Basic information

2013/0119(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Simplifying the requirements for presenting certain public documents in the EU Amending Regulation (EU) No 1024/2012 2011/0226(COD) **Subject** 1.20.05 Public access to information and documents, administrative practice 2.20 Free movement of persons 2.80 Cooperation between administrations	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	DELVAUX Mady (S&D)	03/09/2014
	Shadow rapporteur RADEV Emil (PPE) DZHAMBAZKI Angel (ECR) CAVADA Jean-Marie (ALDE) CHRYSOGONOS Kostas (GUE/NGL) HAUTALA Heidi (Verts/ALE)	

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs	RAPKAY Bernhard (S&D)	24/04/2013

Former committee for opinion	Former rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
PETI Petitions	The committee decided not to give an opinion.	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	VOSS Axel (PPE)	26/11/2015

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3336	2014-10-10
Justice and Home Affairs (JHA)	3354	2014-12-04
Justice and Home Affairs (JHA)	3244	2013-06-06
Justice and Home Affairs (JHA)	3455	2016-03-10
Justice and Home Affairs (JHA)	3396	2015-06-15

European Commission

Commission DG	Commissioner
Justice and Consumers	REDING Viviane

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
24/04/2013	Legislative proposal published	COM(2013)0228	Summary
21/05/2013	Committee referral announced in Parliament, 1st reading		
06/06/2013	Debate in Council		
17/12/2013	Vote in committee, 1st reading		
10/01/2014	Committee report tabled for plenary, 1st reading	A7-0017/2014	Summary
03/02/2014	Debate in Parliament		
04/02/2014	Decision by Parliament, 1st reading	T7-0054/2014	Summary
04/02/2014	Results of vote in Parliament		
10/10/2014	Debate in Council		
04/12/2014	Debate in Council		Summary
	Committee decision to open interinstitutional negotiations after 1st reading in		

20/01/2015	Parliament		
12/11/2015	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		
11/03/2016	Council position published	14956/2/2015	Summary
11/04/2016	Committee referral announced in Parliament, 2nd reading		
21/04/2016	Vote in committee, 2nd reading		
27/04/2016	Committee recommendation tabled for plenary, 2nd reading	A8-0156/2016	Summary
08/06/2016	Debate in Parliament		
09/06/2016	Decision by Parliament, 2nd reading	T8-0277/2016	Summary
09/06/2016	Results of vote in Parliament		
06/07/2016	Final act signed		
06/07/2016	End of procedure in Parliament		
26/07/2016	Final act published in Official Journal		

Technical information

Procedure reference	2013/0119(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EU) No 1024/2012 2011/0226(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 021-p2 Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/01096

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE516.765	26/07/2013	
Amendments tabled in committee		PE519.782	01/10/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0017/2014	10/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0054/2014	04/02/2014	Summary
Specific opinion	JURI	PE576.707	01/02/2016	
Committee draft report		PE580.420	18/03/2016	

Committee recommendation tabled for plenary, 2nd reading		A8-0156/2016	27/04/2016	Summary
Text adopted by Parliament, 2nd reading		T8-0277/2016	09/06/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	06457/2016	29/02/2016	
Council position	14956/2/2015	11/03/2016	Summary
Draft final act	00020/2016/LEX	11/05/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0228	24/04/2013	Summary
Document attached to the procedure	SWD(2013)0144	24/04/2013	
Document attached to the procedure	SWD(2013)0145	24/04/2013	
Commission response to text adopted in plenary	SP(2014)446	20/05/2014	
Commission communication on Council's position	COM(2016)0206	08/04/2016	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	DE_BUNDESRAT	COM(2013)0228	12/06/2013	
Contribution	PT_PARLIAMENT	COM(2013)0228	19/06/2013	
Contribution	ES_PARLIAMENT	COM(2013)0228	28/06/2013	
Contribution	IT_SENATE	COM(2013)0228	04/07/2013	
Contribution	RO_CHAMBER	COM(2013)0228	08/07/2013	
Contribution	CZ_SENATE	COM(2013)0228	29/08/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4005/2013	11/07/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2016/1191 OJ L 200 26.07.2016, p. 0001	Summary

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 11/03/2016 - Council position

The Council adopted at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

The proposed Regulation aims to promote the free movement of Union citizens by:

- **facilitating the free circulation of certain public documents and their certified copies** within the Union and;
- **simplifying other formalities**, namely the requirement to provide in each instance certified copies and translations of public documents between the Member States.

