



**COUNCIL OF
THE EUROPEAN UNION**

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17441/12

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NOTE

from : the Hungarian delegation

to : Council

No. Cion prop. : 10613/11 JUSTCIV 143 COPEN 123 CODEC 889

No. prev. doc. : 17165/12 JUSTCIV 348 COPEN 265 CODEC 2900

Subject : Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters
- Statement by Hungary on Article 5b(2) and Article 8(3), to be included in the minutes of the Council

Article 5b(2) and Article 8(3) of the *Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters*, in the form submitted to the JHA Council of 6-7 December 2012 for the adoption of a general approach, contain provisions on the notification of the person causing the risk and require Member States to effect the notification “by registered letter with acknowledgement of receipt” even if that person resides in a third State.

However, under the applicable international conventions on the service of documents in civil matters, a number of third States do not allow this method of service of foreign documents (service by postal services) in their territory. Hungary is convinced that it is not the intention of the Regulation to unilaterally oblige those third States to accept this method of service of protection measures issued in the Member States. Consequently, Hungary stresses its view that the provisions in question must not affect the application of international conventions concluded by Hungary with third States, which contain provisions on the cross-border service of judicial and extrajudicial documents in civil matters.
