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**NOTE**

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From:	Presidency
To:	Council
No. prev. doc.:	6599/15 JUSTCIV 37 FREMP 31 CODEC 256 ADD 1
No. Cion doc.:	9037/13 JUSTCIV 108 FREMP 70 CODEC 952 + ADD 1 (en) + ADD 2
Subject:	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 ( <b>First reading</b> ) - Partial general approach (on the provisions)

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1. Delegations will find in the Annex the text of the above-mentioned proposal which the Presidency proposes as a final compromise with a view to the adoption of a partial general approach by the Council (Justice and Home Affairs) at its meeting on 12 and 13 March 2015.
2. The partial general approach includes the following provisions: Article 1(1) and (1a), Article 2, Article 3, Article 4, Article 5, Article 8, Article 8a, Article 9, Article 10, Article 16, Article 17, Article 18, Article 19, Article 20, Article 20a, points (b) and (c) of Article 20x(1), Article 20x(2) and (3), and Article 21.
3. The partial general approach does not include Article 1(2), Chapter IIa, point (a) of Article 20x(1), Article 20b, Article 22, as well as the recitals and the annexes of the proposed Regulation.
4. Changes compared to the text of the Commission proposal are marked in **bold** or by [...] for deleted text.
5. New text added since the Coreper meeting of 4 March 2015 is indicated in **bold** and underlining.

Proposal for 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**

**Chapter I**

**Subject matter, scope and definitions**

*Article 1*

*Subject matter<sup>1 2</sup>*

1. This Regulation provides for a **system of** dispensation from legalisation or similar formality and for [...] simplification of other formalities [...] in respect of **certain** public documents issued<sup>3 4</sup> by the authorities of [...] a Member State which have to be presented to the authorities of another Member State.

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<sup>1</sup> See new recital proposed under Article 4, footnote 2.

<sup>2</sup> A recital should be added, drafted along the following lines:

"The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents introduced a system of simplified circulation of public documents issued by other Contracting Parties to that Convention.

In accordance with the principle of mutual trust and in order to promote the free movement of persons within the Union, this Regulation sets out a system of further simplification for the circulation of public documents between Member States. This Regulation should be regarded as a separate and autonomous instrument from the Hague Convention of 1961.

This Regulation is without prejudice to persons being able to continue to benefit, if they so wish, from other systems exempting public documents from legalisation or similar formality in relations between Member States."

<sup>3</sup> The term "issued" is to be understood as covering situations where a public document *emanates* from an authority or an official connected with the courts or tribunals of a Member State, *has been placed*, in the form of an official certificate, on documents signed by persons in their private capacity, *has been registered* as an authentic instrument in a Member State or *has been drawn up* in a Member State or by the diplomatic or consular agents of a Member State.

<sup>4</sup> The term "issued" should be translated in French as "émis".

- 1a. Without prejudice to paragraph 1, this Regulation shall not prevent a person from using other systems applicable in a Member State on legalisation or similar formality.**
2. It also establishes [...] multilingual standard forms **which shall be issued on request by a person as a translation aid attached to national public documents** concerning birth, death, marriage **and** registered partnership<sup>1</sup>. [...].<sup>2</sup>

## *Article 2*

### *Scope*

1. This Regulation applies to [...] public documents<sup>3 4 5 6</sup> **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 whose primary purpose is to establish one of the following facts:**
- (a) birth;
  - (b) death;
  - (c) name;<sup>7</sup>
  - (d) marriage, **including capacity to marry and marital status**<sup>8</sup>;

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<sup>1</sup> Cf footnote 4 in Article 2.

<sup>2</sup> Article 1(2) is not part of the partial general approach which the Council (Justice and Home Affairs) is invited to agree at its meeting of 12 and 13 March 2015 and will be subject to further examination at technical level in the light of the ongoing discussions on multilingual standard forms. Article 1(2) is presented here only in order to give a general overview of the subject matter covered by Article 1.

