXTRAJUDICIAL DOCUMENT\*\*

Nature and purpose of the document:


.....  
.....

Time-limits stated in the document\*\*:

.....  
.....

\* If appropriate, identity and address of the person interested in the transmission of the document.

\*\* Delete if inappropriate.



**IAFL INTRODUCTION TO EUROPEAN FAMILY LAW CONFERENCE**  
**THESSALONIKIN EDUCATION PROGRAM**  
 Thursday, 18 April  
**Subpoena and service of decisions**  
 Dr. Apostolos Anthimos, Thessaloniki

Dr. Apostolos Anthimos - IAFL - 18/4/2024 5K5-GR

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**CLASSIFICATION OF APPLICABLE LAW ON THE SERVICE OF DOCUMENTS ABROAD**

|   |   |   |   |
|---|---|---|---|
|  |  |  |  |
| EU LAW<br>REGULATION<br>1784/2020<br>1393/2007<br>1348/2000                         | HAGUE SERVICE<br>CONVENTION 1965  | BILATERAL TREATIES  | DOMESTIC LAW  |

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**EU LAW – REGULATION 1784/2020**

|   |   |   |
|---|---|---|
|  |  |  |
| In force since 1/7/2022   | No CJEU case law so far   | Applies to all EU Member States   |

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**MULTILATERAL AGREEMENT**  
**HAGUE SERVICE OF PROCESS CONVENTION**

|                       |                           |  |
|-----------------------|---------------------------|--|
|                       |                           |  |
| Ratified by all EU MS | No CJEU case law possible | Applies to all signatory states around the world |

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**BILATERAL TREATIES**

|   |   |   |
|---|---|---|
|   |   |   |
| DIVERGING POLICY ACROSS THE WORLD<br>USA # GREECE | INTERPRETATION BY COURTS OF THE PARTIES<br>Greece / Albania | Applies to NON EU AND NON HSC COUNTRIES |

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**DOMESTIC LAW**  
**OF CIVIL PROCEDURE OR OTHER PERTINENT ACT**

|                             |                                   |  |
|-----------------------------|-----------------------------------|--|
|                             |                                   |  |
| FULL AUTONOMY OF THE STATES | INTERPRETATION BY DOMESTIC COURTS | Applies to NON EU NON HSC AND TO COUNTRIES WITH NO CONVENTIONAL LINK |

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**EXAMPLES [GREECE]**

|   |   |  |  |
|---|---|--|--|
|  |  |                       |                 |
| Service of a divorce application to the Netherlands;<br>EU Regulation applies     | Service of a claim for child support to the USA;<br>HSC 1965 applies              | Service of a child custody application in Lebanon;<br>Greek-Lebanese 1975 bilateral convention applies | Service of an application for the return of a child from Dubai;<br>Article 134 Greek CPC applies |

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**Scope of Application of the EU Service Regulation**

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**Article 1 Scope**

1. This Regulation applies to the cross-border service of judicial and extrajudicial documents **in civil or commercial matters**.
2. With the exception of Article 7, **this Regulation does not apply** where the address of the person to be served with a document is **not known**.
3. **This Regulation does not apply** to the service of a document in the forum Member State on a **representative authorised** by the person to be served, regardless of the place of residence of that person.

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### Civil and Commercial Matters

- It is not the nature of the court, but the nature of the case which is decisive for the application of the Service Regulation.
- All civil and commercial matters?  
Focus on family law matters
- **Brussels II ter 1111/2019: YES > Art. 19.2**
- **Maintenance Regulation 4/2009: YES > Art. 11.2**
- **Matrimonial property Reg. 1103 & 1104/2016: YES > Art. 16.2**

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### Judicial or Extrajudicial Document

- **Judicial documents**
  - Claim, application, provisional & protective measures
  - appeal, second appeal (cassation / revision)
  - revocation, opposition
- Both in proceedings before and after the rendering of the judgment (i.e. enforcement proceedings)**
- **Extrajudicial documents: see Art. 21.**
- **Problematic: Affidavits / sworn statements**

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### ... has to be transmitted from one MS to another for service there

- **Criteria for service abroad:**
  - Residence / seat
- **Multiple places of residence**
- **Authorized / legal representative**  **Article 1(3).**

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### Unknown Residence

- Criteria for acknowledging unknown residence
- No clear guidance from the Regulation >
- Depends on national perceptions, needs EU-wide interpretation
- Additional efforts by the MS needed
- Latest step: Article 7 Service EU Regulation:  
**Assistance in address enquiries**

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### Denmark (+ UK...)

