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## Legislation

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## I

(Acts whose publication is obligatory)

**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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67(1) thereof,

Having regard to the initiative of the Federal Republic of Germany<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing the European Union as an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Community is to adopt, among others, the measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market.
- (2) For the purpose of the proper functioning of the internal market, cooperation between courts in the taking of evidence should be improved, and in particular simplified and accelerated.
- (3) At its meeting in Tampere on 15 and 16 October 1999, the European Council recalled that new procedural legislation in cross-border cases, in particular on the taking of evidence, should be prepared.
- (4) This area falls within the scope of Article 65 of the Treaty.

- (5) The objectives of the proposed action, namely the improvement of cooperation between the courts on the taking of evidence in civil or commercial matters, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level. The Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.
- (6) To date, there is no binding instrument between all the Member States concerning the taking of evidence. The Hague Convention of 18 March 1970 on the taking of evidence abroad in civil or commercial matters applies between only 11 Member States of the European Union.
- (7) As it is often essential for a decision in a civil or commercial matter pending before a court in a Member State to take evidence in another Member State, the Community's activity cannot be limited to the field of transmission of judicial and extrajudicial documents in civil or commercial matters which falls within the scope of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the serving in the Member States of judicial and extrajudicial documents in civil or commercial matters<sup>(4)</sup>. It is therefore necessary to continue the improvement of cooperation between courts of Member States in the field of taking of evidence.
- (8) The efficiency of judicial procedures in civil or commercial matters requires that the transmission and execution of requests for the performance of taking of evidence is to be made directly and by the most rapid means possible between Member States' courts.

<sup>(1)</sup> OJ C 314, 3.11.2000, p. 2.

<sup>(2)</sup> Opinion delivered on 14 March 2001 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 28 February 2001 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 160, 30.6.2000, p. 37.

- (9) Speed in transmission of requests for the performance of taking of evidence warrants the use of all appropriate means, provided that certain conditions as to the legibility and reliability of the document received are observed. So as to ensure the utmost clarity and legal certainty the request for the performance of taking of evidence must be transmitted on a form to be completed in the language of the Member State of the requested court or in another language accepted by that State. For the same reasons, forms should also be used as far as possible for further communication between the relevant courts.
- (10) A request for the performance of the taking of evidence should be executed expeditiously. If it is not possible for the request to be executed within 90 days of receipt by the requested court, the latter should inform the requesting court accordingly, stating the reasons which prevent the request from being executed swiftly.
- (11) To secure the effectiveness of this Regulation, the possibility of refusing to execute the request for the performance of taking of evidence should be confined to strictly limited exceptional situations.
- (12) The requested court should execute the request in accordance with the law of its Member State.
- (13) The parties and, if any, their representatives, should be able to be present at the performance of 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 order to have a more active role in the performance of the taking of evidence. However, the conditions under which they may participate should be determined by the requested court in accordance with the law of its Member State.
- (14) The representatives of the requesting court should be able to be present at the performance of the taking of evidence, if that is compatible with the law of the Member State of the requesting court, in order to have an improved possibility of evaluation of evidence. They should also have the right to request to participate, under the conditions laid down by the requested court in accordance with the law of its Member State, in order to have a more active role in the performance of the taking of evidence.
- (15) In order to facilitate the taking of evidence it should be possible for a court in a Member State, in accordance with the law of its Member State, to take evidence directly in another Member State, if accepted by the latter, and under the conditions determined by the central body or competent authority of the requested Member State.
- (16) The execution of the request, according to Article 10, should not give rise to a claim for any 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 the application of Article 10(3) and (4), should not be borne by that court. In such a case, the requesting court is to take the necessary measures to ensure reimbursement without delay. Where the opinion of an expert is required, the requested court may, before executing the request, ask the requesting court for an adequate deposit or advance towards the costs.
- (17) This Regulation should prevail over the provisions applying to its field of application, contained in international conventions concluded by the Member States. Member States should be free to adopt agreements or arrangements to further facilitate cooperation in the taking of evidence.
- (18) The information transmitted pursuant to this Regulation should enjoy protection. Since Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(1)</sup>, and Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector<sup>(2)</sup>, are applicable, there is no need for specific provisions on data protection in this Regulation.
- (19) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999<sup>(3)</sup> laying down the procedures for the exercise of implementing powers conferred on the Commission.
- (20) For the proper functioning of this Regulation, the Commission should review its application and propose such amendments as may appear necessary.
- (21) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on the European Union and to the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Regulation.

(1) OJ L 281, 23.11.1995, p. 31.

(2) OJ L 24, 30.1.1998, p. 1.

(3) OJ L 184, 17.7.1999, p. 23.

(22) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, is not participating in the adoption of this Regulation, and is therefore not bound by it nor subject to its application,

*Article 3*

### **Central body**

1. Each Member State shall designate a central body 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, at the request of a requesting court, a request to the competent court.

2. A federal State, a State in which several legal systems apply or a State with autonomous territorial entities 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 or one or several competent authority(ies) to be responsible for taking decisions on requests pursuant to Article 17.

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### **GENERAL PROVISIONS**

*Article 1*

#### **Scope**

1. This Regulation shall apply in civil or commercial matters where the court of a Member State, in accordance with the provisions of the law of that State, requests:

- (a) the competent court of another Member State to take evidence; or
- (b) to take evidence directly in another Member State.

2. A request shall not be made to obtain evidence which is not intended for use in judicial proceedings, commenced or contemplated.

