



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.12.2006  
COM(2006) 751 final

2005/0126 (COD)

Amended proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ("Service of documents")**

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

## **EXPLANATORY MEMORANDUM**

### **1. BACKGROUND**

On 11 July 2005 the Commission adopted a proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters<sup>1</sup>. The European Parliament referred the proposal to its Legal Affairs Committee which approved its report on 2 February 2006. On 14 February 2006, the European Economic and Social Committee issued its opinion on the proposal.<sup>2</sup> Council reached a general agreement on the text of the Regulation at its meeting on 1 June 2006 and suggested to submit a coordinated version of the text. At the plenary session on 4 July 2006, the European Parliament adopted its opinion approving the Commission proposal subject to a number of amendments, and called on the Commission to submit a coordinated and comprehensive version of the Regulation incorporating the amendments by way of its revised proposal. The amendments adopted by the European Parliament correspond to the text agreed by the Council on 1 June 2006.

### **2. OBJECTIVE OF THE AMENDED PROPOSAL**

This amended proposal adapts the original Commission proposal to the general agreement of the Council and to the opinion of the European Parliament in a codified version.

### **3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY PARLIAMENT**

All amendments adopted by the European Parliament are accepted by the Commission in their entirety.

### **4. CONCLUSION**

Having regard to Article 250 paragraph 2 of the EC Treaty, the Commission modifies its proposal as follows.

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<sup>1</sup> COM(2005) 305 final.

<sup>2</sup> CESE 231/2006.

Amended proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ("Service of documents")**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) thereof and Article 67(5), second indent,

Having regard to the proposal from the Commission<sup>3</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>4</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty;

Whereas:

- (1) The Union has set itself the objective of maintaining and developing the Union as an area of freedom, security and justice, in which the free movement of persons is assured. To establish such an area, the Community is to adopt, among others, the measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market.
- (2) The proper functioning of the internal market entails the need to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters for service between the Member States.
- (3) The Council, by an Act dated 26 May 1997,<sup>5</sup> drew up a Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters and recommended it for adoption by the Member States in accordance with their respective constitutional rules. That Convention has not entered into force. Continuity in the results of the negotiations for conclusion of the Convention should be ensured.

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<sup>3</sup> OJ C [...] [...], p.[...].

<sup>4</sup> OJ C [...] [...], p.[...].

<sup>5</sup> OJ C 261, 27.8.1997, p. 1. On the same day as the Convention was drawn up the Council took note of the explanatory report on the Convention which is set out on page 26 of the aforementioned Official Journal.

- (4) On 29 May 2000 the Council adopted Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.<sup>6</sup> The main content of the Regulation is based on the Convention.
- (5) On 1 October 2004 the Commission adopted a report<sup>7</sup> on the application of Council Regulation (EC) 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.<sup>8</sup> The report concludes that since its entry into force in 2001, the application of Regulation (EC) No 1348/2000 has generally improved and expedited the transmission and the service of documents between Member States, but that nevertheless the application of certain provisions of the Regulation is not fully satisfactory.
- (6) Efficiency and speed in judicial procedures in civil matters means that the transmission of judicial and extrajudicial documents is to be made direct and by rapid means between local bodies designated by the Member States. Member States may indicate their intention of designating only one transmitting or receiving agency or one agency to perform both functions for a period of five years. This designation may, however, be renewed every five years.
- (7) Speed in transmission warrants the use of all appropriate means, provided that certain conditions as to the legibility and reliability of the document received are observed. Security in transmission requires that the document to be transmitted be accompanied by a standard form, to be completed in the language of the place where service is to be effected, or in another language accepted by the Member State in question.
- (8) This Regulation should not apply to service of a document on the party's authorized representative in the Member State where the proceedings take place regardless of the place of the residence of that party.
- (9) The service of a document should be effected as soon as possible, and in any event within one month of receipt by the receiving agency.
- (10) To secure the effectiveness of this Regulation, the possibility of refusing service of documents should be confined to exceptional situations.
- (11) In order to facilitate the transmission and service of documents between Member States, the standard forms set out in the Annexes of this Regulation should be used.
- (12) The receiving agency should inform the addressee in writing using a standard form that he or she may refuse to accept the document to be served at the time of service or by sending the document to the receiving agency within one week if it is not either in a language which he or she understands or in an official language of the place of service. This rule also applies to the subsequent service once the addressee has exercised his or her right of refusal. These rules on refusal should also apply to service by diplomatic or consular agents, service by postal services, and direct service. It should be established that the service of a document can be remedied through the service on the addressee of a translation of the document.