- **DENMARK**
- Agreement with the EU on the application of the Service Regulation, OJ 10.12.2008, L 331/21
- **UK**
- After 31-12-2020: 1965 Hague Service Convention

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### AVAILABLE SERVICE TOOLS

- Transmission and service through official channels
- Service through diplomatic channels [upon declaration of the state of destination] > Article 17
- Postal service > Article 18
- Direct service [upon declaration of the state of destination] Art. 20
- Electronic service Article 19

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**CONDITIONS OF PROPER SERVICE**

- i. Translation of the document served > Articles 9 & 12
- ii. Certificate of service and copy of the document served > Art. 14
- iii. Payment of service fees > Article 15

If i & ii missing > stay of proceedings

Very important provision: >Article 22!  
(defendant's default of appearance).

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***TO SERVE OR NOT TO SERVE ABROAD ?***

**THAT IS THE QUESTION...**

SERVICE OF PROCESS IN THE EU

SHORT CASE STUDIES

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**SERVICE TO FAMILY MEMBERS**

- Nikos (GR) and Roxana (RO), a married couple, living in SKG.
- Roxana leaves the house and moves to Larissa, a city in Thessaly, GR.
- Nikos starts divorce litigation before GR courts.
- Before serving the application, he becomes aware that Roxana has left the country and moved to Sibiu, RO, but he doesn't know the exact address.
- He decides to serve the claim to the house Roxana was living with her sister before moving to RO. Her sister receives the document without reservation.
- You are the judge dealing with case: Is service in accordance with the EU Service Regulation?

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SERVICE TO RENTED FLAT

- Leonidas and Flutura, married in Albania, two children, living in Athens, GR.
- Flutura decides to separate and takes the children with her in another flat in Athens.
- After numerous fruitless attempts to solve the matter amicably, Leonidas decides to go to the Greek courts.
- Meanwhile, Flutura is not to be found. She informs however Leonidas by email that she has left Greece.
- Leonidas files a claim and serves to the flat in Athens.
- Is service in accordance with the EU Service Regulation?

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PROPERTY ABROAD I

- Joachim = DE citizen; buys property on the island of Thassos, in order to built a summer house.
- Maria = GR citizen, wife of Joachim, in separation, domiciled in Kavala, GR.
- She files a divorce application before the Kavala Family court.
- She wants to avoid service to DE;
- She finds out that Joachim has appointed Apostolos, a Greek lawyer in SKG, as his tax proxy in GR.
- Maria serves proceedings to Apostolos.
- Is service in accordance with the EU SR?

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PROPERTY ABROAD II

- Oksana is a Ukrainian citizen, living between Spain, Greece and rarely Ukraine.
- Grigory, his husband, is the owner of a flat in a block of summer houses in Ouranoupolis, Chalikidiki, where he spends nearly 15 days during summer time (upon leave by the Ukrainian military authorities).
- Oksana decides to divorce Grigory. She files a claim against him before the local Greek court.
- She assigns the process server with the task to serve the claim without translation to Grigori's flat in Ouranoupolis.
- Grigori refuses acceptance because he does not speak Greek, and no Ukrainian translation is attached to the claim.
- Is service in accordance with the EU SR?

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**THE 1965**

**HAGUE CONVENTION ON THE SERVICE**

**ABROAD**

**OF JUDICIAL AND EXTRAJUDICIAL**

**DOCUMENTS**

**IN CIVIL OR COMMERCIAL MATTERS**

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**AVAILABLE SERVICE TOOLS**

- Transmission and service through official channels
- Postal service [upon declaration of the state of destination]
- Direct service [upon declaration of the state of destination]
- Service through diplomatic channels [upon declaration of the state of destination]

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**CONDITIONS OF PROPER SERVICE**

i. Translation of the document served > Article 5

ii. Certificate of service and copy of the document served > Art. 6

iii. Payment of service fees > Article 12

If i & ii missing > stay of proceedings

Very important provision: >Article 15!  
(defendant's default of appearance).

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CASE 1

- A Turkish citizen living in Ankara wants to file a divorce application against his husband, who was living and working for some years in Hamburg, Germany; however, the exact address of the respondent's present whereabouts are not known.
- The application is filed with the competent court, and her lawyer is puzzled on whether he has to apply national procedural law or the HC 1965.
- *Answer:* According to Art. 1 Para. 2, <This Convention shall not apply where the address of the person to be served with the document is not known>.