<sup>3</sup> A recital will clarify that this Regulation covers also public documents issued in electronic form. However, each Member State shall decide in accordance with its national legislation how/if documents in electronic format can be presented.

<sup>4</sup> It will be specified in a separate recital that the issuance of such documents concerns documents which exist in the Member States in accordance with their national law and in accordance with private international law.

<sup>5</sup> It is proposed that an indicative list of national public documents covered by this Regulation should be made publicly available, under the responsibility of the Member States, through the e-Justice Portal. To that end, the Member States will be invited to communicate the relevant information to the Commission in view of its publication. (See also new Article 20x(1)(b).)

<sup>6</sup> A recital will clarify that this Regulation does not cover identity cards or passports.

<sup>7</sup> A recital will clarify that point (c) also covers name changes.

<sup>8</sup> The term "marital status" refers to an individual's status of being married, separated or unmarried, including being single, divorced or widowed.

- (d1) divorce, legal separation or marriage annulment;<sup>1 2</sup>**
- (d2) registered partnership, including capacity to enter into a registered partnership and registered partnership status;**
- (d3) dissolution or annulment of a registered partnership;**
- (e) parenthood;<sup>3 4 5 6</sup>
- (f) adoption<sup>7 8</sup>;
- (g) **domicile and/or residence<sup>9</sup>**;
- (h) [...] nationality<sup>10</sup>.
- [...]

2. **This Regulation does not apply to:**

- (a) public documents issued by the authorities of a third country<sup>11</sup>, or**
- (b) certified copies of such documents made by the authorities of a Member State.**

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<sup>1</sup> A recital should be added to clarify that, in matters relating to divorce, legal separation or marriage annulment, this Regulation should be without prejudice to the application of Brussels IIa Regulation.

<sup>2</sup> A recital should be added to clarify that the recognition of judgments establishing a divorce, legal separation or marriage annulment which fall within the scope of Brussels IIa Regulation is governed by the provisions of Brussels IIa Regulation.

<sup>3</sup> It should be indicated in a recital that this concept does not cover parental responsibility in the sense of Brussels IIa Regulation.

<sup>4</sup> It appears that in many Member States there is no specific civil status document in this area; for example the relevant document could also be the court judgment or a notarial act.

<sup>5</sup> A recital should be added to clarify that the term "parenthood" designates the legal relationship between a child and the child's parents.

<sup>6</sup> The translations of the term "parenthood" submitted by delegations during the 18 February 2015 Working Party meeting will be transmitted to the Language Coordination Unit with a view to their inclusion in the relevant language versions of the text.

<sup>7</sup> It should be indicated in a recital that the concept of adoption does not cover the reports mentioned in Articles 15 and 16 of the 1993 Hague Convention on inter-country adoption, as well as the consent of Article 17 of the 1993 Hague Convention.

<sup>8</sup> It appears that in many Member States there is no specific civil status document in this area; for example the relevant document could also be the court judgment or a notarial act.

<sup>9</sup> This covers all documents according to national law which certify a person's address. This means for example that the concept of domicile has different legal effects from the UK/Ireland and from other Member States.

<sup>10</sup> A recital will specify that this term should be understood in the light of the concepts existing in the relevant Member State.

<sup>11</sup> A recital could clarify that this Regulation does not apply to public documents issued by the authorities of a third country even if such documents have already been accepted by the authorities of a Member State.

3. This Regulation does not apply to the recognition **in a Member State of the legal effects relating to** the content of public documents<sup>1</sup> [...] <sup>2</sup> issued by the authorities of **another** Member State [...].

*Article 3*

*Definitions*

For the purposes of this Regulation:

- (1) "public documents"<sup>3 4</sup> means [...]:
- (i) **documents emanating from an authority or an official connected with the courts or tribunals of a Member State, including those emanating from a public prosecutor, a clerk of the court or a judicial officer ('huissier de justice');**
  - (ii) **administrative documents<sup>5</sup>;**

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<sup>1</sup> A recital could clarify that the legal effects relating to the content in another Member State of national public documents are not governed by this Regulation.

