



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.03.2000

COM(2000) 75 final

1999/0102 (CNS)

Amended proposal for a

COUNCIL REGULATION

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

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

EXPLANATORY MEMORANDUM

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1. BACKGROUND

On 4 May 1999 the Commission adopted a proposal for a Council regulation on the service of judicial and extrajudicial documents in civil and commercial matters¹. Taking into account the entry into force of the Amsterdam Treaty and the communitarisation of judicial cooperation in civil matters, this proposal for a regulation has incorporated into a Community instrument the substance of the Convention signed on 27 May 1997 by the Member States, on the basis of Article K.3(2) of the Maastricht Treaty and not yet entered into force.

The proposal was transmitted to the Council, the Parliament and the Economic and Social Committee, which gave its opinion during the session of 20 and 21 October 1999. By letter dated from 14 July 1999, the Council consulted the European Parliament, as required in article 61 of the EC Treaty. The European Parliament referred the Proposal to the Committee on Citizens' Freedom and Rights, Justice and Home Affairs (responsible for the report) and to the Committee on Legal Affairs and Internal Market (consulted for opinion). The Committee on Citizens' Freedom and Rights, after having received and examined the Committee on Legal Affairs and the Internal Market's opinion, adopted its opinion on 9 November 1999. Meeting in plenary session on 17 November 1999, the European Parliament approved the Commission's proposal², subject to modifications, and invited the Commission to consequently modify its proposal in accordance with Article 250 § 2 of the EC Treaty.

2. THE AMENDED PROPOSAL

The European Parliament firmly supports the approach and the main guidelines of the Commission's proposal. It is strongly in favour of reinforcing judicial cooperation as well as fast and secure cross-border procedures, which appears particularly important. To the exception of amendment 1, which refers to the legal form of the instrument, most of the proposed amendments are purely technical. The Commission accepts most of them, in a whole or in part.

2.1. Modifications accepted in a whole

The following modifications have been proposed by the Parliament, accepted by the Commission and inserted as formulated in its modified proposal :

Text in a whole

The term « directive » was replaced by the term « regulation » in the whole body of the text to meet the requirement of the Parliament's amendment 1. The Parliament considers that a regulation, contrarily to a directive, has the advantage to ensure fast, clear and homogeneous implementation of a Community text which matches its aim. Some minor adjustments related to the nature of the instrument have also been introduced.

¹ COM(1999)219, OJ

² OJ C

Article 3

In order to take account of amendment 4, article 3, §1, b) specifies that the central authority must provide assistance when the addressee's address is wrong.

Article 6

In conformity with amendment 7, Article 6 §2 has been completed by a new provision which provides that, in case of doubts and except in the case of obvious mistake (amendment 8), the opinion of the transmitting agency on the fact that the document falls within the scope of « civil and commercial matters » prevails on the opinion of the receiving agency.

Article 6 §3 has been slightly modified to comply with amendment 8. This amendment is of drafting nature.

Article 9

Article 9 § 3 has been deleted to take account of amendment 9 of the Parliament which considers that the possibility for a Member State to derogate §1 and 2 narrows the scope of the text.

Article 11

Article 11 § 2 specifies, to comply with amendment 11, that the rule of reimbursement of taxes and costs for service effected by a judicial or by a competent authority and for the use of a special form only applies if the law of the Member State addressed allows it.

Article 13

Amendment 12 has been taken into account and article 13 § 1 specifies that the service of a document must be effected through diplomatic and consular agents only under exceptional circumstances.

Article 15

Article 15 § 2 has been deleted, as suggested in amendment 13, the aim of which is to avoid narrowing the scope of the rule because of diverging regimes in Member States.

Article 17

Article 17 § c) has been deleted as suggested in amendment 14, which is a mere matter of drafting.

Article 21

Article 21 has been modified as suggested in amendment 15.

Article 24

To comply with amendment 16 it has been specified that the report shall cover aspects relating to service of documents by electronic means, in view of elaborating a legal framework at the European level.

Annex

The annex has been modified to comply with amendment 17.

2.2. Modifications which can be accepted in part

Article 1

Article 1 § 2 has been modified to insert amendment 2 which specifies that the addressee's address is the one of its domicile or principal residence. However, the Commission proposes to refer to the concept of « habitual residence » which is a widely known concept in International Private Law, rather than the concept of « principal residence ».

2.3. Modifications which cannot be accepted

The Commission cannot accept some of the modifications drafted by the European Parliament, i.e. amendments 3, 5, 6 and 10.

