Simplifying the requirements for presenting certain public documents in the EU

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The Council held a **discussion** on the draft regulation on promoting the free movement of citizens and businesses by simplifying the requirements for presenting certain public documents in the European Union.

Ministers adopted guidelines of the following four issues for the continuation of the work at a technical level:

1) Scope: after extensive examination of the proposal, the majority of the delegations are not able to accept the wide scope of the proposal as presented by the Commission in its initial text. Therefore the Presidency suggests **narrowing the scope of the proposed Regulation to civil status matters only**. The original scope of this proposal covers public documents issued by authorities of the Member States that have formal evidentiary value relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record. Under this proposed regulation, such documents would be exempted from all forms of legalisation and similar formalities. Documents drawn up by private persons and documents issued by authorities of third states are excluded from its scope.

2) Translations: the majority of delegations have expressed a **negative opinion** on the principle that non-certified translations should be accepted in the context of this Regulation. The Presidency therefore suggests that a translation should not be required in cases where the public document is in the official language or, if that Member State has several official languages, in the official language of the place where it is presented or in any other language that the Member State has expressly accepted. In addition, **certified translations** of public documents made by a person qualified to do such translations under the law of a Member State should be accepted in all Member States. The question of the possible transliteration rules to be followed in cases where a transliteration from a different alphabet is needed should be examined at the technical level at a later stage.

3) Multilingual standard forms: in view of the reservations that a large number of delegations have expressed on the establishment of common multilingual standard forms at EU level in the area of civil status matters as autonomous public documents, the Presidency suggests to reflect on a possible solution where these multilingual standard forms could be used as a translation aid attached to the corresponding national public documents. These forms would simply have a **harmonised common content** without any autonomous legal value. The forms would be filled in by a competent national authority and, if necessary under the national law of each Member State, stamped or sealed to prove that it has been issued by that authority.

4) Relations between the future regulation and other instruments: the Presidency acknowledges that there is a need to clarify the relationship between this Regulation and international agreements concluded by the Member States, in particular in the area of civil status and legalisation. Moreover, the Presidency also suggests that as regards the issue of Apostille, further reflection is needed on the possible inclusion of a new recital consistent with the requirement to exempt public documents from the Apostille formality clarifying that the application of the proposed Regulation does not prevent the Member States from

issuing an Apostille in case a citizen still requests an Apostille from the competent national authorities. In line with the above, it should also be clearly stated that citizens can continue to use an Apostille in another Member State.