

Avalēht>Kohtumenetlused>Tsviillasjad>Dokumentide kāttetoimetamine: õigusdokumentide ametlik edastamine
Service of documents: official transmission of legal documents

Lāti

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

The 'service' (*izsniegšana*) of a judicial document means the timely delivery of the document to a recipient so as to enable the recipient to exercise and defend their rights. The Civil Procedure Law (*Civilprocesa likums*) provides for several different types of service, including registered post, electronic mail, service by a bailiff (*tiesu izpildītājs*), and service by a messenger (*ziņnesis*). A document is deemed to have been served when it is delivered in accordance with the formal requirements laid down by legislation and delivery is recorded in the form established for the purpose.

2 Which documents need to be served formally?

Judicial documents drawn up in accordance with Section 56(2) of the Civil Procedure Law: judgments, decisions, notifications, summonses, applications made in specific kinds of proceeding, appeals on points of fact or law, true copies of written submissions, and all documents drawn up and submitted to the court by parties to the case but served on other parties by the court itself.

3 Who is responsible for serving a document?

A document from another country will be served in Latvia by a bailiff.

The central body is the Council of Sworn Bailiffs of Latvia (*Latvijas Zvērinātu tiesu izpildītāju padome*).

Address: Brīvības iela 82-3, Rīga, LV-1001, Latvia

Telephone +371 67290005, fax +371 67290005

Email: documents@lzt.lv

4 Address inquiries

4.1 Under 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, does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the addressee no longer resides at the address known to the requesting authority?

The body that receives the request, the Council of Sworn Bailiffs of Latvia, in addition to the data supplied, will if necessary verify or clarify whether another address has been entered for the person concerned in the register of population (*Iedzīvotāju reģistrs*) or the enterprise register (*Uzņēmumu reģistrs*).

The Council of Sworn Bailiffs does not try to ascertain the correct address, but only to provide more precise information where necessary.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

The basic particulars of an enterprise recorded in the enterprise register can be obtained free of charge:

<https://www.lursoft.lv/?l=en>

In order to ascertain the address of a private person, an official request can be submitted to the Office of Citizenship and Migration Affairs (*Pilsonības un migrācijas lietu pārvalde*) at the Ministry of the Interior. The request should indicate why the data is needed, so that the data processors can decide whether there are proper grounds for supplying it. The register of population is maintained by the Ministry of the Interior.

<http://www.pmlp.gov.lv/en/>

4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?

The Council of Sworn Bailiffs does not try to establish the correct address or trace a defendant: it merely provides a more precise address. But every request is considered individually, with special attention being paid to issues affecting the rights of children.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

The document will be served by the bailiff, who will call on the addressee.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method foreseen? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

A summons is sent to a lawyer (*advokāts*), a notary (*notārs*), a bailiff, or a central or local government body by electronic mail.

Documents drawn up by the court and other documents drawn up electronically will be notified to a lawyer by the court via the online system.

Such documents will be notified to a notary, a bailiff, or a central or local government body by electronic mail, unless they have informed the court that they are registered in the online system.

Judicial documents are delivered by electronic mail if a party to the proceedings has informed the court that they agree to the use of electronic mail for correspondence with the court. The documents are sent to the electronic mail address indicated by the party. If the court finds that there are technical obstacles to the delivery of judicial documents by electronic mail, the documents will be delivered by one of the other available methods.

If a party informs the court that they agree to electronic correspondence with the court and that they are registered in the online system, judicial documents will be notified via the online system. If the court finds that there are technical obstacles to the notification of judicial documents via the online system, the documents will be delivered by one of the other available methods, but the court summons will be sent to the electronic mail address indicated by the party.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

If the person serving the judicial documents does not find the addressee, he or she can serve the documents on any adult family member residing with the addressee.

If the person serving the documents does not find the addressee at his or her workplace, he or she can leave the documents with the management to be given to the addressee. The person taking delivery of the documents in such cases must declare his or her full name, the time and date of service, and his or her relationship to the addressee or position held, and must give the documents to the addressee without delay.

