



Regulation 1393/2007, Service of Documents

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General aims



- 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)
- Repealing Council Regulation (EC) No 1348/2000, seeks to improve and expedite the transmission of judicial and extrajudicial documents in civil or commercial matters for service between the Member States.
- The Regulation applies between all Member States of the European Union including Denmark
- Transmitting Agencies, Receiving Agencies and Central Body are established.
- The Regulation provides for seven forms.

Public information



- The **EUROPEAN JUDICIAL ATLAS IN CIVIL MATTERS** **provides with information** concerning the application of the Regulation and a user-friendly tool for filling in the forms.
- Information provided by Croatia on judicial cooperation in civil matters is available on the European e-Justice Portal.
- The forms are only available on the European e-Justice Portal .



Communication MS and publication of information referring to



- Transmitting and receiving agencies with the addresses and the geographical areas in which they have jurisdiction
- Central Body
- Official languages and another that can be accepted
- Cost that can be reimburse
- Other means of transmission and service allowed

Are available at [European e-Justice Portal](#).



The European area of justice: milestones



- The “European area of justice”, Treaty of Amsterdam (2.10.1997), “communitarization”
- Tampere Council meeting (1999)
- Origin: Brussels Convention, September 1968
- Parallel instrument: Lugano Convention
- Standard interpretation: ECJ (CJEU)

Material application



- The Regulation shall apply **in civil and commercial matters** whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters.
- Shall not apply to:
 - (a) **the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession;** (neither matters relating to maintenance obligations, after R 4/2009, -11.6.2011)
 - (b) **bankruptcy**, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
 - (c) **social security;**
 - (d) **arbitration.**

Temporal application



- Came into force: 3.12.2008 (solely to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after the entry into force thereof)
- Regulation (EC) No 1348/2000 shall be repealed as from the date of application of this Regulation.

Central Body



MS shall designate a central body responsible for:

- **supplying information** to the transmitting agencies;
- **seeking solutions** to any difficulties which may arise during transmission of documents for service;
- **forwarding, in exceptional cases**, at the request of a transmitting agency, a request for service to the competent receiving agency.

Transmitting and receiving Agencies



- **MS shall designate the ‘transmitting agencies’**, competent for the transmission of judicial or extrajudicial documents to be served in another Member State.
- **MS shall designate the ‘receiving agencies’**, competent for the receipt of judicial or extrajudicial documents from another Member State.
- **MS shall provide the Commission** with the following information:
 - the names and addresses of the receiving agencies
 - the geographical areas in which they have jurisdiction
 - the means of receipt of documents available to them
 - the languages that may be used

Transmission of documents



- 1. Judicial documents shall be transmitted directly and **as soon as possible** between the agencies designated pursuant to Article 2.
- 2. The transmission of documents, requests, confirmations, receipts, certificates and any other papers between transmitting agencies and receiving agencies **may be carried out by any appropriate means**, provided that the content of the document received is true and faithful to that of the document forwarded and that all information in it is easily legible.
- 3. The document to be transmitted shall be accompanied by a request drawn **up using the standard form set out in Annex I**. The form shall be completed in the official language of the Member State

Translation of documents



- 1. The applicant shall be advised by the transmitting agency to which he forwards the document for transmission that the addressee may refuse to accept it if it is not in one of the languages provided for in Article 8.
- 2. The applicant shall bear any costs of translation prior to the transmission of the document, without prejudice to any possible subsequent decision by the court or competent authority on liability for such costs.

Receipt of documents by receiving agency (I)



- **On receipt** of a document, a receiving agency shall, as soon as possible and in any event within seven days of receipt, **send a receipt** to the transmitting agency by the swiftest possible means of transmission using the standard form set out in Annex I.
- If the request for service **cannot be fulfilled** on the basis of the information or documents transmitted, the receiving agency shall **contact** the transmitting in order to secure the missing information
- If the request for service is **manifestly outside the scope** of this Regulation or if non-compliance with the formal conditions required makes service impossible, shall be returned using the estándar form.

Receipt of documents by receiving agency (II)



- A receiving agency receiving a document for service but **not having territorial jurisdiction** to serve it shall **forward** it, as well as the request, to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4, using the estándar form, and shall inform the transmitting agency.



