

SERVICE OF LEGAL DOCUMENTS IN FRANCE

The Code of Federal Regulations (Title 22, Section 92.85) prohibits Foreign Service Officers from serving judicial documents or appointing others to do so.

There are three ways of serving legal documents in France:

1. Service pursuant to The Hague Convention of 1965

France and the United States are signatories to The Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (20 UST 361; TIAS 6638). The Convention provides for service of process by a Central Authority which in France is the Ministry of Justice.

How to request Service:

A request for service in France should be prepared on form LLA-116 or USM-94, "Request for Service Abroad of Judicial or Extra-Judicial Documents." This form is available from any U.S. Marshal's office. There are 94 such offices located in larger U.S. cities and their location can be obtained from:

Office of Public Information
U.S. Marshal Service
600 Army Drive
Arlington, VA 22202
Tel: (202) 307-9110

The form is in three parts: A request for service abroad, a summary of the documents to be served, and a certificate of service. The form should be completed in duplicate and sent with the judicial documents, also in duplicate, to the French Central Authority at the following address:

Ministère de la Justice
Bureau de l'Entraide Judiciaire Internationale
13, place Vendôme
75042 Paris Cedex 01
France
Website: www.justice.gouv.fr/

The convention requires that the request form be in either English or French. The form is available in a bilingual format, but French authorities are reluctant to accept a form completed in English only. For practical reasons, it is recommended that the completed form be accompanied by a French translation of the request, summary and certificate of service part of the form. The translation does not have to be certified.

Upon receipt of a request, the French Central Authority refers it to the appropriate “Procureur Général” (the equivalent of a U.S. District Attorney) who assigns it to the local police for service. There is no charge for service if made through the French Central Authority and no charge for the return of a certificate for service. This process takes several weeks.

2. Optional means of service:

The French Ministry of Justice has no objection to service being made by a French “huissier” (an official process server licensed by the government). A fee will be charged at rates set by the government. Addresses can be obtained by writing to:

Chambre départementale des Huissiers de Justice

17, rue de Beaujolais

75001 Paris, France

websites: www.huissier-justice.fr and www.huissiersdeparis.com

The Huissier who has served process and who must have his signature notarized before a U.S. consular officer can come at the U.S. Embassy or consulate to do so. There is a fee for notarization. Location of U.S. consular offices in France are as follows:

American Embassy

American Citizen Services

4, avenue Gabriel

75008 Paris

Tel: 01 43 12 22 22

American Consulate General

12, boulevard Paul Peytral

13286 Marseille

Tel: 04 91 54 92 00

American Consulate General

15, avenue d’Alsace

67082 Strasbourg

Tel: 03 88 35 31 04

3. Voluntary acceptance of service:

In cases where the party in France is cooperative, such as uncontested divorces, the document may be mailed directly to the party. The party can appear before a U.S. consular officer to execute the affidavit contained in the document packet waiving service and acknowledge receipt of the document.