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<sup>6</sup> OJ L 160, 30.6.2000, p. 37.

<sup>7</sup> COM/2004/603 final; SEC(2004) 1145

<sup>8</sup> OJ L 160 , 30.6.2000 p. 37.

- (13) Speed of transmission warrants documents being served within days of reception of the document. However, if service has not been effected after one month has elapsed, the receiving agency should inform the transmitting agency. The expiry of this period should not imply that the request be returned to the transmitting agency where it is clear that service is feasible within a reasonable period.
- (14) The receiving agency should continue to take all necessary steps to serve the document also in cases where it has not been possible to effect service within the month, for example, because the defendant has been away from his or her home on holiday, or away from his or her office on business. Furthermore, in order to avoid an open-ended obligation for the receiving agency to take steps to serve a document, the transmitting agency should be able to specify a deadline in the standard form after which service is no longer required.
- (15) Given the differences between the Member States as regards their rules of procedure, the material date for the purposes of service varies from one Member State to another. Having regard to such situations and the possible difficulties that may arise, this Regulation should provide for a system where it is the law of the receiving Member State which determines the date of service. However, where according to the law of a Member State a document shall be served within a particular period, the date to be taken into account with respect to the applicant should be that fixed by the law of that Member State. This system applies only to a limited number of Member States. Those Member States where this system applies should communicate this to the Commission which is to publish this information in the Official Journal of the European Union and make it available in the European Judicial Network in civil and commercial matters established in accordance with decision 2001/470/EC.<sup>9</sup>
- (16) In order to facilitate access to justice, costs occasioned by the employment of a judicial officer or of a person competent under the law of the Member State addressed should correspond to a single fixed fee laid down by that Member State in advance which respects the principles of proportionality and non-discrimination. The requirement of a single fixed fee should not prejudice the possibility for Member States to fix different fees for different types of service as long as they respect these principles.
- (17) Each Member State should be free to effect service of documents directly by postal services to persons residing in another Member State by registered letter with acknowledgement of receipt or equivalent.
- (18) Any person interested in a judicial proceeding may effect service of documents directly through the judicial officers, officials or other competent persons of the Member State addressed, where such direct service is permitted under the law of that Member State.
- (19) The Commission should draw up a manual containing information relevant for the proper application of this Regulation, which should be made available in the European Judicial Network in civil and commercial matters. The Commission and the Member States should do their utmost to ensure that this information is up to date and complete especially as regards contact details of receiving and transmitting agencies.

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<sup>9</sup> OJ L 174, 27.6.2001, p. 25.

- (20) In calculating the periods and time limits provided for in Regulation (EC) No 1348/2000, Regulation (EEC, Euratom) No 1182/71<sup>10</sup> of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits should apply.
- (21) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>11</sup>
- (22) In particular, power should be conferred on the Commission to update or make technical amendments to the standard forms set out in the Annexes. Since those measures are of general scope and are designed to amend/delete non-essential elements of this Regulation, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (23) This Regulation prevails over the provisions contained in bilateral or multilateral agreements or arrangements having the same scope, concluded by the Member States, and in particular the Protocol annexed to the Brussels Convention of 27 September 1968<sup>12</sup> and the Hague Convention of 15 November 1965 in relations between the Member States party thereto. This Regulation does not preclude Member States from maintaining or concluding agreements or arrangements to expedite or simplify the transmission of documents, provided that they are compatible with the Regulation.
- (24) The information transmitted pursuant to this Regulation should enjoy suitable protection. This matter falls within the scope of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,<sup>13</sup> and of Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector.<sup>14</sup>
- (25) No later than 1 June 2011 and every five years thereafter, the Commission should review the application of this Regulation and propose such amendments as may appear necessary.
- (26) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (27) In order to make the instrument more easily accessible and readable, Council Regulation (EC) 1348/2000 on the service in the Member States of judicial and

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<sup>10</sup> OJ L 124 ,8.6.1971, p. 1

<sup>11</sup> OJ L 184, 17.7.1999, p. 23. Decision amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>12</sup> Brussels Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (OJ L 299, 13.12.1972, p. 32; consolidated version, OJ C 27, 26.1.1998, p. 1).