<sup>2</sup> Reference to multilingual standard forms was deleted in light of the orientation guidelines endorsed by the JHA Council, which state that multilingual standard forms have no legal value (see paragraph 2 of Article 6b).

<sup>3</sup> This paragraph was taken from the 1961 Hague Convention (Article 1), which covers judgments and other court decisions and the concept of notarial acts.

<sup>4</sup> The discussions so far have shown that Member States have very different practices as regards the types of public document available and that the same fact can be established in one Member State by a notarial act and in another Member State by a court decision. In accordance with the principle of equality of citizens and in order not to deprive citizens of certain Member States of the benefit of this Regulation, it seems highly desirable that the concept of "public documents" should also include judgments and other court decisions.

<sup>5</sup> Note: Administrative documents shall include also certificates and extracts.

- (iii) **notarial acts;**<sup>1</sup>
  - (iv) **official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date, and official and notarial authentications of signatures;**
  - (v) **documents drawn up in their official capacity by the diplomatic or consular agents of a Member State acting in the territory of any State, where such documents have to be [...] presented in the territory of another Member State or [...] to the diplomatic or consular agents of another Member State acting in the territory of a third State.**
- (2) "authority" means a public authority of a Member State or an entity **acting in an official capacity and** authorised [...] **under** national law to issue or receive a public document covered by this Regulation **or its certified copy;**
- (3) "legalisation" means the formal procedure for certifying the authenticity of a public office holder's signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears;
- (4) "similar formality" means the addition of the certificate foreseen by the Hague Convention of 1961 abolishing the requirement of legalisation for foreign public documents;

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<sup>1</sup> The Presidency would like to invite the Member States to accept, in a spirit of compromise, the definition of "public documents" set out in Article 3(1) (i) to (iv), taking into account that this concept has been taken from the 1961 Hague Convention (Article 1) and that said Convention has been applied for many years by the Member States. Consequently, Member States have gained wide practical experience in relation to the application of that Convention. The Presidency also invites the Member States to take into account the fact that any amendments to subparagraph (iii), (i.e. replacing the term "notarial acts" by that of "authentic instruments/acts"), could jeopardise the inner logic of the concept of "public documents" as set out in the 1961 Hague Convention. Moreover, the Presidency would like to take this opportunity to draw attention to the fact that the concept of "administrative documents", according to the 1961 Hague Convention, includes also documents/instruments drawn up by public authority or other authority empowered for that purpose in a Member State.

- (5) "other formalities" means [...] certified copies and certified translations of public documents;
- (6) "central authority" means the authority **or authorities** which has **or have been** designated in accordance with Article 9 by the Member States to fulfil functions relating to the application of this Regulation;
- (7) **"certified copy" means a copy of an original public document issued by an authority of a Member State which is signed and attested to be an accurate and complete reproduction of the original public document by an authority of the Member State that originally issued the original public document and which is empowered by national law to do so.<sup>1</sup>**

## Chapter II

### Exemption from legalisation and simplification of [...] formalities relating to certified copies [...]

#### Article 4

##### *Exemption from legalisation and similar formality*

1. Public documents [...] **covered by this Regulation and their certified copies<sup>2</sup>** shall be exempted from all forms of legalisation [...] and similar formality. <sup>3</sup>
2. **[moved to Article 1(1a)]**

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<sup>1</sup> A recital will clarify that this Regulation does not cover copies of certified copies.

<sup>2</sup> A reference to "certified copies" has been added to Article 4 because, in certain situations, an apostille may also be issued on a certified copy of a public document.