3. In this Regulation, the term 'Member State' shall mean Member States with the exception of Denmark.

*Article 2*

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

1. Requests pursuant to Article 1(1)(a), hereinafter referred to as 'requests', shall be transmitted by the court before which the proceedings are commenced or contemplated, hereinafter referred to as the 'requesting court', directly to the competent court of another Member State, hereinafter referred to as the 'requested court', for the performance of the taking of evidence.

2. Each Member State shall draw up a list of the courts competent for the performance of taking of evidence according to this Regulation. The list shall also indicate the territorial and, where appropriate, the special jurisdiction of those courts.

## CHAPTER II

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

#### Section 1

#### ***Transmission of the request***

*Article 4*

#### **Form and content of the request**

1. The request shall be made using form A or, where appropriate, form I in the Annex. It 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 to be performed;
- (e) where the request is for the examination of a person:
  - the name(s) and address(es) of the person(s) to be examined,
  - the questions to be put to the person(s) to be examined or a statement of the facts about which he is (they are) to be examined,
  - where appropriate, a reference to a right to refuse to testify under the law of the Member State of the requesting court,

- any requirement that the examination is to be carried out under oath or affirmation in lieu thereof, and any special form to be used,
  - where appropriate, any other information that the requesting court deems necessary;
- (f) where the request is for any other form of taking of evidence, the documents or other objects to be inspected;
- (g) where appropriate, any request pursuant to Article 10(3) and (4), and Articles 11 and 12 and any information necessary for the application thereof.

2. The request and all documents accompanying the request shall be exempted from authentication or any equivalent formality.

3. Documents which the requesting court deems it necessary to enclose for the execution of the request shall be accompanied by a translation into the language in which the request was written.

#### *Article 5*

### **Language**

The request and communications 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 be performed, or in another language which the requested Member State has indicated it can accept. Each Member State shall indicate the official language or languages of the institutions of the European Community other than its own which is or are acceptable to it for completion of the forms.

#### *Article 6*

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

Requests and communications pursuant to this Regulation shall be transmitted by the swiftest possible means, which the requested Member State has indicated it can accept. The transmission may be carried out by any appropriate means, provided that the document received accurately reflects the content of the document forwarded and that all information in it is legible.

#### *Section 2*

### **Receipt of request**

#### *Article 7*

### **Receipt of request**

1. Within seven days of receipt of the request, the requested competent court shall send an acknowledgement of receipt to the requesting court using form B in the Annex. Where the request does not comply with the conditions laid down in Articles 5 and 6, the requested court shall enter a note to that effect in the acknowledgement of receipt.

2. Where the execution of a request made using form A in the Annex, which complies with the conditions laid down in Article 5, does not fall within the jurisdiction of the court to which it was transmitted, the latter shall forward the request to the competent court of its Member State and shall inform the requesting court thereof using form A in the Annex.

#### *Article 8*

### **Incomplete request**

1. If a request cannot be executed because it does not contain all of the necessary information pursuant to Article 4, 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 C in the Annex, and shall request it to send the missing information, which should be indicated as precisely as possible.

2. If a request cannot be executed because a deposit or advance is necessary in accordance with Article 18(3), 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 C in the Annex and inform the requesting court how the deposit or advance should be made. The requested Court shall acknowledge receipt of the deposit or advance without delay, at the latest within 10 days of receipt of the deposit or the advance using form D.

#### *Article 9*

### **Completion of the request**

1. If the requested court has noted on the acknowledgement of receipt pursuant to Article 7(1) that the request does not comply with the conditions laid down in Articles 5 and 6 or has informed the requesting court pursuant to Article 8 that the request cannot be executed because it does not contain all of the necessary information pursuant to Article 4, the time limit pursuant to Article 10 shall begin to run when the requested court received the request duly completed.

2. Where the requested court has asked for a deposit or advance in accordance with Article 18(3), this time limit shall begin to run when the deposit or the advance is made.

### Section 3

#### **Taking of evidence by the requested court**

##### *Article 10*

#### **General provisions on the execution of the 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 the law of its Member State.

3. The requesting court may call for the request to be executed in accordance with a special procedure provided for by the law of its Member State, using form A in the Annex. The requested court shall comply with such a requirement unless this procedure is incompatible with the law of the Member State of the requested court or by reason of major practical difficulties. If the requested court does not comply with the requirement for one of these reasons it shall inform the requesting court using form E in the Annex.

4. The requesting court may ask the requested court to use communications technology at the performance of the taking of evidence, in particular by using videoconference and teleconference.

The requested court shall comply with such a requirement unless this is incompatible with the law of the Member State of the requested court or by reason of major practical difficulties.

If the requested court does not comply with the requirement for one of these reasons, it shall inform the requesting court, using form E in the Annex.

If there is no access to the technical means referred to above in the requesting or in the requested court, such means may be made available by the courts by mutual agreement.

##### *Article 11*

#### **Performance with the presence and participation of the parties**

1. If it is provided for by the law of the Member State of the requesting court, the parties and, if any, their representatives, have the right to be present at the performance of the taking of evidence by the requested court.

2. The requesting court shall, in its request, inform the requested court that the parties and, if any, their representatives, will be present and, where appropriate, that their participation is requested, using form A in the Annex. This information may also be given at any other appropriate time.

3. If the participation of the parties and, if any, their representatives, is requested at the performance of the taking of evidence, the requested court shall determine, in accordance with Article 10, the conditions under which they may participate.

4. The requested court shall notify the parties and, if any, their representatives, of the time when, the place where, the proceedings will take place, and, where appropriate, the conditions under which they may participate, using form F in the Annex.

5. Paragraphs 1 to 4 shall not affect the possibility for the requested court of asking the parties and, if any their representatives, to be present at or to participate in the performance of the taking of evidence if that possibility is provided for by the law of its Member State.