Notice of summons published in a newspaper

- (1) If the defendant's address cannot be ascertained in accordance with [Section 54.1](#) of the Civil Procedure Law, or if the documents cannot be delivered at the address which was indicated by the party in accordance with [Section 54.1\(1\)](#) of the Law, or if the documents cannot be delivered in accordance with [Section 56.2](#) of the Law, the defendant can be summoned to court by publication of the summons in the official gazette *Latvijas Vēstnesis*.
- (2) Irrespective of the publication of a notice in the official gazette, plaintiffs are entitled to publish the summons in other newspapers at their own expense.
- (3) The text of the summons published in a newspaper must correspond to the contents of the summons.
- (4) A court may try a case in the absence of the defendant provided no less than one month has passed from the day the summons was published in the official gazette.
- (5) As well as being published in a newspaper, the summons must also be sent to the location of the defendant's immovable property, if the plaintiff has indicated any such location.

7.2 If other methods are applied, when are the documents deemed to have been served?

- 1) On the date on which the addressee or another person accepts them in accordance with [Section 56\(3\)](#), (7) or (8) of the Civil Procedure Law;
 - 2) on the date on which the relevant person refuses to accept them ([Section 57](#) of the Law);
 - 3) if the documents are sent by post, on the seventh day after the date of dispatch;
 - 4) if the documents are sent by electronic mail, on the third day after the date of dispatch;
 - 5) if the documents are notified via the online system, on the third day after the date of dispatch.
- (2) Whether judicial documents are considered to have been notified is not determined per se by whether they have been delivered to the declared place of residence of a natural person, to an additional address indicated in the declaration of residence, to the address indicated by a natural person for correspondence with the court, or to the registered office of a legal person, or whether a statement is received from the post office advising that the item has been delivered or whether the documents are returned. Instead, there is a presumption that the documents have been served that arises on the seventh day after the date of dispatch if the documents were sent by post, or on the third day after the date of dispatch if the documents were sent by electronic mail or by notification via the online system: the addressee can rebut the presumption by showing that there were objective circumstances outside the addressee's control that prevented reception of the documents at the address indicated.

'Section 57 [of the Civil Procedure Law]. Consequences of refusal to accept judicial documents

- '(1) If an addressee refuses to accept judicial documents, the person delivering the documents shall annotate the document accordingly, specifying the reasons for refusal, the date and the time.
- '(2) Refusal to accept judicial documents shall not constitute a bar to the trial of a case.'

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

A judicial document may be served by deposit at a post office, in which case written notification that this is being done must be left at or sent to the recipient's address. If the notification cannot be left at or sent to that address, it must be affixed to the door of the recipient's dwelling or of the premises of an enterprise or of another place of residence of the recipient, or served on a person living nearby who will give it to the recipient later. The notification must clearly indicate that the document deposited was sent by the court

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

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8 Postal service from abroad (Article 14 of the Service Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 14 of the Service Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

If specifically requested, the document may be served at the courthouse, with the addressee being summoned to appear there.

If the document is sent by registered post it can be served by post. It will be served at a post office or by post office delivery employees; it must be signed on receipt by the person indicated as the recipient or by a representative of that person, and the person signing must produce an identification document. The party making use of this postal service may also indicate that the item is to be served only in person to a specific person.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

If service by registered post is unsuccessful there is no other way of serving the document by post.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The recipient of a document sent by registered post is informed by means of a notification sent to the recipient's home address. The document is held at the post office for 30 days from the day of receipt. The recipient must be asked to take delivery at least twice.

9 Is there any written proof that the document has been served?

If a judicial document is sent by post, service is recorded in the file, indicating where and when the document was served, and an annotation is also made on the postal document..

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

On application by the addressee, the court will contact the foreign country concerned, either direct or via the central body, and ask it to make a fresh request for service on the basis of the addressee's application.

11 Do I have to pay for service of a document, and if so, how much?

No, you will not have to pay.

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