Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 04/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 573 votes to 62, with 44 abstentions, a legislative resolution 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.

Parliament's position adopted in first reading, following the ordinary legislative procedure, amended the Commission proposal as follows:

Scope: the simplification of the acceptance of public documents in another Member State should be **extended to a larger number of categories**. They included identity documents, immigration status, qualifications and records of schooling and further education, the licence to drive or operate terrestrial, airborne and maritime vehicles, 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: Members proposed 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.

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. As a general rule, authorities should accept certified translations produced in other Member States.

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**.

Request for information in case of reasonable doubt: where the authorities of a Member State in which a public document or its certified or uncertified copy is presented have, on the basis of a thorough and objective examination, **reasonable doubt** as to the authenticity of the public document, they may submit a request for information to the relevant authorities of the Member State where the document was issued, either by using the Internal Market Information System directly, or by contacting the central authority of their Member State.

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. Parliament has proposed to **add to the list of five proposed forms**, additional forms concerning the name, descent, adoption, unmarried status, divorce, dissolution of a registered partnership, Union citizenship and nationality, absence of a criminal record, residence, educational certificates and disability.

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.