##### *Article 12*

#### **Performance with the presence and participation of representatives of the requesting court**

1. If it is compatible with the law of the Member State of the requesting court, representatives of the requesting court have the right to be present in the performance of the taking of evidence by the requested court.

2. For the purpose of this Article, the term 'representative' shall include members of the judicial personnel designated by the requesting court, in accordance with the law of its Member State. The requesting court may also designate, in accordance with the law of its Member State, any other person, such as an expert.

3. The requesting court shall, in its request, inform the requested court that its representatives will be present and, where appropriate, that their participation is requested, using form A in the Annex. 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 performance of the taking of evidence, the requested court shall determine, in accordance with Article 10, the conditions under which they may participate.

5. The requested court shall notify the requesting court, of the time when, and the place where, the proceedings will take place, and, where appropriate, the conditions under which the representatives may participate, using form F in the Annex.

#### Article 13

##### **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 14

##### **Refusal to execute**

1. A request for the hearing of a person shall not be executed when the person concerned claims the right to refuse to give evidence or to be 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 has been specified in the request, or, if need be, at the instance of the requested court, has been confirmed by the requesting court.

2. In addition to the grounds referred to in paragraph 1, the execution of a request may be refused only if:

- (a) the request does not fall within the scope of this Regulation as set out in Article 1; or
- (b) the execution of the request under the law of the Member State of the requested court does not fall within the functions of the judiciary; or
- (c) the requesting court does not comply with the request of the requested court to complete the request pursuant to Article 8 within 30 days after the requested court asked it to do so; or
- (d) a deposit or advance asked for in accordance with Article 18(3) is not made within 60 days after the requested court asked for such a deposit or advance.

3. Execution may not be refused by the requested court solely on the ground that under the law of its Member State a court of that Member State has exclusive jurisdiction over the subject matter of the action or that the law of that Member State would not admit the right of action on it.

4. If execution of the 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 H in the Annex.

#### Article 15

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

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

#### Article 16

##### **Procedure after execution of the request**

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

#### Section 4

##### **Direct taking of evidence by the requesting court**

#### Article 17

1. Where a court requests to take evidence directly in another Member State, it shall submit a request to the central body or the competent authority referred to in Article 3(3) in that State, using form I in the Annex.

2. Direct taking of evidence may only take place if it can be performed on a voluntary basis without the need for coercive measures.

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

3. The taking of evidence shall be performed by a member of the judicial personnel or by any other person such as an expert, who will be designated, in accordance with the law of the Member State of the requesting court.

4. Within 30 days of receiving the request, the central body or the competent authority of the requested Member State shall inform the requesting court if the request is accepted and, if necessary, under what conditions according to the law of its Member State such performance is to be carried out, using form J.

In particular, the central body or the competent authority may assign a court of its Member State to take part in the performance of the taking of evidence in order to ensure the proper application of this Article and the conditions that have been set out.

The central body or the competent authority shall encourage the use of communications technology, such as videoconferences and teleconferences.

5. The central body or the competent authority may refuse direct taking of evidence only if:

- (a) the request does not fall within the scope of this Regulation as set out in Article 1;
- (b) the request does not contain all of the necessary information pursuant to Article 4; or
- (c) the direct taking of evidence requested is contrary to fundamental principles of law in its Member State.

6. Without prejudice to the conditions laid down in accordance with paragraph 4, the requesting court shall execute the request in accordance with the law of its Member State.

## Section 5

### Costs

#### Article 18

1. The execution of the request, in accordance with Article 10, shall not give rise to a claim for any reimbursement of taxes or costs.

2. Nevertheless, if the requested court so requires, the requesting court shall ensure the reimbursement, without delay, of:

- the fees paid to experts and interpreters, and
- the costs occasioned by the application of Article 10(3) and(4).

The duty for the parties to bear these 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, the requested court may, before executing the request, ask the requesting court for an adequate deposit or advance towards the requested costs. In all other cases, a deposit or advance shall not be a condition for the execution of a request.

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 19

### Implementing rules

1. The Commission shall draw up and regularly update a manual, which shall also be available electronically, containing the information provided by the Member States in accordance with Article 22 and the agreements or arrangements in force, according to Article 21.

2. The updating or making of technical amendments to the standard forms set out in the Annex shall be carried out in accordance with the advisory procedure set out in Article 20(2).

#### Article 20

### Committee

1. The Commission shall be assisted by a Committee.

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

3. The Committee shall adopt its Rules of Procedure.

#### Article 21

### Relationship with existing or future agreements or arrangements between Member States

1. This Regulation shall, in relation to matters to which it applies, prevail over other provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States and in particular 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 between two or more of them to further facilitate the taking of evidence, provided that they are compatible with this Regulation.

3. Member States shall send to the Commission:

- (a) by 1 July 2003, a copy of the agreements or arrangements maintained between the Member States referred to in paragraph 2;
- (b) a copy of the agreements or arrangements concluded between the Member States referred to in paragraph 2 as well as drafts of such agreements or arrangements which they intend to adopt; and
- (c) any denunciation of, or amendments to, these agreements or arrangements.

#### Article 22

#### Communication

By 1 July 2003 each Member State shall communicate to the Commission the following:

- (a) the list pursuant to Article 2(2) indicating the territorial and, where appropriate, the special jurisdiction of the courts;
- (b) the names and addresses of the central bodies and competent authorities pursuant to Article 3, indicating their territorial jurisdiction;

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

Done at Brussels, 28 May 2001.

- (c) the technical means for the receipt of requests available to the courts on the list pursuant to Article 2(2);
- (d) the languages accepted for the requests as referred to in Article 5.

