

# Official Journal of the European Union

# L 405



English edition

## Legislation

Volume 63

2 December 2020

Contents

### I *Legislative acts*

#### REGULATIONS

- ★ **Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)** ..... 1
- ★ **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) (recast)** ..... 40

#### Corrigenda

- ★ **Corrigendum to Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019)** ..... 79
- ★ **Corrigendum to Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019)** ..... 84

# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.



## I

*(Legislative acts)*

## REGULATIONS

**REGULATION (EU) 2020/1783 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 25 November 2020****on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)****(recast)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Council Regulation (EC) No 1206/2001 <sup>(3)</sup> has been amended before. Since further substantial amendments are to be made, that Regulation should be recast in the interests of clarity.
- (2) 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 ensured. To establish such an area, the Union is to adopt, among other measures, measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market.
- (3) For the purposes of the proper functioning of the internal market and the development of an area of civil justice in the Union, it is necessary to further improve and expedite cooperation between the courts of the different Member States in relation to the taking of evidence. This Regulation seeks to improve the effectiveness and speed of judicial proceedings by simplifying and streamlining the mechanisms for cooperation in the taking of evidence in cross-border proceedings, while at the same time helping to reduce delays and costs for individuals and businesses. Providing greater legal certainty and simpler, streamlined and digitalised procedures will encourage individuals and businesses to engage in cross-border transactions, thereby boosting trade within the Union and thus the functioning of the internal market.
- (4) This Regulation lays down rules on cooperation between the courts of the different Member States in relation to the taking of evidence in civil or commercial matters.

<sup>(1)</sup> OJ C 62, 15.2.2019, p. 56.

<sup>(2)</sup> Position of the European Parliament of 13 February 2019 (not yet published in the Official Journal) and position of the Council at first reading of 4 November 2020 (not yet published in the Official Journal). Position of the European Parliament of 23 November 2020 (not yet published in the Official Journal).

<sup>(3)</sup> Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

- (5) For the purposes of this Regulation, the term 'court' should also be understood to mean authorities that exercise judicial functions, that act pursuant to a delegation of power by a judicial authority or that act under the control of a judicial authority, and that are competent under national law to take evidence for the purposes of judicial proceedings in civil or commercial matters. This includes in particular authorities that qualify as courts under other Union legal acts, such as Council Regulation (EU) 2019/1111 <sup>(4)</sup> and Regulations (EU) No 1215/2012 <sup>(5)</sup> and (EU) No 650/2012 <sup>(6)</sup> of the European Parliament and of the Council.
- (6) To ensure the utmost clarity and legal certainty, the request for the taking of evidence should be transmitted on a form completed in the language of the Member State of the requested court or in another language accepted by that Member State. For the same reasons, forms should also be used as much as possible for further communication between the relevant courts.
- (7) In order to ensure speedy transmission of requests and communications between Member States for the purposes of taking of evidence, any appropriate modern communications technology should be used. Therefore, as a rule, all communication and exchange of documents should be carried out through a secure and reliable decentralised IT system comprising national IT systems that are interconnected and technically interoperable, for example, and without prejudice to further technological progress, based on e-CODEX. Accordingly, a decentralised IT system should be established for data exchanges under this Regulation. The decentralised nature of that IT system would enable data exchanges exclusively between one Member State and another, without any of the Union institutions being involved in those exchanges.
- (8) Without prejudice to possible future technological progress, the secure decentralised IT system and its components should not be understood to necessarily constitute a qualified electronic registered delivery service as defined by Regulation (EU) No 910/2014 of the European Parliament and of the Council <sup>(7)</sup>.
- (9) The Commission should be responsible for the creation, maintenance and future development of reference implementation software which Member States should be able to use instead of a national IT system, in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulations (EU) 2018/1725 <sup>(8)</sup> and (EU) 2016/679 <sup>(9)</sup> of the European Parliament and of the Council, in particular the principles of data protection by design and by default. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of the taking of evidence.
- (10) In relation to the components of the decentralised IT system which are under the responsibility of the Union, the managing entity should have sufficient resources in order to ensure the proper functioning of that system.
- (11) The competent authority or authorities under national law should be responsible as controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data that they carry out under this Regulation for the transmission of requests and other communications between Member States.

---

<sup>(4)</sup> Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

<sup>(5)</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

<sup>(6)</sup> Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107).

<sup>(7)</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

<sup>(8)</sup> 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).

<sup>(9)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (12) Transmission through the decentralised IT system could become impossible due to a disruption of the system or the nature of the evidence, for example when transmitting DNA or blood samples. Other means of communication could be more appropriate also in exceptional circumstances, which could include situations in which converting voluminous documentation into electronic form would impose a disproportionate administrative burden on the competent authorities or whereby the original document is needed in paper format to assess its authenticity. Where the decentralised IT system is not used, transmission should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or by postal service.
- (13) In order to enhance electronic cross-border transmission of documents through the decentralised IT system, such documents should not be denied legal effect and should not be considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of such documents as evidence in accordance with national law. It should also be without prejudice to national law regarding the conversion of documents.
- (14) This Regulation should be without prejudice to the ability of authorities to exchange information under systems established under other Union instruments, such as Regulation (EU) 2019/1111 or Council Regulation (EC) No 4/2009<sup>(10)</sup>, even where that information has evidentiary value, thus leaving the choice of the most appropriate method to the requesting authority.
- (15) Requests for the taking of evidence should be executed expeditiously. If it is not possible for a request to be executed within 90 days of its receipt by the requested court, the requested court should inform the requesting court accordingly, stating the reasons which prevent it from executing the request swiftly.
- (16) To ensure that this Regulation is effective, the circumstances in which it is possible to refuse to execute a request for the taking of evidence should be confined to strictly limited exceptional situations.
- (17) The requested court should execute a request for the taking of evidence in accordance with its national law.
- (18) The parties to the proceedings and their representatives, if any, should be able to be present at the taking of evidence, if that is provided for by the law of the Member State of the requesting court, in order to be able to follow the proceedings in a comparable way as if evidence were taken in the Member State of the requesting court. They should also have the right to request to participate in the taking of evidence in order to have a more active role in the taking of evidence. However, the conditions under which they may participate should be determined by the requested court in accordance with its national law.
- (19) The representatives of the requesting court should be able to be present at the taking of evidence, if that is compatible with the law of the Member State of the requesting court, in order to be in a better position to evaluate the evidence. They should also have the right to request to participate in the taking of evidence, under the conditions laid down by the requested court in accordance with its national law, in order to have a more active role in the taking of evidence.
- (20) In order to facilitate the taking of evidence, it should be possible for a court of a Member State, in accordance with its national law, to take evidence directly in another Member State, if the request for direct taking of evidence is accepted by the latter, and under the conditions determined by the central body or competent authority of the requested Member State.
- (21) Modern communications technology, for example videoconferencing, which is an important means of simplifying and accelerating the taking of evidence, is currently not used to its full potential. Where evidence is to be taken by examining a person such as a witness, a party to the proceedings or an expert present in another Member State, the requesting court should take that evidence directly using videoconferencing or other distance communications technology, where that technology is available to the court and the court considers the use of such technology to be appropriate with regard to the specific circumstances of the case and the fair conduct of the proceedings. Videoconferencing could also be used to hear a child as provided for in Regulation (EU) 2019/1111. However, where the central body or competent authority of the requested Member State deems certain conditions to be necessary, direct taking of evidence should be done under those conditions in accordance with the law of that Member State. The central body or competent authority of the requested Member State should be able to refuse the direct taking of evidence wholly or partially, if such direct taking of evidence would be contrary to fundamental principles of the law of that Member State.

<sup>(10)</sup> Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1).

- (22) Where evidence is to be taken by examining a person using videoconferencing or other distance communications technology, the requesting court, upon its request, should be provided with assistance in finding an interpreter, including in finding a certified interpreter where specifically requested.
- (23) The court seised of the proceedings should provide the parties and their legal representatives with instructions as to the procedure for presenting documents or other material when the examinations are conducted using videoconferencing or other appropriate distance communications technology.
- (24) In order to facilitate the taking of evidence by diplomatic agents or consular officers, such persons should be able to, in the territory of another Member State and within the area in which they are accredited, take evidence without the need for a prior request, by hearing, without the use of coercive measures, nationals of the Member State which they represent, in the context of proceedings pending in the courts of the Member State which they represent. However, it should be left to the discretion of the Member State whether its diplomatic agents or consular officers have the power to take evidence as part of their functions.
- (25) The taking of evidence by diplomatic agents or consular officers should take place at the premises of the diplomatic mission or consulate except in exceptional circumstances. Such circumstances could include the fact that the person to be heard is unable to come to the premises because of a serious illness.
- (26) The execution of a request for evidence to be taken in accordance with this Regulation should not give rise to a claim for reimbursement of taxes or costs. Nevertheless, if the requested court requires reimbursement, the fees paid to experts and interpreters, as well as the costs occasioned by execution in accordance with a special procedure provided for by national law or by the use of distance communications technology, should not be borne by that court. In such a case, the requesting court should take the necessary measures to ensure reimbursement without delay. Where the opinion of an expert is required, the requested court should be able, before executing the request, to ask the requesting court for an adequate deposit or advance towards the costs.
- (27) In order to update the forms in Annex I to this Regulation or to make technical changes to those forms, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to that Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(1)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (28) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(12)</sup>.
- (29) This Regulation should prevail over the provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States that have the same scope of application as this Regulation. This Regulation does not preclude Member States from maintaining or concluding agreements or arrangements to further facilitate cooperation in the taking of evidence, provided that those agreements or arrangements are compatible with this Regulation.
- (30) It is essential that effective means of obtaining, preserving and presenting evidence are available and that rights of defence are respected and confidential information is protected. In this context, it is important to encourage the use of modern technology.
- (31) The procedures for taking, preserving and presenting evidence should ensure that procedural rights, as well as privacy and the integrity and confidentiality of personal data, are protected in accordance with Union and national law.

<sup>(1)</sup> OJ L 123, 12.5.2016, p. 1.

<sup>(12)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (32) It is important to ensure that this Regulation is applied in compliance with Union data protection law and that the application of this Regulation respects the protection of privacy as enshrined in the Charter of Fundamental Rights of the European Union. It is also important to ensure that any processing of personal data under this Regulation is undertaken in accordance with Regulation (EU) 2016/679, Directive 2002/58/EC of the European Parliament and of the Council <sup>(13)</sup>, as well as Regulation (EU) 2018/1725. Personal data should be processed under this Regulation only for the specific purposes set out herein.
- (33) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, the Commission should evaluate this Regulation on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of this Regulation and the need for any further action. Where Member States collect data on the numbers of requests transmitted and requests executed, as well as the number of cases in which transmission was performed by means other than through the decentralised IT system, they should provide the Commission with such data for monitoring purposes. The reference implementation software developed by the Commission as a back-end system should programmatically collect the data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission that system may be equipped to programmatically collect those data and in that case those data should be transmitted to the Commission.
- (34) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the creation of a simplified legal framework ensuring the direct, effective and speedy transmission of requests and communications concerning the taking of evidence, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. 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.
- (35) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 13 September 2019 <sup>(14)</sup>.
- (36) In order to make its provisions more easily accessible and readable, Regulation (EC) No 1206/2001 should be repealed and replaced by this Regulation.
- (37) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.
- (38) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

#### **Scope**

1. This Regulation applies in civil or commercial matters in which the court of a Member State, in accordance with the law of that Member State, requests:
- (a) the competent court of another Member State to take evidence; or
  - (b) the taking of evidence directly in another Member State.

<sup>(13)</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

<sup>(14)</sup> OJ C 370, 31.10.2019, p. 24.

2. A request shall not be made to obtain evidence which is not intended for use in judicial proceedings that have already commenced or are being contemplated.

#### *Article 2*

#### **Definitions**

For the purposes of this Regulation, the following definitions apply:

- (1) 'court' means courts and other authorities in Member States as communicated to the Commission under Article 31(3), that exercise judicial functions, that act pursuant to a delegation of power by a judicial authority or that act under the control of a judicial authority, and which are competent under national law to take evidence for the purposes of judicial proceedings in civil or commercial matters;
- (2) 'decentralised IT system' means a network of national IT systems and interoperable access points operating under the individual responsibility and management of each Member State, that enables the secure and reliable cross-border exchange of information between the national IT systems.

#### *Article 3*

#### **Direct transmission between courts**

1. Requests referred to in point (a) of Article 1(1) shall be transmitted by the court before which the proceedings are commenced or contemplated ('requesting court'), directly to the competent court of another Member State ('requested court'), for the taking of evidence.
2. Each Member State shall draw up a list of the courts competent to take evidence in accordance with this Regulation. The list shall also indicate the territorial and, where applicable, the special jurisdiction of those courts.

#### *Article 4*

#### **Central body**

1. Each Member State shall designate a central body that is responsible for:
  - (a) supplying information to the courts;
  - (b) seeking solutions to any difficulties which may arise in respect of a request;
  - (c) forwarding, in exceptional cases, a request to the competent court at the request of a requesting court.
2. Federal Member States, Member States in which several legal systems apply and Member States with autonomous territorial units shall be free to designate more than one central body.
3. Each Member State shall also designate the central body referred to in paragraph 1 of this Article or one or more competent authorities to be responsible for taking decisions on requests made pursuant to Article 19.

### CHAPTER II

#### **TRANSMISSION AND EXECUTION OF REQUESTS**

##### *SECTION 1*

#### ***Transmission of requests***

#### *Article 5*

#### **Form and content of requests**

1. Requests shall be made using form A or, where appropriate, form L in Annex I. Each request shall contain the following details:
  - (a) the requesting and, where appropriate, the requested court;



- (b) the names and addresses of the parties to the proceedings and their representatives, if any;
  - (c) the nature and subject matter of the case and a brief statement of the facts;
  - (d) a description of the taking of evidence requested;
  - (e) where the request is for the examination of a person:
    - the name and address of the person to be examined,
    - the questions to be put to the person to be examined or a statement of the facts about which that person is to be examined,
    - where appropriate, a reference to the right to refuse to testify under the law of the Member State of the requesting court,
    - any requirement that the examination be carried out under oath or affirmation instead of an oath, and any special form to be used for such oath or affirmation,
    - where appropriate, any other information that the requesting court deems necessary;
  - (f) where the request is for any form of taking of evidence other than that mentioned in point (e), the documents or other objects to be inspected;
  - (g) where appropriate, any request pursuant to Article 12(3) or (4), or Article 13 or 14 and any information necessary for the execution thereof.
2. The request and all accompanying documents shall be exempt from the need for authentication or any equivalent formality.
3. Documents which the requesting court considers necessary to enclose for the execution of the request shall be accompanied by a translation of the documents in the language in which the request was written.

#### *Article 6*

#### **Language**

Requests and communications made pursuant to this Regulation shall be drawn up in the official language of the requested Member State or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where the requested taking of evidence is to take place, or in another language which that Member State has indicated it will accept.

Each Member State shall communicate to the Commission any official language of the Union other than its own in which the forms set out in Annex I may be completed.

