Civil and commercial judicial cooperation: transmission and service of documents between the Member States, Brussels and The Hague conventions

1999/0102(CNS) - 29/05/2000 - Final act

PURPOSE : to improve and expediate the transmission of judicial and extrajudicial documents in civil or commercial matters for service between Member States. COMMUNITY MEASURE : Council Regulation 1348/2000/EC on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. CONTENT : The Council adopted the Regulation on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. This Regulation reproduces the content of the Convention established on the same issues on 26 May 1997. The only modifications are due to adaptations to the new institutional framework under the Treaty of Amsterdam. The main aim of this Regulation is to speed up and facilitate the service of documents in order to improve judicial and extrajudicial procedures in civil matters. To this end, it provides that the transmission of documents should in general be made directly and by rapid means between local bodies designated by Member States, hence avoiding lengthy procedures of indirect transmission via central authorities. It also provides for the use of modern transmission methods and a comprehensive, user-friendly form to accompany the document transmission. It will thus be possible to use the fax, and in the future also e-mail, provided both the States of transmission and the addressee State agree to this means. In order to ensure faster transmission of documents and legal certainty, the regulation establishes certain time limits for the service of documents and defines a common rule for determining the date of service. However, the Council agreed that derogations from the general rule on the date of service may be authorised for transitional periods, according to the rules set out in the Regulation. The Regulation applies to Ireland and the United Kingdom, which notified their wish to take part in its adoption on the basis of their protocol to the Amsterdam Treaty. In accordance with its Protocol, Denmark will not participate in its adoption. It has however, indicated that it wishes to apply the same rules as those laid down in the Regulation on the basis of an agreement to be concluded between it and the Community. ENTRY INTO FORCE : 31/05/2001.