Member States shall inform the Commission of any subsequent changes to this information.

#### Article 23

#### Review

No later than 1 January 2007, and every five years thereafter, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Regulation, paying special attention to the practical application of Article 3(1)(c) and 3, and Articles 17 and 18.

#### Article 24

#### Entry into force

1. This Regulation shall enter into force on 1 July 2001.
2. This Regulation shall apply from 1 January 2004, except for Articles 19, 21 and 22, which shall apply from 1 July 2001.

*For the Council*

*The President*

T. BODSTRÖM

## ANNEX

**FORM A**

## Request for the taking of evidence

(Article 4 of 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))

1. Reference of the requesting court:
2. Reference of the requested court:
3. Requesting court:
  - 3.1. Name:
  - 3.2. Address:
    - 3.2.1. Street and No/PO box:
    - 3.2.2. Place and postcode:
    - 3.2.3. Country:
  - 3.3. Tel.
  - 3.4. Fax
  - 3.5. E-mail:
4. Requested court:
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and No/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax
  - 4.5. E-mail:
5. In the case brought by the claimant/petitioner:
  - 5.1. Name:
  - 5.2. Address:
    - 5.2.1. Street and No/PO box:
    - 5.2.2. Place and postcode:
    - 5.2.3. Country:

- 5.3. Tel.
- 5.4. Fax
- 5.5. E-mail:
6. Representatives of the claimant/petitioner:
  - 6.1. Name:
  - 6.2. Address:
    - 6.2.1. Street and No/PO box:
    - 6.2.2. Place and postcode:
    - 6.2.3. Country:
  - 6.3. Tel.
  - 6.4. Fax
  - 6.5. E-mail:
7. Against the defendant/respondent:
  - 7.1. Name:
  - 7.2. Address:
    - 7.2.1. Street and No/PO box:
    - 7.2.2. Place and postcode:
    - 7.2.3. Country:
  - 7.3. Tel.
  - 7.4. Fax
  - 7.5. E-mail:
8. Representatives of defendant/respondent:
  - 8.1. Name:
  - 8.2. Address:
    - 8.2.1. Street and No/PO box:
    - 8.2.2. Place and postcode:
    - 8.2.3. Country:
  - 8.3. Tel:
  - 8.4. Fax:
  - 8.5. E-mail:

9. Presence and participation of the parties:
- 9.1. Parties and, if any, their representatives will be present at the taking of evidence:
- 9.2. Participation of the parties and, if any, their representatives is requested:
10. Presence and participation of the representatives of the requesting court:
- 10.1. Representatives will be present at the taking of evidence:
- 10.2. Participation of the representatives is requested:
- 10.2.1. Name:
- 10.2.2. Title:
- 10.2.3. Function:
- 10.2.4. Task:
11. Nature and subject matter of the case and a brief statement of the facts (in annex, where appropriate):
12. Taking of evidence to be performed
- 12.1. Description of the taking of evidence to be performed (in annex, where appropriate):
- 12.2. Examination of witnesses:
- 12.2.1. Name and surname:
- 12.2.2. Address:
- 12.2.3. Tel.
- 12.2.4. Fax
- 12.2.5. E-mail:
- 12.2.6. Questions to be put to the witness or a statement of the facts about which they are to be examined (in annex, where appropriate):
- 12.2.7. Right to refuse to testify under the law of the Member State of the requesting court (in annex, where appropriate):
- 12.2.8. Please examine the witness:
- 12.2.8.1. under oath:
- 12.2.8.2. on affirmation:
- 12.2.9. Any other information that the requesting court deems necessary (in annex, where appropriate):
- 12.3. Other taking of evidence:
- 12.3.1. Documents to be inspected and a description of the requested taking of evidence (in annex, where appropriate):
- 12.3.2. Objects to be inspected and a description of the requested taking of evidence (in annex, where appropriate):

13. Please execute the request

13.1. In accordance with a special procedure (Article 10(3)) provided for by the law of the Member State of the requesting court and/or by the use of communications technology (Article 10(4)) described in annex:

13.2. Following information is necessary for the application thereof:

Done at:

Date:

Notification of forwarding the request

Article 7(2) of 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).

14. The request does not fall within the jurisdiction of the court indicated in point 4 above and was forwarded to

14.1. Name of the competent court:

14.2. Address:

14.2.1. Street and No/PO box:

14.2.2. Place and postcode:

14.2.3. Country:

14.3. Tel.

14.4. Fax

14.5. E-mail:

Done at:

Date:

**FORM B**

## Acknowledgement of receipt of a request for the taking of evidence

(Article 7(1) of 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))

1. Reference of the requesting court:
2. Reference of the requested court:
3. Name of the requesting court:
4. Requested court:
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and No/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax
  - 4.5. E-mail:
5. The request was received on ... (date of receipt) by the court indicated in point 4 above.
6. The request cannot be dealt with because:
  - 6.1. The language used to complete the form is not acceptable (Article 5): 
    - 6.1.1. Please use one the following languages:
  - 6.2. The document is not legible (Article 6):

Done at:

Date:

**FORM C**

## Request for additional information for the taking of evidence

(Article 8 of 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))

1. Reference of the requested court:
2. Reference of the requesting court:
3. Name of the requesting court:
4. Name of the requested court:
5. The request cannot be executed without the following additional information:
6. The request cannot be executed before a deposit or advance is made in accordance with Article 18(3). The deposit or advance should be made in the following way:

Done at:

Date:

**FORM D**

## Acknowledgement of receipt of the deposit or advance

(Article 8(2) of 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))

1. Reference of the requesting court:
2. Reference 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 point 4 above.

Done at:

