

## Service of Claim Documents: Overview (France)

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A Practice Note providing an overview of the framework for service of claim documents (in relation to domestic and foreign proceedings) in France. It also explains the rules which determine how service of claim documents may be effected on a defendant domiciled in an overseas jurisdiction.

Civil proceedings normally commence when the claim documents are filed with a court and then served on the defendant. When a dispute has an international element (usually where there are parties from different countries or where some of the events relevant to the dispute have taken place in different jurisdictions), some of the key questions to consider at the outset are:

- The rules of the jurisdiction where the claim needs to be served, particularly if they do not conform with the service rules of the jurisdiction where proceedings have been issued and are already underway.
- The permitted methods of service in one jurisdiction, and whether or not they are considered valid in the other jurisdiction.
- Whether the claim has been commenced in time, namely within the relevant limitation period, as well as dispatched in time. If there are limitation issues, not adhering to rules on service could be detrimental to the claim and could hamper the chances of recovery or relief for the claimant.

This Note summarises the procedure and practice of serving process on a defendant within France as well as a defendant domiciled in an overseas jurisdiction. It outlines the permitted methods of service, including the rules on personal service and when and where certain categories of defendants can be served. It also describes what happens when service is not complete either because of incorrect address or the defendant refuses to accept service. In addition, it explains when a court considers service complete, whether service is allowed under

a contractually agreed method, how to serve foreign companies, and what is proof of service.

This Note also provides guidance on key international instruments on service of claim documents abroad as well as the procedure to effect service in France when no international instrument applies.

For information on the key issues to consider while effecting service in cross-border litigation, as well as an overview of the procedures followed under the Hague Service Convention and the EU Service Regulation, see [Practice Note, Service of Process: A Cross-Border Overview](#).

The procedures used to bring the court proceedings to the defendant's attention and create jurisdiction over the defendant are referred to as "service" in this Note. In addition, all the legal documents used in service, such as the court notice or summons and documents containing the details of the claim (also known as the particulars of claim or statement of claim, petition, or application), are referred to as "claim documents."

### How Are Civil Proceedings Commenced?

#### Identifying the Competent Court to Start Civil Proceedings

Several civil courts can be competent to hear the claim depending on the claimant or defendant's location and the type of dispute. Previously, the High Court (*Tribunal de grande instance*) and the

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Magistrates' Court (*Tribunal d'instance*) were the two main types of court in France. However, as of 1 January 2020, these two courts merged under one jurisdiction as the Judicial Court (*Tribunal Judiciaire*).

The Commercial Court (*Tribunal de Commerce*, renamed Economic Activities Court, *Tribunal des Activités Economiques*, in twelve French cities) has jurisdiction over cases and claims between commercial entities and businesses. Apart from a few exceptions, parties to proceedings before the Judicial Court and Commercial Courts must be represented by lawyers registered at the corresponding bar.

### Procedural Formalities and Documents to Be Filed in the Court

The claimant begins civil proceedings by serving the claim on the defendant. It is possible to begin civil proceedings by filing the claim with the court first. However, this is only possible in specific circumstances, for example, in the case of a fixed day procedure (*procédure à jour fixe*) for urgent matters where it is mandatory to file with the court first (Judicial Court or the Court of Appeal) (Articles 840 and 917, [Civil Procedure Code \(Code de procédure civile\)](#) (CPC)). In rare cases, a request can be filed directly with the court where the parties agree to appear before the judge and file a stipulated request.

Under Article 56 of the CPC, there are certain terms and details that must be included in the claim, including some specific to the type of court presiding over the claim. The claim must state the competent court. Articles 752 and 855 of the CPC apply to the Judicial Court and the Commercial Court respectively.

From this date onwards, writs of summons must mention the steps taken to reach an amicable settlement.

Defendants are summoned to appear before the Judicial Court or the Commercial Court on a specific date.

In the Judicial Court, after serving the claim on the defendant, the claimant must file a copy of the return of service with the competent court.

### Court Fee to Be Paid

The claimant must hire a bailiff (*commissaire de justice*, formerly *huissier de justice*) to serve the claim on the defendant (Article 651, CPC). There are no other court fees to be paid.

A filing fee applies only to claims filed before the Commercial Court. This fee varies according to the location of the court. For example, for Paris, the amount for a claim including two parties is currently EUR67.40 (and EUR19.09 for each additional party).

