Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 06/07/2016 - Final act

PURPOSE: to facilitate freedom of movement of citizens by simplifying the requirements for presenting certain public documents in the European Union.

LEGISLATIVE ACT : Regulation (EU) 2016/1191 of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

CONTENT : the Regulation provides, in relation to certain **public documents** which are issued by the authorities of a Member State and which have to be presented to the authorities of another Member State, for a system of:

- **exemption from legalisation or similar formality**; and
- **simplification of other formalities**.

Under the Regulation, **public documents** on certain matters (for example, birth, marriage or representation of a company) issued in a Member State **must be accepted as authentic in another Member State** without the need for such documents bearing an authentication stamp (the apostille).

The Regulation establishes **multilingual standard forms** to be used as a translation aid attached to the most frequently used public documents in a cross=border context.

The Regulation also covers public documents the presentation of which can be required of citizens of the Union residing in a Member State of which they are not nationals when they wish to **vote or stand as candidates** in elections to the European Parliament or in municipal elections in their Member State of residence.

Certified copies and translations: the Regulation **abolishes the obligation** to provide in all cases certified copies and certified translations of public documents issued in another Member State. A certified translation carried out by a person qualified to do so under the law of a Member State shall be accepted in all Member States.

Requests for information and administrative cooperation: the Regulation strengthens the fight against fraud by introducing a **system** of administrative cooperation between Member States based on the Internal Market Information system (IMI) that will enable Member States to communicate with each other in case of doubt about the authenticity of a public document. The requested authorities should reply to such requests within the shortest possible period of time and in any case within a period not exceeding 5 working days or 10 working days when the request is processed through a central authority. These time limits may be extended.

Public information: in order to facilitate the application of the Regulation, Member States should, with a view to making the information available to the public through the European e-Justice Portal, communicate to the Commission, inter alia: (i) the languages they can accept for the presentation of public documents issued by the authorities of another Member State; (ii) an indicative list of public documents

falling within the scope of the Regulation; (iii) the list of public documents to which multilingual standard forms can be attached as a suitable translation aid; (iv) the lists of persons qualified, in accordance with national law, to carry out certified translations, where such lists exist.

ENTRY INTO FORCE: 15.8.2016.

APPLICATION: from 16.2.2019.