Amendment 3

This amendment does not add anything new to the provision . Member states that will designate only one agency (thus centralised) are those which do not allow direct transmission.

Amendments 5 and 6

Those amendments would impose a too heavy burden on centralised authorities whose function is only subsidiary. It would go against the main guideline of the proposal, i.e. maximum decentralisation of service. The parties mainly involved and the addressee of the document can refer to the transmitting or receiving agencies in order to obtain information about translation.

Amendment 10

This amendment contradicts § 2 of Article 11. Member States can designate judicial officers, who are private persons, as transmitting or receiving agencies. These judicial officers have to be remunerated for the services provided.

Amended proposal for a

COUNCIL REGULATION

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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission³,

Having regard to the Opinion of the European Parliament⁴,

Having regard to the Opinion of the Economic and Social Committee⁵,

- (1) Whereas the Union has set itself the objective of maintaining and developing the Union as an area of freedom, security and justice, in which the free movement of persons is assured; whereas to establish such an area the Community is to adopt, among others, the measures relating to judicial cooperation in civil matters needed for the sound operation of the internal market;
- (2) Whereas the sound operation of the internal market entails the need to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters for service between the Member States;
- (3) Whereas this is a subject now falling within the ambit of Article 65 of the Treaty;
- (4) Whereas, in accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community; whereas this Regulation confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose;

³ OJ C

⁴ OJ C

⁵ OJ C

- (5) Whereas the Council, by Act dated 26 May 1997⁶, concluded a Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters and recommended it for adoption by the Member States in accordance with their respective constitutional requirements; whereas that Convention has not entered into force; whereas continuity in the results of the negotiations for conclusion of the Convention should be ensured; whereas the content of this Regulation is substantially taken over from it;
- (6) Whereas efficiency and speed in judicial procedures in civil matters means that the transmission of judicial and extrajudicial documents is to be made direct and by rapid means between bodies designated by the Member States; whereas, however, the Member States may indicate their intention of preserving central bodies for a transitional period of five years; whereas this transitional arrangement is warranted by the need to adapt the Member States' existing systems for transmission;
- (7) Whereas speed in transmission warrants the use of all appropriate means, provided that certain conditions as to the legibility and reliability of the document received are observed; whereas security in transmission requires that the document to be transmitted be accompanied by a pre-printed form, to be completed in the language of the place where service is to be effected, or in another language accepted by the Member State in question;
- (8) Whereas, to secure the effectiveness of the Regulation, the possibility of refusing service of documents is confined to exceptional situations;
- (9) Whereas speed of transmission warrants documents being served within days of reception of the document; whereas, however, if service has not been effected after one month has elapsed, the receiving agency should inform the transmitting agency; whereas the expiry of this period should not imply that the request be returned to the transmitting body where it is clear that service is feasible within a reasonable period;
- (10) Whereas, for the protection of the addressee's interests, service should be effected in the language of the place where it is to be effected or in one of the languages of the originating Member State which the addressee understands;
- (11) Whereas, given the differences between the Member States as regards their rules of procedure, the material date for the purposes of service varies from one Member State to another; whereas in such situations this Regulation should provide for a double-date system, where it is the law of the receiving Member State which determines it, unless the relevant documents are to be served within a specified period; whereas the purpose of this is to protect both the addressee and the requesting party;

⁶ OJ C 261, 27.8.1997, p. 1.

- (12) Whereas this Regulation prevails over the provisions applying to these matters, contained in international conventions concluded by the Member States, and in particular the Protocol annexed to the Brussels Convention of 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters⁷ and 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; whereas the Regulation does not preclude Member States from maintaining or adopting measures to expedite the transmission of documents, provided that they are compatible with the Regulation;
- (13) Whereas the information transmitted pursuant to this Regulation should enjoy suitable protection; whereas the matter falls within the scope of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁸, and of Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector⁹;
- (14) Whereas the Commission should be empowered to give effect to measures implementing this Regulation; whereas to that end it should be assisted by an advisory committee;
- (15) Whereas, no later than three years after the date of entry into force of this Regulation, the Commission should review its application and propose such amendments as may appear necessary;
- (16) Whereas, in accordance with Articles 1 and 2 of the Protocols on the position of the United Kingdom and Ireland, these two Member States have notified their decision to participate in the adoption of the present Regulation. In accordance with the protocol on the position of Denmark, this Member State is not participating in the adoption of this Regulation; whereas this Regulation is accordingly not binding on Denmark, nor is it applicable in its regard,

HAS ADOPTED THIS REGULATION:

⁷ OJ C 27, 26.1.1998, p. 17.

