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To: Council

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)

- General approach
- = Statement

Statement of Austria, Czechia, Estonia, Germany, Hungary, Italy, the Netherlands, Portugal, Slovenia and Spain for the minutes of COREPER and the Justice and Home Affairs Council regarding the Regulations on Service of Documents and Taking of Evidence in civil or commercial matters

One of the objectives of these Regulations is to digitise the transmission of requests for service of documents and taking of evidence between competent authorities in different Member States. For this purpose both Regulations call for the establishment of a mandatory electronic decentralised IT system. The signatories welcome the objective of the Commission proposal and the compromise text of the Finnish Presidency.

The Regulations do not explicitly mention by name a specific software solution to future-proof the Regulations in a fast-moving technological environment. However, the Member States and the Commission have agreed that the implementing acts of the Regulations will specify the e-CODEX system as the appropriate software solution. The signatories support this choice and the use of e-CODEX for this kind of data exchange.

Taking this into account, we draw attention to the Council conclusions on the sustainability of e-CODEX (November 2014), which put forward the opportunity of entrusting an independent existing EU Agency with the governance of e-CODEX. Recalling also the Roadmap of e-CODEX (November 2016) and the Council Conclusions on e-CODEX (June 2017), which invited the Commission “to present a proposal for ensuring the sustainability of e-CODEX, providing the necessary legal and technical arrangements enabling eu-LISA to ensure its maintenance and interoperability”, the signatories call upon the Commission to present a proposal for ensuring the sustainability of e-CODEX, providing the necessary legal and technical arrangements enabling eu-LISA to ensure its maintenance and interoperability. This should be done before the implementing acts of the Regulations are adopted.

We also call upon the Commission to provide the necessary resources enabling this organisation to ensure the maintenance and interoperability of e-CODEX and to present a plan regarding the necessary legislative proposal for the future maintenance of e-CODEX.