#### *Article 7*

#### **Transmission of requests and other communications**

1. Requests and communications made pursuant to this Regulation shall be transmitted through a secure and reliable decentralised IT system with due respect for fundamental rights and freedoms. That decentralised IT system shall be based on an interoperable solution such as e-CODEX.
2. The general legal framework for the use of qualified trust services set out in Regulation (EU) No 910/2014 shall apply to the requests and communications transmitted through the decentralised IT system.
3. Where requests and communications referred to in paragraph 1 of this Article require or feature a seal or handwritten signature, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead.
4. Where transmission in accordance with paragraph 1 is not possible due to the disruption of the decentralised IT system or to the nature of the evidence concerned, or due to exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to ensure reliability and security.

*Article 8***Legal effects of electronic documents**

Documents that are transmitted through the decentralised IT system shall not be denied legal effect or considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form.

*SECTION 2***Receipt of requests***Article 9***Receipt of requests**

1. Within 7 days of the receipt of a request, the requested competent court shall send an acknowledgement of receipt to the requesting court using form B in Annex I. Where the request does not comply with the conditions laid down in Articles 6 and 7, the requested court shall enter a note to that effect in the acknowledgement of receipt.
2. Where the requested court does not have jurisdiction to execute a request, made using form A in Annex I, which complies with the conditions laid down in Article 6, that court shall forward the request to the competent court of its Member State and shall inform the requesting court thereof using form C in Annex I.

*Article 10***Incomplete requests**

1. If a request cannot be executed because it does not contain all of the necessary information referred to in Article 5, the requested court shall inform the requesting court thereof without delay and, at the latest, within 30 days of receipt of the request using form D in Annex I, and shall request the requesting court to send the missing information, specifying the information missing as precisely as possible.
2. If a request cannot be executed because a deposit or advance has been requested in accordance with Article 22(3), the requested court shall inform the requesting court thereof without delay, at the latest within 30 days of receipt of the request using form D in Annex I, and shall inform the requesting court how the deposit or advance is to be made. The requested court shall acknowledge receipt of the deposit or advance without delay, at the latest within 10 days of receiving the deposit or the advance, using form E in Annex I.

*Article 11***Completion of the request**

1. If the requested court has noted on the acknowledgement of receipt pursuant to Article 9(1) that the request does not comply with the conditions laid down in Articles 6 and 7 or has informed the requesting court pursuant to Article 10 that the request cannot be executed because it does not contain all of the necessary information referred to in Article 5, the time limit laid down in Article 12 shall begin to run when the requested court has received the duly completed request.
2. Where the requested court has asked for a deposit or advance in accordance with Article 22(3), the time limit laid down in Article 12 shall begin to run when the deposit or the advance is made.

## SECTION 3

***Taking of evidence by the requested court****Article 12***General provisions on the execution of a request**

1. The requested court shall execute the request without delay and, at the latest, within 90 days of receipt of the request.
2. The requested court shall execute the request in accordance with its national law.
3. The requesting court may call for the request to be executed in accordance with a special procedure provided for in its national law, using form A in Annex I. The requested court shall execute the request in accordance with the special procedure unless doing so would be incompatible with its national law or it is unable to do so because of major practical difficulties. If the requested court does not comply with the call for the request to be executed in accordance with a special procedure for one of those reasons, it shall inform the requesting court using form H in Annex I.
4. The requesting court may ask the requested court to use specific communications technology in the taking of evidence, in particular by using videoconferencing or teleconferencing.

The requested court shall use the communications technology specified pursuant to the first subparagraph unless doing so would be incompatible with its national law or the requested court is unable to do so because of major practical difficulties.

If the requested court does not use the specified communications technology for one of those reasons, it shall inform the requesting court using form H in Annex I.

If the communications technology referred to in the first subparagraph is not available in the requesting or in the requested court, those courts may make such communications technology available by mutual agreement.

*Article 13***Taking of evidence with the presence and participation of the parties**

1. If the law of the Member State of the requesting court so provides, the parties and their representatives, if any, shall have the right to be present at the taking of evidence by the requested court.
2. In its request, the requesting court shall inform the requested court, using form A in Annex I, that the parties and their representatives, if any, will be present and, where appropriate, that their participation in the taking of evidence is requested. This information may also be given at any other appropriate time.
3. If the participation of the parties and their representatives, if any, is requested in the taking of evidence, the requested court shall determine the conditions under which they may participate, in accordance with Article 12.
4. The requested court shall notify the parties and their representatives, if any, of the time and the place where the taking of evidence will take place and, where appropriate, of the conditions under which they may participate in the taking of evidence, using form I in Annex I.
5. Paragraphs 1 to 4 are without prejudice to the ability of the requested court to request the parties and their representatives, if any, to be present at or to participate in the taking of evidence if provided for by the law of its Member State.

*Article 14***Taking of evidence with the presence and participation of representatives of the requesting court**

1. Where compatible with the law of the Member State of the requesting court, representatives of the requesting court shall have the right to be present in the taking of evidence by the requested court.

2. For the purposes of this Article, the term 'representative' includes judicial personnel designated by the requesting court in accordance with its national law. The requesting court may also designate any other person, such as an expert, in accordance with its national law.
3. In its request, the requesting court shall inform the requested court, using form A in Annex I, that its representatives will be present and, where appropriate, that their participation in the taking of evidence is requested. This information may also be given at any other appropriate time.
4. If the participation of the representatives of the requesting court is requested in the taking of evidence, the requested court shall determine, in accordance with Article 12, the conditions under which they may participate.
5. The requested court shall notify the requesting court of the time and the place where the taking of evidence will take place and, where appropriate, of the conditions under which its representatives may participate in the taking of evidence, using form I in Annex I.

#### Article 15

##### **Coercive measures**

Where necessary, in executing a request the requested court shall apply the appropriate coercive measures in the instances and to the extent as are provided for by the law of the Member State of the requested court for the execution of a request made for the same purpose by its national authorities or one of the parties concerned.

#### Article 16

##### **Refusals to execute requests**

1. A request for the examination of a person shall not be executed where the person concerned invokes the right to refuse to give evidence or is prohibited from giving evidence:
  - (a) under the law of the Member State of the requested court; or
  - (b) under the law of the Member State of the requesting court, and such right or prohibition has been specified in the request, or, if necessary, at the instance of the requested court, has been confirmed by the requesting court.
2. The execution of a request may only be refused on grounds other than those referred to in paragraph 1, where one or more of the following grounds applies:
  - (a) the request does not fall within the scope of this Regulation;
  - (b) the execution of the request does not fall within the functions of the judiciary under the law of the Member State of the requested court;
  - (c) the requesting court does not comply with the request of the requested court to complete the request for the taking of evidence pursuant to Article 10 within 30 days of the requested court asking it to do so; or
  - (d) a deposit or advance asked for in accordance with Article 22(3) is not made within 60 days of the requested court asking for such a deposit or advance.
3. A requested court shall not refuse to execute a request solely on the ground that under its national law another court of that Member State has exclusive jurisdiction over the subject matter of the case or that the law of that Member State would not admit the right of action on the subject matter.
4. If the execution of a request is refused on one of the grounds referred to in paragraph 2, the requested court shall notify the requesting court thereof within 60 days of receipt of the request by the requested court using form K in Annex I.

#### Article 17

##### **Notification of delay**

If the requested court is not in a position to execute the request within 90 days of receipt of the request, it shall inform the requesting court thereof using form J in Annex I. When it does so, it shall give the grounds for the delay as well as the estimated time it expects it will need to execute the request.

*Article 18***Procedure after the execution of the request**

The requested court shall send to the requesting court the documents confirming the execution of the request, without delay and, where appropriate, shall return the documents received from the requesting court. Those documents shall be accompanied by a confirmation of execution using form K in Annex I.

## SECTION 4

***Direct taking of evidence by the requesting court and taking of evidence by diplomatic agents or consular officers****Article 19***Direct taking of evidence by the requesting court**

1. Where a court requests the taking of evidence directly in another Member State, it shall submit a request to the central body or to the competent authority of that Member State, using form L in Annex I.
2. The direct taking of evidence may only take place if it can be carried out on a voluntary basis without the use of coercive measures.

Where the direct taking of evidence implies that a person has to be examined, the requesting court shall inform that person that the taking of evidence shall take place on a voluntary basis.

3. The direct taking of evidence shall be carried out by a member of the judicial personnel or by any other person, such as an expert, who is designated in accordance with the law of the Member State of the requesting court.
4. Within 30 days of receiving the request for the direct taking of evidence, the central body or the competent authority of the requested Member State shall inform the requesting court as to whether the request has been accepted and, if necessary, shall inform the requesting court of the conditions under which the direct taking of evidence is to be carried out according to the law of its Member State, using form M in Annex I.

The central body or the competent authority may assign a court of its Member State to take part in the direct taking of evidence in order to ensure that this Article is properly applied and that the conditions under which the direct taking of evidence is to be carried out are complied with.

5. Where the requesting court has not received information within 30 days of acknowledgement of receipt of the request for the direct taking of evidence as to whether the request has been accepted, it may send a reminder to the central body or competent authority of the requested Member State. If the requesting court does not receive a reply within 15 days of the acknowledgement of receipt of the reminder, the request for the direct taking of evidence shall be considered accepted. However, in extraordinary circumstances where the central body or competent authority was prevented from reacting to the request within the deadline following the reminder, grounds for the refusal of direct taking of evidence may exceptionally still be invoked at any time after the expiration of that deadline until the moment of the actual direct taking of evidence.
6. The central body or the competent authority of the requested Member State may assign a court of its Member State to provide practical assistance in the direct taking of evidence.
7. The central body or the competent authority of the requested Member State may refuse a request for direct taking of evidence only if:
  - (a) it does not fall within the scope of this Regulation;
  - (b) it does not contain all of the necessary information referred to in Article 5; or
  - (c) the direct taking of evidence requested is contrary to fundamental principles of law in its Member State.
8. Without prejudice to any conditions laid down in accordance with paragraph 4, the requesting court shall conduct the direct taking of evidence in accordance with the law of its Member State.

*Article 20***Direct taking of evidence by videoconferencing or other distance communications technology**

1. Where evidence is to be taken by examining a person who is present in another Member State, and the court requests the taking of evidence directly in accordance with Article 19, that court shall take evidence using videoconferencing or other distance communications technology provided that such technology is available to the court and the court considers the use of such technology to be appropriate in the specific circumstances of the case.
2. A request for the direct taking of evidence using videoconferencing or other distance communications technology shall be made using form N in Annex I. The requesting court and the central body or the competent authority of the requested Member State or the court assigned to provide practical assistance in the direct taking of evidence shall agree on the practical arrangements for the examination.

Upon request, the requesting court shall be provided with assistance in finding an interpreter if necessary.

*Article 21***Taking of evidence by diplomatic agents or consular officers**

Member States may provide in their national law for their courts to be able to request their diplomatic agents or consular officers in the territory of another Member State and within the area in which they are accredited to take evidence at the premises of the diplomatic mission or consulate, except in exceptional circumstances, without the need for a prior request, by hearing, on a voluntary basis and without the use of coercive measures, nationals of the Member State which they represent in the context of proceedings pending in the courts of the Member State which they represent. The requested diplomatic agent or consular officer shall execute the request in accordance with the law of his or her Member State.

## SECTION 5

**Costs***Article 22***Costs**

1. The execution of a request for the taking of evidence in accordance with Article 12 shall not give rise to any claim for the reimbursement of taxes or costs.
2. By way of derogation from paragraph 1, the requested court may require the reimbursement of taxes or costs. If the requested court so requires, the requesting court shall ensure that the following are reimbursed without delay:
  - the fees paid to experts and interpreters, and
  - the costs occasioned by the application of Article 12(3) and (4).

The obligation of the parties to bear such fees or costs shall be governed by the law of the Member State of the requesting court.

3. Where the opinion of an expert is required, before executing the request for the taking of evidence, the requested court may ask the requesting court for an adequate deposit or advance towards the anticipated costs of the expert opinion. In all other cases, a deposit or advance shall not be a condition for the execution of a request for the taking of evidence.

The deposit or advance shall be made by the parties if that is provided for by the law of the Member State of the requesting court.

## CHAPTER III

## FINAL PROVISIONS

## Article 23

**Manual and amendment of Annex I**

1. The Commission shall draw up and regularly update a manual containing the information provided by the Member States in accordance with Article 31 and the agreements or arrangements in force, in accordance with Article 29(3). It shall make the manual available electronically, in particular through the European Judicial Network in Civil and Commercial Matters and on the European e-Justice Portal.
2. The Commission is empowered to adopt delegated acts in accordance with Article 24 to amend Annex I in order to update the forms set out therein or to make technical changes to those forms.

## Article 24

**Exercise of delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 23(2) shall be conferred on the Commission for a period of 5 years from 22 December 2020. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.
3. The delegation of power referred to in Article 23(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 23(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

## Article 25

**Adoption of implementing acts by the Commission**

1. The Commission shall adopt implementing acts establishing the decentralised IT system, setting out the following:
  - (a) the technical specification defining the methods of communication by electronic means for the purposes of the decentralised IT system;
  - (b) the technical specifications for communication protocols;
  - (c) the information security objectives and relevant technical measures ensuring minimum information security standards for the processing and communication of information within the decentralised IT system;

- (d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;
  - (e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.
2. The implementing acts referred to in paragraph 1 of this Article shall be adopted by 23 March 2022 in accordance with the examination procedure referred to in Article 26(2).

#### *Article 26*

##### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### *Article 27*

##### **Reference implementation software**

1. The Commission shall be responsible for the creation, maintenance and future development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and future development of the reference implementation software shall be financed from the general budget of the Union.
2. The Commission shall provide, maintain and support on a free-of-charge basis implementation of the software components underlying the access points.

#### *Article 28*

##### **Costs of the decentralised IT system**

1. Each Member State shall bear the costs of the installation, operation and maintenance of its access points interconnecting the national IT systems in the context of the decentralised IT system.
2. Each Member State shall bear the costs of establishing and adjusting its national IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.
3. Paragraphs 1 and 2 shall be without prejudice to the possibility of Member States to apply for grants to support the activities referred to in those paragraphs under the Union's financial programmes.

#### *Article 29*

##### **Relationship with agreements or arrangements between Member States**

1. This Regulation shall prevail in relation to matters to which it applies over other provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States, and in particular the Hague Convention of 1 March 1954 on Civil Procedure and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, in relations between the Member States party thereto.
2. This Regulation shall not preclude Member States from maintaining or concluding agreements or arrangements to further facilitate the taking of evidence, provided that those agreements or arrangements are compatible with this Regulation.
3. Member States shall send to the Commission:
  - (a) a copy of any agreements or arrangements referred to in paragraph 2 concluded between the Member States, as well as drafts of any such agreements or arrangements which they intend to adopt; and
  - (b) any denunciation of, or amendments to, those agreements or arrangements.