The main elements of the Council position are as follows:

Aim: the proposed Regulation provides, in relation to certain public documents which are issued by the authorities of a Member State and which have to be presented to the authorities of another Member State, for a **system of exemption from legalisation** or similar formality and simplification of other formalities. This system should be without prejudice to persons being able to continue to benefit, if they so wish, from other systems which exempt public documents from legalisation or similar formality and which are applicable between Member States. In particular, this Regulation should be regarded as a **separate and autonomous instrument** from the Apostille Convention.

Scope: the proposed Regulation applies to **public documents** issued by the authorities of a Member State in accordance with its national law which have to be presented to the authorities of another Member State and the primary purpose of which is to establish one or more of the following facts:

- birth;
- a person being alive;
- death;
- name;
- marriage, including capacity to marry and marital status;
- divorce, legal separation or marriage annulment;
- registered partnership, including capacity to enter into a registered partnership and registered partnership status;
- dissolution of a registered partnership, legal separation or annulment of a registered partnership;
- parenthood;
- adoption;
- domicile and/or residence;
- nationality.

Furthermore, the proposed Regulation covers public documents the presentation of which can be required of citizens of the Union residing in a Member State of which they are not nationals when, in accordance with the relevant Union legislation, they wish to **vote or stand as candidates** in elections to the European Parliament or in municipal elections in their Member State of residence.

Lastly, the proposed Regulation establishes **multilingual standard forms** to be used as a translation aid attached to public documents concerning birth, a person being alive, death, marriage (including capacity to marry and marital status), registered partnership (including capacity to enter into a registered partnership and registered partnership status), domicile and/or residence, and absence of a criminal record.

Certified copies: in order to promote the free movement of Union citizens, the Council position provides that:

- certified copies of public documents covered by the proposed Regulation should also be **exempted from all forms of legalisation** and similar formality;
-

- where a Member State permits the presentation of a certified copy of a public document, the authorities of that Member State should also accept certified copies made by a competent authority of the Member State in which the original public document was issued.

Translation: in order to overcome language barriers, the proposed Regulation provides that a translation should not be required where:

- the public document is in the **official language of the Member State where the document is presented** or, if that Member State has several official languages, in the official language or one of the official languages of the place where the document is presented or in any other language that that Member State has expressly accepted; or
- a public document concerning birth, a person being alive, death, marriage, registered partnership, domicile and/or residence, or absence of a criminal record, is accompanied, in accordance with the conditions set out in this Regulation, by a multilingual standard form, provided that the authority to which the public document is presented considers that the information included in the multilingual **standard form** is sufficient for processing the public document.

Moreover, a certified translation carried out by a **person qualified** to do so under the law of a Member State should be accepted in all Member State.

Request for information and administrative cooperation: in order to allow for fast and secure cross-border information exchange and to facilitate mutual assistance, the Council position establishes an effective mechanism for administrative cooperation between the authorities designated by the Member States. The use of that mechanism should be based on the Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council.

Under this mechanism, the requested authorities should reply to such requests within the shortest possible period of time and in any case within a period **not exceeding five working days or 10 working days** when the request is processed through a central authority. An extension may be agreed upon if necessary.

Information to the public: with a view to making the information available to the public through any appropriate means and, in particular, through the **European e-Justice Portal**, Member States should communicate to the Commission: (i) the language or languages they can accept for the presentation of public documents issued by the authorities of another Member State; (ii) an indicative list of public documents falling within the scope of this Regulation; (iii) the list of public documents to which multilingual standard forms can be attached as a suitable translation aid; (iv) the lists of persons qualified, in accordance with national law, to carry out certified translations, where such lists exist.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 09/06/2016

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

In line with the recommendation made by the Committee on Legal Affairs, **Parliament approved, at second reading following the ordinary legislative procedure, the Council position at first reading** without amendment.

A proposal to reject the Council position tabled by the ENF group was rejected by 48 votes to 565, with 4 abstentions.

The draft Regulation aims to promote the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union. It also foresees simplification of other formalities related to the cross-border acceptance of public documents, namely of certified copies and certified translations.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 09/06/2016 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

In line with the recommendation made by the Committee on Legal Affairs, **Parliament approved, at second reading following the ordinary legislative procedure, the Council position at first reading** without amendment.