<sup>3</sup> As regards the issue of the apostille, it is suggested that a new recital be added to indicate that this Regulation provides for further simplification in the circulation of public documents between Member States, compared to the mechanisms of legalisation and apostille. However, while national authorities of Member States may not require legalisation or an apostille when a person presents a public document issued in another Member State, this Regulation should not prevent Member States from issuing an apostille when a person chooses to request it. Moreover, this Regulation should not prevent a person from continuing to use in a Member State an apostille issued in another Member State. This implies that the 1961 Hague Convention could still be used, at the person's request, in relation between Member States.

In a case where a person requests an apostille on a public document covered by this Regulation the issuing national authorities should inform that person that the system set out by this Regulation does not require an ex-ante authenticity check and that an apostille is no longer necessary if the document is intended to be presented in another Member State.

## Article 5

### *Certified copies and originals of public documents<sup>1</sup>*

1. [...] **Where a Member State requires the presentation of the original of a public document [...] issued by the authorities of [...] another Member State, the authorities of [...] the Member State where the public document is presented shall not require the parallel presentation of [...] its certified copy.**

[...]

2. **Where a Member State allows for the presentation of a certified copy, the authorities of that Member State shall accept a certified copy<sup>2</sup> made in another Member State.**

## [Chapter IIa

### [...] **Translations and multilingual standard forms]**

(...)]<sup>3</sup>

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<sup>1</sup> It is proposed that an indicative list of types of authorities empowered by national law to make certified copies, as well as a short description of the national legislation applicable for the issuance of certified copies and of the specific features of such certified copies should be made publicly available, under the responsibility of the Member States, through the e-Justice Portal. To that end, Member States will be invited to communicate the relevant information to the Commission in view of its publication. (See also new Article 20x(1)(c).)

<sup>2</sup> See the new definition of the term "certified copy" set out in Article 3(7).

<sup>3</sup> The provisions of Chapter IIa are not part of the partial general approach which the Council (Justice and Home Affairs) is invited to agree at its meeting of 12 and 13 March 2015 and will be subject to further examination at technical level.



## Chapter III

### Requests for information and administrative cooperation

#### *Article 8<sup>1</sup>*

#### *Internal Market Information System*

The Internal Market Information System ("IMI") established by Regulation (EU) No 1024/2012 shall be used for the purposes of Article [...] **8a, Article 10 and Article 20 (1) and (1bis)**.<sup>2</sup>

#### *Article 8a*

#### *Request for information in case of reasonable doubt<sup>3</sup>*

1. Where the authorities of a Member State in which a public document or its certified copy [...] is presented have reasonable doubt as to their authenticity [...], [...] **they should take the following steps to resolve their doubt:**
  - (a) **check the available templates of documents in the repository of IMI as mentioned in Article 20;**
  - (b) **if a doubt remains<sup>4</sup>, they may submit a request for information through IMI<sup>5</sup>:**

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<sup>1</sup> A recital will indicate that the authorities of the Member States shall work in close cooperation and provide each other mutual assistance in order to facilitate the implementation of this Regulation and in particular Article 8a.

<sup>2</sup> A recital should be added to indicate that, in order to guarantee a high level of security and data protection in the context of the application of this Regulation and to prevent fraud, the Commission should put in place the measures necessary:

- (i) to ensure the security of public documents and the confidentiality of their content processed in IMI, as well as safe means of electronic transmission of these documents by means of IMI; and
- (ii) to allow that the public documents and the personal data exchanged are collected, processed and used for purposes in line with those for which they were originally transmitted.

<sup>3</sup> The system is meant to be flexible.

<sup>4</sup> This could for example include situations where templates are not available.

<sup>5</sup> It will be indicated in a recital that the Central Authorities communicate through IMI. National situations are dealt with internally according to national procedures.