*Article 30***Protection of information transmitted**

1. Any processing of personal data carried out pursuant to this Regulation, including the exchange or transmission of personal data by the competent authorities, shall be in conformity with Regulation (EU) 2016/679.

Any exchange or transmission of information by competent authorities at Union level shall be undertaken in accordance with Regulation (EU) 2018/1725.

Personal data which are not relevant for the handling of a specific case shall be deleted immediately.

2. The competent authority or authorities under national law shall be regarded as controllers within the meaning of Regulation (EU) 2016/679 with respect to personal data processing under this Regulation.

3. Notwithstanding paragraphs 1 and 2, information transmitted under this Regulation shall be used by the requested court only for the purpose for which it was transmitted.

4. Requested courts shall ensure that such information remains confidential, in accordance with their national law.

5. Paragraphs 3 and 4 shall be without prejudice to national laws enabling data subjects to be informed of the use made of information transmitted under this Regulation.

6. This Regulation shall be without prejudice to Directive 2002/58/EC.

*Article 31***Communication**

1. Member States shall communicate to the Commission the following:

- (a) the list drawn up pursuant to Article 3(2) indicating the territorial and, where applicable, the special jurisdiction of the courts;
- (b) the names and addresses of the central bodies and competent authorities designated pursuant to Article 4(3), indicating their territorial jurisdiction;
- (c) the technical means for the receipt of requests available to the courts on the list drawn up pursuant to Article 3(2);
- (d) the languages accepted for requests, as referred to in Article 6.

2. Member States shall inform the Commission of any subsequent changes to the information referred to in paragraph 1.

3. Each Member State shall communicate to the Commission details of the other authorities that are competent to take evidence for the purposes of judicial proceedings in civil or commercial matters. Member States shall inform the Commission of any subsequent changes to those details.

4. Member States may notify the Commission if they are in a position to operate the decentralised IT system earlier than required by this Regulation. The Commission shall make such information available electronically, in particular through the European e-Justice Portal.

*Article 32***Monitoring**

1. By 2 July 2023, the Commission shall establish a detailed programme for monitoring the outputs, results and impact of this Regulation.

2. The monitoring programme shall specify the action to be taken by the Commission and by the Member States to monitor the outputs, results and impact of this Regulation. It shall set out when the data referred to in paragraph 3 are to be collected for the first time, which shall be at the latest 2 July 2026, and at what further intervals those data are to be collected.

3. Member States shall provide the Commission with the following data necessary for the purposes of monitoring, where available:
- (a) the number of requests for the taking of evidence transmitted in accordance with Article 7(1) and Article 19(1) respectively;
  - (b) the number of requests for the taking of evidence executed in accordance with Article 12 and Article 19(8) respectively;
  - (c) the number of cases in which the request for the taking of evidence was transmitted by means other than through the decentralised IT system in accordance with Article 7(4).
4. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in points (a) and (b) of paragraph 3 and transmit them to the Commission on a regular basis.

#### Article 33

#### Evaluation

1. No later than 5 years after the date of application of Article 7 in accordance with Article 35(3), the Commission shall carry out an evaluation of this Regulation and present a report on its main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by a legislative proposal.
2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1.

#### Article 34

#### Repeal

1. Regulation (EC) No 1206/2001 shall be repealed as from the date of application of this Regulation, with the exception of Article 6 of Regulation (EC) No 1206/2001 which shall be repealed as from the date of application of Article 7 referred to in Article 35(3) of this Regulation.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

#### Article 35

#### Entry into force and application

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

It shall apply from 1 July 2022.

2. Article 31(3) shall apply from 23 March 2022.
3. Article 7 shall apply from the first day of the month following the period of 3 years after the date of entry into force of the implementing acts referred to in Article 25.

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

Done at Brussels, 25 November 2020.

For the European Parliament  
The President  
D.M. SASSOLI

For the Council  
The President  
M. ROTH

## ANNEX I

## FORM A

## REQUEST FOR THE TAKING OF EVIDENCE

(Article 5 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Requesting court:
  - 2.1. Name:
  - 2.2. Address:
    - 2.2.1. Street and number/PO box:
    - 2.2.2. Place and postcode:
    - 2.2.3. Country:
  - 2.3. Tel.
  - 2.4. Fax (\*):
  - 2.5. Email:
3. Requested court:
  - 3.1. Name:
  - 3.2. Address:
    - 3.2.1. Street and number/PO box:
    - 3.2.2. Place and postcode:
    - 3.2.3. Country:
  - 3.3. Tel.
  - 3.4. Fax (\*):
  - 3.5. Email:
4. In the case brought by the claimant/petitioner(s) <sup>(2)</sup>
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and number/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel. (\*):
  - 4.4. Fax (\*):
  - 4.5. Email (\*):
5. Representatives of the claimant/petitioner
  - 5.1. Name:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1.

<sup>(\*)</sup> This item is optional.

<sup>(2)</sup> Where there is more than one claimant/petitioner, please provide information as set out in items 4.1. to 4.5.

- 5.2. Address:
- 5.2.1. Street and number/PO box:
  - 5.2.2. Place and postcode:
  - 5.2.3. Country:
- 5.3. Tel.
- 5.4. Fax (\*):
- 5.5. Email:
6. Against the defendant/respondent(s) <sup>(?)</sup>
- 6.1. Name:
  - 6.2. Address:
    - 6.2.1. Street and number/PO box:
    - 6.2.2. Place and postcode:
    - 6.2.3. Country:
  - 6.3. Tel. (\*):
  - 6.4. Fax (\*):
  - 6.5. Email (\*):
7. Representatives of defendant/respondent
- 7.1. Name:
  - 7.2. Address:
    - 7.2.1. Street and number/PO box:
    - 7.2.2. Place and postcode:
    - 7.2.3. Country:
  - 7.3. Tel.
  - 7.4. Fax (\*):
  - 7.5. Email:
8. Presence and participation of the parties
- 8.1. Parties and representatives, if any, who will be present at the taking of evidence:
  - 8.2. Participation of the parties and of their representatives, if any, is requested:
  - 8.3. If any party or its representative will be present at the taking of evidence, interpretation in the following language is to be arranged:  BG,  ES,  CZ,  DE,  ET,  EL,  EN,  FR,  GA,  HR,  IT,  LV,  LT,  HU,  MT,  NL,  PL,  PT,  RO,  SK,  SL,  FI,  SV,  other:
9. Presence and participation of the representatives of the requesting court:
- 9.1. Representatives will be present at the taking of evidence:
  - 9.2. Participation of the representatives is requested: <sup>(\*)</sup> 
    - 9.2.1. Name:
    - 9.2.2. Title:
    - 9.2.3. Function:
    - 9.2.4. Task:
  - 9.3. If any representative of the requesting court will be present at the taking of evidence, interpretation in the following language is to be arranged:  BG,  ES,  CZ,  DE,  ET,  EL,  EN,  FR,  GA,  HR,  IT,  LV,  LT,  HU,  MT,  NL,  PL,  PT,  RO,  SK,  SL,  FI,  SV,  other:

(\*) This item is optional.

<sup>(?)</sup> Where there is more than one defendant/respondent, please provide information as set out in items 6.1. to 6.5.

<sup>(\*)</sup> Where there is more than one representative, please provide information as set out in item 9.2.

10. Nature and subject-matter of the case and a brief statement of the facts (in annex, where appropriate):
11. Taking of evidence to be carried out
- 11.1. Description of the taking of evidence to be carried out (in annex, where appropriate):
- 11.2. Examination of witnesses:
- 11.2.1. Name and surname:
- 11.2.2. Date of birth, if available:
- 11.2.3. Address:
- 11.2.3.1. Street and number/PO box:
- 11.2.3.2. Place and postcode:
- 11.2.3.3. Country:
- 11.2.4. Tel. (\*):
- 11.2.5. Fax (\*):
- 11.2.6. Email (\*):
- 11.2.7. Questions to be put to the witness or a statement of the facts about which they are to be examined (in annex, where appropriate):
- 11.2.8. Right to refuse to testify under the law of the Member State of the requesting court (in annex, where appropriate): yes  no
- 11.2.9. Please examine the witness
- 11.2.9.1. under oath:
- 11.2.9.2. on affirmation:
- 11.2.10. Any other information that the requesting court deems necessary (in annex, where appropriate):
- 11.3. Other taking of evidence
- 11.3.1. documents to be inspected and a description of the requested taking of evidence (in annex, where appropriate):
- 11.3.2. objects to be inspected and a description of the requested taking of evidence (in annex, where appropriate)
12. Please execute the request
- 12.1. in accordance with a special procedure (Article 12(3) of Regulation (EU) 2020/1783) provided for by the law of the Member State of the requesting court described in annex
- 12.2. and/or by the use of communications technology (Article 12(4) of Regulation (EU) 2020/1783) set out in form N
- 12.3. the following information is necessary for the execution of the request:
13. Reasons for not transmitting through the decentralised IT system (Article 7(4) of Regulation (EU) 2020/1783) <sup>(?)</sup>
- Electronic transmission was not possible due to:
- disruption of the decentralised IT system
- the nature of the evidence
- exceptional circumstances

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

(\*) This item is optional.

(?) This item only applies from the date of application of the decentralised IT system.

## FORM B

## ACKNOWLEDGEMENT OF RECEIPT OF A REQUEST FOR THE TAKING OF EVIDENCE

(Article 9(1) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court:
3. Name of the requesting court:
4. Requested court
  - 4.1. Name:
  - 4.2. Address:
  - 4.3. Tel.
  - 4.4. Fax (\*):
  - 4.5. Email:
5. The request was received on ... (date of receipt) by the court indicated in item 4.
6. The request cannot be dealt with because:
  - 6.1. The language used to complete the form is not accepted (Article 6 of Regulation (EU) 2020/1783): 
    - 6.1.1. Please use one the following languages:
  - 6.2. The document is not legible:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1.

(\*) This item is optional.

## FORM C

## NOTIFICATION OF FORWARDING OF A REQUEST FOR THE TAKING OF EVIDENCE

(Article 9(2) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Name of the requesting court:
3. Reference No of the requested court:
4. The request for the taking of evidence does not fall within the jurisdiction of the court indicated in item 3 of the request for the taking of evidence and was forwarded to
  - 4.1. Name of the competent court:
  - 4.2. Address:
    - 4.2.1. Street and number/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax (\*):
  - 4.5. Email:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

(\*) This item is optional.

## FORM D

## REQUEST FOR ADDITIONAL INFORMATION FOR THE TAKING OF EVIDENCE

(Article 10 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requested court:
2. Reference No of the requesting court:
3. Name of the requested court:
4. Name of the requesting court:
5. The request for the taking of evidence cannot be executed without the following additional information:
6. The request for the taking of evidence cannot be executed before a deposit or advance is made in accordance with Article 22(3) of Regulation (EU) 2020/1783. The deposit or advance should be made in the following way:
  - 6.1. Name of account owner:
  - 6.2. Bank name/BIC or other relevant bank code:
  - 6.3. Account number/IBAN:
  - 6.4. Date by which payment was due:
  - 6.5. Amount of the deposit or advance requested:
  - 6.6. Currency:

<input type="checkbox"/> Euro (EUR)	<input type="checkbox"/> Bulgarian lev (BGN)	<input type="checkbox"/> Croatian kuna (HRK)
<input type="checkbox"/> Czech koruna (CZK)	<input type="checkbox"/> Hungarian forint (HUF)	<input type="checkbox"/> Polish zloty (PLN)
<input type="checkbox"/> Pound sterling (GBP)	<input type="checkbox"/> Romanian leu (RON)	<input type="checkbox"/> Swedish krona (SEK)
  - Other (please specify (ISO code)):
- 6.7. Reference number of payment/description/message to the recipient:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1.



## FORM E

## ACKNOWLEDGEMENT OF RECEIPT OF DEPOSIT OR ADVANCE

(Article 10(2) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court:
3. Name of the requesting court:
4. Name of the requested court:
5. The deposit or advance was received on ... (date of receipt) by the court indicated in item 4.

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

FORM F <sup>(1)</sup>

## REQUEST FOR INFORMATION ON DELAY

(Article 12(1) and Article 19(4) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence <sup>(2)</sup>))

THE FOLLOWING REQUEST FOR THE TAKING OF EVIDENCE WAS SENT BUT NO INFORMATION ON THE OUTCOME OF THE TAKING OF EVIDENCE IS AVAILABLE

1. Reference No of the requesting court:
2. Reference No of the requested court/central body/competent authority (if available):
3. Name of the requesting court:
4. Name of the requested court/central body/competent authority:
5. The original request for the taking of evidence (form A) or original request for the direct taking of evidence (form L) is attached.

Information at disposal of the requesting court:

- 5.1. request sent   
date .....
- 5.2. acknowledgement of receipt   
date .....
- 5.3. notification of delay   
date .....
- 5.4. other information was received   
.....

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 1

FORM G <sup>(1)</sup>

## REPLY TO REQUEST FOR INFORMATION ON DELAY

(Article 12(1) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(2)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court/central body/competent authority (if available):
3. Name of the requesting court:
4. Name of the requested court/central body/competent authority:
5. THE DELAY WAS DUE TO:
  - 5.1. Request for taking of evidence was not received
  - 5.2. Determination of current address of the person to be examined is in progress
  - 5.3. Service of summons to the person to be examined is in progress
  - 5.4. Person did not appear at the hearing despite being served the summons
  - 5.5. Request replied to on ... (date). Reply attached
  - 5.6. Payment of a deposit or advance requested on ... (date) has not been received
  - 5.7. Other: ...
6. It is estimated that the request will be executed by ... (indicate an estimated date).

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 1

## FORM H

## NOTIFICATION CONCERNING THE REQUEST FOR SPECIAL PROCEDURES AND/OR FOR THE USE OF COMMUNICATIONS TECHNOLOGIES

(Article 12(3) and (4) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court:
3. Name of the requesting court:
4. Name of the requested court:
5. The call for execution of the request for the taking of evidence in accordance with the special procedure indicated in item 12.1. of the request for the taking of evidence (form A) could not be complied with because:
  - 5.1. the requested procedure is incompatible with the law of the Member State of the requested court:
  - 5.2. the carrying out of the requested procedure is not possible by reason of major practical difficulties:
6. The call for execution of the request for the taking of evidence using distance communications technology indicated in item 12.2. of the request for the taking of evidence (form A) could not be complied with because:
  - 6.1. The use of communications technology is incompatible with the law of the Member State of the requested court
  - 6.2. The use of the communications technology is not possible by reason of major practical difficulties

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1.

## FORM I

## NOTIFICATION OF THE DATE, TIME, PLACE OF THE TAKING OF EVIDENCE AND THE CONDITIONS FOR PARTICIPATION

(Articles 13(4) and 14(5) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court:
3. Requesting court
  - 3.1. Name:
  - 3.2. Address:
    - 3.2.1. Street and number/PO box:
    - 3.2.2. Place and postcode:
    - 3.2.3. Country:
  - 3.3. Tel.
  - 3.4. Fax (\*):
  - 3.5. Email:
4. Requested court
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and number/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax (\*):
  - 4.5. Email:
5. Date and time of the taking of evidence:
6. Place of the taking of evidence, if different from that referred to in item 4:
7. Where appropriate, conditions under which the parties and their representatives, if any, may participate:
8. Where appropriate, conditions under which the representatives of the requesting court may participate:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

<sup>(\*)</sup> This item is optional.