Service of documents



- 1. The receiving agency shall itself serve the document or have it served, either in accordance with the law of the Member State addressed or by a particular method requested by the transmitting agency, unless that method is incompatible with the law of that Member State.
- 2. The receiving agency shall take all necessary steps to effect the service of the document as soon as possible, and in any event within **one month of receipt**. If it **has not been possible** in a month:
 - (a) **immediately inform** the transmitting agency by means of the certificate in the standard form set out in Annex I, which shall be drawn up under the conditions referred to in Article 10(2); and
 - (b) **continue to take all necessary steps** to effect the service of the document, unless indicated otherwise by the transmitting agency, where service seems to be possible within a reasonable period of time.

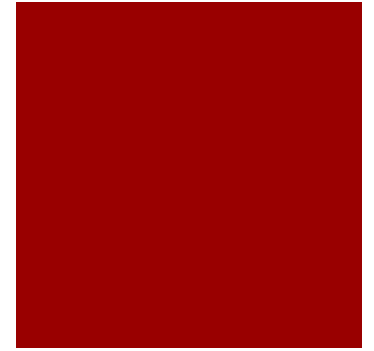
Refusal to accept a document I



The receiving agency shall **inform the addressee**, using the standard form set out in Annex II, that he **may refuse to accept** the document to be served at the time of service or by returning the document to the receiving agency within one week **if it is not written** in, or accompanied by a translation into, either of the **following languages**:

- (a) a language which the addressee understands; or
- (b) the official language of the Member State addressed or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected.

Refusal to accept a document II



Where the receiving agency is informed that the addressee **refuses** to accept the document in accordance with paragraph 1, it shall **immediately inform the transmitting agency** by means of the certificate provided for in Article 10 and return the request and the documents of which a translation is requested.

Refusal to accept a document III



- 3. If the addressee **has refused** to accept the document pursuant to paragraph 1, the service of the document **can be remedied** through the service on the addressee in accordance with the provisions of this Regulation of the document accompanied by a **translation into a language provided** for in paragraph 1.
- 4. Paragraphs 1, 2 and 3 shall also apply to the means of transmission and service of judicial documents provided for in Section 2.
- 5. For the purposes of paragraph 1, the diplomatic or consular agents, where service is effected in accordance with Article 13, or the authority or person, where service is effected in accordance with Article 14, shall inform the addressee that he may refuse to accept the document and that any document refused must be sent to those agents or to that authority or person respectively.

Date of service



- 1. Without prejudice to Article 8, the date of service of a document pursuant to Article 7 **shall be the date on which it is served in accordance with the law of the Member State addressed.**
- 2. However, where according to the law of a Member State a document has to be served within a **particular period**, the date to be taken into account with respect to the applicant **shall be that determined** by the law of that Member State.
- 3. Paragraphs 1 and 2 shall also apply to the means of transmission and service of judicial documents provided for in Section 2.

Certificate of service and copy of the document served



- When the formalities concerning the service of the document have been completed, a certificate of completion of those formalities shall be drawn up in the **standard form** set out in Annex I and addressed to the transmitting agency
- The certificate shall be completed in the **official language** or one of the official languages of the Member State of origin or in another language which the Member State of origin has indicated that it can accept.
- Each Member State **shall indicate** the official language or languages of the institutions of the European Union other than its own which is or are acceptable to it for completion of the form

Costs of service



The service of judicial documents coming from a Member State **shall not give rise to any payment or reimbursement of taxes or costs** for services rendered by the Member State addressed.

Exceptions:

- Recourse judicial officer or person competent under the law of the MS
- the use of a particular method of service

Other (4) means of transmission and service of judicial documents



- 1^a Transmission by consular or diplomatic channels in exceptional circumstance
- 2^a Service by diplomatic or consular agents without any compulsion



Other (4) means of transmission and service of judicial documents



■ Service by postal services

Each MS shall be free to effect service on persons residing in another MS by registered letter with acknowledgement

■ Direct service

Any person interesting in a judicial proceeding where such direct service is permitted under the law of that MS