### Filing Claim Documents in Paper Form or Electronically

Usually, service of claim is made in paper form. However, since 2012 French civil procedure has allowed electronic service of process (Article 653, CPC). Electronic service has the same effect as traditional service on paper.

With the defendant's consent, the bailiff can send an email with details of how to download the claim on a secure system. The download must be completed the same day the email is sent to be considered personal service. It is otherwise considered substituted service (at the usual place of abode) and the bailiff must send notice by mail to the defendant explaining that service was made electronically.

### Court Seized

The court is deemed to have been seized the date on which the claim is filed with the court.

### Laws on Service of Claims

Article 653 of the CPC regulates domestic service and service abroad if no international instrument applies. The [Commercial Code \(Code de commerce\)](#) regulates service for disputes heard by the Commercial Court.

### Service Within the Jurisdiction

#### What Claim and Other Documents Must Be Served

The bailiff serves the claim on the defendant, along with a summons for the defendant to appear before the court for a hearing on a specific date. The claim is then filed with the court. The court does not issue any notice to be served on the defendant.

#### Service by Court or Claimant

Service is usually effected by a bailiff. However, in some rare cases, it can be made directly by mail.

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Service of process between lawyers is simplified and can be effected by:

- Transmitting the document personally.
- A secured network used by lawyers called the Lawyers' Virtual Private Network (*Réseau Privé Virtuels des Avocats*).

### Time Limit for Dispatching and Serving Claim Documents

After serving the claim to the defendant, the claimant must file a copy of the claim with the Judicial Court within four months.

For other courts, the claim must be delivered to the defendant at least 15 days before the hearing, and filed with the court at least eight days before the hearing.

### Methods of Service Within Jurisdiction

The permitted method of service depends on the type of request filed and the court before which the proceedings are started. In all cases, service can be made by a bailiff even if the law would have provided for another form (Article 651 al. 3, CPC). Usually, service must be made by a bailiff by one of three methods:

- Personal service.
- Substitute service at the defendant's usual place of abode with any person present at that time (if personal service is not possible).
- Leaving a note at the usual place of abode stating that the claim is available for collection at the

bailiff's office. (This is a last resort, and the bailiff must file a report describing the action taken to find the defendant and the inability to do so. This report is considered as service.)

When a judgment is notified twice, only the first valid notification triggers the time limits for appeal ([Cassation Court \(Cour de Cassation\), 2nd Civil Chamber, 13 January 2022, no. 20-12.914](#)).

### Service Using Post Services and Electronic Means of Communication (Such as Fax or Email)

Article 655 of the CPC governs the methods and means of service of process. Under the CPC, service by mail is not included and is therefore not legally admissible in France. Only if the bailiff cannot locate a defendant, and has submitted evidence in support of this, can the defendant be sent a copy of the claim, summons and return of unsuccessful service at the defendant's last known address.

However, if the defendant previously consented, the bailiff can serve process by email.

### Personal Service

There are no proceedings requiring mandatory personal service.

### Personal Service on Different Categories of Defendant

Entity to Be Served	Means of Effecting Service
An individual	Claim must be given directly to the individual.
A minor, or a person under guardianship ( <i>tutelle</i> ) or curatorship ( <i>curatelle</i> )	Claim must be given to the minor's legal representatives, usually the parents, or to the guardian or the curator.
A public officer or government/state body	Rules of civil procedure do not apply to lawsuits including a public officer or government body. In France, governmental bodies and public officers acting within the scope of their employment can only be sued under administrative law. This is a comprehensive set of rules distinct from the rules of civil procedure.
A sole proprietor	Claim must be given to the sole proprietor.

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Entity to Be Served	Means of Effecting Service
A domestic partnership	Claim must be given to each partner.
A domestic registered company or corporation	Claim must be given to a legal representative of the corporation or any person present at the relevant domicile claiming to be entitled to receive service.  Service of process on a company at its registered office is valid, regardless of whether the registered office is merely a business incubator ( <a href="#">Cassation Court, 2nd Civil Chamber, 12 September 2024, no. 22-13,949</a> ).
A domestic unregistered company	Claim must be served on every shareholder.
A domestic limited liability partnership	There is no equivalent to a limited liability partnership in French law.
Other domestic corporate or association type	Claim must be given to a legal representative of the corporation or any person present at the relevant domicile claiming to be entitled to receive service.

### Authorised Process Servers

For most proceedings, it is not possible to use a private process server. Service is usually effected by the bailiff.