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CASE 2

- An Albanian citizen living in Tirana, files to the regional court a child support action against the child's father, also an Albanian national, living in Madrid, Spain.
- she asks the Secretary of the court to forward the claim to the embassy of Albania in Spain, in order to deliver the document to the respondent.
- What should be the secretary's duty ?

*Answer:* According to Article 8, <Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents>.

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CASE 2

However, according to Art. 8 Para. 2  
<Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate>.

Therefore the secretary's duty would be

1. To check whether Spain has opposed to this method of service, and
2. Whether the document is to be delivered to an Albanian citizen.

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CASE 3

- A Bosnian national has filed an application for interim measures [injunction] in the regional Bosnian court against the father of her child, living and working in Austria.
- In order to avoid possible delays in the procedure laid down in Art. 3 et seq. of the Convention, she decides to send the writ of summons by air mail to the address of the defendant.
- Is she allowed to do so?

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CASE 3

*Answer: According to Article 10, <Provided the State of destination does not object, the present Convention shall not interfere with –a) the freedom to send judicial documents, by postal channels, directly to persons abroad>*

**Therefore the answer would depend upon the position of United Kingdom taken with regard to postal service.**

**➤ HOWEVER: See Art. 15.3 Hague Service Convention! Exception for interim measures!**

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Case 4

- A Greek national living in Pella, filed a divorce action against her husband, also a Greek national, who resides in Geneva.
- Since the respondent speaks fluently French, she decides to get in contact directly with a French speaking judicial officer (huissier), in order to deliver the document abroad.
- Is it possible under the Hague Convention?

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Case 4

Answer: According to Article 10, <Provided the State of destination does not object, the present Convention shall not interfere with... c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents through the judicial officers, officials or other competent persons of the State of destination.>

Therefore the answer depends upon the position of France taken with regard to direct service.

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Horizontal lines for writing.

Case 4

Special provision: Art. 11

'The present Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding Articles and, in particular, direct communication between their respective authorities'.

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Horizontal lines for writing.

CASE 5

- A, an Armenian national, filed a divorce application, against B, also Armenian national, residing in Yerivan.
The claim is filed before the Regional Court of SKG, where A stays with their children.
At the hearing B did not appear.

What is the duty of the local court in terms of service of process?

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Horizontal lines for writing.

CASE 5

ANSWER: The court has to prove if service of process has been done according to Art. 15.

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that:

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a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or

a) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention, and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

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*It is up to each country to decide if it is going to make use of the next paragraph of Art. 15, namely that*

the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if **all** the following conditions are fulfilled

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a) the document was transmitted by one of the methods provided for in this Convention,

b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,

c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

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Real case scenario

**Athens FIC 718/2009**

CLAIMANT: The wife of the respondent (C), living in Athens

RESPONDENT: The husband of the claimant (R), living in Cairo

Both Egyptian nationals

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FACTS

On March 4, 2008, C filed for divorce against R. She followed the domestic filing formalities; following that, she attempted to serve the application for divorce to Egypt.

The hearing was scheduled for the 6<sup>th</sup> of October 2008; however, the Greek Transmitting authority mistakenly wrote in the letter sent to the Egyptian Receiving authorities, that the hearing was scheduled for the 10<sup>th</sup> of June 2008.

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FACTS

The Egyptian Authorities received the file on June 18, 2008.

Consequently they returned the application with an attached letter, where it was stated that the Greek request for service to the respondent arrived to the competent Department of the MoJ of Egypt eight days after the scheduled hearing before the Athens court...

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FACTS

R did not appear in the proceedings.  
C stated in her pleadings that the court should try the case, because 6 months have passed since the date she handed over the documents to the Greek Transmitting Agency.

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RULING

The Athens court dismissed the application as inadmissible.

Both Greece and Egypt are signatories to the 1965 Hague Service Convention.

Therefore, Article 134 Greek Code of Civil Procedure does not apply (fictitious service of the proceedings).

This article applies only in the absence of international instruments.

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**WORDING**

- Pursuant to this Article, notification is deemed to be completed when the document is delivered to the Prosecutor’s office of the district where the claim was filed (in this case would have been Athens), so called *notification au parquet*.
- The crucial rule is Article 15 Hague Service Convention.

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**ANSWER**

- In the case at hand, the 6 months exception is not applicable, because **a certificate has been received** (point c), and at the same time it was evident that no attempt was made to serve the document to R by the Egyptian Authority.
- Therefore, the right of audience of R would be violated, had the court continued with the case and decided on the merits.

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Thank you !

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