A proposal to reject the Council position tabled by the ENF group was rejected by 48 votes to 565, with 4 abstentions.

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Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 06/07/2016 - Final act

PURPOSE: to facilitate freedom of movement of citizens by simplifying the requirements for presenting certain public documents in the European Union.

LEGISLATIVE ACT : Regulation (EU) 2016/1191 of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

CONTENT : the Regulation provides, in relation to certain **public documents** which are issued by the authorities of a Member State and which have to be presented to the authorities of another Member State, for a system of:

- **exemption from legalisation or similar formality**; and
- **simplification of other formalities**.

Under the Regulation, **public documents** on certain matters (for example, birth, marriage or representation of a company) issued in a Member State **must be accepted as authentic in another Member State** without the need for such documents bearing an authentication stamp (the apostille).

The Regulation establishes **multilingual standard forms** to be used as a translation aid attached to the most frequently used public documents in a cross=border context.

The Regulation also covers public documents the presentation of which can be required of citizens of the Union residing in a Member State of which they are not nationals when they wish to **vote or stand as candidates** in elections to the European Parliament or in municipal elections in their Member State of residence.

Certified copies and translations: the Regulation **abolishes the obligation** to provide in all cases certified copies and certified translations of public documents issued in another Member State. A certified translation carried out by a person qualified to do so under the law of a Member State shall be accepted in all Member States.

Requests for information and administrative cooperation: the Regulation strengthens the fight against fraud by introducing a **system** of administrative cooperation between Member States based on the Internal Market Information system (IMI) that will enable Member States to communicate with each other in case of doubt about the authenticity of a public document. The requested authorities should reply to such requests within the shortest possible period of time and in any case within a period not exceeding 5 working days or 10 working days when the request is processed through a central authority. These time limits may be extended.

Public information: in order to facilitate the application of the Regulation, Member States should, with a view to making the information available to the public through the European e-Justice Portal, communicate to the Commission, inter alia: (i) the languages they can accept for the presentation of public documents issued by the authorities of another Member State; (ii) an indicative list of public documents falling within the scope of the Regulation; (iii) the list of public documents to which multilingual standard forms can be attached as a suitable translation aid; (iv) the lists of persons qualified, in accordance with national law, to carry out certified translations, where such lists exist.

ENTRY INTO FORCE: 15.8.2016.

APPLICATION: from 16.2.2019.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 24/04/2013 - Legislative proposal

PURPOSE : to promote the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union.

PROPOSED ACT : Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT : the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND : the mobility of Union citizens is a practical reality, evidenced in particular by the fact that some 12 million of them study, work or live in another Member State of which they are not nationals. Today, if Union citizens and businesses exercise their free movement rights or internal market freedoms by, for example, choosing to reside or do business in another Member State, they face a series of difficulties when **presenting the necessary public documents** to the authorities and getting them accepted by that Member State contrary to its own nationals and businesses.

The administrative formalities in question are **legalisation and Apostille**, required to establish the authenticity of public documents so that they can be used outside the Member State where they have been issued. They can be considered **outdated and disproportionate** mechanisms for ensuring the

wished objectives of legal security. More effective, secure and **simpler mechanisms or systems should be identified**, which would allow to consolidate mutual trust and to promote closer cooperation between the Member States within the Single Market, in particular as regards a more effective prevention of fraud and forgery of public documents.

In its Resolution on the 2009 Stockholm Programme, the European Parliament considered that the priorities in the field of civil justice must first and foremost meet the needs expressed by individual citizens and businesses. Therefore, it "calls for a simple and autonomous European system for the abolition of requirements for legalisation of documents".

In response, the European Commission confirmed its commitment to facilitate the free circulation of public documents within the EU in its 2010 Citizenship Report. Through its Green Paper, the Commission launched a consultation on the possible means to facilitate the use and acceptance of public documents between the Member States.

This proposal is one of the key initiatives in the **European Year of Citizens 2013** and provides at the same time a concrete contribution to the policy of the 'Justice for Growth'.

IMPACT ASSESSMENT : the Commission has also carried out an Impact Assessment which accompanies the proposal.

The public consultation showed that the majority of the Member States and stakeholders welcomed the Commission's intention to abolish the administrative formalities relating to the verification of authenticity of public documents. However, they underlined the need to introduce accompanying safeguards, such as the possibility to verify the authenticity of public documents through strengthened EU-wide administrative cooperation in order to facilitate the transition from the current system to the new framework and ensure legal certainty and minimize fraud.