## FORM J

## NOTIFICATION OF DELAY

(Article 17 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court:
3. Name of the requesting court:
4. Name of the requested court:
5. The request for the taking of evidence cannot be executed within 90 days of receipt for the following reasons:
  - 5.1. Determination of current address of the person to be examined is in progress
  - 5.2. Service of summons on the person to be examined is in progress
  - 5.3. Person did not appear at the hearing despite being served the summons
  - 5.4. Request replied to on ... (date). Reply attached
  - 5.5. Payment of a deposit or advance requested on ... (date) has not been received
  - 5.6. Other (please specify): ...
6. It is estimated that the request will be executed by ... (indicate an estimated date).

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

## FORM K

## INFORMATION ON THE EXECUTION OF THE REQUEST FOR THE TAKING OF EVIDENCE

(Articles 16 and 18 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the requested court:
3. Name of the requesting court:
4. Name of the requested court:
5. The request for the taking of evidence has been executed   
The documents confirming execution of the request for the taking of evidence are attached:
6. Execution of the request for the taking of evidence has been refused because:
  - 6.1. The person to be examined has invoked the right to refuse to give evidence or has claimed to be prohibited from giving evidence: 
    - 6.1.1. under the law of the Member State of the requested court:
    - 6.1.2. under the law of the Member State of the requesting court:
  - 6.2. The request for the taking of evidence does not fall within the scope of Regulation (EU) 2020/1783
  - 6.3. Under the law of the Member State of the requested court, the execution of the request for the taking of evidence does not fall within the functions of the judiciary
  - 6.4. The requesting court has not complied with the request for additional information from the requested court dated ... (date of the request for additional information)
  - 6.5. A deposit or advance asked for in accordance with Article 22(3) of Regulation (EU) 2020/1783 has not been made.
7. Other reasons for non-execution:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

## FORM L

## REQUEST FOR DIRECT TAKING OF EVIDENCE

(Articles 19 and 20 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the central body/competent authority (\*):
3. Requesting court:
  - 3.1. Name:
  - 3.2. Address:
    - 3.2.1. Street and number/PO box:
    - 3.2.2. Place and postcode:
    - 3.2.3. Country:
  - 3.3. Tel.
  - 3.4. Fax (\*):
  - 3.5. Email:
4. Central body/competent authority of the requested State
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and number/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax (\*):
  - 4.5. Email:
5. In the case brought by the claimant/petitioner(s) <sup>(2)</sup>
  - 5.1. Name:
  - 5.2. Address:
    - 5.2.1. Street and number/PO box:
    - 5.2.2. Place and postcode:
    - 5.2.3. Country:
  - 5.3. Tel. (\*):
  - 5.4. Fax (\*):
  - 5.5. Email (\*):
6. Representatives of the claimant/petitioner
  - 6.1. Name:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1.

<sup>(\*)</sup> This item is optional.

<sup>(2)</sup> Where there is more than one claimant/petitioner, please provide information as set out in items 5.1. to 5.5.



- 6.2. Address:
  - 6.2.1. Street and number/PO box:
  - 6.2.2. Place and postcode:
  - 6.2.3. Country:
- 6.3. Tel.
- 6.4. Fax (\*):
- 6.5. Email:
7. Against the defendant/respondent(s) <sup>(?)</sup>
  - 7.1. Name:
  - 7.2. Address:
    - 7.2.1. Street and number/PO box:
    - 7.2.2. Place and postcode:
    - 7.2.3. Country:
  - 7.3. Tel. (\*):
  - 7.4. Fax (\*):
  - 7.5. Email (\*):
8. Representatives of defendant/respondent
  - 8.1. Name:
  - 8.2. Address:
    - 8.2.1. Street and number/PO box:
    - 8.2.2. Place and postcode:
    - 8.2.3. Country:
  - 8.3. Tel.
  - 8.4. Fax (\*):
  - 8.5. Email:
9. The evidence will be taken by:
  - 9.1. Name:
  - 9.2. Title:
  - 9.3. Function:
  - 9.4. Task:
10. Nature and subject matter of the case and a brief statement of the facts (in annex, where appropriate):
11. Taking of evidence to be carried out
  - 11.1. Description of the taking of evidence (in annex, where appropriate):
  - 11.2. Examination of witnesses
    - 11.2.1. Names and surname:
    - 11.2.2. Date of birth, if available:
    - 11.2.3. Address:
      - 11.2.3.1. Street and number/PO box:

---

(\*) This item is optional.

(?) Where there is more than one defendant/respondent, please provide information as set out in items 7.1. to 7.5.

- 11.2.3.2. Place and postcode:
- 11.2.3.3. Country:
- 11.2.4. Tel. (\*):
- 11.2.5. Fax (\*):
- 11.2.6. Email (\*):
- 11.2.7. Questions to be put to the witness or a statement of the facts about which they are to be examined (in the annex, where appropriate):
- 11.2.8. Right to refuse to testify under the law of the Member State of the requesting court (in annex, where appropriate): yes  no
- 11.3. Other taking of evidence (in annex, where appropriate):
12. The requesting court asks that evidence be taken directly by using the communications technology set out in form N
- Done at:
- Date:
- Signature and/or stamp or electronic signature and/or electronic seal:

---

(\*) This item is optional.

## FORM M

## INFORMATION FROM THE CENTRAL BODY/COMPETENT AUTHORITY CONCERNING DIRECT TAKING OF EVIDENCE

(Article 19 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court:
2. Reference No of the central body/competent authority:
3. Name of the requesting court:
4. Central body/competent authority
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and number/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax (\*):
  - 4.5. Email:
5. Information from the central body/competent authority
  - 5.1. Direct taking of evidence in accordance with the request is accepted:
  - 5.2. Direct taking of evidence in accordance with the request is accepted under the following conditions (in annex, where appropriate):
  - 5.3. Direct taking of evidence in accordance with the request is refused for the following reasons:
    - 5.3.1. the request does not fall within the scope of Regulation (EU) 2020/1783:
    - 5.3.2. the request does not contain all of the necessary information pursuant to Article 5 of Regulation (EU) 2020/1783:
    - 5.3.3. the direct taking of evidence requested is contrary to fundamental principles of law of the Member State of the central body/competent authority:
6. The following court was assigned to provide practical assistance in the direct taking of evidence:
  - 6.1. Name:
  - 6.2. Address:
    - 6.2.1. Street and number/PO box:
    - 6.2.2. Place and postcode:
    - 6.2.3. Country:
  - 6.3. Tel.
  - 6.4. Fax (\*):
  - 6.5. Email:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

(\*) This item is optional.

## FORM N

## INFORMATION ON TECHNICAL PRACTICALITIES FOR HOLDING A VIDEOCONFERENCE OR USING OTHER DISTANCE COMMUNICATIONS TECHNOLOGY

(Articles 12(4) and 20 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) <sup>(1)</sup>)

1. Reference No of the requesting court (\*):
2. Reference No of the requested court (\*):
3. Name of the requesting court (\*):
4. Name of the requested court (\*):
5. Technical data of the requesting court:
  - 5.1. ISDN (\*):
  - 5.2. IP:
  - 5.3. Tel. Court room (\*):
  - 5.4. Other:
6. Preferred form of connection (in case of more options filled in item 5):
7. Preferred date(s) and time(s) of connection:
  - 7.1. date:
  - 7.2. time <sup>(2)</sup>:
8. Preferred date(s) and time(s) for the test connection:
  - 8.1. date:
  - 8.2. time <sup>(2)</sup>:
  - 8.3. contact person for the test connection or other technical assistance:
  - 8.4. language for communication:  BG,  ES,  CZ,  DE,  ET,  EL,  EN,  FR,  GA,  HR,  IT,  LV,  LT,  HU,  MT,  NL,  PL,  PT,  RO,  SK,  SL,  FI,  SV,  other:
  - 8.5. tel. in the event of technical difficulties during the test connection or the taking of evidence:
9. Information on interpretation:
  - 9.1. Assistance for finding an interpreter is requested:
  - 9.2. The relevant languages:  BG,  ES,  CZ,  DE,  ET,  EL,  EN,  FR,  GA,  HR,  IT,  LV,  LT,  HU,  MT,  NL,  PL,  PT,  RO,  SK,  SL,  FI,  SV,  other:
10. Information on whether a recording of the taking of evidence will be made <sup>(3)</sup>:
  - 10.1. yes
  - 10.2. no

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 1

<sup>(\*)</sup> This item is optional.

<sup>(2)</sup> Local time of requested Member State.

<sup>(3)</sup> E.g. online record or transcript of the taking of evidence

11. Other: ...

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

\_\_\_\_\_

## ANNEX II

## REPEALED REGULATION WITH LIST OF THE SUCCESSIVE AMENDMENTS THERETO

Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).	
Regulation (EC) No 1103/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny – Adaptation to the regulatory procedure with scrutiny – Part Three (OJ L 304, 14.11.2008, p. 80).	Only amendments to Articles 19(2) and 20 of Regulation (EC) No 1206/2001

## ANNEX III

## CORRELATION TABLE

Regulation (EC) No 1206/2001	This Regulation
Article 1(1)	Article 1(1)
Article 1(2)	Article 1(2)
Article 1(3)	–
–	Article 2
Article 2(1)	Article 3(1)
Article 2(2)	Article 3(2)
Article 3(1)	Article 4(1)
Article 3(2)	Article 4(2)
Article 3(3)	Article 4(3)
Article 4(1)	Article 5(1)
Article 4(2)	Article 5(2)
Article 4(3)	Article 5(3)
Article 5	Article 6
Article 6	–Article 7(1)
–	Article 7(2), (3) and (4)
–	Article 8
Article 7(1)	Article 9(1)
Article 7(2)	Article 9(2)
Article 8(1)	Article 10(1)
Article 8(2)	Article 10(2)
Article 9(1)	Article 11(1)
Article 9(2)	Article 11(2)
Article 10(1)	Article 12(1)
Article 10(2)	Article 12(2)
Article 10(3)	Article 12(3)
Article 10(4)	Article 12(4)
Article 11(1)	Article 13(1)
Article 11(2)	Article 13(2)
Article 11(3)	Article 13(3)
Article 11(4)	Article 13(4)
Article 11(5)	Article 13(5)
Article 12(1)	Article 14(1)
Article 12(2)	Article 14(2)
Article 12(3)	Article 14(3)

---

Article 12(4)	Article 14(4)
Article 12(5)	Article 14(5)
Article 13	Article 15
Article 14(1)	Article 16(1)
Article 14(2)	Article 16(2)
Article 14(3)	Article 16(3)
Article 14(4)	Article 16(4)
Article 15	Article 17
Article 16	Article 18
Article 17(1)	Article 19(1)
Article 17(2)	Article 19(2)
Article 17(3)	Article 19(3)
Article 17(4), first subparagraph	Article 19(4), first subparagraph
Article 17(4), second subparagraph	Article 19(4), second subparagraph
Article 17(4), third subparagraph	–
–	Article 19(5)
–	Article 19(6)
Article 17(5)	Article 19(7)
Article 17(6)	Article 19(8)
–	Article 20
–	Article 21
Article 18	Article 22
Article 19(1)	Article 23(1)
Article 19(2)	–
–	Article 23(2)
Article 20	Article 26
–	Article 24
–	Article 25
–	Article 27
–	Article 28
Article 21(1)	Article 29(1)
Article 21(2)	Article 29(2)
Article 21(3)(a)	–
Article 21(3)(b)	Article 29(3)(a)
Article 21(3)(c)	Article 29(3)(b)
–	Article 30
Article 22, first paragraph	Article 31(1)
Article 22, second paragraph	Article 31(2)

---



---

–	Article 31(3)
–	Article 31(4)
–	Article 32
Article 23	Article 33(1)
–	Article 33(2)
Article 24	–
–	Article 34
Article 24(1)	Article 35(1), first subparagraph
Article 24(2)	Article 35(1), second subparagraph
–	Article 35(2)
	Article 35(3)
Annex	Annex I
–	Annex II
–	Annex III

---

**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)**  
**(recast)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 1393/2007 of the European Parliament and of the Council <sup>(3)</sup> has been amended before. Since further substantial amendments are to be made, that Regulation should be recast in the interests of clarity.
- (2) 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 ensured. To establish such an area, the Union is to adopt, among other measures, measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market.
- (3) For the purposes of the proper functioning of the internal market and the development of an area of civil justice in the Union, it is necessary to further improve and expedite the transmission and service of judicial and extrajudicial documents between the Member States in civil and commercial matters, while ensuring a high level of security and protection in the transmission of such documents, safeguarding the rights of addressees and protecting privacy and personal data. This Regulation seeks to improve the effectiveness and speed of judicial procedures by simplifying and streamlining them as regards the service of judicial and extrajudicial documents in the Union, while at the same time helping to reduce delays and costs for individuals and businesses. Providing greater legal certainty and simpler, streamlined and digitalised procedures, will encourage individuals and businesses to engage in cross-border transactions, thereby boosting trade within the Union and thus the functioning of the internal market.
- (4) This Regulation lays down rules on the service of judicial and extrajudicial documents in the Member States in civil or commercial matters. It should not apply to the service of judicial and extrajudicial documents in other matters such as revenue, customs or administrative matters.
- (5) Cross-border service should be construed as service from one Member State to another Member State.
- (6) This Regulation should not apply to the service of documents on a party's authorised representative in the forum Member State, but should apply to the service of any document on a party in another Member State if such service is required under the law of the forum Member State, irrespective of whether the document has been served on the party's representative.

<sup>(1)</sup> OJ C 62, 15.2.2019, p. 56.

<sup>(2)</sup> Position of the European Parliament of 13 February 2019 (not yet published in the Official Journal) and position of the Council at first reading of 4 November 2020 (not yet published in the Official Journal). Position of the European Parliament of 23 November 2020 (not yet published in the Official Journal).

<sup>(3)</sup> Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).