<sup>13</sup> OJ L 281, 23.11.1995, p. 31.

<sup>14</sup> OJ L 24, 30.1.1998, p. 1.

extrajudicial documents in civil or commercial matters should be repealed and be replaced by this Regulation.

- (28) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community are taking part in the adoption and application of this Regulation.
- (29) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, is not participating in the adoption of this Regulation, and is therefore not bound by it nor subject to its application.

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

##### Scope

- 1. This Regulation shall apply in civil and commercial matters where a judicial or extrajudicial document has to be transmitted from one Member State to another for service there. It shall not extend in particular to revenue, customs or administrative matters or to liability of the State for actions or omissions in the exercise of state authority ("acta iure imperii").
- 2. This Regulation shall not apply:
  - (a) where the address of the person to be served with the document is not known;
  - (b) where the service is to be effected to the party's authorized representative in the Member State where the proceedings take place, regardless of the place of residence of the party.

#### *Article 2*

##### Transmitting and receiving agencies

- 1. Each Member State shall designate the public officers, authorities or other persons, hereinafter referred to as "transmitting agencies", competent for the transmission of judicial or extrajudicial documents to be served in another Member State.
- 2. Each Member State shall designate the public officers, authorities or other persons, hereinafter referred to as "receiving agencies", competent for the receipt of judicial or extrajudicial documents from another Member State.

3. A Member State may designate one transmitting agency and one receiving agency or one agency to perform both functions. A federal State, a State in which several legal systems apply or a State with autonomous territorial units shall be free to designate more than one such agency. The designation shall have effect for a period of five years and may be renewed at five-year intervals.
4. Each Member State shall provide the Commission with the following information:
  - (a) the names and addresses of the receiving agencies referred to in paragraphs 2 and 3;
  - (b) the geographical areas in which they have jurisdiction;
  - (c) the means of receipt of documents available to them; and
  - (d) the languages that may be used for the completion of the standard form in Annex I.

Member States shall notify the Commission of any subsequent modification of such information.

### *Article 3*

#### Central body

Each Member State shall designate a central body responsible for:

- (a) supplying information to the transmitting agencies;
- (b) seeking solutions to any difficulties which may arise during transmission of documents for service;
- (c) forwarding, in exceptional cases, at the request of a transmitting agency, a request for service to the competent receiving agency.

A federal State, a State in which several legal systems apply or a State with autonomous territorial units shall be free to designate more than one central body.

## CHAPTER II

### JUDICIAL DOCUMENTS

#### *Article 4*

#### Transmission of documents

1. Judicial documents shall be transmitted directly and as soon as possible between the agencies designated on the basis of Article 2.
2. The transmission of documents, requests, confirmations, receipts, certificates and any other papers between transmitting agencies and receiving agencies may be carried



out by any appropriate means, provided that the content of the document received is true and faithful to that of the document forwarded and that all information in it is easily legible.

3. The document to be transmitted shall be accompanied by a request drawn up using the standard form in Annex I. The form shall be completed in the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected, or in another language which that Member State has indicated it can accept. Each Member State shall indicate the official language or languages of the Institutions of the European Union other than its own which is or are acceptable to it for completion of the form.
4. The documents and all papers that are transmitted shall be exempted from legalisation or any equivalent formality.
5. When the transmitting agency wishes a copy of the document to be returned together with the certificate referred to in Article 10, it shall send the document in duplicate.

#### *Article 5*

##### Translation of documents

1. The applicant shall be advised by the transmitting agency to which he or she forwards the document for transmission that the addressee may refuse to accept it if it is not in one of the languages provided for in Article 8.
2. The applicant shall bear any costs of translation prior to the transmission of the document, without prejudice to any possible subsequent decision by the court or competent authority on liability for such costs.

#### *Article 6*

##### Receipt of documents by receiving agency

1. On receipt of a document, a receiving agency shall, as soon as possible and in any event within seven days of receipt, send a receipt to the transmitting agency by the swiftest possible means of transmission using the standard form in Annex I.
2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency by the swiftest possible means in order to secure the missing information or documents.
3. If the request for service is manifestly outside the scope of this Regulation or if non-compliance with the formal conditions required makes service impossible, the request and the documents transmitted shall be returned, on receipt, to the transmitting agency, together with the notice of return in the standard form in Annex I.