LEGAL BASIS : Article 21(2) and Article 114(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT : this proposal seeks to **streamline the rules and procedures** applied currently between the Member States concerning the verification of authenticity of certain public documents and at the same time complementing the existing sectorial Union law, including rules relating to the

circulation.

Scope of the proposal : the scope of this proposal covers public documents issued by authorities of the Member States and having formal evidentiary value relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record. Documents drawn up by private persons and documents issued by authorities of third States are excluded from its scope

More specifically, the proposal :

- establishes a **clear set of horizontal rules exempting public documents falling under its scope from legalisation or similar formality (Apostille);**
- foresees simplification of other formalities related to the cross-border acceptance of public documents, namely of **certified copies and certified translations**;
- introduces an **effective and secure administrative cooperation** based on the Internal Market Information System ("the IMI") in order to guarantee the authenticity of public documents which circulate from one Member State to another;
- establishes **Union multilingual standard forms** concerning birth, death, marriage, registered partnership and legal status and representation of a company or other undertaking. In addition, with the aim to further reduce the remaining translation requirements for EU citizens and businesses, such Union multilingual standard forms could be established at a later stage for public documents relating to name, parenthood, adoption, residence, citizenship and nationality, real estate, intellectual property rights and absence of a criminal record.

The Commission ensures that this proposal complies with the rights set out in the **Charter of Fundamental Rights** by the European Union.

BUDGETARY IMPLICATION : the only minor costs expected for the EU budget relate to training activities and to meetings.

It is estimated that the total one-shot costs for the necessary training activities on the Internal Market Information System related exclusively to this proposal would be around **EUR 50 000**. The impact on administrative expenditure is estimated at EUR 182 000 for 2014-2020.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 04/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 573 votes to 62, with 44 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

Parliament’s position adopted in first reading, following the ordinary legislative procedure, amended the Commission proposal as follows:

Scope: the simplification of the acceptance of public documents in another Member State should be **extended to a larger number of categories**. They included identity documents, immigration status, qualifications and records of schooling and further education, the licence to drive or operate terrestrial, airborne and maritime vehicles, disability, and tax and social insurance documents, as problems arise with formalities in all these cases. In addition, the simplifications should also apply to other EU institutions.

Certified/uncertified copies: Members proposed that authorities should accept, instead of the original of a public document issued by the authorities of other Member States or by Union authorities, a certified or uncertified copy thereof.

If, in an individual case, an authority has reasonable doubts concerning the authenticity of an uncertified copy of a public document issued by the authorities of another Member State or by Union authorities, it may require the original or a certified copy of that document to be submitted, the choice being at the discretion of the person submitting it.

If an uncertified copy of such a public document is submitted with a view to the entry of a legal fact or legal transaction in a public register, for the correctness of which **public financial liability exists**, the authority concerned **may also require the original or a certified copy of that document to be submitted**, the choice being at the discretion of the person submitting it, in cases where there is no reasonable doubt concerning the authenticity of the copy.

Certified translations: certified translations entail substantial costs to citizens. Therefore, they should therefore only be required in **exceptional cases**. Citizens should bear the cost of the translation only if the authority's doubts have proved to be justified. As a general rule, authorities should accept certified translations produced in other Member States.

Apostille and legalisation: the amended text stated that authorities should accept public documents submitted to them which have been issued by authorities of another Member State or by Union authorities **without legalisation or an apostille**.

Request for information in case of reasonable doubt: where the authorities of a Member State in which a public document or its certified or uncertified copy is presented have, on the basis of a thorough and objective examination, **reasonable doubt** as to the authenticity of the public document, they may submit a request for information to the relevant authorities of the Member State where the document was issued, either by using the Internal Market Information System directly, or by contacting the central authority of their Member State.

The Commission should ensure that the Internal Market Information (**IMI**) System fulfils the technical and personal requirements for the exchange of information.

Union multilingual standard forms: Members proposed the introduction of the multilingual standard forms, as they will make life easier for citizens. However, the list of the forms available should be extended. Parliament has proposed to **add to the list of five proposed forms**, additional forms concerning the name, descent, adoption, unmarried status, divorce, dissolution of a registered partnership, Union citizenship and nationality, absence of a criminal record, residence, educational certificates and disability.