(i) to the [...] **authority that issued the public document [...] and/or, where applicable, to the authority that made the certified copy;** or

(ii) **through the relevant Central Authority.**

2. The reasonable doubt referred to in paragraph 1 may relate, in particular, to:

(a) the authenticity of the signature,

(b) the capacity in which the person signing the document has acted,

(c) the identity of the seal or stamp,

(d) **any sign that the document may have been falsified or tampered with.**

3. Requests for information shall set out the grounds on which they are based [...].

4. Requests for information **made in accordance with this Article** shall be accompanied by a [...] copy of the public document concerned or of its certified copy, **transmitted electronically by means of IMI.** The requests and any replies to those requests shall not be subject to any tax, duty or charge.<sup>1</sup>

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<sup>1</sup> It will be specified in a recital that requests for information concern only the authorities of the Member States.

5. The authorities shall 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**<sup>1</sup> **when the request is processed through the Central Authority.**<sup>2</sup>

**In exceptional cases, if these time limits cannot be adhered to, the receiving authority and the requesting authority shall agree upon an extension of the time limit.**<sup>3 4 5</sup>

6. If the [...] authenticity of the public document or of its certified copy **is not confirmed** [...], the requesting authority shall not be obliged to [...] **process** them.<sup>6 7 8</sup>

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<sup>1</sup> The calculation of time limits will be made in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits. Article 2(2) of Regulation (EEC, Euratom) No 1182/71 provides that "For the purposes of this Regulation, 'working days' means all days other than public holidays, Sundays and Saturdays."

<sup>2</sup> A recital should clarify that this includes cases where the requested authorities are not yet registered in IMI.

<sup>3</sup> The solution of deadlines agreed between authorities is commonly used by Member States authorities under other instruments that provide for the use of IMI. In practice, this solution works without problems.

<sup>4</sup> A recital will indicate that it is up to the Member States' national authorities to determine how to resolve the authenticity doubt if no answer is given.

<sup>5</sup> A recital should be added to indicate that, if necessary, the IMI coordinator or the Central Authority may be called upon to assist in finding a solution to the difficulties that national authorities may encounter when using IMI, including in cases where no answer is given or where it is not possible to reach agreement on a certain extension of the deadline.

<sup>6</sup> A recital will indicate that situations where no reply is received via IMI should be considered as exceptional. It could be indicated in a recital that in case the authenticity of a public document cannot be confirmed, citizens can use any available means to prove the authenticity of a specific document. It could also be indicated in a recital that in such situations the Member States' authorities can use any available means to verify the authenticity of a presented document.

<sup>7</sup> This Regulation does not cover issues concerning the liability of the Member States' authorities. The IMI system is liability neutral.

<sup>8</sup> A recital will clarify that it may happen that a Member State is not in a position to verify the authenticity of specific documents, particularly where such documents are not recorded in a register or where for whatever reason copies have not been retained.

*Article 9*  
*Designation of central authorities*

1. For the purposes of this Regulation, each Member State shall designate at least one central authority.
2. Where a Member State has appointed more than one central authority, it shall designate the central authority to which any communication may be addressed for transmission to the appropriate [...] authority within that Member State.
- [3. *See Article 20.*]

*Article 10<sup>1</sup>*  
*Functions of central authorities*

The central authorities shall **in particular** provide assistance in relation to requests for information pursuant to Article **8a<sup>2</sup>**, and shall [...]:

- (a) transmit, [...] receive **and, where necessary, answer** such requests;
- (b) supply [...] the information [...] **necessary** in respect of those requests.

[...]

***Article 10 a***

[*see Article 20a*]

**[Chapter IV**  
**[...]**

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<sup>1</sup> Information note: it is pointed out that the central authorities exercise their functions by using the IMI system.

<sup>2</sup> A recital will indicate that taking into account the content of Article 8a(1), this Article applies in particular when either the receiving or the requesting authorities are not registered in IMI.

