

Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)*

Responding State:

Latvia

I. General Feedback

1. How does your State rate the general operation of the Service Convention?
(b) Good.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?
(b) Good.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?
(b) Yes – electronic for incoming and outgoing.
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.
(c) No.

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (c) Yes, other – *please specify.*
“Use of language, for example, USA and UK in cases where the request is sent by our Country according to section c) of the Model form of the request, has been refused, although all rules were followed”

A. Extrajudicial documents

6. Is the concept of “extrajudicial documents” (Art. 17) defined in the internal law of your State?
(b) No.
7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

N/A

III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?
(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)
- (b) No.
9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?
- (b) The Service Convention would apply, through:
- (i) Main channel of transmission (Art. 5);
 - (ii) Direct diplomatic and consular channel (Art. 8);
 - (v) Postal channel (Art. 10(a));
10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

“III. Document Delivery Procedures 7. For a legal entity, the document shall be delivered to its registered address. The document shall be serviced to the official or an employee of the legal entity. 8. For a natural person, the document shall be delivered to the address indicated by the submitter in the submission. 9. The document to be delivered to a natural person shall be serviced to the addressee personally. If the addressee cannot be met at the indicated address at the moment of the delivery of the document, the document shall be handed over to a family member or kinsman met at the respective address who has attained the legal age and residing together with the addressee (if the delivery of the document has been made to the address of the residence of the addressee) or to the administration of the workplace (if the delivery of the document has been made to the address of the workplace of the addressee) for servicing it to the addressee. The aforementioned person shall have the duty to service the document to the addressee. The warning to a debtor regarding voluntary sale at auction of immovable property through the court or undisputed enforcement of obligations or a court warning on enforcement of payment obligations envisaged in the Civil Procedure Law shall be serviced only to the addressee personally. 10. If in the process of the delivery of the document a sworn bailiff receives information that the addressee might be met in another address, a sworn bailiff shall inform the submitter about it by using the available means of communications (for example, telephone, electronic mail), and deliver the document to the respective address. 11. The addressee or the person indicated in paragraph 9 herein to whom the document has been handed over for servicing it to the addressee shall confirm the receipt of the document by putting the signature on a copy of the document. As from this moment, the document shall be considered as delivered. 12. If the addressee refuses to accept the document, a sworn bailiff shall inform the addressee about the type of the document and shall explain the consequences of the refusal that come into effect in accordance with paragraph 3 of these Regulations. As from this moment, the document shall be considered as delivered. 13. If the addressee cannot be met at the address indicated in the submission of the submitter and the document cannot be handed over to any of persons indicated in paragraphs 7 or 9 herein, a sworn bailiff shall leave a notice in a closed envelope in the post box of the addressee regarding the attempt to hand over the document to this person and invite the addressee to appear at the office of the sworn bailiff within seven days’ time to receive the document. https://lzeti.lv/media/documents/11789/2-03-01_MK_noteikumi_ENG.pdf”

11. Does your State serve judicial and extrajudicial documents in the same way?
- (a) Yes.

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

- (a) Courts / Tribunals.
- (f) Central Authority(ies).

13. Do outgoing requests for service have to be transmitted through your State's Central Authority?

- (a) Yes.
"In case of Article 8 of the Convention."

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

- (b) Personal service.

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (c) Unknown.

15.1. If yes, what method of service was requested?

N/A

15.2. If yes, was the requested method of service able to be executed?

N/A

16. In the previous five years*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (c) Unknown.

16.1. If yes, what particular method of service was requested?

N/A

16.2. If yes, was the requested method of service able to be executed?

N/A

16.3. If yes, were there costs associated with this method of service?

N/A

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the “Summary”, accompanied by the “Warning” (see C&R No 31).

17. As the **State of origin**, does your State use the “Warning” and “Summary” sections of the Model Form when transmitting a request through alternative channels?

(d) Unknown.

18. As the **State of destination**, does your State use the “Certificate” section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(a) Always.

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(b) No.

23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

N/A

23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

(b) No.

23.3. If no objection has been made, which of the following categories does your State recognise as a "postal channel" under Article 10(a)?

- (a) Regular post.
- (b) Registered (tracked) post, with receipt.
- (c) Private courier, such as FedEx.
- (d) E-mail

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

(a) Yes.

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State's official languages?

(a) Yes.
"Yes. All documents"

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(a) Yes.

24.1. If no objection has been made, which of the following categories does your State recognise as a "judicial officer, official or other competent person" under Article 10(b), either for sending or receiving?

N/A

24.2. If no objection has been made, how does this channel of transmission operate in practice?

N/A

24.3. If no objection has been made, are there costs associated with this channel of transmission?

N/A

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(a) Yes.

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

N/A

25.2. If no, how does this channel of transmission operate in practice?

N/A

25.3. If no, are there costs associated with this channel of transmission?

N/A

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(a) Yes.

“At the time of Covid, the hearings of the court were primarily dealt with in video conference mode, similarly to prisons it was determined not to convoy, but all accused would be interrogated by video conference regime.”

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(b) No.

29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

N/A

30. Does your State’s Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

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30.1. If yes, what methods of transmission does your State accept?

N/A

30.2. If no, please provide further information about why this is not yet possible.

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31. Does your State permit execution of service via electronic means?

(g) Other.

“Unknown”

31.1. If no, what are your State’s reasons for refusing to execute the requests for service to be performed by using information technology?

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32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(a) None.

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(b) Development of a Guide to Good Practice.

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(a) Yes.

For Parties that answered "yes" to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

(a) Yes.

"The electronical means is not specified in these agreements, but it also is no prohibited to use electronical channels : Agreement of 3 February 1993 between the Republic of Latvia and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters; Agreement of 14 April 1993 between the Republic of Moldova and the Republic of Latvia on legal assistance and legal relations in civil, family and criminal matters; Agreement of 21 February 1994 between the Republic of Latvia and the Republic of Belarus on legal assistance and legal relations in civil, family and criminal matters; Agreement of 23 May 1995 between the Republic of Latvia and Ukraine on legal assistance and legal relations in civil, family, labour and criminal matters; Agreement of 23 May 1996 between the Republic of Latvia and the Republic of Uzbekistan on legal assistance and legal relations in civil, family, labour and criminal matters; Agreement of 10 April 1997 between the Republic of Latvia and the Kyrgyz Republic on legal assistance and legal relations in civil, family and criminal matters"

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Main Channel of Transmission (Art. 5)

A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	19
2018	1
2019	50
2020	66
2021	60
2022	30
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
Russian Federation	-
Turkey	-
Denmark	-

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017		x			
2018		x			
2019		x			
2020		x			
2021		x			
2022 (if data available)		x			
Unknown – <i>please explain.</i>					
-					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> “Unknown – no such data.”	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> “Unknown – no such data.”	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(d) Unknown.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	117
2018	16 (requests to Canada through Ministry of Justice)
2019	13 (requests to Canada through Ministry of Justice)
2020	19 (requests to Canada through Ministry of Justice)
2021	14 (requests to Canada through Ministry of Justice)
2022	17 (requests to Canada through Ministry of Justice)
Unknown – <i>please explain.</i>	
-	

8. Which three States were the subject of the most requests?

Requesting State	Number
UK	-
Norway	-
Canada	-

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
“Unknown - no data”	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

“About one to three requests per year”

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

“None”

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

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II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

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PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.