- (7) Where an addressee has no known address for service in the forum Member State, but has one or more known addresses for service in one or more other Member States, the document should be transmitted to such other Member State for service under this Regulation. This situation should not be construed as domestic service within the forum Member State. In particular, the document should not be served on the addressee by a fictitious method of service, such as service by posting an announcement on the court notice board or by depositing the document in the court file.
- (8) For the purposes of this Regulation, the term 'extrajudicial documents' should be understood to include documents that have been drawn up or certified by a public authority or official, and other documents of which the formal transmission to an addressee residing in another Member State is necessary for the purposes of exercising, proving or safeguarding a right or a claim in civil or commercial law. The term 'extrajudicial documents' should not be understood to include documents issued by administrative authorities for the purposes of administrative proceedings.
- (9) Efficiency and speed in judicial proceedings in civil matters require that judicial and extrajudicial documents be transmitted directly and by rapid means between local bodies designated by the Member States. Member States should be able to designate separate transmitting agencies and receiving agencies or to designate one or more agencies to perform both functions for a period of five years. It should, however, be possible to renew that designation every five years.
- (10) In order to ensure the speedy transmission of documents between Member States for the purposes of service, any appropriate modern communications technology should be used, provided that certain conditions as to the integrity and reliability of the document received are met. Therefore, as a rule, all communication and exchange of documents between the agencies and bodies designated by the Member States should be carried out through a secure and reliable decentralised IT system comprising national IT systems that are interconnected and technically interoperable, for example, and without prejudice to further technological progress, based on e-CODEX. Accordingly, a decentralised IT system should be established for data exchanges under this Regulation. The decentralised nature of that IT system would enable data exchanges exclusively between one Member State and another, without any of the Union institutions being involved in those exchanges.
- (11) Without prejudice to possible future technological progress, the secure decentralised IT system and its components should not be understood to necessarily constitute a qualified electronic registered delivery service as defined by Regulation (EU) No 910/2014 of the European Parliament and of the Council <sup>(4)</sup>.
- (12) The Commission should be responsible for the creation, maintenance and future development of reference implementation software which Member States should be able to use instead of a national IT system, in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulations (EU) 2018/1725 <sup>(5)</sup> and (EU) 2016/679 <sup>(6)</sup> of the European Parliament and of the Council, in particular the principles of data protection by design and by default. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of service of documents.
- (13) In relation to the components of the decentralised IT system which are under the responsibility of the Union, the managing entity should have sufficient resources in order to ensure the proper functioning of that system.
- (14) The competent authority or authorities under national law should be responsible as controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data that they carry out under this Regulation for the transmission of documents between Member States.

<sup>(4)</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

<sup>(5)</sup> 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).

<sup>(6)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (15) Transmission through the decentralised IT system could become impossible due to a disruption of the system. Other means of communication could be more appropriate also in exceptional circumstances, which could include situations in which converting voluminous documentation into electronic form would impose a disproportionate administrative burden on the transmitting agency or whereby the original document is needed in paper format to assess its authenticity. Where the decentralised IT system is not used, transmission should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or by postal service.
- (16) In order to enhance electronic cross-border transmission of documents through the decentralised IT system, such documents should not be denied legal effect and should not be considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of such documents as evidence in accordance with national law. It should also be without prejudice to national law regarding the conversion of documents.
- (17) In order to facilitate the transmission and service of documents between Member States, the forms set out in Annex I should be used. The document to be transmitted should be accompanied by a request drawn up using form A in Annex I. The form should be completed in the official language of the Member State addressed or, if there are several official languages in that Member State, in 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 should indicate the official language or languages of the Union other than its own which it can accept.
- (18) An acknowledgment of receipt using form D in Annex I should be sent automatically to the transmitting agency through the decentralised IT system or by other means, as soon as possible and in any event within seven days of receipt of the document.
- (19) When it receives a certificate of non-service of documents, it is important for the transmitting agency to know whether the authorities of the Member State addressed have submitted requests to domicile registries or other databases, where such registries or databases exist, for a search for a new address for the person to be served. Therefore, Member States should inform the Commission if their authorities make such requests on their own initiative in cases where the address indicated in the request for service is not correct. However, this Regulation should not impose an obligation on the authorities of the Member States to make such requests.
- (20) Where a request for service cannot be fulfilled on the basis of the information or the documents transmitted, where it falls outside the scope of this Regulation, where non-compliance with the formal conditions makes the service impossible, or where it was sent to a receiving agency not having territorial jurisdiction, the receiving agency should undertake the steps provided for in this Regulation without a delay that is unjustified, unreasonable and unnecessary in the light of the particular circumstances, including the means of communication at the disposal of the receiving agency.
- (21) Speed in transmission requires documents to be served within days of receipt of the document. The service of documents should be effected as soon as possible, and in any event within one month of their receipt by the receiving agency.
- (22) The receiving agency should continue to take all necessary steps to effect the service of the document even in cases where it has not been possible to effect the service within one month of the receipt of the document, for example, because the defendant was on holiday away from his or her home or was on business away from his or her office. However, in order to avoid an open-ended obligation for the receiving agency to take steps to effect the service of a document, the transmitting agency should be able to specify a time limit after which service is no longer necessary, using form A in Annex I.
- (23) To ensure that this Regulation is effective, the circumstances in which it is possible to refuse the document to be served should be confined to exceptional situations.
- (24) In all cases where the document to be served is not in the official language or one of the official languages of the place of service, the receiving agency should inform the addressee in writing using form L in Annex I that the addressee can refuse to accept the document to be served if it is neither in a language which the addressee understands nor in the official language or one of the official languages of the place of service. This rule should also apply to any subsequent service once the addressee has exercised the right of refusal. The right of refusal should also

apply in respect of service by diplomatic agents or consular officers, service by postal services, electronic service and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

- (25) If a translation is attached to the document to be served, it should be certified or otherwise deemed suitable for proceedings in accordance with the law of the Member State of origin. The translation should be made available to the Member State where service is to take place. The translation of documents into another language for the purpose of ensuring compliance with this Regulation is without prejudice to the ability of the recipient to challenge the correctness of the translation in accordance with the law of the forum Member State.
- (26) If the addressee has refused to accept the document and the court or authority seized of the legal proceedings decides upon verification that the refusal was not justified, that court or authority should consider an appropriate way of informing the addressee of that decision in accordance with national law. For the purposes of verifying whether the refusal was justified the court or authority should take into account all the relevant information on the file in order to determine the language skills of the addressee. Where relevant, when assessing the language skills of the addressee, the court or authority could take into account factual elements, for example documents written by the addressee in the language concerned, whether the addressee's profession involves particular language skills, whether the addressee is a citizen of the forum Member State or whether the addressee previously resided in that Member State for an extended period of time.
- (27) Given the differences between the Member States as regards their rules of procedure, the effective date of service varies from one Member State to another. In the light of such situations and the possible difficulties that may arise, this Regulation should provide for a system under which the law of the Member State addressed determines the date of service. However, where under the law of a Member State a document has to be served within a particular period, the date to be taken into account with respect to the applicant should be that determined by the law of that Member State. That double date system exists only in a limited number of Member States. If Member States apply that system, they should communicate that information to the Commission, which should make that information available electronically through the European Judicial Network in Civil and Commercial Matters established by Council Decision 2001/470/EC <sup>(7)</sup> and on the European e-Justice Portal.
- (28) In order to facilitate access to justice, Member States should lay down a single fixed fee for recourse to a judicial officer or a person competent under the law of the Member State addressed. That fee should respect the principles of proportionality and non-discrimination. The requirement of a single fixed fee should not preclude the possibility for Member States to set different fees for different types of service, as long as they respect those principles.
- (29) Each Member State should be free to effect the service of documents by postal services on persons residing in another Member State directly by registered letter with acknowledgement of receipt or equivalent. It should be possible to use a postal service, whether private or public, for the service of documents in different forms of letters, including bundles of letters.
- (30) In line with the established case law of the Court of Justice of the European Union <sup>(8)</sup>, direct service by postal service under this Regulation should be considered to be validly effected, even if the document was not delivered to the addressee in person, where it was served at the addressee's home address on an adult person who is living in the same household as the addressee or who is employed there by the addressee and who has the ability and is willing to accept the document, unless the law of the forum Member State only allows the service of that document on the addressee in person.
- (31) Efficiency and speed in cross-border judicial proceedings require direct, expedited and secure channels for serving documents on persons in other Member States. Consequently, it should be possible to effect the service of documents directly by electronic means on an addressee who has a known address for service in another Member State. The conditions for the use of such type of direct electronic service should be such as to ensure that electronic service is effected only by electronic means that are available under the law of the forum Member State for the domestic service of documents and should ensure that there are appropriate safeguards for the protection of the interests of the addressee, including high technical standards and a requirement for express consent by the addressee.

<sup>(7)</sup> Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (OJ L 174, 27.6.2001, p. 25).

<sup>(8)</sup> Judgment of the Court of Justice of 2 March 2017, *Andrew Marcus Henderson v Novo Banco SA*, C-354/15, ECLI:EU:C:2017:157.

- (32) It should be possible for an addressee to be served electronically using qualified electronic registered delivery services within the meaning of Regulation (EU) No 910/2014, provided that the addressee has given prior express consent to use electronic means for the purpose of serving documents in the course of legal proceedings. In such cases, prior express consent could be given for specific proceedings or as a general consent to the service of documents in the course of legal proceedings by those means of service. That consent could also be given where, under the law of the forum Member State, procedural documents could be served through an electronic system and the addressee has consented to the use of that system in relation to the service of documents before serving documents on the addressee through that system.
- (33) The addressee could be served electronically without the use of qualified electronic registered delivery services within the meaning of Regulation (EU) No 910/2014, provided that the addressee has given prior express consent to the court or authority seized of the proceedings or to the party responsible for service in those proceedings to use email sent to a specified email address in the course of those proceedings, provided that proof of receipt of the document by the addressee is received. The addressee should confirm receipt of the document by signing and returning an acknowledgement of receipt or by returning an email from the email address furnished by the addressee for service. The acknowledgement of receipt could also be signed electronically. In order to guarantee the security of transmission, Member States could specify additional conditions under which they will accept electronic service by email where their law sets stricter conditions in respect of service by email or where their law does not allow such service by email. Such conditions could address issues such as the identification of the sender and the recipient, the integrity of the documents sent and the protection of the transmission against outside interference.
- (34) It should be possible for any person with an interest in particular judicial proceedings to effect service of documents directly through the judicial officers, officials or other competent persons of the Member State in which the service is sought, provided that such direct service is permitted under the law of that Member State.
- (35) Where national law and this Regulation allow the court to give judgment even if no certificate of service or delivery of the document instituting the proceedings or its equivalent has been received, every reasonable effort should be made to obtain the certificate through the competent authorities or bodies of the Member State addressed before any judgement is given, in compliance with any other requirements safeguarding the interests of the defendant. Unless incompatible with national law, all reasonable efforts should be made to inform the defendant that court proceedings have been instituted using any available channels of communication, including modern communications technology, for which an address or an account is known to the court seized of the proceedings.
- (36) The Commission should draw up a manual containing information relevant for the proper application of this Regulation. The manual should be made available through the European Judicial Network in Civil and Commercial Matters. The Commission and the Member States should do their utmost to ensure that the information in the manual is up to date and complete, especially as regards the contact details of receiving and transmitting agencies.
- (37) In calculating the periods and time limits provided for in this Regulation, Council Regulation (EEC, Euratom) No 1182/71 <sup>(9)</sup> should apply.
- (38) In order to update the forms in Annex I to this Regulation or to make technical changes to those forms, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to that Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(10)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

<sup>(9)</sup> Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

<sup>(10)</sup> OJ L 123, 12.5.2016, p. 1.

- (39) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(11)</sup>.
- (40) This Regulation should prevail over the provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States that have the same scope of application as this Regulation, in particular the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 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 those agreements or arrangements are compatible with this Regulation.
- (41) The fundamental rights and freedoms of all persons involved should be fully observed and respected in accordance with Union law, in particular the rights to equal access to justice, to non-discrimination and to the protection of personal data and privacy.
- (42) The information transmitted pursuant to this Regulation should be suitably protected. Such protection falls within the scope of Regulation (EU) 2016/679 and of Directive 2002/58/EC of the European Parliament and of the Council <sup>(12)</sup>. Personal data which are not relevant for the handling of a specific case should be deleted immediately.
- (43) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, the Commission should evaluate this Regulation on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of this Regulation and the need for any further action. Where Member States collect data on the service of documents under this Regulation, in particular information on the numbers of requests transmitted and requests received, the number of cases in which transmission was performed by means other than through the decentralised IT system, the number of certificates of non-service of documents received and the number of notifications of refusal on the grounds of language received by the transmitting agencies, they should provide the Commission with such data for monitoring purposes. The reference implementation software developed by the Commission as a back-end system should programmatically collect the data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, that system may be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission.
- (44) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States because of the differences between national rules governing jurisdiction and the recognition and enforcement of decisions, but can rather, by reason of the direct applicability and binding nature of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. 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.
- (45) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 13 September 2019 <sup>(13)</sup>.
- (46) In order to make its provisions more easily accessible and readable, Regulation (EC) No 1393/2007 should be repealed and replaced by this Regulation.
- (47) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation.

<sup>(11)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>(12)</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

<sup>(13)</sup> OJ C 370, 31.10.2019, p. 24.

- (48) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

##### Scope

1. This Regulation applies to the cross-border service of judicial and extrajudicial documents in civil or commercial matters. It does not apply, in particular, to revenue, customs or administrative matters or to the liability of a Member State for actions or omissions in the exercise of state authority (*acta iure imperii*).
2. With the exception of Article 7, this Regulation does not apply where the address of the person to be served with a document is not known.
3. This Regulation does not apply to the service of a document in the forum Member State on a representative authorised by the person to be served, regardless of the place of residence of that person.

#### Article 2

##### Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'forum Member State' means the Member State in which the judicial proceedings take place;
- (2) 'decentralised IT system' means a network of national IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, that enables the secure and reliable cross-border exchange of information between the national IT systems.

#### Article 3

##### Transmitting and receiving agencies

1. Each Member State shall designate the public officers, authorities or other persons competent for the transmission of judicial or extrajudicial documents to be served in another Member State ('transmitting agencies').
2. Each Member State shall designate the public officers, authorities or other persons competent for the receipt of judicial or extrajudicial documents from another Member State ('receiving agencies').
3. Member States may designate separate transmitting agencies and receiving agencies or designate one or more agencies to perform both functions. Federal Member States, Member States in which several legal systems apply and Member States with autonomous territorial units may designate more than one such agency. The designation shall have effect for a period of five years and may be renewed for further five-year periods.
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 those receiving agencies have jurisdiction;
- (c) the means by which those receiving agencies are able to receive documents where Article 5(4) applies; and
- (d) the languages that may be used for the completion of the forms set out in Annex I.

Member States shall notify the Commission of any subsequent modification of the information referred to in the first subparagraph.

#### *Article 4*

##### **Central body**

Each Member State shall designate a central body that is responsible for:

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

Federal Member States, Member States in which several legal systems apply and Member States with autonomous territorial units may designate more than one central body.

#### *Article 5*

##### **Means of communication to be used by transmitting agencies, receiving agencies and central bodies**

1. Documents to be served, requests, confirmations, receipts, certificates and communications carried out on the basis of the forms in Annex I between transmitting agencies and receiving agencies, between those agencies and the central bodies, or between the central bodies of different Member States, shall be transmitted through a secure and reliable decentralised IT system. That decentralised IT system shall be based on an interoperable solution such as e-CODEX.
2. The general legal framework for the use of qualified trust services set out in Regulation (EU) No 910/2014 shall apply to the documents to be served, requests, confirmations, receipts, certificates and communications transmitted through the decentralised IT system.
3. Where the documents to be served, requests, confirmations, receipts, certificates and other communications referred to in paragraph 1 of this Article require or feature a seal or handwritten signature, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead.
4. Where transmission in accordance with paragraph 1 is not possible due to the disruption of the decentralised IT system or due to exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to ensure reliability and security.