The **fee** for issuing a Union form should not exceed the fee charged for issuing the corresponding customary public document in the Member State concerned. Union multilingual standard forms should be accepted by the authorities of the Member States where they are presented **without a translation** of their contents.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 10/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

The committee recommended that Parliament's position adopted in first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Scope: the simplification of the acceptance of public documents should be **extended to a larger number of categories**. The report laid down the fields that should be brought within the scope of the regulation. They included identity documents, certificates relating to educational attainment or disability, and tax and social insurance documents, as problems arise with formalities in all these cases. In addition, the simplifications should also apply to other EU institutions.

Certified/uncertified copies: the report noted that authorities should accept, instead of the original of a public document issued by the authorities of other Member States or by Union authorities, a certified or uncertified copy thereof.

It is recalled that in many Member States, the formality of a certified copy is no longer in use. Citizens regard this as considerable progress in eliminating red tape. It should also be made possible in cross-border situations.

If, in an individual case, an authority has reasonable doubts concerning the authenticity of an uncertified copy of a public document issued by the authorities of another Member State or by Union authorities, it may require the original or a certified copy of that document to be submitted, the choice being at the discretion of the person submitting it.

If an uncertified copy of such a public document is submitted with a view to the entry of a legal fact or legal transaction in a public register, for the correctness of which **public financial liability exists**, the authority concerned **may also require the original or a certified copy of that document to be submitted**, the choice being at the discretion of the person submitting it, in cases where there is no reasonable doubt concerning the authenticity of the copy.

Certified translations: certified translations entail substantial costs to citizens. Therefore, they should therefore only be required in exceptional cases. Citizens should bear the cost of the translation only if the authority's doubts have proved to be justified. Authorities shall accept certified translations produced in other Member States. The report proposed that, as a general rule, **uncertified translations should be accepted**.

Apostille and legalisation: the amended text stated that authorities should accept public documents submitted to them which have been issued by authorities of another Member State or by Union authorities without legalisation or an apostille. However, it should be made clear in what circumstances legalisation or an apostille are not required: when the document is being submitted to an authority of another Member State.

Members proposed abolishing the formalities as regards the legalisation and apostille which have been required hitherto in the interests of both individuals and businesses. In some fields, they have in any case already been abolished at European level by regulations relating to specific fields.

On the other hand, Members stated that this Regulation shall **not prejudice the application of Union law** which contains specific provisions on legalisation, apostille or other formalities with reference to individual fields.

Administrative cooperation: the Commission should ensure that the Internal Market Information (**IMI**) System fulfils the technical and personal requirements for the exchange of information.

Union multilingual standard forms: Members proposed the introduction of the multilingual standard forms, as they will make life easier for citizens. However, the list of the forms available should be extended. The **fee** for issuing a Union form should not exceed the fee charged for issuing the corresponding customary public document in the Member State concerned. Union multilingual standard forms should be accepted by the authorities of the Member States where they are presented **without a translation** of their contents. The report also proposed that this system be extended to cover cases for which no customary national document exists. An EU standard form ought therefore also to be created for **divorces**. Similar considerations apply to educational qualifications for students and workers.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 27/04/2016 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Legal Affairs adopted the recommendation for second reading contained in the report by Mady DELVAUX (S&D, LU) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

The committee recommended that the European Parliament **approve, unamended, the Council position at first reading**.

To recall, the aim of this legislation is to promote the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union. It does not affect recognition of the content of public documents, particularly out of a concern to preserve the sovereignty of the Member States with regard to family law.

After interinstitutional negotiations, the co-legislators and the Commission have agreed a compromise text.

The regulation covers all civil status documents and certain other documents that are often required by members of the public, concerning for example residence, nationality and absence of a criminal record.

For these public documents, the regulation exempts members of the public from legalisation and apostille, which are two administrative formalities traditionally required for public documents issued by another country. Simplified acceptance measures are also laid down with regard to certified copies and certified translations. Lastly, the regulation also provides for the creation of multilingual standard forms for most of the public documents concerned.

In the explanatory statement accompanying the draft resolution, Members recalled that the Parliament would have liked to include within the scope of the regulation diplomas and education certificates, certificates of disability and certain documents relevant to businesses. Furthermore, multilingual standard forms cannot circulate autonomously but must be annexed to the appropriate national documents, which constitutes an avoidable complication.

