

Article 2(1) – Transmitting agencies

The transmitting agency for judicial documents is the court serving the document (Section 1069(1) of the Code of Civil Procedure (ZPO)).

The transmitting agency for extrajudicial documents is the district court (Amtsgericht) of the district in which the person serving the document is domiciled or habitually resident; in the case of notarised deeds, it is also the district court of the district in which the office of the notarising notary is located; in the case of legal persons, it is the district court of the district in which the head office is located; Länder governments may issue an executive order instructing one district court to perform the tasks of the transmitting agency for districts covered by several local district courts (Section 1069(1) ZPO).

Article 2(2) – Receiving agencies

For the service of documents in the Federal Republic of Germany, the German receiving agency within the meaning of Article 2(2) of Regulation (EC) No 1393/2007 is the district court of the district in which the document is to be served. Länder governments may issue an executive order instructing one district court to perform the tasks of the receiving agency for districts covered by several local district courts.

Article 2(4)(c) – Means of receipt of documents

The following means of communication are available:

- for receipt and dispatch: post and private courier services, fax,
- for other communications: telephone and e-mail.

Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I

The form may be completed in German or English.

Article 3 – Central body

The task of the central body is performed in each Land by a body designated by the Land government. These are normally the Land judicial authorities or a Higher Regional Court (Oberlandesgericht) in the Land in question.

The address given is firstly the office address, where available, otherwise – and in some cases additionally – the postal address is given.

For express items and packages (including small packages), only the office address should be used.

Click on the below link to view all competent authorities related to this Article.

Country: Germany

Instrument: Serving documents

Competence type: Central body

More than one court/authority has been found which is competent for this legal instrument based on the information you provided. Below is the list:

Amtsgericht Freiburg im Breisgau

Amtsgericht Hamburg

Amtsgericht Hamburg-Altona

Amtsgericht Hamburg-Barmbek

Amtsgericht Hamburg-Bergedorf

Amtsgericht Hamburg-Harburg

Amtsgericht Hamburg-St.Georg

Amtsgericht Hamburg-Wandsbek

Amtsgericht Stuttgart

Amtsgericht Stuttgart-Bad Cannstatt

Amtsgericht Tübingen

Bayerisches Staatsministerium der Justiz

Justizministerium Mecklenburg-Vorpommern

Landgericht Bremen

Ministerium der Justiz des Landes Brandenburg

Ministerium der Justiz Rheinland-Pfalz

Ministerium für Justiz und Gleichstellung des Landes Sachsen-Anhalt

Ministerium für Justiz, Arbeit und Europa des Landes Schleswig-Holstein

Ministerium für Justiz, Gesundheit und Soziales

Niedersächsisches Justizministerium

Oberlandesgericht Dresden

Oberlandesgericht Düsseldorf

Oberlandesgericht Frankfurt am Main

Senatsverwaltung für Justiz, Verbraucherschutz und Antidiskriminierung

Thüringer Ministerium für Migration, Justiz und Verbraucherschutz

Article 4 – Transmission of documents

The form in Annex I (request) may be completed in German or English.

Articles 8(3) and 9(2) – Particular periods set by national law for serving documents

From the point of view of the applicant, which is the only consideration in Articles 8(3) and 9(2), under German law the precise date of service is seldom of importance for the computation of time limits, as it is normally sufficient for the document to have reached the court by the deadline if service of the document follows immediately (Article 167 ZPO). If in an individual case the precise date of service is significant, Article 222(2) ZPO applies in conjunction with Articles 187 et seq of the German Civil Code.

Article 10 – Certificate of service and copy of the document served

The form in Annex I (certificate) may be completed in German or English.

Article 11 – Costs of service

The costs referred to in Article 11(2) may under normal circumstances be incurred up to €20.50. They will be calculated in accordance with the laws on court expenses depending on the type of service requested.

Article 13 – Service by diplomatic or consular agents

In the territory of the Federal Republic of Germany, service by diplomatic or consular agents within the meaning of Article 13(1) is not allowed unless the document is to be served on a national of the transmitting State.

Article 15 – Direct service

Under Article 15, in the territory of the Federal Republic of Germany only those documents may be served in respect of which German law on civil procedure also explicitly permits such direct service (Article 166(2) ZPO). An application initiating proceedings cannot be served in this way. Direct service is permitted, for example, in the case of an enforcement order under Article 750 ZPO, an enforceable title under Articles 794(1)(5) and 797 ZPO, distraint orders under Article 923(2) ZPO and interlocutory procedures under Articles 935 and 936 ZPO. Details of permissible direct service are governed by Articles 191 et seq ZPO.

Article 19 – Defendant not entering an appearance

Where the conditions of Article 19(2) are fulfilled, German courts may give judgment where a writ of summons or equivalent document has been publicly served in the Federal Republic of Germany.

No application may be entertained for the restoration of the original situation within the meaning of Article 19(4) more than one year after the end of the missed deadline.

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