*Article 11*

~~[...] **Multilingual standard forms**~~

**moved to Article 6a]**

~~[Article 12~~

~~*Issuance **and use** of [...] multilingual standard forms*~~

**moved to Article 6b]**

~~Article 13~~

~~*Guidance on the use of [...] multilingual standard forms*~~

**[see Article 20a]**

~~Article 14~~

~~*Electronic versions of [...] multilingual standard forms*~~

~~**[see Article 20b]**~~

**moved to Article 6c]**

## Chapter V

### Relations with other instruments

#### *Article 16*

#### *Relations with other provisions of Union law*

1. This Regulation shall not prejudice the application of Union law which contains provisions on legalisation, similar formality, other formalities, but shall complement it.<sup>1 2 3</sup>
2. This Regulation shall also not prejudice the application of Union law on electronic signatures and electronic identification.
3. This Regulation shall not prejudice the use of other systems of administrative cooperation established by Union law which provide for exchange of information between the Member States in specific areas.

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<sup>1</sup> A recital should clarify that this Regulation should not prejudice the application of other Union instruments which contain provisions on legalisation, similar formality or other formalities, such as, for example, Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. (See Article 52 of Council Regulation (EC) No 2201/2003)

<sup>2</sup> Similar language can be found in other Union instruments, for example Regulation (EU) No 1215/2012 (recast), recital 25.

<sup>3</sup> A recital should be added to clarify that, if the provisions of this Regulation conflict with a provision of another Union act governing specific aspects of the simplification of the requirements for presenting public documents simplifying such requirements even further, the provision of the other Union act should prevail. This is the case, for example, as regards the directives on Professional Qualifications and Services - Directive 2005/36/EC and Directive 2006/123/EC, which provide that presentation of original documents, certified copies or certified translations should not be imposed, except where objectively justified by an overriding reason relating to the public interest.

Article 17

Amendment to Regulation (EU) No 1024/2012

In the Annex to Regulation (EU) No 1024/2012, the following point 6 is added:

"6. Regulation (EU) No ...\* *Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the [...] requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012: [...] Article 8a, Article 10 and Article 20(1) and (1bis).*"

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\* OJ L ..., ..., p ."

Article 18<sup>1 2</sup>

*Relations with [...] international conventions and agreements*

1. This Regulation shall not affect the application of international conventions to which one or more Member States are party at the time of adoption of this Regulation and which concern matters covered by this Regulation.

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<sup>1</sup> A recital should clarify that, as multilingual standard forms under this Regulation do not have any legal value, there is no overlap or interference with ICCS Conventions Nos. 16, 33 and 34. See also footnote 1 in relation to Article 6b.

<sup>2</sup> **As part of the overall compromise package and in response to the Member States' concerns regarding the issue of external competence, the Presidency suggests, as part of the partial general approach, continuing to reflect until June 2015 on the need to submit a joint political declaration of the Council and the Commission on the external competence in matters relating to legalisation or similar formality in the area covered by this Regulation at the time of adoption of this Regulation**

2. Notwithstanding paragraph 1, this Regulation shall, **in relation to matters to which it applies and to the extent foreseen in it, prevail over other provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States, in the relations between the Member States party thereto [...].**<sup>1</sup>
- 2a. **This Article is without prejudice to Article 1(1a).**
- [2b. **This Regulation shall not preclude the Member States from negotiating, concluding, acceding to, amending and applying international agreements and arrangements with third States in the area of legalisation or similar formalities of public documents covered by this Regulation, nor from deciding on accessions by new Contracting Parties to such agreements and arrangements.**<sup>2]</sup><sup>3</sup>
3. [deleted]<sup>4</sup>
4. [deleted]<sup>5</sup>

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<sup>1</sup> A recital should be added to clarify that, in matters which do not fall within the scope of the Regulation (e.g. evidentiary value of public documents, multilingual standard forms with legal value and dispensation from legalisation of such forms, dispensation from legalisation of public documents in areas other than those referred to under Article 2(1), etc.) Member States may maintain or conclude arrangements with each other.

