Austria and the HCCH Service Convention: the last EU Member State to join and an interesting declaration on service upon States

On 17 July 2020, the Depositary (*i.e.* the Ministry of Foreign Affairs of the Netherlands) notified that Austria ratified the HCCH Service Convention, which will enter into force for Austria on 12 September 2020. With this ratification, the HCCH Service Convention continues to attest itself as an important instrument of judicial co-operation given that all EU Member States are now a party to it.

The ratification of Austria was made pursuant to *Council Decision (EU) 2016/414 of 10 March 2016 authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union.* As indicated in a previous post, this decision required that such ratification be made by 31 December 2017 so it was long overdue.

Among the declarations/reservations made by Austria features an important reservation on service upon the Republic of Austria, which reads as follows: "The Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters of 15 November 1965 shall not apply to the service of documents addressed to the Republic of Austria, including its political subdivisions, its authorities and persons acting on its behalf; such service shall be effected through diplomatic channels." Although this reservation is not so common among the Contracting States to the HCCH Service Convention, and by the way it's not contemplated explicitly in this treaty (but see art. 9(2)), it dispels any doubt as to the procedure to follow when suing a State.

All the declarations/reservations of Austria are available here.

The HCCH news item is available here.