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(3) and shall inform the transmitting agency accordingly, using the standard form in Annex I. That receiving agency shall inform the transmitting agency when it receives the document, in the manner provided for in paragraph 1.

## *Article 7*

### Service of documents

1. The receiving agency shall itself serve the document or have it served, either in accordance with the law of the Member State addressed or by a particular form requested by the transmitting agency, unless such a method is incompatible with the law of that Member State.
2. The receiving agency shall take all necessary steps to effect the service of the document as soon as possible, and in any event within one month of receipt. If it has not been possible to effect service within one month of receipt, the receiving agency
  - a) shall immediately inform the transmitting agency by means of the certificate in the standard form in Annex I, which shall be drawn up under the conditions referred to in Article 10(2); and
  - b) shall continue to take all necessary steps to serve the document, unless indicated otherwise by the transmitting agency, where service seems to be possible within a reasonable period of time.

## *Article 8*

### Refusal to accept a document

1. The receiving agency shall inform the addressee, using the standard form in Annex II that he or she may refuse to accept the document to be served at the time of service or by sending the document to the receiving agency within one week if it is not written in, or accompanied by a translation into, either of the following languages:
  - (a) a language which the addressee understands;or
  - (b) the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected.
2. Where the receiving agency is informed that the addressee refuses to accept the document in accordance with paragraph 1, it shall immediately inform the transmitting agency by means of the certificate provided for in Article 10 and return the request and the documents of which a translation is requested.

3. If the addressee has refused to accept the document under the conditions of paragraph 1, the service of the document can be remedied through the service on the addressee in accordance with the provisions of this Regulation of the document accompanied by a translation into a language provided for in paragraph 1. In that case, the date of service of the document shall be the date on which the document accompanied by the translation is served in accordance with the law of the Member State addressed. However, where according to the law of a Member State, a document shall be served within a particular period, the date to be taken into account with respect to the applicant shall be the date of the service of the initial document determined pursuant to Article 9 (2).
4. Paragraphs (1) to (3) of this Article shall apply to the means of transmission and service of judicial documents under Articles 12 to 15.
5. For the purposes of paragraph (1) of this Article, the diplomatic or consular agents, where service is effected in accordance with Article 13, or the authority or competent person, where service is effected in accordance with Article 14, shall inform the addressee that he or she may refuse to accept the document and that any document refused must be sent to those entities or to that authority or person respectively.

#### *Article 9*

##### *Date of service*

1. Without prejudice to Article 8, the date of service of a document pursuant to Article 7 shall be the date on which it is served in accordance with the law of the Member State addressed.
2. However, where according to the law of a Member State a document shall be served within a particular period, the date to be taken into account with respect to the applicant shall be that fixed by the law of that Member State.
3. Paragraphs (1) and (2) of this Article shall apply to the means of transmission and service of judicial documents under Articles 12 to 15.

#### *Article 10*

##### *Certificate of service and copy of the document served*

1. When the formalities concerning the service of the document have been completed, a certificate of completion of those formalities shall be drawn up in the standard form in Annex I and addressed to the transmitting agency, together with, where Article 4(5) applies, a copy of the document served.
2. The certificate shall be completed in the official language or one of the official languages of the Member State of origin or in another language which the Member State of origin has indicated that it can accept. Each Member State shall indicate the official language or languages of the Institutions of the European Union other than its own which is or are acceptable to it for completion of the form.

## *Article 11*

### Costs of service

1. The service of judicial documents coming from a Member State shall not give rise to any payment or reimbursement of taxes or costs for services rendered by the Member State addressed.
2. However, the applicant shall pay or reimburse the costs occasioned by:
  - (a) the employment of a judicial officer or of a person competent under the law of the Member State addressed;
  - (b) the use of a particular method of service.

Costs occasioned by the employment of a judicial officer or of a person competent under the law of the Member State addressed shall correspond to a single fixed fee laid down by that Member State in advance, which respects the principles of proportionality and non-discrimination. Member States shall communicate such fixed fees to the Commission.

