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

2005/0126(COD) - 13/11/2007 - Final act

PURPOSE: to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters for service between the Member States.

LEGISLATIVE ACT: Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000.

CONTENT: Since its entry into force in 2001, Council Regulation (EC) No 1348/2000 has generally improved and expedited the transmission and the service of documents between Member States. Nevertheless, the application of certain provisions of the Regulation is not fully satisfactory.

This Regulation repeals Regulation (EC) No 1348/2000 and aims to further improve the transmission and service of documents and to strengthen legal security for both the applicant and the addressee.

The Regulation shall apply in civil and commercial matters where a judicial or extrajudicial document has to be transmitted from one Member State to another for service there. It shall not extend in particular to revenue, customs or administrative matters or to liability of the State for actions or omissions in the exercise of state authority (*acta iure imperii*). In addition, the Regulation shall not apply where the address of the person to be served with the document is not known.

The main amendments contained in the new Regulation are as follows:

- A provision by which the receiving agency shall itself serve the document, in any event within one month of receipt;

- A new form aiming to inform the addressee that he may refuse to accept a given document within one week of the document being served;
- A provision establishing that the costs occasioned by recourse to a judicial officer or to a person competent under the law of the Member State addressed shall correspond to a single fixed fee laid down by that Member State in advance, which respects the principles of proportionality and non-discrimination;
- Standard conditions regarding the service of judicial documents by postal services (by registered letter with acknowledgement of receipt or equivalent);
- The use of the regulatory procedure with scrutiny relating to the updating or to the making of technical amendments to the standard forms set out in Annexes I and II.

The Commission will publish, in the Official Journal of the European Union, the information communicated by the Member States in accordance with the Regulation, with the exception of the addresses and other contact details of the agencies and of the central bodies and the geographical areas in which they have jurisdiction.

No later than 1 June 2011, and every five years thereafter, the Commission shall present a report on the application of this Regulation. The report shall be accompanied, if need be, by proposals for adaptations of this Regulation in line with the evolution of notification systems.

Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application.

ENTRY INTO FORCE: 30/12/2007.

APPLICATION: from 13/11/2008, with the exception of Article 23 (communication and publication) which applies from 13/08/2008.