#### *Article 6*

##### **Legal effects of electronic documents**

Documents that are transmitted through the decentralised IT system shall not be denied legal effect or considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form.

#### *Article 7*

##### **Assistance in address enquiries**

1. Where the address of the person to be served with the judicial or extrajudicial document in another Member State is not known, that Member State shall provide assistance in determining the address in, at least, one of the following ways:
  - (a) providing for designated authorities to which transmitting agencies may address requests on the determination of the address of the person to be served;

- (b) allowing persons from other Member States to submit requests, including electronically, for information about addresses of persons to be served directly to domicile registries or other publicly accessible databases by means of a standard form available on the European e-Justice Portal; or
- (c) providing detailed information, through the European e-Justice Portal, on how to find the addresses of persons to be served.

2. Each Member State shall provide the Commission with the following information with a view to making it available through the European e-Justice Portal:

- (a) the means of assistance which the Member State will provide in its territory pursuant to paragraph 1;
- (b) where applicable, the names and contact details of the authorities referred to in points (a) and (b) of paragraph 1;
- (c) whether the authorities of the Member State addressed submit, on their own initiative, requests to domicile registries or other databases for information about addresses in cases where the address indicated in the request for service is not correct.

Member States shall notify the Commission of any subsequent modification of the information referred to in the first subparagraph.

## CHAPTER II

### JUDICIAL DOCUMENTS

#### SECTION 1

#### ***Transmission and service of judicial documents***

##### *Article 8*

#### **Transmission of documents**

1. Judicial documents shall be transmitted directly and as quickly as possible between the transmitting and receiving agencies.
2. The document to be transmitted shall be accompanied by a request drawn up using form A 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, in 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 will accept.

Each Member State shall communicate to the Commission any official language of the Union other than its own in which the form may be completed.

3. Documents that are transmitted under this Regulation shall be exempt from requirements of legalisation or any equivalent formality.
4. Where the transmitting agency requests that a copy of the document sent in paper format in accordance with Article 5(4) be returned together with the certificate referred to in Article 14, it shall send that document in duplicate.

##### *Article 9*

#### **Translation of documents**

1. The transmitting agency to which the applicant has forwarded the document for transmission shall advise the applicant that the addressee may refuse to accept the document if it is not in one of the languages provided for in Article 12(1).
2. The applicant shall bear any costs of translation prior to the transmission of the document, without prejudice to any possible subsequent decisions by the court or competent authority on liability for such costs.

*Article 10***Receipt of documents by receiving agency**

1. Upon receipt of a document, the receiving agency shall automatically send to the transmitting agency an acknowledgement of receipt as soon as possible through the decentralised IT system or, where the acknowledgement is sent by other means, as soon as possible and in any event within seven days of receipt, using form D 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 without undue delay in order to obtain the missing information or documents, using form E in Annex I.
3. Where the request for service is manifestly outside the scope of this Regulation or where non-compliance with the formal conditions required makes service impossible, the request and the documents transmitted shall be returned to the transmitting agency upon receipt, without undue delay, together with a notice of return, using form F in Annex I.
4. Where a receiving agency receives a document for service which it does not have territorial jurisdiction to serve, it shall forward that document without undue delay, together with the request, to the receiving agency that has territorial jurisdiction in the Member State addressed, if the request complies with the conditions laid down in Article 8(2). The receiving agency shall inform the transmitting agency accordingly at the same time, using form G in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the Member State addressed, that receiving agency shall send an acknowledgement of receipt to the transmitting agency as soon as possible and in any event within seven days of receipt, using form H in Annex I.

*Article 11***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 method requested by the transmitting agency, unless that 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 its receipt. If it has not been possible to effect the service within one month of receipt of the document, the receiving agency shall:
  - (a) immediately inform the transmitting agency by means of form K in Annex I or, if the transmitting agency has requested information by means of form I in Annex I, by means of form J in Annex I; and
  - (b) continue to take all necessary steps to effect the service of the document where service seems to be possible within a reasonable period of time, unless the transmitting agency indicates that service is no longer necessary.

*Article 12***Refusal to accept a document**

1. The addressee may refuse to accept the document to be served if the document is not written in, or is not accompanied by a translation into, either:
  - (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. The receiving agency shall inform the addressee of the right provided for in paragraph 1 where the document is not written in, or is not accompanied by a translation into, a language referred to in point (b) of that paragraph, by enclosing with the document to be served form L in Annex I, which shall be provided in:
  - (a) the official language or one of the official languages of the Member State of origin; and
  - (b) a language referred to in point (b) of paragraph 1.

If there is an indication that the addressee understands an official language of another Member State, form L in Annex I shall also be provided in that language.

Where a Member State translates form L in Annex I into a language of a third country, it shall communicate that translation to the Commission with a view to making it available on the European e-Justice Portal.

3. The addressee may refuse to accept the document either at the time of service or within two weeks of the time of service by making a written declaration of refusal of acceptance. For that purpose, the addressee may either return to the receiving agency form L in Annex I or a written declaration stating that the addressee refuses to accept the document because of the language in which it was served.

4. Where the receiving agency is informed that the addressee refuses to accept the document pursuant to paragraphs 1, 2 and 3, it shall immediately inform the transmitting agency by means of the certificate of service or non-service, using form K in Annex I, and return the request and, where available, each document of which a translation is requested.

5. The service of the refused document may be remedied through the service on the addressee, in accordance with this Regulation, of that document together with a translation into a language provided for in paragraph 1. In such a case, the date of service of the document shall be the date on which the document and its translation were served in accordance with the law of the Member State addressed. However, where the law of a Member State requires a document to 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 in accordance with Article 13(2).

6. Paragraphs 1 to 5 apply also to the other means of transmission and service of judicial documents provided for in Section 2.

7. For the purposes of paragraphs 1 and 2, the diplomatic agents or consular officers in cases where service is effected in accordance with Article 17, and the authority or person in cases where service is effected in accordance with Article 18, 19 or 20 shall inform the addressee that the addressee may refuse to accept the document and that either form L in Annex I or a written declaration of refusal must be sent to those agents or officers or to that authority or person respectively.

#### *Article 13*

##### **Date of service**

1. Without prejudice to Article 12(5), the date of service effected pursuant to Article 11 shall be the date on which the document was served in accordance with the law of the Member State addressed.

2. However, where the law of a Member State requires a document be served within a particular period, the date to be taken into account with respect to the applicant shall be that determined by the law of that Member State.

3. This Article also applies to the other means of transmission and service of judicial documents provided for in Section 2.

#### *Article 14*

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

1. Upon completion of the formalities concerning the service of the document in question, the receiving agency shall draw up a certificate of completion of those formalities using form K in Annex I and send it to the transmitting agency, together with, where Article 8(4) applies, a copy of the document served.

2. The certificate referred to in paragraph 1 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 will accept. Each Member State shall indicate any official language of the Union other than its own in which form K in Annex I may be completed.

*Article 15***Costs of service**

1. The service of judicial documents originating in a Member State shall not give rise to any obligation for the payment or reimbursement of taxes or costs for services rendered by the Member State addressed.
2. By way of derogation from paragraph 1, the applicant shall pay or reimburse the costs of:
  - (a) recourse to a judicial officer or to a person competent under the law of the Member State addressed;
  - (b) the use of a particular method of service.

Member States shall lay down a single fixed fee for recourse to a judicial officer or to a person competent under the law of the Member State addressed. That fee shall be in accordance with the principles of proportionality and non-discrimination. Member States shall communicate such fixed fees to the Commission.

## SECTION 2

***Other means of transmission and service of judicial documents****Article 16***Transmission by diplomatic or consular channels**

In exceptional circumstances, each Member State may use diplomatic or consular channels to transmit judicial documents for the purpose of service to the receiving agencies or central bodies of another Member State.

*Article 17***Service by diplomatic agents or consular officers**

1. Each Member State may effect service of judicial documents on persons residing in another Member State, without the use of coercive measures, directly through its diplomatic agents or consular officers.
2. A Member State may communicate to the Commission that it is opposed to service of judicial documents, as referred to in paragraph 1, within its territory, unless the documents are to be served on nationals of the Member State in which the documents originate.

*Article 18***Service by postal services**

The service of judicial documents may be effected directly by postal services on persons present in another Member State by registered letter with acknowledgement of receipt or equivalent.

*Article 19***Electronic service**

1. The service of judicial documents may be effected directly on a person who has a known address for service in another Member State by any electronic means of service available under the law of the forum Member State for the domestic service of documents, provided that:
  - (a) the documents are sent and received using qualified electronic registered delivery services within the meaning of Regulation (EU) No 910/2014 and the addressee gave prior express consent to the use of electronic means for serving documents in the course of legal proceedings; or

(b) the addressee gave prior express consent to the court or authority seized of the proceedings or to the party responsible for service of documents in such proceedings to the use of email sent to a specified email address for the purpose of serving documents in the course of those proceedings and the addressee confirms receipt of the document with an acknowledgement of receipt, including the date of receipt.

2. In order to guarantee the security of transmission, any Member State may specify and communicate to the Commission the additional conditions under which it will accept electronic service referred to in point (b) of paragraph 1, where its law sets stricter conditions in that respect or does not allow electronic service by email.

#### *Article 20*

### **Direct service**

1. Any person with an interest in particular judicial proceedings may effect the service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State in which the service is sought, provided that such direct service is permitted under the law of that Member State.

2. A Member State that allows direct service shall provide the Commission with information regarding which professions or competent persons are permitted to effect the direct service of documents in their territory. The Commission shall make that information available through the European e-Justice Portal.

## CHAPTER III

### **EXTRAJUDICIAL DOCUMENTS**

#### *Article 21*

### **Transmission and service of extrajudicial documents**

Extrajudicial documents may be transmitted to and served in another Member State in accordance with this Regulation.

## CHAPTER IV

### **FINAL PROVISIONS**

#### *Article 22*

### **Defendant not entering an appearance**

1. Where a document instituting proceedings or its equivalent has had to be transmitted to another Member State for the purpose of service under this Regulation and the defendant has not entered an appearance, judgment shall not be given until it is established that the service or the delivery of the document was effected in sufficient time to enable the defendant to enter a defence and that:

- (a) the document was served by a method prescribed by the 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 in fact delivered to the defendant or to the defendant's residence by another method provided for by this Regulation.

2. Each Member State may communicate to the Commission the fact that a court, notwithstanding paragraph 1, may give judgment even if no certificate of service or delivery of the document instituting proceedings or its equivalent has been received, provided that all the following conditions are fulfilled:

- (a) the document was transmitted by one of the methods provided for in this Regulation;

- (b) a period considered adequate by the court in the particular case, which shall not be less than six months, 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 one through the competent authorities or bodies of the Member State addressed.

That information shall be made available through the European e-Justice Portal.

3. Notwithstanding paragraphs 1 and 2, in justified cases of urgency courts may order any provisional or protective measures.

4. Where a document instituting proceedings or its equivalent has had to be transmitted to another Member State for the purpose of service in accordance with this Regulation and a judgment has been given against a defendant who has not entered an appearance, the judge shall have the power to relieve the defendant from the effects of the expiry of the time for appeal from the judgment where both of the following conditions are fulfilled:

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

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

Each Member State may communicate to the Commission the fact that an application for relief will not be admissible if it is filed after the expiry of a deadline set by the Member State in that communication. That deadline shall in no case be sooner than one year following the date of the judgment. That information shall be made available through the European e-Justice Portal.

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

#### Article 23

### Amendment of Annex I

The Commission is empowered to adopt delegated acts in accordance with Article 24 to amend Annex I in order to update the forms set out therein or to make technical changes to those forms.

#### Article 24

### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 23 shall be conferred on the Commission for a period of five years from 22 December 2020. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### Article 25

##### **Adoption of implementing acts by the Commission**

1. The Commission shall adopt implementing acts establishing the decentralised IT system, setting out the following:
  - (a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;
  - (b) the technical specifications for communication protocols;
  - (c) the information security objectives and relevant technical measures ensuring minimum information security standards for the processing and communication of information within the decentralised IT system;
  - (d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;
  - (e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.
2. The implementing acts referred to in paragraph 1 of this Article shall be adopted by 23 March 2022 in accordance with the examination procedure referred to in Article 26(2).

#### Article 26

##### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### Article 27

##### **Reference implementation software**

1. The Commission shall be responsible for the creation, maintenance and future development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and future development of the reference implementation software shall be financed from the general budget of the Union.
2. The Commission shall provide, maintain and support on a free-of-charge basis implementation of the software components underlying the access points.

#### Article 28

##### **Costs of the decentralised IT system**

1. Each Member State shall bear the costs of the installation, operation and maintenance of its access points interconnecting the national IT systems in the context of the decentralised IT system.
2. Each Member State shall bear the costs of establishing and adjusting its national IT systems to make them interoperable with the access points and shall bear the costs of administering, operating and maintaining those systems.
3. Paragraphs 1 and 2 shall be without prejudice to the possibility of Member States to apply for grants to support the activities referred to in those paragraphs under the Union's financial programmes.



*Article 29***Relationship with agreements or arrangements between Member States**

1. This Regulation shall prevail in relation to matters to which it applies over other provisions contained in bilateral or multilateral agreements or arrangements concluded by Member States, and in particular the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in relations between the Member States party thereto.
2. This Regulation shall not preclude Member States from maintaining or concluding agreements or arrangements to expedite or further simplify the transmission of documents, provided that those agreements or arrangements are compatible with this Regulation.
3. Member States shall send to the Commission:
  - (a) a copy of any agreements or arrangements referred to in paragraph 2 concluded between the Member States, as well as drafts of any such agreements or arrangements which they intend to adopt; and
  - (b) any denunciation of, or amendments to, those agreements or arrangements.

*Article 30***Legal aid**

This Regulation shall not affect the application of Article 24 of the Hague Convention of 1 March 1954 on Civil Procedure or Article 13 of the Convention on International Access to Justice of 25 October 1980 between the Member States party to those Conventions.

*Article 31***Protection of information transmitted**

1. Any processing of personal data carried out pursuant to this Regulation, including the exchange or transmission of personal data by the competent authorities, shall be in conformity with Regulation (EU) 2016/679.

Any exchange or transmission of information by competent authorities at Union level shall be undertaken in accordance with Regulation (EU) 2018/1725.

Personal data which are not relevant for the handling of a specific case shall be deleted immediately.

2. The competent authority or authorities under national law shall be regarded as controllers within the meaning of Regulation (EU) 2016/679 with respect to personal data processing under this Regulation.
3. Notwithstanding paragraphs 1 and 2, information transmitted under this Regulation shall be used by the receiving agency only for the purpose for which it was transmitted.
4. Receiving agencies shall ensure that such information remains confidential, in accordance with their national law.
5. Paragraphs 3 and 4 shall be without prejudice to national laws enabling data subjects to be informed of the use made of information transmitted under this Regulation.
6. This Regulation shall be without prejudice to Directive 2002/58/EC.

