Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 10/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

The committee recommended that Parliament's position adopted in first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Scope: the simplification of the acceptance of public documents should be **extended to a larger number of categories**. The report laid down the fields that should be brought within the scope of the regulation. They included identity documents, certificates relating to educational attainment or disability, and tax and social insurance documents, as problems arise with formalities in all these cases. In addition, the simplifications should also apply to other EU institutions.

Certified/uncertified copies: the report noted that authorities should accept, instead of the original of a public document issued by the authorities of other Member States or by Union authorities, a certified or uncertified copy thereof.

It is recalled that in many Member States, the formality of a certified copy is no longer in use. Citizens regard this as considerable progress in eliminating red tape. It should also be made possible in cross-border situations.

If, in an individual case, an authority has reasonable doubts concerning the authenticity of an uncertified copy of a public document issued by the authorities of another Member State or by Union authorities, it may require the original or a certified copy of that document to be submitted, the choice being at the discretion of the person submitting it.

If an uncertified copy of such a public document is submitted with a view to the entry of a legal fact or legal transaction in a public register, for the correctness of which **public financial liability exists**, the authority concerned **may also require the original or a certified copy of that document to be submitted** , the choice being at the discretion of the person submitting it, in cases where there is no reasonable doubt concerning the authenticity of the copy.

Certified translations: certified translations entail substantial costs to citizens. Therefore, they should therefore only be required in exceptional cases. Citizens should bear the cost of the translation only if the authority's doubts have proved to be justified. Authorities shall accept certified translations produced in other Member States. The report proposed that, as a general rule, **uncertified translations should be accepted**.

Apostille and legalisation: the amended text stated that authorities should accept public documents submitted to them which have been issued by authorities of another Member State or by Union authorities without legalisation or an apostille. However, it should be made clear in what circumstances legalisation or an apostille are not required: when the document is being submitted to an authority of another Member State.

Members proposed abolishing the formalities as regards the legalisation and apostille which have been required hitherto in the interests of both individuals and businesses. In some fields, they have in any case already been abolished at European level by regulations relating to specific fields.

On the other hand, Members stated that this Regulation shall **not prejudice the application of Union law** which contains specific provisions on legalisation, apostille or other formalities with reference to individual fields.

Administrative cooperation: the Commission should ensure that the Internal Market Information (**IMI**) System fulfils the technical and personal requirements for the exchange of information.

Union multilingual standard forms: Members proposed the introduction of the multilingual standard forms, as they will make life easier for citizens. However, the list of the forms available should be extended. The **fee** for issuing a Union form should not exceed the fee charged for issuing the corresponding customary public document in the Member State concerned. Union multilingual standard forms should be accepted by the authorities of the Member States where they are presented **without a translation** of their contents. The report also proposed that this system be extended to cover cases for which no customary national document exists. An EU standard form ought therefore also to be created for **divorces**. Similar considerations apply to educational qualifications for students and workers.