<sup>2</sup> **A recital should be added to clarify that the rights of the Member States to decide on accession by new Contracting Parties to the international agreements and arrangements in the area of legalisation should include in particular the right to raise and notify objections to new accessions as referred to in Article 12, paragraph 2, of *Hague Convention of 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*. Furthermore, the Member States may continue exercising their rights in the area of legalisation of documents drawn up in their official capacity by their diplomatic or consular agents, *inter alia* covered by *European Convention of 1968 on the Abolition of Legalisation of documents executed by Diplomatic Agents or Consular Officers*.**

<sup>3</sup> **Any adjustments of this provision will be made, if necessary, at the level of the Working Party, after the (JHA) Council meeting on 12 and 13 March 2015.**

<sup>4</sup> A recital should be added to indicate that this Regulation shall not preclude the Member States from maintaining or concluding agreements or arrangements between two or more of them to further simplify the circulation of public documents.

<sup>5</sup> The e-Justice Portal could contain, at the request of a Member State, an indicative list of the systems referred to in Article 1(1a) which are applicable in that Member State.



# Chapter VI

## General and final provisions

### *Article 19*

#### ***Purpose limitation*** [...]

1. The exchange and transmission of information and documents by the Member States pursuant to this Regulation shall serve the specific purpose of [...] **verifying** the authenticity of public documents by the competent authorities through [...] **IMI**;<sup>1</sup>.
2. **This Regulation shall not prejudice the application of the laws and regulations of the Member States regarding public access to public documents.**

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<sup>1</sup> It is recalled that recital 23 of the proposal already refers to the Data Protection Directive as follows: "Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to processing of personal data and on the free movement of such data governs the processing of personal data carried out in the Member States in the context of this Regulation and under the supervision of the public independent authorities designated by the Member States. Any exchange or transmission of information and documents by the Member States' authorities should be in accordance with Directive 95/46/EC. Furthermore, such exchanges and transmissions should serve the specific purpose of verifying the authenticity of public documents by authorities through the Internal Market Information System and only within the sphere of their competences in each individual case." Data protection rules set out in Regulation (EU) No 1024/2012 ("IMI Regulation") also apply.

## Article 20

### *Information on central authorities and contact details*

1. By ...<sup>1</sup>, the Member States shall communicate [...] **through IMI**:
  - (a) the designation of one or more central authorities, [...] their contact details [...] **and, where relevant, the information referred to in Article 9(2)**;
  - (b) **the templates of the most commonly used public documents under their respective national laws or, when one unique template of a public document does not exist, information about the specific features of such a document;**<sup>2</sup> **and**
  - (c) **anonymised versions of forged documents which have been detected.**
- 1bis.** The Member States shall communicate [...] any subsequent changes to that information **through IMI.**
2. The Commission shall make [...] publicly available through any appropriate means [...]:
  - (a) **the information referred to in paragraph 1(a)**;
  - (b) **the information referred to in paragraph 1(b) which is publicly available under the law of the Member State whose authorities issued the public document.**

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<sup>1</sup> OJ: please insert the date: six months before the date of application of this Regulation.

<sup>2</sup> The specific features of a public document or a certified copy do not include the specific security features of such documents or certified copies that are not publicly available under the law of the Member State whose authorities issued the public document or made the certified copy.

*Article 20a<sup>1</sup>*

*[...] Exchange of best practices*

1. **An Ad hoc Committee composed of representatives of the Commission and the Member States and chaired by the Commission shall be established<sup>2</sup>.**
2. **The Ad hoc Committee shall take any measures necessary to facilitate the application of this Regulation, and shall in particular:**
  - (a) **exchange best practices concerning the application of this Regulation between the Member States;**
  - (b) **provide and regularly update best practices on the prevention of fraud of public documents, certified copies and certified translations;**
  - (c) **provide and regularly update best practices on the use of electronic versions of public documents;**
  - (d) **[...] exchange best practices on the use of [...] multilingual standard forms [...];**
  - (e) **exchange best practices on detected forged documents.**

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<sup>1</sup> Article 10a from doc. 10351/14 has been merged with Article 20a.

