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**NOTE**

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From:	Presidency
To:	Council
No. prev. doc.:	9037/15 JUSTCIV 122 FREMP 115 CODEC 748
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> ) - General approach

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**I. INTRODUCTION**

1. On 26 April 2013 the Commission submitted a 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 “proposed Regulation”).
2. The Council (JHA), at its meeting on 4 and 5 December 2014, adopted a set of orientation guidelines on certain key elements of the proposed Regulation, as set out in 15843/14, to serve as a basis for continuing the more detailed technical discussions at Working Party level.

3. The Presidency has placed the proposed Regulation at the top of its agenda and, on the basis of the orientation guidelines approved by the Council (JHA) in December 2014, substantial progress has been made in the discussions in the Working Party on Civil Law Matters (Legalisation) since January 2015.
4. On 12 and 13 March 2015, the Council (JHA) reached a partial general approach on the text of Chapters I, II, III, V and VI as presented in ADD 1 to 6812/15 and called for work on the remaining provisions, recitals and multilingual standard forms set out in the Annexes to be finalised at technical level with a view to reaching a general approach on the entire text of the proposed Regulation in June 2015.
5. In the light of the progress made at technical level since March 2015, the Presidency takes the view that a general approach can be achieved in relation to the proposed Regulation and therefore proposes, as a political compromise, the text set out in ADD 1 to 3 to this note.
6. Coreper examined the text at its meeting on 27 May 2015 and approved the proposal of the Presidency.
7. The Presidency submits to the Council a final compromise proposal, as set out in ADD 1 to 3 to this note in combination with the partial general approach of March 2015 set out in ADD 1 to 6812/15, for the adoption of a general approach.

## **II. ELEMENTS OF THE COMPROMISE PROPOSED BY THE PRESIDENCY**

### **A. REMAINING ARTICLES**

a) *Article 1(2) (Subject matter), Chapter IIa (Translations and multilingual standard forms) and Article 20b (Amendment of country-specific entries in the multilingual standard forms)*

8. The Working Party on Civil Law Matters (Legalisation) has discussed extensively the possible options for the establishment of multilingual standard forms to be attached to public documents concerning birth, death, marriage and, where applicable, registered partnership.
9. In the light of those discussions, the Presidency suggests establishing multilingual standard forms which would reflect the content of the public documents to which they are attached and would eliminate, to the extent possible, the need for a translation of those public documents.<sup>1</sup>
10. In terms of content, the multilingual standard form should comprise the following elements:<sup>2</sup>
  - i) a standard part, consisting of the elements set out in Annexes I to IV to the proposed Regulation;
  - ii) a non-standard part, consisting of country-specific entries designed to reflect the content of the public document to which the multilingual standard forms are to be attached; and
  - iii) multilingual glossaries of the entries (both standard and country-specific) in all the official languages of the institutions of the Union.

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<sup>1</sup> See Article 6, Article 6a and Article 6c as set out in ADD 1 to this note.

<sup>2</sup> See Article 6c as set out in ADD 1 to this note.

11. On the basis of the elements contained in Annexes I to IV and of those communicated by the Member States for inclusion in the non-standard parts, model multilingual standard forms relating to birth, death, marriage and, where applicable, registered partnership for each Member State should be developed by the Commission, for subsequent publication on the European e-Justice Portal.<sup>1</sup>
12. In order to overcome language barriers, it is proposed that the templates of these multilingual standard forms be issued simultaneously in two official languages: (a) the official language of the Member State where the multilingual standard forms are issued; and (b) the official language of the Member State in which the public documents to which the multilingual standard forms are attached are to be presented, as set out in Article 6d.
13. Moreover, with a view to allowing their use throughout the Union, the multilingual standard forms should contain multilingual glossaries of their entries in all the official languages of the institutions of the Union.<sup>2</sup>
14. In addition, as set out in Article 20b<sup>3</sup>, the Presidency suggests that, in order not to deprive Union citizens of the use of updated multilingual standard forms, any amendments to country-specific entries contained in the multilingual standard forms be made by simple notification by the Member States to the Commission. The Commission should update the lists and publish the information in the Official Journal of the European Union and in the European e-Justice Portal in all the official languages of the institutions of the Union<sup>4</sup>.

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<sup>1</sup> See Article 6(e) as set out in ADD 1 to this note.

<sup>2</sup> See Article 6c(5) as set out in ADD 1 to this note.

<sup>3</sup> See ADD 1 to this note.

<sup>4</sup> See also Article 20[x](3) as set out in ADD 1 to this note.

b) *Article 18(2b) (Relations with international conventions and agreements)*

15. The Council (Justice and Home Affairs) agreed, at the meeting on 12 and 13 March 2015, that the technical work should continue on Article 18(2b) (and its corresponding recital).
16. Taking into account the concerns expressed by a majority of Member States in relation to the issue of the external competence of the Union in the context of the proposed Regulation, the Presidency, together with the Member States and the Commission, has made every effort to find a satisfactory legal solution to this problem.
17. The Presidency is of the view that Article 18(2b), as set out in ADD 1 to this note, and its corresponding recital 14f will give Member States sufficient safeguards on the issue of the external competence.

c) *Article 20(x) (Information to be communicated by Member States)*

18. In the light of the discussions in the Working Party on Civil Law Matters, the Presidency proposes that Article 20(x), as set out in ADD 1 to 6812/15, be adjusted to include some supplementary information to be communicated by the Member States to the Commission.

d) *Article 22 (Entry into force)*

19. The Presidency suggests that the Regulation should apply 36 months after its entry into force, as set out in ADD 1 to this note.<sup>1</sup>

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<sup>1</sup> It is necessary, in order to prepare the proper application of the proposed Regulation, that Article 6e, Article 20, Article 20[x](1) and Article 20[x] (2) and (3) be applied from an earlier date, as set out in ADD 1 to this note.

## **B. RECITALS**

20. The Working Party on Civil Law Matters (Legalisation) has examined the recitals and aligned them, where necessary, to the amendments made in the Articles.
21. Since there are no outstanding issues with regard to the recitals, the Presidency proposes as a compromise the text of the recitals as set out in ADD 2 to this note.

## **C. ANNEXES**

22. Following the discussions at Working Party level, the Presidency suggests that Annexes I to IV to the proposed Regulation, as set out in ADD 3 to this note, should contain the standard parts to be included in the multilingual standard forms relating to birth, death, marriage and registered partnership respectively, as well as multilingual glossaries of their standard entries.
23. As regards the amendment of Annexes I to IV, the discussions at technical level showed that Member States want to keep a certain degree of control over the content of the Annexes. Moreover, taking into account the elements included in the Annexes, it can be anticipated that they would have to be amended only on rare occasions.
24. In order to ensure the best involvement of the Member States, the Presidency proposes that the Annexes should be revised using the ordinary legislative procedure.

### **III. CONCLUSIONS**

25. The Council (JHA) on 15 and 16 June 2015 is invited, as an overall compromise solution, to agree:

- a) on a general approach as set out in ADD 1 to 3 to this note, in combination with the partial general approach of March 2015 as set out in ADD 1 to 6812/15;
  - b) that the compromise text set out in ADD 1 to 3 to this note and in ADD 1 to 6812/15 should constitute the basis for the negotiations with the European Parliament.
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