

Outsourcing of Central Authority's activities:

By communication dated 1 October 2002, the Department of Justice of the United States of America informed the Permanent Bureau that it was finalising an award to a private process server company to assume the duties of the United States Central Authority pursuant to Article 2 of the 1965 Hague Service Convention. On 24 October 2002, the Permanent Bureau brought this communication to the attention of all the Member States of the Hague Conference and the non-Member States Parties to the Convention.

By communication dated 15 April 2003, the Department of Justice of the United States of America informed the Permanent Bureau that the bidding procedure had been completed and that the contract had been awarded to Process Forwarding International of Seattle, Washington, USA.

On 21 August 2003, the United States informed the depositary of certain changes to the way judicial assistance is afforded to foreign tribunals and to litigants before such tribunals by the Government of the United States:

"(...) Specifically this diplomatic note sets forth a new process by which requests from foreign tribunals for service of process in civil and commercial matters will be handled in the United States and supercedes the process described in previous declarations and communications of the United States. This change will affect countries party to the Hague Convention on the Service of Judicial and Extrajudicial Documents in Civil or Commercial Matters and the Inter-American Convention on Letters Rogatory and Additional Protocol, as well as countries not party to either multilateral treaty on service of process.

The Department of Justice of the United States of America has informed the Department of State that it is delegating the service of process function to a private contractor, Process Forwarding International of Seattle in the state of Washington. This procedural change does not imply the formal designation of a new Central Authority for either the Hague Service Convention or the Inter-American Convention on Letters Rogatory, but simply reflects the outsourcing of certain activities conducted by the Central Authority, which formally remains the U.S. Department of Justice.

Process Forwarding International will be the only private process server company authorized to act on behalf of the United States to receive requests for service, proceed to serve the documents, and complete the certificate of service. Process Forwarding International will be responsible for executing requests for service of process in the following areas: the United States (the fifty states and the District of Columbia), Guam, American Samoa, Puerto Rico, the U.S.

Virgin Islands and the Commonwealth of the Northern Mariana Islands.

Personal service will be the preferred method used on all requests. In the event personal service is impossible to effect, Process Forwarding International will serve process by such other method or methods as may be permitted under the law of the jurisdiction. In addition, Process Forwarding International is required to complete service of documents for return to the foreign requesting authority within six weeks of receipt.

Beginning June 1, 2003, requests for service of process should be transmitted to Process Forwarding International, 910 5th Avenue, Seattle, Washington, 98104 USA, telephone: (206) 521-2979; Fax: 206-224-3410; E-mail: info@hagueservice.net; Website: <http://www.hagueservice.net>. Requests for service must be transmitted in duplicate with an appropriate translation (one set will be served and the other will be returned by Process Forwarding International with a certificate of service). The full name and street address for the person or entity to be served must be included.

There will be a fee for service of process requests from foreign entities, including from countries party to the Hague Service Convention, and countries not party to any multilateral treaty on service of process. No fee will be charged at this time for requests under the Inter-American Convention on Letters Rogatory and Additional Protocol because the United States agreed to no-fee services under these instruments on accession to the Convention. The service fees for requests under the Hague Service Convention and requests from countries not party to any treaty on service of process are:

Year	Description	Fees US \$
2003	Personal service or service by mail	\$89.00
2004	Personal service or service by mail	\$91.00
2005	Personal service or service by mail	\$93.00
2006-2007	Personal service or service by mail	\$95.00

Payment of fees may be made by Visa, Mastercard, most international credit cards, bank transfers, international money orders and government-issued checks payable to Process Forwarding International. Personal checks are not

accepted. All service requests must comply with the payment schedule and method of payment described. All service requests unaccompanied by proper payment in the manner indicated will be returned without processing. The website for Process Forwarding International provides specific guidance on methods of payment. It will also be possible to check on the status of a service request on the website.

The requests described above received by the United States after June 1, 2003, will be sent to Process Forwarding International, where they may be rejected for non-compliance with the new fee requirement.

Countries not party to the Hague Service Convention or Inter-American Convention and Additional Protocol on service of documents may continue to send requests for service through the diplomatic channel, but they must be accompanied by the fee noted above. These requests will be sent to Process Forwarding International for further handling. It should be noted, however, that use of the diplomatic channel is not obligatory, and countries not party to these service Conventions may prefer to send their requests and receive their certificate of service directly from Process Forwarding International. The outsourcing of these activities formerly provided by the U.S. Department of Justice will increase efficiency. The Department of State therefore encourages all countries to avoid the use of the diplomatic channel for routine matters and take advantage directly of the new procedures.

The United States notes that there is no requirement under U.S. federal law that requests for judicial assistance be referred to the Department of State or the Department of Justice's contractor for execution. The United States has no objection to the informal delivery of such documents by members of diplomatic or consular missions in the United States, through the mails or by private persons if that would be effective under applicable law, provided no compulsion is used. (...)"

N.B. The authorities currently designated by the Government of the United States of America to perform certain functions under the Treaty shall also be the authorities designated to perform those functions for the Commonwealth of the Northern Mariana Islands.