However, this does not alter the fact that **substantial progress has been made**. In addition, the regulation contains revision clauses with a view to extending the scope of the administrative simplifications in future.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 08/04/2016 - Commission communication on Council's position

The Commission considered that, overall, the Council's position **endorsed the core objective of the Commission proposal**, namely to cut red tape and costs for citizens and thereby simplify the circulation of certain public documents.

However, the Council has introduced **some changes** in the Commission's proposal, following the informal trilogue discussions:

Scope of the Regulation: the Council's text covers public documents for the benefit of citizens, in particular civil status documents, but excludes business-related documents. However, it covers civil status documents in an extended number of areas. It also includes a revised review clause that refers to certain public documents concerning businesses and also citizens and provides that a review to consider the inclusion of these additional areas in the regulation will be carried out at an earlier date than the date for the general review of the regulation.

Self-standing multilingual standard forms: these have become translation aids to be attached to the public document. However, the Council's text introduces seven additional forms to avoid translation requirements in additional areas.

Translations: the Council's text allows the receiving Member States to require certified translations of public documents in languages other than those expressly accepted by each Member State. However, it clarifies that, where a public document is accompanied by a multilingual standard form, a translation of the document can only be required exceptionally.

Apostille: although a Member State authority cannot require an apostille on a public document issued by another Member State authority, citizens can continue to ask for an apostille. However, Member States and the Commission are obliged to inform citizens on the content of the regulation both in individual contacts and through web-based information portals.

The Commission considered that despite the changes introduced by the Council, the core principles of the Commission proposal, namely the abolition of the apostille requirement, the simplification of formalities concerning translations and certified copies and the use of the IMI as a system of cooperation between Member States to fight against fraud, are preserved.

As all amendments to the Commission proposal were discussed during the informal trilogue discussions, **the Commission can accept the amendments** that the Council adopted in its first reading position.

Simplifying the requirements for presenting certain public documents in the EU

2013/0119(COD) - 04/12/2014

The Council held a **discussion** on the draft regulation on promoting the free movement of citizens and businesses by simplifying the requirements for presenting certain public documents in the European Union.

Ministers adopted guidelines of the following four issues for the continuation of the work at a technical level:

1) Scope: after extensive examination of the proposal, the majority of the delegations are not able to accept the wide scope of the proposal as presented by the Commission in its initial text. Therefore the Presidency suggests **narrowing the scope of the proposed Regulation to civil status matters only**. The original scope of this proposal covers public documents issued by authorities of the Member States that have formal evidentiary value relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record. Under this proposed regulation, such documents would be exempted from all forms of legalisation and similar formalities. Documents drawn up by private persons and documents issued by authorities of third states are excluded from its scope.

2) Translations: the majority of delegations have expressed a **negative opinion** on the principle that non-certified translations should be accepted in the context of this Regulation. The Presidency therefore suggests that a translation should not be required in cases where the public document is in the official language or, if that Member State has several official languages, in the official language of the place where it is presented or in any other language that the Member State has expressly accepted. In addition, **certified translations** of public documents made by a person qualified to do such translations under the law of a Member State should be accepted in all Member States. The question of the possible transliteration rules to be followed in cases where a transliteration from a different alphabet is needed should be examined at the technical level at a later stage.

3) Multilingual standard forms: in view of the reservations that a large number of delegations have expressed on the establishment of common multilingual standard forms at EU level in the area of civil status matters as autonomous public documents, the Presidency suggests to reflect on a possible solution where these multilingual standard forms could be used as a translation aid attached to the corresponding national public documents. These forms would simply have a **harmonised common content** without any autonomous legal value. The forms would be filled in by a competent national authority and, if necessary under the national law of each Member State, stamped or sealed to prove that it has been issued by that authority.

4) Relations between the future regulation and other instruments: the Presidency acknowledges that there is a need to clarify the relationship between this Regulation and international agreements concluded by the Member States, in particular in the area of civil status and legalisation. Moreover, the Presidency also suggests that as regards the issue of Apostille, further reflection is needed on the possible inclusion of a new recital consistent with the requirement to exempt public documents from the Apostille formality clarifying that the application of the proposed Regulation does not prevent the Member States from issuing an Apostille in case a citizen still requests an Apostille from the competent national authorities. In line with the above, it should also be clearly stated that citizens can continue to use an Apostille in another Member State.