*Article 32***Respect for fundamental rights under Union law**

The fundamental rights and freedoms of all persons involved shall be fully observed and respected in accordance with Union law, in particular the rights to equal access to justice, to non-discrimination and to the protection of personal data and privacy.

*Article 33***Communication, publication and manual**

1. Member States shall communicate to the Commission the information referred to in Articles 3, 7, 12, 14, 17, 19, 20 and 22.

Member States shall communicate to the Commission if their national law requires a document to be served within a particular period as referred to in Articles 12(5) and 13(2).

2. Member States may notify the Commission if they are in a position to operate the decentralised IT system earlier than required by this Regulation. The Commission shall make such information available electronically, in particular through the European e-Justice Portal.

3. 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.

4. The Commission shall draw up and regularly update a manual containing the information referred to in paragraph 1. It shall make the manual available electronically, in particular through the European Judicial Network in Civil and Commercial Matters and on the European e-Justice Portal.

*Article 34***Monitoring**

1. By 2 July 2023, the Commission shall establish a detailed programme for monitoring the outputs, results and impact of this Regulation.

2. The monitoring programme shall specify the action to be taken by the Commission and by the Member States to monitor the outputs, results and impact of this Regulation. It shall set out when the data referred to in paragraph 3 are to be collected for the first time, which shall be at the latest 2 July 2026, and at what further intervals those data are to be collected.

3. Member States shall provide the Commission with the following data necessary for the purposes of monitoring, where available:

- (a) the number of requests for the service of documents transmitted in accordance with Article 8;
- (b) the number of requests for the service of documents executed in accordance with Article 11;
- (c) the number of cases in which the request for the service of documents was transmitted by means other than through the decentralised IT system in accordance with Article 5(4);
- (d) the number of received certificates of non-service of documents;
- (e) the number of refusals of documents for language reasons received by the transmitting agencies.

4. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in points (a), (b) and (d) of paragraph 3 and transmit them to the Commission on a regular basis.

*Article 35***Evaluation**

1. No later than five years after the date of application of Article 5 in accordance with Article 37(2), the Commission shall carry out an evaluation of this Regulation and present a report on its main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by a legislative proposal.

2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1.

*Article 36***Repeal**

1. Regulation (EC) No 1393/2007 shall be repealed as from the date of application of this Regulation, with the exception of Articles 4 and 6 of Regulation (EC) No 1393/2007, which shall be repealed as from the date of application of Articles 5, 8 and 10 referred to in Article 37(2) of this Regulation.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

*Article 37***Entry into force and application**

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

It shall apply from 1 July 2022.

2. Articles 5, 8 and 10 shall apply from the first day of the month following the period of three years after the date of entry into force of the implementing acts referred to in Article 25.

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

Done at Brussels, 25 November 2020.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

*For the Council*  
*The President*  
M. ROTH

## ANNEX I

## FORM A

## REQUEST FOR SERVICE OF DOCUMENTS

(Article 8(2) of 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) <sup>(1)</sup>)

Reference No of the transmitting agency:

## 1. TRANSMITTING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. Tel.

1.4. Fax (\*):

1.5. Email:

## 2. RECEIVING AGENCY

2.1. Identity:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and postcode:

2.2.3. Country:

2.3. Tel.

2.4. Fax (\*):

2.5. Email:

3. APPLICANT(S) <sup>(2)</sup>

3.1. Identity:

3.2. Address:

3.2.1. Street and number/PO box:

3.2.2. Place and postcode:

3.2.3. Country:

3.3. Tel. (\*):

3.4. Fax (\*):

3.5. Email (\*):

## 4. ADDRESSEE

4.1. Identity:

4.1.1. Date of birth, if available:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

(\*): This item is optional.

<sup>(2)</sup> Where there is more than one applicant, please provide information as set out in items 3.1 to 3.5.

4.2. Address

- 4.2.1. Street and number/PO box:
- 4.2.2. Place and postcode:
- 4.2.3. Country:

- 4.3. Tel. (\*):
- 4.4. Fax (\*):
- 4.5. Email (\*):
- 4.6. Identification number/social security number/organisation number/or equivalent (\*):
- 4.7. Any other information relating to the addressee (\*):

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 that Member State:
    - 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 
    - 6.1.1.1. writ of summons
    - 6.1.1.2. decision/judgment
    - 6.1.1.3. appeal
    - 6.1.1.4. other (please specify):
  - 6.1.2. extrajudicial
- 6.2. Date or time limit after which service is no longer necessary (\*):
 

..... (day) ..... (month) ..... (year)
- 6.3. Language of document:
  - 6.3.1. original BG  ES  CS  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV  other  (please specify)
  - 6.3.2. translation (\*) BG  ES  CS  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV  other  (please specify)
- 6.4. Number of enclosures:

7. LANGUAGE OF INFORMATION TO THE ADDRESSEE ABOUT THE RIGHT TO REFUSE THE DOCUMENT

For the purposes of Article 12(2) of Regulation (EU) 2020/1784, please indicate in which of the following languages, in addition to the language of the Member State addressed, the information is to be provided:

- 7.1. Official language or one of the official languages of the Member State of origin (?): BG  ES  CZ  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV
- 7.2. Official language of another Member State the addressee might understand: BG  ES  CZ  DE  ET  EL  EN  FR  GA  HR  IT  LV  LT  HU  MT  NL  PL  PT  RO  SK  SL  FI  SV

---

(\*) This item is optional.  
 (?) This item applies only to the MS which have several official languages.

8. A COPY OF THE DOCUMENT TO BE RETURNED WITH THE CERTIFICATE OF SERVICE (Article 5(4) of Regulation (EU) 2020/1784)

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

8.2. No

9. REASONS FOR NOT TRANSMITTING THROUGH THE DECENTRALISED IT SYSTEM (Article 5(4) of Regulation (EU) 2020/1784) (\*)

Electronic transmission was not possible due to:

disruption of the decentralised IT system

exceptional circumstances

1. You are required by Article 11(2) of Regulation (EU) 2020/1784 to take all necessary steps to effect the service of the document as soon as possible, and in any event within one month of its receipt. If it has not been possible for you to effect the service within one month of receipt, you must inform this agency by indicating that fact in item 2 of the certificate of service or non-service of documents.

2. If you cannot fulfil this request for service on the basis of the information or documents transmitted, you are required by Article 10(2) of Regulation (EU) 2020/1784 to contact this agency in order to obtain the missing information or documents using form E in Annex I to Regulation (EU) 2020/1784

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

(\*) This item only applies from the date of application of the decentralised IT system in accordance with Article 37(2) of Regulation (EU) 2020/1784.

FORM B <sup>(1)</sup>

## REQUEST TO DETERMINE THE ADDRESS OF THE PERSON TO BE SERVED

(Article 7(1)(a) of 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) <sup>(2)</sup> <sup>(3)</sup>)

Reference No of the transmitting agency:

## 1. TRANSMITTING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. Tel. (\*):

1.4. Fax (\*):

1.5. Email:

## 2. REQUESTED AUTHORITY

2.1. Identity:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and postcode:

2.2.3. Country:

2.3. Tel. (\*):

2.4. Fax (\*):

2.5. Email:

## 3. ADDRESSEE

3.1. Identity:

3.2. Last known address:

3.2.1. Street and number/PO box:

3.2.2. Place and postcode:

3.2.3. Country:

3.3. Known personal details of the addressee (if natural person), if available:

3.3.1. Name at birth:

3.3.2. Other known name(s):

3.3.3. Date and place of birth:

3.3.4. Identification number/social security number/or equivalent:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(3)</sup> This form applies only to the Member States which provide assistance in accordance with Article 7(1)(a) of Regulation (EU) 2020/1784.

(\*) This item is optional.

- 3.3.5. Mother's or father's name at birth:
- 3.3.6. Other information:
- 3.4. Known details of the addressee (if legal person), if available:
  - 3.4.1. Registration number or equivalent:
  - 3.4.2. Name(s) of the member(s) of the board/representative:
- 3.5. Tel. (\*):
- 3.6. Fax (\*):
- 3.7. Email (\*):
- 3.8. Other information, if available:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

(\*) This item is optional.



FORM C <sup>(1)</sup>

## REPLY TO THE REQUEST TO DETERMINE THE ADDRESS OF THE PERSON TO BE SERVED

(Article 7(1)(a) of 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) <sup>(2)</sup> <sup>(3)</sup>)

Reference No of the requested authority:

Reference No of the transmitting agency:

## 1. ADDRESSEE

1.1. Identity:

1.2. Known address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. No address could be determined

1.4. Other information:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(3)</sup> This form applies only to the Member States which provide assistance in accordance with Article 7(1)(a) of Regulation (EU) 2020/1784.

## FORM D

## ACKNOWLEDGEMENT OF RECEIPT

(Article 10(1) of 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) <sup>(1)</sup>)

This acknowledgement of receipt should be sent through the decentralised IT system or otherwise as soon as possible after receipt of the document and in any event within seven days of receipt. <sup>(2)</sup>

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> The obligation to send the acknowledgement through the decentralised IT system only applies from the date of application of the decentralised IT system in accordance with Article 37(2) of Regulation (EU) 2020/1784.

## FORM E

## REQUEST FOR ADDITIONAL INFORMATION OR DOCUMENTS FOR THE SERVICE OF DOCUMENTS

(Article 10(2) 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) <sup>(1)</sup>)

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. The request cannot be executed without the following additional information:
  - 1.1. Addressee's identity (\*):
  - 1.2. Date of birth (\*):
  - 1.3. Identification number/social security number/organisation number/or equivalent (\*):
  - 1.4. Other (please specify):
2. The request cannot be executed without the following documents:
  - 2.1. Documents to be served (\*):
  - 2.2. Proof of payment (\*):
  - 2.3. Other (please specify):

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

(\*) This item is optional.

## FORM F

## NOTICE OF RETURN OF REQUEST AND DOCUMENT

(Article 10(3) of 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) <sup>(1)</sup>)

The request and document must be returned on receipt.

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. REASON FOR RETURN:

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

1.1.1. address unknown

1.1.2. the matter is not civil or commercial

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

1.1.4. other (please specify):

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

1.2.1. the document is not easily legible

1.2.2. the language used to complete the form is incorrect

1.2.3. other (please specify):

1.3. The method of service is incompatible with the law of the Member State addressed (Article 11(1) of Regulation (EU) 2020/1784)

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

## FORM G

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

(Article 10(4) of 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) <sup>(1)</sup>)

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

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. APPROPRIATE RECEIVING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postcode:

1.2.3. Country:

1.3. Tel.

1.4. Fax (\*):

1.5. Email:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

(\*) This item is optional.

## FORM H

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

(Article 10(4) of 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) <sup>(1)</sup>)

This acknowledgment of receipt should be sent through the decentralised IT system or otherwise as soon as possible after receipt of the document and in any event within seven days of receipt. <sup>(2)</sup>

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> The obligation to send the acknowledgement through the decentralised IT system only applies from the date of application of the decentralised IT system in accordance with Article 37(2) of Regulation (EU) 2020/1784.

FORM I <sup>(1)</sup>

REQUEST FOR INFORMATION ON SERVICE OR NON-SERVICE OF DOCUMENTS

(Article 11(2) of 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) <sup>(2)</sup>)

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.

Reference No of the transmitting agency:  
 Reference No of the receiving agency (if available):

- 1. THE REQUEST WAS SENT BUT NO INFORMATION ON SERVICE OR NON-SERVICE HAS BEEN RECEIVED
  - 1.1. The request was sent 
    - date: .....
  - 1.2. The acknowledgement of receipt was received 
    - date: .....
  - 1.3. Other information was received

2. TRANSMITTING AGENCY

- 2.1. Identity:
  - Items 2.2 to 2.6 are optional when a copy of the request for service of documents is attached:
- 2.2. Address:
  - 2.2.1. Street and number/PO box:
  - 2.2.2. Place and postcode:
- 2.3. Country:
- 2.4. Tel.
- 2.5. Fax (\*):
- 2.6. Email:

3. RECEIVING AGENCY

- 3.1. Identity:
  - These items are optional when a copy of the request for service of documents is attached:
- 3.2. Address:
  - 3.2.1. Street and number/PO box:
  - 3.2.2. Place and postcode:
- 3.3. Country:
- 3.4. Tel.
- 3.5. Fax (\*):
- 3.6. Email:

<sup>(1)</sup> The use of this form is optional.  
<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.  
 (\*) This item is optional.

#### 4. ADDRESSEE

##### 4.1. Identity:

###### 4.1.1. Date of birth, if available:

These items are optional when a copy of the request for service of documents is attached:

##### 4.2. Address:

###### 4.2.1. Street and number/PO box:

###### 4.2.2. Place and postcode:

###### 4.2.3. Country:

##### 4.3. Tel. (\*):

##### 4.4. Fax (\*):

##### 4.5. Email (\*):

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

##### 4.7. Any other information relating to the addressee (\*):

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

(\*). This item is optional.



FORM J <sup>(1)</sup>

REPLY TO REQUEST FOR INFORMATION ON SERVICE OR NON-SERVICE OF DOCUMENTS  
 (Article 11(2) of 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) <sup>(2)</sup>)

Reference No of the requested authority:

Reference No of the transmitting agency:

Addressee:

1. INFORMATION ON STATUS OF SERVICE OF DOCUMENT

1.1. The request was not received

1.2. The request cannot be executed within one month of receipt for the following reasons:

1.2.1. Determination of current address of addressee is in progress

1.2.2. Service is in progress – documents were sent to the addressee, however their delivery has not yet been confirmed

1.2.3. Service is in progress – documents were sent to the addressee, however the deadline for refusal has not expired

1.2.4. All options for service have not yet been exhausted

1.2.5. Service has already been executed, see copy of the certificate attached

1.2.6. Request replied to on ..... (date). Reply attached

1.2.7. Request for additional information or document is pending

1.2.8. Other

1.3. It is estimated that the request will be executed by .....

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

<sup>(1)</sup> The use of this form is optional.

<sup>(2)</sup> OJ L 405, 2.12.2020, p. 40.