Date:

**FORM E**

Notification concerning the request for special procedures and/or for the use of communications technologies

(Article 10(3) and (4) of 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))

1. Reference of the requested court:
2. Reference of the requesting court:
3. Name of the requesting court:
4. Name of the requested court:
5. The requirement for execution of the request according to the special procedure indicated in point 13.1 of the request (Form A) could not be complied with because:
  - 5.1. the required procedure is incompatible with the law of the Member State of the requested court:
  - 5.2. the performance of the requested procedure is not possible by reason of major practical difficulties:
6. The requirement for execution of the request for the use of communications technologies indicated in point 13.1 of the request (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:

**FORM F**

Notification of the date, time, place of performance of the taking of evidence and the conditions for participation

(Articles 11(4) and 12(5) of 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))

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

8. Where appropriate, conditions under which the representatives of the requesting court may participate:

Done at:

Date:

**FORM G**

## Notification of delay

(Article 15 of 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))

1. Reference of the requested court:
2. Reference of the requesting court:
3. Name of the requesting court:
4. Name of the requested court:
5. The request can not be executed within 90 days of receipt for the following reasons:
6. It is estimated that the request will be executed by ... (indicate an estimated date)

Done at:

Date:

**FORM H**

## Information on the outcome of the request

(Articles 14 and 16 of 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))

1. Reference of the requested court:
2. Reference of the requesting court:
3. Name of the requesting court:
4. Name of the requested court:
5. The request has been executed.   
The documents establishing execution of the request are attached:
6. Execution of the request has been refused because:
  - 6.1. the person to be examined has claimed 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 does not fall within the scope of this Regulation
  - 6.3. Under the law of the Member State of the requested court, the execution of the request 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):
  - 6.5. A deposit or advance asked for in accordance with Article 18(3) has not been made:

Done at:

Date:

**FORM I**

## Request for direct taking of evidence

(Article 17 of 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))

1. Reference of the requesting court:
2. Reference of the central body/competent authority:
3. Requesting court:
  - 3.1. Name:
  - 3.2. Address:
    - 3.2.1. Street and No/PO box:
    - 3.2.2. Place and postcode:
    - 3.2.3. Country:
  - 3.3. Tel.
  - 3.4. Fax
  - 3.5. E-mail:
4. Central body/competent authority of the requested State:
  - 4.1. Name:
  - 4.2. Address:
    - 4.2.1. Street and No/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax
  - 4.5. E-mail:
5. In the case brought by the claimant/petitioner:
  - 5.1. Name:
  - 5.2. Address:
    - 5.2.1. Street and No/PO box:
    - 5.2.2. Place and postcode:
    - 5.2.3. Country:

- 5.3. Tel.:
- 5.4. Fax
- 5.5. E-mail:
- 6. Representatives of the claimant/petitioner:
  - 6.1. Name:
  - 6.2. Address:
    - 6.2.1. Street and No/PO box:
    - 6.2.2. Place and postcode:
    - 6.2.3. Country:
  - 6.3. Tel.
  - 6.4. Fax
  - 6.5. E-mail:
- 7. Against the defendant/respondent:
  - 7.1. Name:
  - 7.2. Address:
    - 7.2.1. Street and No/PO box:
    - 7.2.2. Place and postcode:
    - 7.2.3. Country:
  - 7.3. Tel.
  - 7.4. Fax
  - 7.5. E-mail:
- 8. Representatives of defendant/respondent:
  - 8.1. Name:
  - 8.2. Address:
    - 8.2.1. Street and No/PO box:
    - 8.2.2. Place and postcode:
    - 8.2.3. Country:
  - 8.3. Tel.
  - 8.4. Fax
  - 8.5. E-mail:

9. The taking of evidence shall be performed 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 performed:
  - 11.1. Description of the taking of evidence to be performed (in annex, where appropriate):
  - 11.2. Examination of witnesses:
    - 11.2.1. First names and surname:
    - 11.2.2. Address:
    - 11.2.3. Tel.
    - 11.2.4. Fax
    - 11.2.5. E-mail:
    - 11.2.6. 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):
    - 11.2.7. Right to refuse to testify under the law of the Member State of the requesting court (in annex, where appropriate):
  - 11.3. Other taking of evidence (in annex, where appropriate):
12. The requesting court requests to take evidence directly by use of the following communications technology (in annex, where appropriate):

Done at:

Date:

**FORM J**

## Information from the central body/competent authority

(Article 17 of 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))

1. Reference of the requesting court:
2. Reference 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 No/PO box:
    - 4.2.2. Place and postcode:
    - 4.2.3. Country:
  - 4.3. Tel.
  - 4.4. Fax
  - 4.5. E-mail:
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 this Regulation:
    - 5.3.2. The request does not contain all of the necessary information pursuant to Article 4:
    - 5.3.3. The direct taking of evidence requested for is contrary to fundamental principles of law of the Member State of the central body/competent authority:

Done at:

Date:  
  
\_\_\_\_\_

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 28 May 2001

**establishing a European Judicial Network in civil and commercial matters**

(2001/470/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 61(c) and (d), 66 and 67(1) thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing the European Union as an area of freedom, security and justice, in which the free movement of persons is assured.
- (2) The gradual establishment of this area and the sound operation of the internal market entails the need to improve, simplify and expedite effective judicial cooperation between the Member States in civil and commercial matters.

(3) The action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice<sup>(4)</sup> which was adopted by the Council on 3 December 1998 and approved by the European Council on 11 and 12 December 1998 acknowledges that reinforcement of judicial cooperation in civil matters represents a fundamental stage in the creation of a European judicial area which will bring tangible benefits for every European Union citizen.