⁸ OJ L 281, 23.11.1995, p. 31.

⁹ OJ L 24, 30.1.1998, p. 1.

Chapter I – General provisions

Article 1 - Scope

1. This Regulation shall apply in civil and commercial matters where a judicial or extrajudicial document has to be transmitted from one Member State to another for service there.
2. This Regulation shall not apply where the address of the domicile or habitual residence of the person to be served with the document is not known.

Article 2 - Transmitting and receiving agencies

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

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

Article 3 - Central body

Each Member State shall designate a central body responsible for:

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

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

Chapter II – Judicial Documents

SECTION 1 -TRANSMISSION AND SERVICE OF JUDICIAL DOCUMENTS

Article 4 - Transmission of documents

1. Judicial documents shall be transmitted directly and as soon as possible between the agencies designated on the basis of Article 2.
2. The transmission of documents, requests, confirmations, receipts, certificates and any other papers between transmitting agencies and receiving agencies may be carried out by any appropriate means, provided that the content of the document received is true and faithful to that of the document forwarded and that all information in it is easily legible.
3. The document to be transmitted shall be accompanied by a request drawn up using the standard form in the Annex. The form shall be completed in the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected, or in another language which that Member State has indicated it can accept. Each Member State shall indicate the official language or languages of the European Union other than its own which is or are acceptable to it for completion of the form.
4. The documents and all papers that are transmitted shall be exempted from legalisation or any equivalent formality.
5. When the transmitting agency wishes a copy of the document to be returned together with the certificate referred to in Article 10, it shall send the document in duplicate.

Article 5 - Translation of documents

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

Article 6 - Receipt of documents by receiving agency

1. A receiving agency, on receipt of a document, shall, as soon as possible and in any event within seven days of receipt thereof, send a receipt to the transmitting agency by the swiftest possible means of transmission using the standard form in the Annex.

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency by the swiftest possible means in order to secure the missing information or documents.

If there are legitimate doubts as to whether or not a request for service falls within the scope of this Regulation, the opinion of the transmitting agency shall prevail, subject to the exception provided for in paragraph 3.

3. If, as a result of an obvious mistake, the request for service does not fall within the scope of this Regulation or if non-compliance with the formal conditions required makes service impossible, the request and the documents transmitted shall be returned, on receipt, to the transmitting agency, together with the notice of return in the standard form in the Annex.
4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(3) and shall inform the transmitting agency accordingly, using the standard form in the Annex. That receiving agency shall inform the transmitting agency when it receives the document, in the manner provided for in paragraph 1.

Article 7 - Service of documents

1. The receiving agency shall itself serve the document or have it served, either in accordance with the law of the Member State addressed or by a particular form requested by the transmitting agency, unless such a method is incompatible with the law of that Member State.
2. All steps required for service of the document shall be effected as soon as possible. In any event, if it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency by means of the certificate in the standard form in the Annex, which shall be drawn up under the conditions referred to in Article 10(2). The period shall be calculated in accordance with the law of the Member State addressed.

Article 8 - Refusal to accept a document

1. The receiving agency shall inform the addressee that he or she may refuse to accept the document to be served if it is in a language other than either of the following languages:
 - a) the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected; or
 - b) a language of the Member State of transmission which the addressee understands.

2. Where the receiving agency is informed that the addressee refuses to accept the document in accordance with paragraph 1, it shall immediately inform the transmitting agency by means of the certificate provided for in Article 10 and return the request and the documents of which a translation is requested.

Article 9 - Date of service

1. The date of service of a document pursuant to Article 7 shall be the date on which it is served in accordance with the law of the Member State addressed, without prejudice to Article 8.
2. Where a document must be served within a particular period in the context of proceedings to be brought or pending in the Member State of origin, the date to be taken into account with respect to the applicant shall be that fixed by the law of that Member State.

Article 10 - Certificate of service and copy of the document served

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

Article 11 - Costs of service

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

SECTION 2 - OTHER MEANS OF TRANSMISSION AND SERVICE OF JUDICIAL DOCUMENTS

Article 12 - Transmission by consular or diplomatic channels

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

Article 13 - Service by diplomatic or consular agents

Each Member State shall be free, in exceptional circumstances to effect service of judicial documents on persons residing in another Member State, without application of any compulsion, directly through its diplomatic or consular agents.

Any Member State may declare that it is opposed to such service within its territory, unless the documents are to be served on nationals of the Member State in which the documents originate.

