

Basic information	
1999/0102(CNS) CNS - Consultation procedure Directive	Procedure completed
Civil and commercial judicial cooperation: transmission and service of documents between the Member States, Brussels and The Hague conventions Repealed by 2005/0126(COD) Subject 7.40.02 Judicial cooperation in civil and commercial matters	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		LECHNER Kurt (PPE-DE)	29/07/1999
	Committee for opinion		Rapporteur for opinion	Appointed
	JURI Legal Affairs and Internal Market		WALLIS Diana (ELDR)	23/09/1999
Council of the European Union	Council configuration		Meetings	Date
	Justice and Home Affairs (JHA)		2229	1999-12-02
	Justice and Home Affairs (JHA)		2184	1999-05-27
	Justice and Home Affairs (JHA)		2266	2000-05-29
European Commission	Commission DG		Commissioner	
	Justice and Consumers			

Key events			
Date	Event	Reference	Summary
04/05/1999	Legislative proposal published	COM(1999)0219 	Summary
27/05/1999	Debate in Council		
23/07/1999	Committee referral announced in Parliament		

09/11/1999	Vote in committee		Summary
09/11/1999	Committee report tabled for plenary, 1st reading/single reading	A5-0060/1999	
16/11/1999	Debate in Parliament		
17/11/1999	Decision by Parliament	T5-0104/1999	Summary
29/03/2000	Modified legislative proposal published	COM(2000)0075 	Summary
29/05/2000	Act adopted by Council after consultation of Parliament		
29/05/2000	End of procedure in Parliament		
30/06/2000	Final act published in Official Journal		

Technical information	
Procedure reference	1999/0102(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2005/0126(COD)
Legal basis	EC Treaty (after Amsterdam) EC 061 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/11109

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0060/1999 OJ C 189 07.07.2000, p. 0005	09/11/1999	
Text adopted by Parliament, 1st reading/single reading		T5-0104/1999 OJ C 189 07.07.2000, p. 0056-0088	17/11/1999	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(1999)0219  OJ C 247 31.08.1999, p. 0011 E	04/05/1999	Summary	
Modified legislative proposal	COM(2000)0075  OJ C 311 31.10.2000, p. 0112 E	29/03/2000	Summary	
Follow-up document	COM(2004)0603 	01/10/2004	Summary	

Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0947/1999 OJ C 368 20.12.1999, p. 0047	21/10/1999	
EU	Implementing legislative act	32001D0781 OJ L 298 15.11.2001, p. 0001-0478	25/09/2001	
EU	Implementing legislative act	32002D0350 OJ L 125 13.05.2002, p. 0001-0855	03/04/2002	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Regulation 2000/1348 OJ L 160 30.06.2000, p. 0037 Summary

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

1999/0102(CNS) - 03/04/2002 - Implementing legislative act

The European Commission has adopted Decision 2002/350/EC establishing a manual of receiving agencies and a glossary of documents that may be notified or served under Council Regulation 1348/2000/EC on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

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

1999/0102(CNS) - 17/11/1999 - Text adopted by Parliament, 1st reading/single reading

In adopting the report adopted by Mr. Kurt LECHNER (EPP/ED, D), the European Parliament advocated that the act for adoption should be a Council Regulation and not, as the Commission had proposed, a Directive. It also adopted a certain number of amendments with the purpose of deleting certain derogations and exceptions. It also stressed the importance of the drawing up of a concise guide to the law relating to the use of languages in the Member States, together with a list of approved translators and translation agencies.

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

1999/0102(CNS) - 04/05/1999 - Legislative proposal

PURPOSE : to improve and expedite the transmission of judicial and extrajudicial documents within the internal market. CONTENT : by basing itself on the new provisions of the Amsterdam Treaty, this proposal for a Directive marks the first instance of exercise of the right of initiative in the area of judicial cooperation in civil matters, now brought within the Community framework; its purpose is to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters for service between Member States. It takes in most of the contents of the Convention of 26 May 1997 by insuring the continuity of the results obtained in the framework of its negotiation. As this Convention has not been ratified, its provisions are not applicable. Like the Convention it is to replace, the Directive is consistent with the 1965 Hague Convention, to which it owes a number of solutions, while introducing innovations in four main areas. Firstly, in order to avoid delays building up between successive intermediaries downstream of a document's transmission, it makes provision for establishing more direct channels between the persons or authorities responsible transmitting a document and those serving it or ensuring it. Next, it provides for certain practical means to be used to ease the practitioners' task, including modern means of document transmission, a complete, user-friendly form and directories of Member States' designated receiving agencies. In addition, in order to safeguard the rights of the parties, it also introduces innovative rules on the translation of documents. It also establishes an advisory committee to assist the Commission with the implementing provisions. The Directive replaces the system for the service of documents referred to in Article IV of the Protocol to the Brussels Convention of 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters and in the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, for the purposes of relations between the Member States that are parties thereto.

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1999/0102(CNS) - 29/03/2000 - Modified legislative proposal

The Commission's amended proposal takes into account the European Parliament's amendments. Hence, the term "directive" has been replaced by the term "regulation" in the body of the text, in order to satisfy the Parliament's amendments which stipulates that the regulation, unlike a directive, has the advantage of ensuring rapid, clear and homogeneous implementation of the Community text - the objective of the proposal. With the exception of this amendment, which refers to the legal form of the instrument, overall, the proposed amendments are of a technical nature. The Commission accepted the amendments for the most part, partially or in their entirety.

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1999/0102(CNS) - 01/10/2004 - Follow-up document

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.

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.