(4) One of the measures provided for in paragraph 40 of the action plan is to examine the possibility of extending the concept of the European Judicial Network in criminal matters to embrace civil proceedings.

(5) The conclusions of the special European Council held at Tampere on 15 and 16 October 1999 recommend the establishment of an easily accessible information system, to be maintained and updated by a Network of competent national authorities.

(6) In order to improve, simplify and expedite effective judicial cooperation between the Member States in civil and commercial matters, it is necessary to establish at Community level a network cooperation structure — the European Judicial Network in civil and commercial matters.

(1) OJ C 29 E, 30.1.2001, p. 281.

(2) Opinion delivered on 5 April 2001 (not yet published in the Official Journal).

(3) OJ C 139, 11.5.2001, p. 6.

(4) OJ C 19, 23.1.1999, p. 1.

- (7) This is a subject falling within the ambit of Articles 65 and 66 of the Treaty, and the measures are to be adopted in accordance with Article 67.
- (8) To ensure the attainment of the objectives of the European Judicial Network in civil and commercial matters, the rules governing its establishment should be laid down in a mandatory instrument of Community law.
- (9) The objectives of the proposed action, namely to improve effective judicial cooperation between the Member States and effective access to justice for persons engaging in cross-border litigation cannot be sufficiently achieved by the Member States and can therefore by reason of the scale or effects of the action be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (10) The European Judicial Network in civil and commercial matters established by this Decision seeks to facilitate judicial cooperation between the Member States in civil and commercial matters both in areas to which existing instruments apply and in those where no instrument is currently applicable.
- (11) In certain specific areas, Community or international instruments relating to judicial cooperation in civil and commercial matters already provide for cooperation mechanisms. The European Judicial Network in civil and commercial matters does not set out to replace these mechanisms, and it must operate in full compliance with them. This Decision will consequently be without prejudice to Community or international instruments relating to judicial cooperation in civil or commercial matters.
- (12) The European Judicial Network in civil and commercial matters should be established in stages on the basis of the closest cooperation between the Commission and the Member States. It should be able to take advantage of modern communication and information technologies.
- (13) To attain its objectives, the European Judicial Network in civil and commercial matters needs to be supported by contact points designated by the Member States and to be sure of the participation of their authorities with specific responsibilities for judicial cooperation in civil and commercial matters. Contacts between them and periodic meetings are essential to the operation of the Network.
- (14) It is essential that efforts to establish an area of freedom, security and justice produce tangible benefits for persons engaging in cross-border litigation. It is accordingly necessary for the European Judicial Network in civil and commercial matters to promote access to justice. To this end, using the information supplied and updated by the contact points, the Network should progressively establish an information system that is accessible to the public, both the general public and specialists.
- (15) This Decision does not preclude the provision of other information than that which is provided for herein, within the European Judicial Network in civil and commercial matters and to the public. The enumeration in Title III is accordingly not to be regarded as exhaustive.
- (16) Processing of information and data should take place in compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and of the free movement of such data<sup>(1)</sup> and Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector<sup>(2)</sup>.
- (17) To ensure that the European Judicial Network in civil and commercial matters remains an effective instrument, incorporates the best practice in judicial cooperation and internal operation and meets the public's expectations, provision should be made for periodic evaluations and for proposals for such changes as may be found necessary.
- (18) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Decision.
- (19) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, is not participating in the adoption of this Decision and is therefore not bound by it nor subject to its application,

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 1.

HAS ADOPTED THIS DECISION:

TITLE I

**PRINCIPLES OF THE EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS**

*Article 1*

**Establishment**

1. A European Judicial Network in civil and commercial matters ('the Network') is hereby established among the Member States.
2. In this Decision, the term 'Member State' shall mean Member States with the exception of Denmark.

*Article 2*

**Composition**

1. The Network shall be composed of:
  - (a) contact points designated by the Member States, in accordance with paragraph 2;
  - (b) central bodies and central authorities provided for in Community instruments, instruments of international law to which the Member States are parties or rules of domestic law in the area of judicial cooperation in civil and commercial matters;
  - (c) the liaison magistrates to whom Joint Action 96/277/JAI of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union<sup>(1)</sup> applies, where they have responsibilities in cooperation in civil and commercial matters;
  - (d) any other appropriate judicial or administrative authority with responsibilities for judicial cooperation in civil and commercial matters whose membership of the Network is considered to be useful by the Member State to which it belongs.
2. Each Member State shall designate a contact point. Each Member State may, however, designate a limited number of other contact points if they consider this necessary on the basis of the existence of separate legal systems, the domestic distribution of jurisdiction, the tasks to be entrusted to the contact points or in order to associate judicial bodies that frequently deal with cross-border litigation directly with the activities of the contact points.

<sup>(1)</sup> OJ L 105, 27.4.1996, p. 1.

Where a Member State designates several contact points, it shall ensure that appropriate coordination mechanisms apply between them.

3. The Member States shall identify the authorities mentioned at points (b) and (c) of paragraph 1.
4. The Member States shall designate the authorities mentioned at point (d) of paragraph 1.
5. The Member States shall notify the Commission, in accordance with Article 20, of the names and full addresses of the authorities referred to in paragraph 1, specifying:
  - (a) the communication facilities available to them;
  - (b) their knowledge of languages; and
  - (c) where appropriate, their specific functions in the Network.

