



2024/1570

5.6.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1570

of 4 June 2024

amending Implementing Regulation (EU) 2022/423 laying down the technical specifications, measures and other requirements for the implementation of the decentralised IT system referred to in Regulation (EU) 2020/1784 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) ⁽¹⁾, and in particular Article 25(1) thereof,

Whereas:

- (1) Article 5(1) of Regulation (EU) 2020/1784 provides that documents to be served, requests, confirmations, receipts, certificates and communications between transmitting agencies and receiving agencies, between those agencies and the central bodies, or between the central bodies of different Member States, are to be transmitted through a secure and reliable decentralised IT system. That decentralised IT system is to be based on an interoperable solution such as e-CODEX.
- (2) Commission Implementing Regulation (EU) 2022/423 ⁽²⁾ lays down the technical specifications, measures and other requirements for the implementation of the decentralised IT system referred to in Regulation (EU) 2020/1784. The Annex to that Implementing Regulation provides that the decentralised IT system is an e-CODEX based system.
- (3) Regulation (EU) 2022/850 of the European Parliament and of the Council ⁽³⁾ establishes the legal framework for the e-CODEX system. It provides, amongst others, that the e-CODEX system will be handed over by the entity managing it to the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), which will be responsible for managing the e-CODEX system.
- (4) It is therefore necessary to amend Implementing Regulation (EU) 2022/423 to clarify that the authorised e-CODEX access points of the decentralised IT system referred to in Regulation (EU) 2020/1784 should be operated in accordance with the legal framework established by Regulation (EU) 2022/850.
- (5) Moreover, it is necessary to ensure that existing cooperation on the service of judicial and extrajudicial documents under international agreements between the Union and Member States not bound by Regulation (EU) 2020/1784 can continue under the legal framework for the e-CODEX system established by Regulation (EU) 2022/850. To that end, the conditions under which such Member States can take part in the decentralised IT system should be specified.
- (6) The amendments to Implementing Regulation (EU) 2022/423 do not affect the date on which Articles 5, 8 and 10 of Regulation (EU) 2020/1784 will become applicable pursuant to Article 37(2) of that Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

⁽¹⁾ OJ L 405, 2.12.2020, p. 40, ELI: <http://data.europa.eu/eli/reg/2020/1784/oj>.

⁽²⁾ Commission Implementing Regulation (EU) 2022/423 of 14 March 2022 laying down the technical specifications, measures and other requirements for the implementation of the decentralised IT system referred to in Regulation (EU) 2020/1784 of the European Parliament and of the Council (OJ L 87, 15.3.2022, p. 9, ELI: http://data.europa.eu/eli/reg_impl/2022/423/oj).

⁽³⁾ Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/850/oj>).

- (8) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council (*) and delivered an opinion on 8 March 2024,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) 2022/423

The Annex to Implementing Regulation (EU) 2022/423 is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 4 June 2024.

For the Commission
The President
Ursula VON DER LEYEN

(*) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

ANNEX

In the Annex to Implementing Regulation (EU) 2022/423, point 1 is replaced by the following:

‘1. Introduction

The decentralised IT system referred to in Regulation (EU) 2020/1784 is an e-CODEX based system for the exchange of documents and data related to the service of documents between Member States in accordance with that Regulation. The authorised e-CODEX access points of the decentralised IT system shall be governed by the legal framework established by Regulation (EU) 2022/850.

Member States that are not bound by Regulation (EU) 2020/1784 but to which the provisions of that Regulation apply under an international agreement between that Member State and the Union concerning the service of judicial and extrajudicial documents in civil or commercial matters shall be allowed to participate in the decentralised IT system referred to in Regulation (EU) 2020/1784 to the extent necessary to apply the provisions of that Regulation.

In so far as such Member States are not bound by Regulation (EU) 2022/850, they shall implement in their national law the contents of Articles 8, 9, Article 11(3), (4), and (6), Articles 12, 14, Article 15(1) and (3), and Article 20 of that Regulation, so that the necessary safeguards for the proper operation of the decentralised IT-system are in place. Once the Member State concerned has notified the Commission in accordance with the applicable international agreement concerning the service of judicial and extrajudicial documents that it has implemented those provisions in its national law, it shall be treated in the same way as other Member States exclusively for the purposes of the operation of the decentralised IT system referred to in Regulation (EU) 2020/1784.’