### Service on the Defendant's Agent or Solicitor

Service of process can be made on the defendant's agent (which can be a lawyer) specifically empowered to receive service. This does not require the court's permission. It must be clear in the documents served that the agent accepts service on the defendant's behalf.

### Service Under a Contractually Agreed Method

Parties cannot contractually agree on a method of service. However, a party can define "domicile" in a contract and choose a specific domicile for service by mail at that address or email (as agreed) (Article 111, Civil Code). Therefore, if personal service is not possible, service will be made at the agreed residence or address.

### Service on Foreign Companies Within the Jurisdiction

A claimant can serve a company by serving a legal representative or any person entitled to receive process (Article 654, CPC). If a legal representative of a foreign company is resident in France, or if a person

entitled to receive process is in France, service can be made within the country. In addition, service can be effected at the foreign corporation's branch office in France, where relevant.

## Address for Service

### Rules on Address

Service can be effected at the defendant's domicile or usual place of residence.

A corporation's address is the location of its headquarters or any branch office that is sufficiently independent to contract with third parties and bind the corporation.

### Difficulties in Service

After repeated failed attempts to serve the defendant, the bailiff files a report detailing due diligence undertaken. The bailiff must then send the claim by mail to the defendant's last known address. In this case, the court relieves the claimant of the service requirement and can enter a default judgement against the defendant.

If the defendant refuses to accept service, the bailiff can leave a note asking the defendant to collect the claim at the bailiff's office. The bailiff must send a letter to the defendant the next day explaining that service of process was made and must keep the claim for three months.

If the defendant's address is unknown, the bailiff must draft a report detailing the action taken to locate the defendant. Following this (which is considered service), the bailiff must send a letter to the defendant's last known address containing the claim.

### Date and Time of service

#### Deemed Service

Personal service is deemed to be effective when the claim is given:

- To the defendant.
- To a person at the defendant's residence.

Unless authorized by a judge in cases of necessity, no service, even by electronic means, can be effected:

- Before 6 a.m. or after 9 p.m.
- On Sundays.
- On public holidays or non-working days

(Article 664, CPC.)

Where no suitable person is present to accept service on the defendant's behalf, service is effected when the bailiff leaves a note at the residence regarding service of process.

When the person to whom the claim is to be served has no known domicile, residence, or place of work, the bailiff writes a report detailing the unsuccessful steps taken to locate the recipient. This notification by means of a report of unsuccessful searches must be made at the last known address of the recipient. (Article 659, CPC.)

#### Date of Service and Limitation Period for Starting Court Proceedings

In most proceedings before the Judicial Court, the case is referred to the court at the request of either party by delivering a copy of the summons to the clerk's office. Provided that the date of the hearing is communicated more than 15 days in advance, delivery must be made at least 15 days before that date (Article 754, CPC).

Representation by counsel is mandatory before the Judicial Court, with a few exceptions (Articles 760 and 761, CPC; Article 213-4-1, [Code of Judicial Procedure](#) (*Code de l'organisation Judiciaire*)). The

exceptions relate to matters tried by the former Magistrates' Court, such as:

- Claims under EUR10,000.
- Claims in connection with electoral disputes.
- Cases tried by the Judge for Protection Litigation (*Juge des contentieux de la protection*) (for example, relating to tenancies, consumer loans, over-indebtedness, or adult protection).

When a claimant wants to refer one of these cases to the Judicial Court, they can simply file a request. There is no specific limitation period since there is technically no service of process, and the Judicial Court is seized directly by the request filed by the claimant.

If representation by counsel is mandatory, the defendant has 15 days to appoint counsel and to inform the opposing party and the court. In practice, the time frame to appoint counsel is not strictly adhered to.

#### Date of Service and Defendant's Response or Defence

The defendant is not bound by any specific timeframe to file a defence or response to the claim. When the process is served and the claim filed with the court, the clerk schedules an initial appearance before a judge. The judge then determines the deadline for the defendant to answer the claim.

### Statutory Time Limit

#### Time Limit to Serve Defendant Within Jurisdiction and Abroad

In French civil proceedings, the complaint is first served on the defendant and then filed with the court. Therefore, there is no specified time limit for service.

#### Extension of Time Limit

A judge for the Judicial Court cannot grant a time-limit extension as it this option is not available.

#### Grounds for Extension

There are no grounds for extension (see *Extension of Time Limit*).

