Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany

2000/0823(CNS) - 06/10/2000 - Legislative proposal

PURPOSE: to present an initiative of the Federal Republic of Germany with a view to the adoption of a Council Regulation on cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters. CONTENT: The main provisions of this proposed Regulation would relate to the following: - direct transmission between the courts; - transmitting and receiving agencies; - central authority; - form and content of requests; - transmission of requests and other communications; - notification of delays - execution of the request; - coercive measures; - refusal to execute; - presence of representatives of the requesting court and of the other parties; - procedure after execution of the request; - implementing rules; - relationship with existing or future agreements or arrangements between the Member States; - data protection. In conclusion, no later than 5 years after the date of entry into force of this proposed Regulation, and every five years thereafter, it is envisaged that the Commission would present to the European Parliament and the Council and the Economic and Social Committee, a report on the application of this Regulation.