Article 14 - Service by post

1. Each Member State shall be free to effect service of judicial documents directly by post to persons residing in another Member State.
2. Any Member State may specify the conditions under which it will accept service of judicial documents by post.

Article 15 - Direct service

1. This Regulation shall not interfere with the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State addressed.

Chapter III – Extrajudicial Documents

Article 16 - Transmission

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

Chapter IV – Final Provisions

Article 17 - Implementing rules

The Commission shall adopt, in accordance with the procedure prescribed by Article 18, rules for the purposes of:

- a) drawing up and annually updating a manual containing the information provided by Member States in accordance with Article 2(4);
- b) drawing up a glossary in the official languages of the European Union of documents which can be served under this Regulation;
- c) making amendments to the standard forms shown in the Annex;
- d) giving effect to implementing measures to expedite the transmission and service of documents.

Article 18 - Committee

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 19 - Defendant not entering an appearance

1. Where a writ of summons or an equivalent document has had to be transmitted to another Member State for the purpose of service, under the provisions of this Regulation, and the defendant has not appeared, judgment shall not be given until it is established that:
 - a) the document was served by a method prescribed by the internal law of the Member State addressed for the service of documents in domestic actions upon persons who are within its territory; or
 - b) the document was actually delivered to the defendant or to his residence by another method provided for by this Regulation;

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

2. Each Member State shall be free to declare that the judge, notwithstanding the provisions of paragraph 1, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled:
 - a) the document was transmitted by one of the methods provided for in this Regulation;
 - b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document;
 - c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.
3. Notwithstanding the provisions of paragraphs 1 and 2, the judge may order, in case of urgency, any provisional or protective measures.
4. When a writ of summons or an equivalent document has had to be transmitted to another Member State for the purpose of service, under the provisions of this Regulation, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled:
 - a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal; and
 - b) the defendant has disclosed a prima facie defence to the action on the merits.

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

Each Member State may declare that such application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

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

Article 20 - Relationship with agreements or arrangements to which Member States are parties

1. This Regulation shall, in relation to matters to which it applies, prevail over other provisions contained in conventions concluded by the Member States, and in particular Article IV of the Protocol to the Brussels Convention of 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters and the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.
2. This Regulation shall not preclude the maintenance or adoption of provisions to expedite the transmission of documents provided that they are compatible with the Regulation. Member States shall notify the Commission of drafts of the measures which they propose to adopt.

Article 21 - Legal aid

This Regulation shall be without prejudice to the relevant law relating to legal aid and, in particular, to Article 23 of the Convention on civil procedure of 17 July 1905, Article 24 of the Convention on civil procedure of 1 March 1954 and Article 13 of the Convention on international access to justice of 25 October 1980 between the Member States parties to these Conventions.

Article 22 - Protection of information transmitted

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

Article 23 - Publication

The Commission shall publish in the *Official Journal of the European Communities* the information referred to in Articles 2, 3, 4, 9, 10, 13, 14, 15 and 19 and furnished by the Member States.

Article 24 - Review

No later than three years after the date of entry into force of this Regulation, and every five years thereafter, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the application of

this Regulation, paying special attention to the effectiveness of the bodies designated pursuant to Article 2 and to the practical application of point (c) of Article 3 and Article 9. The report shall also cover those aspects of legal transactions and the service of documents performed by electronic means for which a European regulatory framework should be devised at an early stage.

Article 25 - Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*. It applies from 1st October 2000.

Article 26 - Addressees

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ANNEX

REQUEST FOR SERVICE OF DOCUMENTS (Article 4(3) of the Regulation)
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Reference No. . (*) This item is optional

1. TRANSMITTING AGENCY

- 1.1. Identity: .
- 1.2. Address:
 - 1.2.1. Street and Number/PO Box: .
 - 1.2.2. Place and Code: .
 - 1.2.3. Country: .
- 1.3. Tel. No.: .
- 1.4. Fax No.: (*) .
- 1.5. E-mail (*): .

2. RECEIVING AGENCY

- 2.1. Identity: .
- 2.2. Address:
 - 2.2.1. Street and Number/PO Box: .
 - 2.2.2. Place and Code: .
 - 2.2.3. Country: .
- 2.3. Tel. No.: .
- 2.4. Fax No.: (*) .
- 2.5. E-mail (*): .

3. APPLICANT

- 3.1. Identity: .
- 3.2. Address:
 - 3.2.1. Street and Number/PO Box: .
 - 3.2.2. Place and Code: .
 - 3.2.3. Country: .
- 3.3. Tel. No.: (*) .
- 3.4. Fax No.: (*) .
- 3.5. E-mail (*): .