### Proof of Service

Service of process is effected by the bailiff as a public official. The bailiff's report constitutes proof of service.

The bailiff delivers to the claimant an official copy of its act which constitutes proof of the service.

### Service of Domestic Proceedings Abroad

#### Service Without the Permission of the Court

Court permission is not required to serve process abroad outside the scope of any EU regulation or international treaty. The only requirement is the bailiff's report stating that the person to be served has no domicile in France. The claim is sent to the relevant civil prosecutor in the Judicial Court who will then transfer the service documents to the relevant foreign authorities.

#### Where No International Instrument Applies

Where no international instrument applies, the claim documents are served on the foreign jurisdiction. Usually, a bailiff sends two copies of the complaint to the French prosecutor (Article 684, CPC), one for signature to be returned to the bailiff. The next day, a copy of the complaint must be sent by mail to the defendant. Service is deemed effective at this stage. The request is transmitted by the prosecutor to the Ministry of Justice and then processed accordingly.

### Service of Foreign Proceedings

#### International Instruments on Service of Claims

France is a party to the EU Service Regulation and the Hague Service Convention.

#### Where No International Instrument Applies

Articles 684 to 688 of the CPC regulate the service of foreign proceedings where no international instrument applies. The foreign authority transmits

the complaint to the French Ministry of Justice to be forwarded to the local prosecutor or the Chamber of Bailiffs who are responsible to ensure the claim is served.

#### Time Frame to Serve Foreign Proceedings

The time frame for service of foreign proceedings varies on a case-by-case basis depending on the international instrument and the relevant foreign country.

### The Hague Service Convention

#### Central Authority

For contact details of the designated Central Authority and the additional authorities, see the [authorities page](#) for the HCCH Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters 1965 (Hague Service Convention).

#### Reservations, Declarations, and Notifications

See the [Status table for the Hague Service Convention](#) for a complete list of reservations, declarations and notifications made by the member states in relation to:

Submission of request to serve process (Article 3).

Service by diplomatic or consular agents (Article 8).

Service by postal channels (Article 10).

Direct service by judicial officers, officials, or other competent persons (Article 10).

Certificate of evidence as proof of service (Article 15).

#### National Rules

France has not implemented any domestic rules in accordance with the Hague Service Convention.

#### Email Service

In France, service by email is not possible to a defendant in a member state that is outside of the French jurisdiction.

### Sufficient Time for a Default Judgment

The court presiding over the dispute has the discretion to determine whether sufficient time has passed for the defendant to appear, and for the claimant to request default or ex parte judgement.

### Reasonable Time to Vacate a Default Judgment

Under Articles 540 and 643 of the CPC, a reasonable time to apply to vacate a default or ex parte judgement is two months from:

- The date the defendant first received personal service.
- The date the judgement was enforced by seizure or freezing of goods (where the defendant did not receive personal service).

In addition, there is a general provision that extends the time limit by two months for persons located abroad. The extension is only one month in the overseas French departments and territories.

## The EU Service Regulation

### Communications and Publication of Information Under Article 23

Article 23 of the [EU Service Regulation \(\(EC\) 1393/2007\)](#) requires member states to communicate information to the Commission about their particular service requirements, both in relation to the transmission of documents between transmitting and receiving agencies, and the other methods of service envisaged by the EU Service Regulation.

See the [e-justice](#) portal for complete information on the reservations, declarations, and notifications made by EU member states in relation to:

- Article 2(1) – Transmitting agencies.
- Article 2(2) – Receiving agencies.
- Article 2(4)(c) – Means of receipt of documents.
- Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I.
- Article 3 – Central body.
- Article 4 – Transmission of documents.
- Articles 8(3) and 9(2) – Particular periods set by national law for serving documents.
- Article 10 – Certificate of service and copy of the document served.
- Article 11 – Costs of service.
- Article 13 – Service by diplomatic or consular agents.
- Article 15 – Direct service.
- Article 19 – Defendant not entering an appearance.

The e-justice portal has a search function to identify competent courts and authorities (the central body, the transmitting agency, and so on) and also country pages (listed down the right-hand side) where information provided by member states can be checked.

### National Rules

The EU Service Regulation is of direct application, therefore, there are no domestic rules governing the service of claim under the Regulation.

### Sufficient Time to Defend

The presiding court has the discretion (on a case-by-case basis) to set a time limit for the entry of a default or ex parte judgement where the defendant has not filed a response or defence to the claim.

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