<sup>2</sup> The representatives of the Member States are appointed by the Member States themselves.

*Article 20[x]*

*Information on languages accepted, national public documents and certified copies*

- 1. The Member States shall communicate to the Commission within [X] months following the entry into force of this Regulation:**
  - (a) the languages they can accept for the public documents to be presented to their authorities pursuant to Article 6(1).<sup>1 2 3</sup>**
  - (b) an indicative list of national public documents falling within the scope of this Regulation;**
  - (c) an indicative list of types of authorities empowered by national law to make certified copies, as well as a short description of the national legislation applicable for the issuance of certified copies; and**
  - (d) information about the specific features of certified copies<sup>4</sup>.**
- 2. The Member States shall communicate to the Commission any subsequent changes to the information referred to in paragraph 1.**
- 3. The Commission shall make publically available through the e-Justice Portal:**
  - (a) the information referred to in paragraph 1(a) to (c); and**
  - (b) the information referred to in paragraph 1(d) which is publicly available under the law of the Member State whose authorities made the certified copy.**

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<sup>1</sup> This text has been modelled on the basis of Article 67 of the Brussels Ila Regulation.  
<sup>2</sup> A recital should clarify that this would be without prejudice to the right of Member States' authorities to accept any other additional language or languages on presentation of a document.  
<sup>3</sup> Article 20x(1)(a) is not part of the partial general approach which the Council (Justice and Home Affairs) is invited to agree at its meeting of 12 and 13 March 2015 and will be subject to further examination at technical level in the light of the ongoing discussions with respect to Article 6(1).  
<sup>4</sup> The specific features of a public document or a certified copy do not include the specific security features of such documents or certified copies that are not publicly available under the law of the Member State whose authorities issued the public document or made the certified copy.

[Article 20b

*Amendment of [...] multilingual standard forms*

(...)]<sup>1</sup>

*Article 21*

*Review*

1. By **[five]**<sup>2</sup>, and at the latest every **[three]** years thereafter, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Regulation, including an evaluation of any practical experiences [...] **relevant for** the cooperation between central authorities. That report shall also contain an assessment of [...] **the appropriateness** for
  - (a) the extension of the scope of this Regulation to public documents relating to **matters** [...] other than **those referred to** [...] in Article 2 [...];  
[...]
  - (b) in case of extension of the scope referred to in point (a), **the** establishment of [...] multilingual standard forms relating to [...] public documents **relating to other matters**;
  - (c) **the use of electronic systems for the direct transmission of public documents and the exchange of information between the authorities of the Member States in order to exclude any possibility of fraud in the matters covered by the Regulation.**

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<sup>1</sup> Article 20b is not part of the partial general approach which the Council (Justice and Home Affairs) is invited to agree at its meeting of 12 and 13 March 2015 and will be subject to further examination at technical level.

<sup>2</sup> OJ: please insert the date: **five** years after the date of application of this Regulation. This time limit will be discussed at a later stage in the Civil Law Working Party in light of the final scope of the proposal.

2. The report shall be accompanied, where appropriate, by proposals for adaptations, in particular as regards the extension of the scope of this Regulation to public documents relating to new **matters** [...] as referred in paragraph 1 point (a), the establishment of new [...] multilingual standard forms [...], as referred **to** in paragraph 1 point [...] (b) and **the use of electronic systems for the direct transmission of public documents and the exchange of information between the authorities of the Member States as referred to in paragraph 1 point (c).**

[Article 22  
Entry into force]

(...)<sup>1</sup>

*For the European Parliament*

*For the Council*

*The President*

*The President*

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<sup>1</sup> Article 22 is not part of the partial general approach which the Council (Justice and Home Affairs) is invited to agree at its meeting of 12 and 13 March 2015 and will be subject to further examination at technical level.