## *Article 12*

### Transmission by consular or diplomatic channels

Each Member State shall be free, in exceptional circumstances, to use consular or diplomatic channels to forward judicial documents, for the purpose of service, to those agencies of another Member State which are designated pursuant to Article 2 or 3.

## *Article 13*

### Service by diplomatic or consular agents

1. Each Member State shall be free to effect service of judicial documents on persons residing in another Member State, without application of any compulsion, directly through its diplomatic or consular agents.
2. Any Member State may make it known, in accordance with Article 23(1), that it is opposed to such service within its territory, unless the documents are to be served on nationals of the Member State in which the documents originate.

## *Article 14*

### Service by postal services

Each Member State shall be free to effect service of judicial documents directly by postal services to persons residing in another Member State by registered letter with acknowledgement of receipt or equivalent.

### *Article 15*

#### Direct service

Any person interested in a judicial proceeding may affect service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State addressed, where such direct service is permitted under the law of that Member State.

## CHAPTER III

### EXTRAJUDICIAL DOCUMENTS

### *Article 16*

#### Transmission

Extrajudicial documents may be transmitted for service in another Member State in accordance with the provisions of this Regulation.

## CHAPTER IV

### FINAL PROVISIONS

### *Article 17*

#### Implementing rules

The measures necessary for the implementation of this Regulation relating to the updating or making technical amendments to the standard forms set out in Annex I and II shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).

### *Article 18*

#### Committee

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Articles 5a(1 to 4) and 7 of Decision 1999/468/EC shall apply, in compliance with Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

### *Article 19*

#### Defendant not entering an appearance

1. Where a writ of summons or an equivalent document has had to be transmitted to another Member State for the purpose of service, under the provisions of this

Regulation, and the defendant has not appeared, judgment shall not be given until it is established that:

- (a) the document was served by a method prescribed by the internal law of the Member State addressed for the service of documents in domestic actions upon persons who are within its territory; or
- (b) the document was actually served to the defendant or to his residence by another method provided for by this Regulation;

and that in either of these cases the service was effected in sufficient time to enable the defendant to defend.

2. Each Member State shall be free to make it known, in accordance with Article 23(1), that the judge, notwithstanding the provisions of paragraph 1, may give judgment even if no certificate of service has been received, if all the following conditions are fulfilled:

- (a) the document was transmitted by one of the methods provided for in this Regulation;
- (b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document;
- (c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities or bodies of the Member State addressed.

3. Notwithstanding paragraphs 1 and 2, the judge may order, in case of urgency, any provisional or protective measures.

4. When a writ of summons or an equivalent document has had to be transmitted to another Member State for the purpose of service, under the provisions of this Regulation, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled:

- (a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal; and
- (b) the defendant has disclosed a prima facie defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Member State may make it known, in accordance with Article 23(1), that such application will not be entertained if it is filed after the expiration of a time to be stated by it in that communication, but which shall in no case be less than one year following the date of the judgment.

5. Paragraph 4 shall not apply to judgments concerning status or capacity of persons.

## *Article 20*

### Relationship with agreements or arrangements to which Member States are parties

1. This Regulation shall, in relation to matters to which it applies, prevail over other provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States, and in particular Article IV of the Protocol to the Brussels Convention of 1968 and the Hague Convention of 15 November 1965.
2. This Regulation shall not preclude individual Member States from maintaining or concluding agreements or arrangements to expedite further or simplify the transmission of documents, provided that they are compatible with this Regulation.
3. Member States shall send to the Commission:
  - (a) a copy of the agreements or arrangements referred to in paragraph 2 concluded between the Member States as well as drafts of such agreements or arrangements which they intend to adopt; and
  - (b) any denunciation of, or amendments to, these agreements or arrangements.

## *Article 21*

### Legal aid

This Regulation shall not affect the application of Article 23 of the Convention on civil procedure of 17 July 1905, Article 24 of the Convention on civil procedure of 1 March 1954 or Article 13 of the Convention on international access to justice of 25 October 1980 between the Member States parties to these Conventions.