## FORM K

## CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS

(Articles 11(2), 12(4) and 14 of 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) <sup>(1)</sup>)

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 (Article 11(2) of Regulation (EU) 2020/1784)

Reference No of the transmitting agency:

Reference No of the receiving agency:

Addressee:

1. COMPLETION OF SERVICE (Article 14)

1.1. Date and address of service

1.2. The document was

1.2.1. served in accordance with the law of the Member State addressed, namely

1.2.1.1. handed to

1.2.1.1.1. the addressee in person

1.2.1.1.2. another person

1.2.1.1.2.1. Name:

1.2.1.1.2.2. Address:

1.2.1.1.2.2.1. Street and number/PO box:

1.2.1.1.2.2.2. Place and postcode:

1.2.1.1.2.2.3. Country:

1.2.1.1.2.3. Nature of relationship with the addressee:

family  employee  other

1.2.1.1.3. the addressee's address

1.2.1.1.4. another address (please specify)  <sup>(2)</sup>

1.2.1.2. served by postal services

1.2.1.2.1. without acknowledgement of receipt

1.2.1.2.2. with the enclosed acknowledgement of receipt

1.2.1.2.2.1. from the addressee

1.2.1.2.2.2. from another person

1.2.1.2.2.2.1. Name:

1.2.1.2.2.2.2. Address:

1.2.1.2.2.2.2.1. Street and number/PO box:

1.2.1.2.2.2.2.2. Place and postcode:

1.2.1.2.2.2.2.3. Country:

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> Address established by the receiving agency in accordance with Article 7(2)(c) of Regulation (EU) 2020/1784.

1.2.1.2.2.3. Nature of relationship with the addressee:

family  employee  other

1.2.1.3. served electronically (please state how):

1.2.1.4. served by another method (please state how):

1.2.2. served by the following particular method (please state how):

1.3. The addressee of the document was informed, in accordance with Article 12(2) of Regulation (EU) 2020/1784, in writing that the addressee 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 or one of the official languages of the place of service.

2. INFORMATION IN ACCORDANCE WITH ARTICLE 11(2) OF REGULATION (EU) 2020/1784

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

3. REFUSAL OF DOCUMENT (Article 12(4) of Regulation (EU) 2020/1784)

3.1. The addressee refused to accept the document due to the language used

3.1.1. Date of attempt of service:

3.1.2. Date of refusal, if available:

3.2. The document is annexed to this certificate.

3.2.1. Yes

3.2.2. No

4. REASON FOR NON-SERVICE OF DOCUMENT

4.1. Address unknown

4.1.1. Steps to establish the address were undertaken <sup>(?)</sup> yes  no

4.2. Addressee cannot be located

4.3. Document could not be served before the date or time limit stated in item 6.2 in the request for service of documents (Form A)

4.4. Other (please specify)

4.5. The document is annexed to this certificate yes  no

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

---

<sup>(?)</sup> This item applies only to the MS which provide the assistance in accordance with Article 7(2)(c) of Regulation (EU) 2020/1784.

## FORM L

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

(Article 12(2) and (3) of 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) <sup>(1)</sup>)

Addressee:

## I. INFORMATION TO THE ADDRESSEE

The enclosed document is served in accordance with Regulation (EU) 2020/1784

You may refuse to accept the enclosed document if it is not written in or accompanied by a translation into either a language which you understand or the official language or one of the official languages 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 within two weeks of service by returning, to the address indicated below, this form completed by you, or a written declaration indicating that you refuse to accept the enclosed document because of the language in which it was provided.

Please note that if you refuse to accept the enclosed document but the court or authority seised of the legal proceedings in the course of which the service became necessary subsequently decides that the refusal was not justified, it may apply legal consequences provided for by the law of the forum Member State, such as deeming the service valid, for unjustified refusals.

II. ADDRESS TO WHICH THE FORM SHOULD BE RETURNED <sup>(2)</sup>:

1. Identity:

2. Address:

2.1. Street and number/PO Box:

2.2. Place and postcode:

2.3. Country:

3. Reference No:

4. Tel.

5. Fax (\*):

6. Email:

III. DECLARATION OF THE ADDRESSEE <sup>(3)</sup>:

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

I understand the following language(s):

Bulgarian	<input type="checkbox"/>	Lithuanian	<input type="checkbox"/>
Spanish	<input type="checkbox"/>	Hungarian	<input type="checkbox"/>
Czech	<input type="checkbox"/>	Maltese	<input type="checkbox"/>
German	<input type="checkbox"/>	Dutch	<input type="checkbox"/>
Estonian	<input type="checkbox"/>	Polish	<input type="checkbox"/>
Greek	<input type="checkbox"/>	Portuguese	<input type="checkbox"/>

<sup>(1)</sup> OJ L 405, 2.12.2020, p. 40.

<sup>(2)</sup> To be filled in by the authority effecting the service.

<sup>(\*)</sup> This item is optional.

<sup>(3)</sup> To be filled in and signed by the addressee.

- |          |                          |           |                          |
|----------|--------------------------|-----------|--------------------------|
| English  | <input type="checkbox"/> | Romanian  | <input type="checkbox"/> |
| French   | <input type="checkbox"/> | Slovak    | <input type="checkbox"/> |
| Irish    | <input type="checkbox"/> | Slovenian | <input type="checkbox"/> |
| Croatian | <input type="checkbox"/> | Finnish   | <input type="checkbox"/> |
| Italian  | <input type="checkbox"/> | Swedish   | <input type="checkbox"/> |
| Latvian  | <input type="checkbox"/> |           |                          |

Other  (please specify): .....

Done at:

Date:

Signature and/or stamp or electronic signature and/or electronic seal:

\_\_\_\_\_

## ANNEX II

**Repealed Regulation with list of the successive amendments thereto**

Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).	
Council Regulation (EU) No 517/2013 of 13 May 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of the Republic of Croatia (OJ L 158, 10.6.2013, p. 1).	Only amendments to Annexes I and II to Regulation (EC) No 1393/2007

## ANNEX III

## CORRELATION TABLE

Regulation (EC) No 1393/2007	This Regulation
Article 1(1)	Article 1(1)
Article 1(2)	Article 1(2)
Article 1(3)	-
-	Article 1(3)
-	Article 2
Article 2	Article 3
Article 3	Article 4
-	Article 5(2), (3) and (4)
-	Article 6
-	Article 7
Article 4(1)	Article 8(1)
Article 4(2)	Article 5(1)
Article 4(3)	Article 8(2)
Article 4(4)	Article 8(3)
Article 4(5)	Article 8(4)
Article 5	Article 9
Article 6	Article 10
Article 7	Article 11
Article 8(1)	Article 12(1), (2) and (3)
Article 8(2)	Article 12(4)
Article 8(3)	Article 12(5)
Article 8(4)	Article 12(6)
Article 8(5)	Article 12(7)
Article 9	Article 13
Article 10	Article 14
Article 11	Article 15
Article 12	Article 16
Article 13	Article 17
Article 14	Article 18
-	Article 19
Article 15	Article 20(1)
-	Article 20(2)
Article 16	Article 21
Article 17	Article 23
-	Article 24

Regulation (EC) No 1393/2007	This Regulation
-	Article 25
Article 18	Article 26
-	Article 27
-	Article 28
Article 19	Article 22
Article 20	Article 29
Article 21	Article 30
-	Article 31(1)
-	Article 31(2)
Article 22(1)	Article 31(3)
Article 22(2)	Article 31(4)
Article 22(3)	Article 31(5)
Article 22(4)	Article 31(6)
-	Article 32
Article 23(1)	Article 33(1)
-	Article 33(2)
Article 23(2)	Article 33(3)
Article 23(3)	Article 33(4)
-	Article 34
Article 24	Article 35(1)
-	Article 35(2)
Article 25	Article 36
Article 26	Article 37
Annex I	Annex I
Annex II	Annex I
-	Annex II
Annex III	Annex III



## CORRIGENDA

**Corrigendum to Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014**

*(Official Journal of the European Union L 314 of 5 December 2019)*

1. On page 46, Article 57(2):

*for:* '2. Until 26 June 2026 or the date of application to credit institutions of the alternative standardised approach set out in Chapter 1a ....',

*read:* '2. Until 26 June 2026 or the date of application to credit institutions for own funds requirements purposes of the alternative standardised approach set out in Chapter 1a ....'.

2. On page 52, Article 62 (Amendments to Regulation (EU) No 575/2013), point (10)(a):

*for:* '(a) paragraph 1 is replaced by the following:

“[...]”

(i) [...]

— the sum of the requirement laid down in point (a) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Common Equity Tier 1 capital,

— [...]

(ii) the amount of consolidated Common Equity Tier 1 capital that relates to that subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (a) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Common Equity Tier 1 capital;

(b) the minority interests of the subsidiary expressed as a percentage of all Common Equity Tier 1 instruments of that undertaking plus the related share premium accounts, retained earnings and other reserves.”;

*read:* '(a) paragraph 1 is replaced by the following:

“[...]”

(i) [...]

— the sum of the requirement laid down in point (a) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Common Equity Tier 1 capital,

— [...]

- (ii) the amount of consolidated Common Equity Tier 1 capital that relates to that subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (a) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Common Equity Tier 1 capital;
- (b) the minority interests of the subsidiary expressed as a percentage of all Common Equity Tier 1 items of that undertaking.”;

3. On page 53, Article 62 (Amendments to Regulation (EU) No 575/2013), point (11)(a):

for:

‘(a) paragraph 1 is replaced by the following:

“[...]”

(i) [...]”

— the sum of the requirement laid down in point (b) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 Capital,

— [...]”

(ii) the amount of consolidated Tier 1 capital that relates to the subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (b) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 Capital;

(b) the qualifying Tier 1 capital of the subsidiary expressed as a percentage of all Tier 1 instruments of that undertaking plus the related share premium accounts, retained earnings and other reserves.”;

read:

‘(a) paragraph 1 is replaced by the following:

“[...]”

(i) [...]”

— the sum of the requirement laid down in point (b) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 Capital,

— [...]”

(ii) the amount of consolidated Tier 1 capital that relates to the subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (b) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 Capital;

- (b) the qualifying Tier 1 capital of the subsidiary expressed as a percentage of all Common Equity Tier 1 and Additional Tier 1 items of that undertaking.”;

4. On page 53, Article 62 (Amendments to Regulation (EU) No 575/2013), point (12)(a):

for:

(a) paragraph 1 is replaced by the following:

“[...]”

(i) [...]”

— the sum of the requirement laid down in point (c) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation and any additional local supervisory regulations in third countries,

— [...]”

(ii) the amount of own funds that relates to the subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (c) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory own funds requirement in third countries;

- (b) the qualifying own funds of the undertaking, expressed as a percentage of all own funds instruments of the subsidiary that are included in Common Equity Tier 1, Additional Tier 1 and Tier 2 items and the related share premium accounts, the retained earnings and other reserves.”;

read:

(a) paragraph 1 is replaced by the following:

“[...]”

(i) [...]”

— the sum of the requirement laid down in point (c) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, and any additional local supervisory regulations in third countries,

— [...]”

(ii) the amount of own funds that relates to the subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (c) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, and any additional local supervisory own funds requirement in third countries;

- (b) the qualifying own funds of the undertaking, expressed as a percentage of the sum of all the Common Equity Tier 1 items, Additional Tier 1 items and Tier 2 items, excluding the amounts referred to in points (c) and (d) of Article 62, of that undertaking.”;

5. On page 55, Article 62 (Amendments to Regulation (EU) No 575/2013), point (25):

*for:* (25) in Article 395, paragraph 1 is replaced by the following:

“1. ... to all connected clients that are not institutions, does not exceed 25 % of the institution’s Tier 1 capital.”;

*read:* (25) in Article 395(1), the first subparagraph is replaced by the following:

“1. ... to all connected clients that are not institutions or investment firms, does not exceed 25 % of the institution’s Tier 1 capital.”;

6. On page 56, Article 62 (Amendments to Regulation (EU) No 575/2013), point (33):

*for:* (33) in Article 498(1), the first subparagraph is replaced by the following:

“... and to which Directive 2004/39/EC did not apply on 31 December 2006.”;

*read:* (33) Article 498 is replaced by the following:

“Article 498

**Exemption for Commodities dealers**

Until 26 June 2021, ... and to which Directive 2004/39/EC did not apply on 31 December 2006.”;

7. On page 61, Article 63 (Amendments to Regulation (EU) No 600/2014), points (6) and (7):

*for:* (6) Article 49 is replaced by the following:

[...];

(7) in Article 52, the following paragraph is added:

[...];

*read:* (6) Article 49 is replaced by the following:

[...];

(6a) Article 50 is amended as follows:

(a) paragraph 2 is replaced by the following:

“2. The power to adopt delegated acts referred to in Article 1(9), Article 2(2), Article 13(2), Article 15(5), Article 17(3), Article 19(2) and (3), Article 31(4), Article 40(8), Article 41(8), Article 42(7), Article 45(10), Article 47(1a) and Article 52(10) and (12) shall be conferred on the Commission for an indeterminate period of time from 2 July 2014.”;

(b) paragraph 3 is replaced by the following:

“3. The delegation of power referred to in Article 1(9), Article 2(2), Article 13(2), Article 15(5), Article 17(3), Article 19(2) and (3), Article 31(4), Article 40(8), Article 41(8), Article 42(7), Article 45(10), Article 47(1a) and Article 52(10) and (12) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.”;

(c) paragraph 5 is replaced by the following:

“5. A delegated act adopted pursuant to Article 1(9), Article 2(2), Article 13(2), Article 15(5), Article 17(3), Article 19(2) and (3), Article 31(4), Article 40(8), Article 41(8), Article 42(7), Article 45(10), Article 47(1a) and Article 52(10) or (12) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or the Council.”;

(7) in Article 52, the following paragraph is added:

[...].

8. On page 63, Article 66(3), point (b):

*for:* ‘(b) point (30) of Article 62 shall apply from 25 December 2019.’,

*read:* ‘(b) points (30), (32) and (33) of Article 62 shall apply from 25 December 2019.’.

---

**Corrigendum to Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU**

*(Official Journal of the European Union L 314 of 5 December 2019)*

1. On page 71, Article 2(2):

*for:* '2. (...) in accordance with the second subparagraph of Article 1(2) of Regulation (EU) 2019/2033.'

*read:* '2. (...) in accordance with the second subparagraph of Article 1(2) and third subparagraph of Article 1(5) of Regulation (EU) 2019/2033.'

2. On page 102, Article 54:

*for:* 'In accordance with Section 3 of Chapter 2 of this Title, ...'

*read:* 'In accordance with Section 3 of Chapter 1 of this Title, ...'

3. On page 110, Article 63, point (2):

*for:* '(2) in Article 45, the following paragraph is added:

“3. In accordance with Article 65(4) of Regulation (EU) 2019/2033, ...”;

*read:* '(2) in Article 45, the following paragraph is added:

“3. In accordance with Article 65 of Regulation (EU) 2019/2033, ...”.

4. On page 113, Article 67(1), second subparagraph:

*for:* 'They shall apply those measures from 26 June 2021. However, Member States shall apply the measures necessary to comply with point (5) of Article 64 from 26 March 2020.'

*read:* 'They shall apply those measures from 26 June 2021. However, Member States shall apply the measures necessary to comply with point (6) of Article 62 as regards Article 8a(3) of Directive 2013/36/EU by 27 December 2020, and the measures necessary to comply with point (5) of Article 64 from 26 March 2020.'

---



ISSN 1977-0677 (electronic edition)  
ISSN 1725-2555 (paper edition)



Publications Office  
of the European Union  
L-2985 Luxembourg  
LUXEMBOURG

EN