*Article 3*

**Tasks and activities of the Network**

1. The Network shall be responsible for:
  - (a) facilitating judicial cooperation between the Member States in civil and commercial matters, including devising, progressively establishing and updating an information system for the members of the Network;
  - (b) devising, progressively establishing and updating an information system that is accessible to the public.
2. Without prejudice to other Community or international instruments relating to judicial cooperation in civil or commercial matters, the Network shall develop its activities for the following purposes in particular:
  - (a) the smooth operation of procedures having a cross-border impact and the facilitation of requests for judicial cooperation between the Member States, in particular where no Community or international instrument is applicable;
  - (b) the effective and practical application of Community instruments or conventions in force between two or more Member States;
  - (c) the establishment and maintenance of an information system for the public on judicial cooperation in civil and commercial matters in the European Union, relevant Community and international instruments and the domestic law of the Member States, with particular reference to access to justice.

*Article 4***Modus operandi of the Network**

The Network shall accomplish its tasks in particular by the following means:

1. it shall facilitate appropriate contacts between the authorities of the Member States mentioned in Article 2(1) for the accomplishment of the tasks provided for by Article 3;
2. it shall organise periodic meetings of the contact points and of the members of the Network in accordance with the rules laid down in Title II;
3. it shall draw up and keep updated the information on judicial cooperation in civil and commercial matters and the legal systems of the Member States referred to in Title III, in accordance with the rules laid down in that Title.

*Article 5***Contact points**

1. The contact points shall be at the disposal of the authorities referred to in Article 2(1)(b) to (d) for the accomplishment of the tasks provided for by Article 3.

The contact points shall also be at the disposal of the local judicial authorities in their own Member State for the same purposes, in accordance with rules to be determined by each Member State.

2. In particular, the contact points shall:
  - (a) supply the other contact points, the authorities mentioned in Article 2(1)(b) to (d) and the local judicial authorities in their own Member State with all the information needed for sound judicial cooperation between the Member States in accordance with Article 3, in order to assist them in preparing operable requests for judicial cooperation and in establishing the most appropriate direct contacts;
  - (b) seek solutions to difficulties arising on the occasion of a request for judicial cooperation, without prejudice to paragraph 4 of this Article and to Article 6;
  - (c) facilitate coordination of the processing of requests for judicial cooperation in the relevant Member State, in particular where several requests from the judicial authorities in that Member State fall to be executed in another Member State;
  - (d) collaborate in the organisation of, and participate in, the meetings referred to in Article 9;
  - (e) assist with the preparation and updating of the information referred to in Title III, and in particular with the information system for the public, in accordance with the rules laid down in that Title.

3. Where a contact point receives a request for information from another member of the Network to which it is unable to respond, it shall forward it to the contact point or the member of the Network which is best able to respond to it. The contact point shall remain available for any such assistance as may be useful for subsequent contacts.

4. In areas where Community or international instruments governing judicial cooperation already provide for the designation of authorities responsible for facilitating judicial cooperation, contact points shall address requesters to such authorities.

*Article 6***Relevant authorities for the purposes of Community or international instruments relating to judicial cooperation in civil and commercial matters**

1. The involvement of relevant authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters in the Network shall be without prejudice to the powers conferred on them by the instrument providing for their designation.

Contacts within the Network shall be without prejudice to regular or occasional contacts between these authorities.

2. In each Member State the authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters and the contact points of the Network shall engage in regular exchanges of views and contacts to ensure that their respective experience is disseminated as widely as possible.

3. The contact points of the Network shall be at the disposal of the authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters and shall assist them in all practicable ways.

*Article 7***Language knowledge of the contact points**

To facilitate the practical operation of the Network, each Member State shall ensure that the contact points have adequate knowledge of an official language of the institutions of the European Community other than their own, given that they need to be able to communicate with the contact points in other Member States.

Member States shall facilitate and encourage specialised language training for contact point staff and promote exchanges of staff between contact points in the Member States.

*Article 8***Communication facilities**

The contact points shall use the most appropriate technological facilities in order to reply as efficiently and as swiftly as possible to requests made to them.

## TITLE II

**MEETINGS WITHIN THE NETWORK***Article 9***Meetings of the contact points**

1. The contact points of the Network shall meet no less than once each half year, in accordance with Article 12.
2. Each Member State shall be represented at these meetings by one or more contact points, who may be accompanied by other members of the Network, but there shall be no more than four representatives per Member State.
3. The first meeting of the contact points shall be held no later than 1 March 2003 without prejudice to the possibility of prior preparatory meetings.

*Article 10***Purpose of periodic meetings of contact points**

1. The purpose of the periodic meetings of contact points shall be to:
  - (a) enable the contact points to get to know each other and exchange experience, in particular as regards the operation of the Network;
  - (b) provide a platform for discussion of practical and legal problems encountered by the Member States in the course of judicial cooperation, with particular reference to the application of measures adopted by the European Community;
  - (c) identify best practices in judicial cooperation in civil and commercial matters and ensure that relevant information is disseminated within the Network;
  - (d) exchange data and views, in particular on the structure, organisation and content of and access to the available information mentioned in Title III;
  - (e) draw up guidelines for progressively establishing the practical information sheets provided for by Article 15, in particular as regards the subject matter to be covered and the form of such information sheets;

- (f) identify specific initiatives other than those referred to in Title III which pursue comparable objectives.

2. The Member States shall ensure that experience in the operation of specific cooperation mechanisms provided for by Community or international instruments is shared at meetings of the contact points.

*Article 11***Meetings of members of the Network**

1. Meetings open to all members of the Network shall be held to enable them to get to know each other and exchange experience, to provide a platform for discussion of practical and legal problems met and to deal with specific questions.

Meetings can also be held on specific issues.

2. Meetings shall be convened, where appropriate, in accordance with Article 12.
3. The Commission, in close cooperation with the Presidency of the Council and with the Member States, shall fix for each meeting the maximum number of participants.