## *Article 22*

### Protection of information transmitted

1. Information, including in particular personal data, transmitted under this Regulation shall be used by the receiving agency only for the purpose for which it was transmitted.
2. Receiving agencies shall ensure the confidentiality of such information, in accordance with their national law.
3. Paragraphs 1 and 2 shall not affect national laws enabling data subjects to be informed of the use made of information transmitted under this Regulation.
4. This Regulation shall be without prejudice to Directives 95/46/EC and 97/66/EC.

## *Article 23*

### Communication and publication

1. Member States shall communicate to the Commission the information referred to in Articles 2, 3, 4, 10, 11, 13, 15 and 20. Member States shall communicate to the Commission if, according to their law, a document shall be served within a particular period as referred to in Articles 8 (3) and 9 (2).
2. The Commission shall publish the information communicated in accordance with paragraph 1 in the Official Journal of the European Union with the exception of the addresses and other contact details of the agencies and of the central bodies and the geographical areas in which they have jurisdiction.
3. The Commission shall draw up and update regularly a manual containing the information referred to in paragraph 1, which shall be available electronically, in particular via the European Judicial Network in civil and commercial matters established in accordance with decision 2001/470/EC.

## *Article 24*

### Review

No later than 1 June 2011, and every five years thereafter, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Regulation, paying special attention to the effectiveness of the bodies designated pursuant to Article 2 and to the practical application of point (c) of Article 3 and Article 9. The report shall be accompanied if need be by proposals for adaptations of this Regulation in line with the evolution of notification systems.

## *Article 25*

### Repeal

1. Regulation (EC) No 1348/2000 is repealed as from the date of application of this Regulation.
2. Any reference to Regulation (EC) No 1348/2000 shall be construed as a reference to this Regulation according to the comparative table in Annex III.

## *Article 26*

### Entry into force

This Regulation shall enter into force the 20th day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2008 with the exception of Article 23 which shall apply from 1 October 2007.



This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

REQUEST FOR SERVICE OF DOCUMENTS

**(Article 4(3) of Regulation (EC) No ...of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (1))**

Reference No: ....

1. TRANSMITTING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and code:

1.2.3. Country:

1.3. Tel:

1.4. Fax (\*):

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(1) OJ L ...

(\*) This item is optional.

1.5. E-mail (\*)

2. RECEIVING AGENCY

2.1. Identity:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and code:

2.2.3. Country:

2.3. Tel:

2.4. Fax (\*):

2.5. E-mail (\*):

3. APPLICANT

3.1. Identity:

3.2. Address:

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(\*) This item is optional.

3.2.1. Street and number/PO box:

3.2.2. Place and code:

3.2.3. Country:

3.3. Tel (\*):

3.4. Fax (\*):

3.5. E-mail (\*):

4. ADDRESSEE

4.1. Identity:

4.2. Address:

4.2.1. Street and number/PO box:

4.2.2. Place and code:

4.2.3. Country:

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(\*) This item is optional.

4.3. Tel (\*):

4.4. Fax (\*):

4.5. E-mail (\*):

4.6. Identification number/social security number/organisation number/or equivalent (\*):

5. METHOD OF SERVICE

5.1. In accordance with the law of the Member State addressed

5.2. By the following particular method:

5.2.1. If this method is incompatible with the law of the Member State addressed, the document(s) should be served in accordance with the law of the Member State addressed:

5.2.1.1. yes

5.2.1.2. no

## 6. DOCUMENT TO BE SERVED

### 6.1. Nature of the document

#### 6.1.1. judicial

---

(\*) This item is optional.

##### 6.1.1.1. writ of summons

##### 6.1.1.2. judgment

##### 6.1.1.3. appeal

##### 6.1.1.4. other

#### 6.1.2. extrajudicial

### 6.2. Date or time limit after which the service is no longer required (\*):

.....(day) .....(month).....(year)

### 6.3. Language of document:

6.3.1. original ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV, others:

6.3.2. translation (\*) ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV, others:

### 6.4. Number of enclosures:

## 7. A COPY OF DOCUMENT TO BE RETURNED WITH THE CERTIFICATE OF SERVICE (Article 4(5) of the Regulation)

---

(\*) This item is optional.

### 7.1. Yes (in this case send two copies of the document to be served)

### 7.2. No

1. You are required by Article 7(2) of the Regulation to effect all steps required for service of the document as soon as possible, and in any event within one month of receipt. If it has not been possible for you to effect service within one month of receipt, you must inform this agency by means of the certificate provided for in point 13.

