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Hague Service Convention

The Hague Service Convention is a federal treaty which entered into force in the United States in 1964.

The Hague Service Convention was created to provide a standardized method of service of process between [signatory countries](#). It is the most widely recognized method of international process service and has even been added as a required method in some U.S. service statutes. However, of the approximately 200 (+/-) countries of the world, only 68 are signatory to the Hague Service Convention.

Of the at least 39 different "Hague Conventions", Hague Convention #14 is the "Service" Convention and is solely for the service of "notice" documents between signatory countries (summons, complaint, and associated documents) but is not meant to be used for service of a subpoena or any other document requesting a form of evidence (with the exception of document subpoenas for service in Japan).

If we are retained to effect Hague service on your behalf, we will:

- prepare all necessary treaty documents and facilitate service being properly effected, either through the appropriate central authority or our appointed agent (as in expedited Hague service where available)
- provide, at no extra cost, supporting affidavits, and assistance, for obtaining extensions of time to serve, informing the applicable court or client of status (when available) etc.
- send all documents abroad using international courier (such as UPS, FEDEX, etc.)

Common Controversy

Upon accession to the Hague Service Convention, a signatory country is allowed the opportunity to voice objections to, impose restrictions on, or issue a requirement relating to, any of the Articles of the Convention. The most common controversy surrounds a signatory country's objection or lack of objection to the various portions of Article 10, which generally allow the applicant to avoid violating the Convention by sidestepping the use of the foreign country's designated Central Authority. The text of Article 10 is as follows:

Article 10

- I. Provided the State of destination does not object, the present Convention shall not interfere with
- II. the freedom to send judicial documents, by postal channels, directly to persons abroad
- III. 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, 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

With regard to para. (a), significant controversy exists over the term freedom to "send" (as is quoted in par.(a) above) which some courts have ruled does not mean freedom to "serve".

The majority of signatory countries object to private service.

SERVICE BY MAIL OR PRIVATE SERVER IN A COUNTRY WHERE A FORMAL OBJECTION TO IT HAS BEEN DECLARED IS A VIOLATION OF THE TERMS OF THE SERVICE CONVENTION AND SHOULD NOT BE USED.



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With regard to para. (b) and (c), there are many countries where this is an option, but often not a practical one. The reasons for this are that U.S. consular officers are forbidden by regulation to assist in the service of process, process servers, as a private profession, do not exist in most foreign countries, and many judicial officers in foreign countries will not serve documents sent to them directly from private individuals in the United States.

What needs to be taken into consideration at all times is that IF you ever intend to attempt enforcement of a judgment IN the foreign country, the judgment should be obtained based upon a method of service considered valid in the courts of the foreign country. Use of the Hague Service Convention solves this potential problem because it is recognized as valid service in the courts of all signatory countries (which includes ALL U.S. courts).

Signatory Countries

HAGUE SERVICE CONVENTION

SIGNATORY COUNTRIES AS OF MAY 1, 2013

Member States

Albania

Argentina

Australia

Belarus

Belgium

Bosnia and Herzegovina

Bulgaria

Canada

China, People's Republic of

Croatia

Cyprus



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Czech Republic

Denmark

Egypt

Estonia

Finland

France

Germany

Greece

Hungary

Iceland

India

Ireland

Israel

Italy

Japan

Korea, Republic of (South)

Latvia

Lithuania

Luxembourg

Malta

Mexico

Monaco



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Signatory Countries con't

Montenegro

Morocco

Netherlands

HAGUE SERVICE CONVENTION

SIGNATORY COUNTRIES AS OF MAY 1, 2013

Norway

Poland

Portugal

Romania

Russian Federation

Serbia

Slovakia

Slovenia

Spain

Sri Lanka

Sweden

Switzerland

The former Yugoslav Republic of Macedonia

Turkey

Ukraine

United Kingdom of Great Britain and Northern Ireland

United States of America

Venezuela



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**ADDITIONAL States that the Convention applies to
but they are not full members of the Hague Conference**

ADDITIONAL States (not full members)

Antigua and Barbuda

Armenia

Bahamas

Barbados

Belize

Botswana

Colombia (in force November 1, 2013)

Kuwait

Malawi

Moldova, Republic of

Pakistan

Saint Vincent and the Grenadines

San Marino