*Article 12***Organisation and proceedings of meetings of the Network**

1. The Commission, in close cooperation with the Presidency of the Council and with the Member States, shall convene the meetings provided for by Articles 9 and 11. It shall chair them and provide secretarial services.
2. Before each meeting the Commission shall prepare the draft agenda in agreement with the Presidency of the Council and in consultation with the Member States via their respective contact points.
3. The contact points shall be notified of the agenda prior to the meeting. They may ask for changes to be made or for additional items to be entered.
4. After each meeting the Commission shall prepare a record, which shall be notified to the contact points.
5. Meetings of the contact points and of members of the Network may take place in any Member State.

## TITLE III

## Article 15

**INFORMATION AVAILABLE WITHIN THE NETWORK, AND INFORMATION SYSTEM FOR THE PUBLIC****Information sheets***Article 13***Information disseminated within the Network**

1. The information disseminated within the network shall include:

- (a) the information referred to in Article 2(5);
- (b) any further information deemed useful by the contact points for the proper functioning of the Network.

2. For the purpose of paragraph 1, the Commission shall progressively establish a secure limited-access electronic information exchange-system in consultation with the contact points.

*Article 14***Information system for the public**

1. An Internet-based information system for the public, including the dedicated website for the Network, shall be progressively established in accordance with Articles 17 and 18.

2. The information system shall comprise the following elements:

- (a) Community instruments in force or in preparation relating to judicial cooperation in civil and commercial matters;
- (b) national measures for the domestic implementation of the instruments in force referred to in point (a);
- (c) international instruments in force relating to judicial cooperation in civil and commercial matters to which the Member States are parties, and declarations and reservations made in connection with such instruments;
- (d) the relevant elements of Community case-law in the area of judicial cooperation in civil and commercial matters;
- (e) the information sheets provided for by Article 15.

3. For the purposes of access to the information mentioned in paragraph 2(a) to (d), the Network should, where appropriate, in its site, make use of links to other sites where the original information is to be found.

4. The site dedicated to the Network shall likewise facilitate access to comparable public information initiatives in related matters and to sites containing information relating to the legal systems of the Member States.

1. The information sheets shall be devoted by way of priority to questions relating to access to justice in the Member States and shall include information on the procedures for bringing cases in the courts and for obtaining legal aid, without prejudice to other Community initiatives, to which the Network shall have the fullest regard.

2. Information sheets shall be of a practical and concise nature. They shall be written in easily comprehensible language and contain practical information for the public. They shall progressively be produced on at least the following subjects:

- (a) principles of the legal system and judicial organisation of the Member States;
- (b) procedures for bringing cases to court, with particular reference to small claims, and subsequent court procedures, including appeal possibilities and procedures;
- (c) conditions and procedures for obtaining legal aid, including descriptions of the tasks of non-governmental organisations active in this field, account being taken of work already done in the Dialogue with Citizens;
- (d) national rules governing the service of documents;
- (e) rules and procedures for the enforcement of judgments given in other Member States;
- (f) possibilities and procedures for obtaining interim relief measures, with particular reference to seizures of assets for the purposes of enforcement;
- (g) alternative dispute-settlement possibilities, with an indication of the national information and advice centres of the Community-wide Network for the Extra-Judicial Settlement of Consumer Disputes;
- (h) organisation and operation of the legal professions.

4. The information sheets shall, where appropriate, include elements of the relevant case-law of the Member States.

5. The information sheets may provide more detailed information for the specialists.

*Article 16***Updating of information**

All information distributed within the Network and to the public under Articles 13 to 15 shall be updated regularly.

*Article 17***Role of the Commission in the public information system**

The Commission shall:

1. be responsible for managing the information system for the public;
2. construct, in consultation with the contact points, a dedicated website for the Network on its Internet site;
3. provide information on relevant aspects of Community law and procedures, including Community case-law, in accordance with Article 14;
4. (a) ensure that the format of the information sheets is consistent and that they include all information considered necessary by the Network;  
(b) thereafter arrange for them to be translated into the other official languages of the Institutions of the Community, and install them on the site dedicated to the Network.

*Article 18***Role of contact points in the public information system**

Contact points shall ensure that

1. the appropriate information needed to create and operate the information system is supplied to the Commission;
2. the information installed in the system is accurate;
3. the Commission is notified forthwith of any updates as soon as an item of information requires changing;
4. the information sheets relating to their respective Member States are progressively established, according to the guidelines referred to in Article 10(1)(e);
5. the broadest possible dissemination of the information sheets installed on the site dedicated to the Network is arranged in their Member State.

## TITLE IV

**FINAL PROVISIONS***Article 19***Review**

1. No later than 1 December 2005, and at least every five years thereafter, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Decision on the basis of information supplied by the contact points. The report shall be accompanied if need be by proposals for adaptations.

2. The report shall consider, among other relevant matters, the question of possible direct public access to the contact points of the Network, access to and involvement of the legal professions in its activities, and synergy with the Community-wide Network for the Extra-Judicial Settlement of Consumer Disputes. It shall also consider the relationship between the contact points of the Network and the competent authorities provided for in Community or international instruments relating to judicial cooperation in civil and commercial matters.

*Article 20***Establishment of the basic components of the Network**

No later than 1 June 2002, the Member States shall notify the Commission of the information required by Article 2(5).

*Article 21***Date of application**

This Decision shall apply from 1 December 2002, except for Articles 2 and 20 which shall apply from the date of notification of the Decision to the Member States to which it is addressed.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 28 May 2001.

*For the Council*

*The President*

T. BODSTRÖM