2. If you cannot fulfil this request for service on the basis of the information or documents transmitted, you are required by Article 6(2) of the Regulation to contact this agency by the swiftest possible means in order to secure the missing information or document.

Done at:

Date:

Signature and/or stamp:

Reference No of the transmitting agency:

Reference No of the receiving agency:

**ACKNOWLEDGEMENT OF RECEIPT**

**(Article 6(1) of Regulation (EC) No ...of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters)**

This acknowledgement must be sent by the swiftest possible means of transmission as soon as possible after receipt of the document and in any event within seven days of receipt.

8. DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp:

Reference No of the transmitting agency:

Reference No of the receiving agency:

NOTICE OF RETURN OF REQUEST AND DOCUMENT

**(Article 6(3) of Regulation (EC) No ... of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters)**

The request and document must be returned on receipt.

9. REASON FOR RETURN:

9.1. The request is manifestly outside the scope of the Regulation:

9.1.1. the document is not civil or commercial

9.1.2. the service is not from one Member State to another Member State

9.2. Non-compliance with formal conditions required makes service impossible:

9.2.1. the document is not easily legible

9.2.2. the language used to complete the form is incorrect

9.2.3. the document received is not a true and faithful copy

9.2.4. other (please give details):

9.3. The method of service is incompatible with the law of that Member State (Article 7(1) of the Regulation)

Done at:

Date:

Signature and/or stamp:

Reference No of the transmitting agency:

Reference No of the receiving agency:

NOTICE OF RETRANSMISSION OF REQUEST AND DOCUMENT TO THE  
APPROPRIATE RECEIVING AGENCY

**(Article 6(4) of Regulation (EC) No ... of the European Parliament and of the Council on  
the service in the Member States of judicial and extrajudicial documents in civil or  
commercial matters)**

The request and document were forwarded on to the following receiving agency, which has territorial jurisdiction to serve it:

10.1. Identity:

10.2. Address:

10.2.1. Street and number/PO box:

10.2.2. Place and code:

10.2.3. Country:

10.3. Tel:

10.4. Fax (\*):

\_\_\_\_\_

(\*) This item is optional.

10.5. E-mail (\*):

Done at:

Date:

Signature and/or stamp:

\_\_\_\_\_

(\*) This item is optional.



Reference No of the transmitting agency:

Reference No of the appropriate receiving agency:

NOTICE OF RECEIPT BY THE APPROPRIATE RECEIVING AGENCY HAVING  
TERRITORIAL JURISDICTION TO THE TRANSMITTING AGENCY

**(Article 6(4) of Regulation (EC) No ... of the European Parliament and of the Council on  
the service in the Member States of judicial and extrajudicial documents in civil or  
commercial matters)**

This notice must be sent by the swiftest possible means of transmission as soon as possible  
after receipt of the document and in any event within seven days of receipt.

11. DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp:

Reference No of the transmitting agency:

Reference No of the receiving agency:

**CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS**

**(Article 10 of Regulation (EC) No ... of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters)**

The service shall be effected as soon as possible. If it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency (according to Article 7(2) of the Regulation)

**12. COMPLETION OF SERVICE**

(a) 12.1. Date and address of service:

(b) 12.2. The document was

(A) 12.2.1. served in accordance with the law of the Member State addressed, namely

12.2.1.1. handed to

12.2.1.1.1. the addressee in person

12.2.1.1.2. another person

12.2.1.1.2.1. Name:

12.2.1.1.2.2. Address:

12.2.1.1.2.2.1. Street and number/PO box:

12.2.1.1.2.2.2. Place and code:

12.2.1.1.2.2.3. Country:

12.2.1.1.2.3. Relation to the addressee:

family employee others

12.2.1.1.3. the addressee's address

12.2.1.2. served by post

12.2.1.2.1. without acknowledgement of receipt

12.2.1.2.2. with the enclosed acknowledgement of receipt

12.2.1.2.2.1. from the addressee

12.2.1.2.2.2. another person

12.2.1.2.2.2.1. Name:

12.2.1.2.2.2.2. Address

12.2.1.2.2.2.2.1. Street and number/PO box:

12.2.1.2.2.2.2.2. Place and code:

12.2.1.2.2.2.2.3. Country:

12.2.1.2.2.2.3. Relation to the addressee:

family employee others

12.2.1.3. other method (please say how):

(B) 12.2.2. served by the following particular method (please say how):

(c) 12.3. The addressee of the document was informed in writing that he or she may refuse to accept the document if it is not written in or accompanied by a translation into either a language which he or she understands or the official language of the place of service.