4. ADDRESSEE

- 4.1. Identity: .
- 4.2. Address:
 - 4.2.1. Street and Number/PO Box: .
 - 4.2.2. Place and Code: .
 - 4.2.3. Country: .
- 4.3. Tel. No.: (*) .
- 4.4. Fax No.: (*) .
- 4.5. E-mail (*): .
- 4.6. Identification number/social security number/organisation number/or equivalent (*):.

5. METHOD OF SERVICE

- 5.1. In accordance with the law of the Member State addressed
- 5.2. By the following particular method: .
 - 5.2.1. If this method is incompatible with the law of the Member State addressed, the document(s) should be served in accordance with the law:
 - 5.2.1.1. yes
 - 5.2.1.2. no

6. DOCUMENT TO BE SERVED

(a) 6.1. Nature of the document

6.1.1. Judicial

6.1.1.1. writ of summons

6.1.1.2. judgment

6.1.1.3. appeal

6.1.1.4. other: .

6.1.2 Extrajudicial

(b) 6.2. Date or time-limit stated in the document (*):

(c) 6.3. Language of document:

6.3.1. original D EN DK ES FIN FR GR IT NL P S others: .

6.3.2. translation (*) D EN DK ES FIN FR GR IT NL P S others: .

(d) 6.4. Number of enclosures: .

7. A COPY OF DOCUMENT TO BE RETURNED WITH THE CERTIFICATE OF SERVICE

(Article 4 (5) of the Regulation)

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

7.2 No

- 1. You are required by Article 7(2) of the Regulation to effect all steps required for service of the document as soon as possible. In any event, if it is not possible for you to effect service within one month of receipt, you must inform this Agency by means of the certificate provided for in point 13.**

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

Done at: .,

Date: .

Signature and/or stamp: .

Reference No. of the receiving agency: .

<p style="text-align: center;">ACKNOWLEDGEMENT OF RECEIPT (Article 6 (1) of the Regulation)</p>

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

8. DATE OF RECEIPT: .

Done at: .,

Date: .

Signature and/or stamp: .

<p style="text-align: center;">NOTICE OF RETURN OF REQUEST AND DOCUMENT (Article 6(3) of the Regulation)</p>
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<p>The request and document must be returned on receipt.</p>

9. REASON FOR RETURN: .

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

9.1.1. the document is not civil or commercial.

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

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

9.2.1. the document is not easily legible

9.2.2. the language used to complete the form is incorrect

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

9.2.4. other (please give details): .

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

Done at: .,

Date: .

Signature and/or stamp: .

**NOTICE OF RETRANSMISSION OF REQUEST AND DOCUMENT
TO THE APPROPRIATE RECEIVING AGENCY
(Article 6(4) of the Regulation)**

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

10.1. IDENTITY: .

10.2. Address:

10.2.1. Street and Number/PO Box: .

10.2.2. Place and Code: .

10.2.3. Country: .

10.3. Tel. No.: .

10.4. Fax No. (*): .

10.5. E-mail (*): .

Done at: .,

Date: .

Signature and/or stamp: .

Reference No of the appropriate receiving agency: .

**NOTICE OF RECEIPT BY THE APPROPRIATE RECEIVING AGENCY TO THE
TRANSMITTING AGENCY**

(Article 6(4) of the Regulation)

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

11. DATE OF RECEIPT: .

Done at: .,

Date: .

Signature and/or stamp: .

CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS (Article 10 of the Regulation)
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The service shall be effected as soon as possible. In any event, if it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency (according to Article 7(2) of the Directive).
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12. COMPLETION OF SERVICE

(a) 12.1. Date and address of service: .

(b) 12.2. The document was

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

12.2.1.1. handed to

12.2.1.1.1. the addressee in person

12.2.1.1.2. another person

12.2.1.1.2.1. Name: .

12.2.1.1.2.2. Address: .

12.2.1.1.2.2.1. Street and Number/PO Box: .

12.2.1.1.2.2.2. Place and Code: .

12.2.1.1.2.2.3. Country: .

12.2.1.1.2.3. Relation to the addressee:

Family

Employee

Others

12.2.1.1.3. the addressee's address

12.2.1.2. served by post

12.2.1.2.1. without acknowledgement of receipt

12.2.1.2.2. with the enclosed acknowledgement of receipt

12.2.1.2.2.1. from the addressee

12.2.1.2.2.2. another person

12.2.1.2.2.2.1. Name: .

12.2.1.2.2.2.2. Address: .

12.2.1.2.2.2.2.1. Street and Number/PO Box: .

12.2.1.2.2.2.2.2. Place and Code: .

12.2.1.2.2.2.2.3. Country: .

12.2.1.2.2.2.3. Relation to the addressee:

Family

Employee

Others

12.2.1.3. other method (please say how) .

