Service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)

2005/0126(COD) - 04/07/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a report by Jean-Paul **GAUZÈS** (EPP-ED, FR) and made some amendments to the proposal. (Please see the summary of 31/01/2006.) The main ones are as follows:

-The addressee should be informed in writing that he or she may refuse to accept the document to be served at the time of service or by sending the document to the receiving agency within one week if it is not either in a language which he or she understands or in an official language of the place of service. This rule should also apply to the subsequent service once the addressee has exercised his or her right of refusal. These rules on refusal should also apply to service by diplomatic or consular agents, service by postal services and direct service.

-The receiving agency should continue to take all necessary steps to serve the document also in cases where it has not been possible to effect service within the month, for example because the defendant has been away from his or her home on holiday or away from his or her office on business. Furthermore, in order to avoid an open-ended obligation for the receiving agency to take steps to serve a document, the transmitting agency should be able to specify a deadline in the standard form after which service is no longer required.

-The Commission should draw up a manual containing information relevant for the proper application of this Regulation, which should be published in the European Judicial Network in civil and commercial matters. The Commission and the Member States should do their utmost to ensure that this information is up to date and complete, especially as regards the contact details of receiving and transmitting agencies.

-A review clause has been added, requiring the Commission to consider amending the Regulation by June 2011 and every five years thereafter.