### 13. INFORMATION IN ACCORDANCE WITH ARTICLE 7(2)

It was not possible to effect service within one month of receipt.

### 14. REFUSAL OF DOCUMENT

The addressee refused to accept the document on account of the language used. The documents are annexed to this certificate.

### 15. REASON FOR NON-SERVICE OF DOCUMENT

15.1. Address unknown

15.2. Addressee cannot be located

15.3. Document could not be served before the date or time limit stated in point 6.2.

15.4. Others (please specify):

The documents are annexed to this certificate.

Done at:

Date:

Signature and/or stamp:

*ANNEX II*

INFORMATION OF THE ADDRESSEE ABOUT THE RIGHT TO REFUSE TO ACCEPT  
A DOCUMENT

**(Article 8(1) of Regulation (EC) No ... of the European Parliament and of the Council  
on the service in the Member States of judicial and extrajudicial documents in civil or  
commercial matters)**

ES: ...

CS: ...

DA: ...

DE:

ET: ...

EL: ...

EN:

The enclosed document is served in accordance with Regulation (EC) No ... of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

You may refuse to accept the document if it is not written in or accompanied by a translation into either a language which you understand or the official language of the place of service.

If you wish to exercise this right, you must refuse to accept the document at the time of service directly with the person serving the document or send it back to the address indicated below within one week stating that you refuse to accept it.

ADDRESS:

1. Identity:

2. Address:

2.1. Street and number/PO Box:

2.2. Place and code:

2.3. Country:

3. Tel.:

4. Fax (\*):

5. E-mail(\*):

\_\_\_\_\_

(\*) This item is optional.

***DECLARATION OF THE ADDRESSEE:***

I refuse to accept the document attached hereto because it is not written in or accompanied by a translation into either a language which I understand or the official language of the place of service.

I understand the following language(s):

Spanish ☐

Latvian ☐

Czech ☐

Lithuanian ☐

Danish ☐

Hungarian ☐

German ☐

Maltese ☐

Estonian ☐

Dutch ☐

Greek ☐

Polish ☐

|                         |                                               |            |                          |
|-------------------------|-----------------------------------------------|------------|--------------------------|
| English                 | <input type="checkbox"/>                      | Portuguese | <input type="checkbox"/> |
| French                  | <input type="checkbox"/>                      | Slovak     | <input type="checkbox"/> |
| Italian                 | <input type="checkbox"/>                      | Slovene    | <input type="checkbox"/> |
| Finnish                 | <input type="checkbox"/>                      | Swedish    | <input type="checkbox"/> |
| Other                   | <input type="checkbox"/> please specify:..... |            |                          |
| Done at:                |                                               |            |                          |
| Date:                   |                                               |            |                          |
| Signature and/or stamp: |                                               |            |                          |

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| PT: ... |
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SK: ...

SL: ...

FI: ...

SV: ...

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**ANNEX III**  
**COMPARATIVE TABLE WITH REGULATION (EC) No 1348/2000**

| Articles repealed | Corresponding Articles of new text |
|-------------------|------------------------------------|
| 1                 | 1                                  |
| 2                 | 2                                  |
| 3                 | 3                                  |
| 4                 | 4                                  |
| 5                 | 5                                  |
| 6                 | 6                                  |
| 7                 | 7                                  |
| 8                 | 8                                  |
| 9                 | 9                                  |
| 10                | 10                                 |
| 11                | 11                                 |
| 12                | 12                                 |
| 13                | 13                                 |
| 14                | 14                                 |
| 15                | 15                                 |
| 16                | 16                                 |
| 17                | 17                                 |
| 18                | 18                                 |
| 19                | 19                                 |
| 20                | 20                                 |
| 21                | 21                                 |
| 22                | 22                                 |
| 23                | 23                                 |
| 24                | 24                                 |



|       |         |
|-------|---------|
| Annex | Annex I |
|-------|---------|