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

(C) 12.2.3. served by (title, address, phone or fax number)

(c) 12.3. The addressee of the document was informed (orally) (in writing) that he or she may refuse to accept it if it was not in an official language of the place of service or in an official language of the state of transmission which he or she understands.

13. INFORMATION IN ACCORDANCE WITH ARTICLE 7(2)

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

14. REFUSAL OF DOCUMENT

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

15. REASON FOR NON-SERVICE OF DOCUMENT

15.1. Address unknown

15.2. Addressee cannot be located

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

15.4 Others (please specify): .

The documents are annexed to this certificate.

Done at: .,

Date: .

Signature and/or stamp:

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Amended proposal for a Council Regulation on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters

2. BUDGET HEADING INVOLVED

B5-800 (1999) – B5-820 (2000)

3. LEGAL BASIS

Article 61(c)

4. DESCRIPTION OF OPERATION

4.1. General objective

The objectives of the proposal are to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters in the internal market. These objectives are part of the Union's objective of establishing an area of freedom, security and justice.

4.2. Period covered and arrangements for renewal

Indefinite

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1. NCE (non-compulsory expenditure)

5.2. DA (dissociated appropriations)

6. TYPE OF EXPENDITURE

Public contract

7. FINANCIAL IMPACT (PART B)

€ thousand

Budget item (No and title)	2000	2001	2002	2003	2004	Calculation method
B5-800 Publications	37.5 112.5	 50	 50	 50	 50	Manual and glossary to be designed (tendering procedure): €25 000 + €12 500 Manual and glossary to be printed and distributed: €75 000 + €37 500 Manual to be updated: €50 000
Total	150	50	50	50	50	

8. FRAUD PREVENTION MEASURES

The provisions governing the award, control and audit of public contracts will apply.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1. Specific and quantified objectives; target population

All operators and individuals will enjoy the benefit of the Regulation as the purpose is to establish an area of freedom, security and justice in which the free movement of persons is assured and litigants can assert their rights, enjoying facilities equivalent to those they enjoy in the courts of their own country.

9.2. Grounds for the operation

The transmission of judicial and extrajudicial documents in civil or commercial matters for service between the Member States is essential for the sound operation of procedures and must be effected in the right conditions.

To ensure that in practice the bodies empowered to transmit and receive judicial documents to and from other Member States are in a position to perform their function easily and without delays, the Regulation provides for the preparation of a manual of information supplied by the Member States and a glossary of documents that may require to be served in all the official languages.

The Regulation provides for an advisory committee to assist the Commission in preparing implementing measures.

9.3. Monitoring and evaluation of the operation

Article 23 of the proposed Regulation requires the Commission to report to the European Parliament and the Council on its operation, no later than three years after the date of its adoption.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

Actual mobilisation of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional amounts authorised by the budgetary authority.

10.1. Effect on the number of posts

Type of post		Staff to be assigned to managing the operation		Source		Duration
		Permanent posts	Temporary posts	Existing resources in the DG or department concerned	Additional resources	
Officials or temporary staff	A					For the years 2000-2003
	B	0.5		0.5		
	C	0.5		0.5		
Other resources						
Total		1.0		1.0		

10.2. Overall financial impact of additional human resources

Type of post		Staff to be assigned to managing the operation		Annual Cost
		Permanent posts Annual amount	Temporary posts	
Officials or temporary staff	A			
	B	€54 000		
	C	€54 000		
Other resources				
Total		€108 000		

10.3. Increase in other administrative expenditure as a result of the operation

€ thousand

Budget item (No and title)	Amounts					Calculation method
	2000	2001	2002	2003	2004	
A-7031 Committee (compulsory)	19.5					1 st year: 15 experts representing Member States meeting twice: 2 x €9 750 = €19 500
		9.75	9.75	9.75	9.75	2 nd and subsequent years: one meeting @ €9 750
A-7050 Studies and publications				30		Study for preparation of report on application of Regulation
Total	19.5	9.75	9.75	39.75	9.75	

This expenditure will be covered from the resources of the relevant Directorate-General.