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

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In preparing this Report, the Commission is fulfilling an obligation to do so under provisions outlined in Council Regulation 1348/2000 on judicial and extra-judicial documents in civil or commercial matters. In May 2001, the Regulation entered into force and since then the European Commission has been collating and seeking information on the implementation of the Regulation's provisions. In order to aid the Commission in this task an outside contractor was asked to prepare a study on the Regulation's application across the European Union. Much of this Report is based on the outside contractor's findings. Other sources of information were obtained through a public hearing on the application of the Regulation, which was attended by about 70 participants most of whom represented Member States, acceding States and interested parties – such as bailiffs and lawyers.

Essentially, the Communication suggests that the Regulation's provisions have improved and expedited the transmission and the service of documents between the Member States. The main reason given for the speeding up of transmission is thanks to the introduction of direct contacts between local bodies, the possibility of postal service and direct service and the introduction of standard forms. The amount of time required for transmission and service has generally been reduced to a time frame of one to three months - albeit that in certain cases the process can still take up to six months to complete.

In spite of progress there remains room for improvement as far as the Regulation's application is concerned. For example, many workers, to whom the provisions relate (particularly in local services) still do not have sufficient knowledge on how to apply the Regulation. There is, consequently, a clear need for further training of staff working with the Regulation's provisions. Further, the application of certain provisions is not satisfactory. The question of costs is a matter of particular concern. Some Member States offer much lower costs than others. With these and other matters outlined in the Report, the Commission welcomes any in-put interested parties may wish to contribute.

Any reactions received following the publication of this Communication, will be taken into account should the Commission present a legislative proposal in the course of 2005.