



**2018/0204(COD)**

31.10.2018

# **AMENDMENTS**

## **45 - 114**

**Draft report**  
**Sergio Gaetano Cofferati**  
(PE628.483v01-00)

Service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)

Proposal for a regulation  
(COM(2018)0379 – C8-0243/2018 – 2018/0204(COD))



**Amendment 45**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) In the interests of the proper functioning of the internal market, it is necessary to further improve and expedite the transmission and service between the Member States of judicial and extrajudicial documents in civil and commercial matters.

*Amendment*

(1) In the interests of the proper functioning of the internal market, it is necessary to further improve and expedite the transmission and service between the Member States of judicial and extrajudicial documents in civil and commercial matters. ***At the same time, a high level of security and protection must be ensured in the transmission and service of these documents, and the fundamental rights and protection of the personal data of the addressees must be guaranteed.***

Or. bg

**Amendment 46**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) In the interests of the proper functioning of the internal market, it is necessary to further improve and expedite the transmission and service between the Member States of judicial and extrajudicial documents in civil and commercial matters.

*Amendment*

(1) In the interests of the proper functioning of the internal market ***and the development of a European area of civil justice governed by the principle of mutual trust and mutual recognition of judgments***, it is necessary to further improve and expedite the transmission and service between the Member States of judicial and extrajudicial documents in civil and commercial matters.

Or. ro

**Amendment 47**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ensure the speedy transmission of documents to other Member States for the purposes of service there, all appropriate means of modern communication technology should be used, provided that certain conditions as to the integrity and reliability of the document received are observed. For that purpose, all communication and exchanges of documents between the agencies and bodies designated by the Member States should be carried out through a decentralised IT system composed of national IT systems.

*Amendment*

(4) In order to ensure ***effectively*** the speedy, ***direct and secure*** transmission of documents to other Member States for the purposes of service there, all appropriate means of modern communication technology should be used, provided that certain conditions as to the integrity and reliability of the document received are observed, ***while at the same time ensuring respect for the procedural rights of those concerned and the protection, integrity and confidentiality of personal data and privacy in line with the rules in force at EU level.*** For that purpose, all communication and exchanges of documents between the agencies and bodies designated by the Member States should be carried out through a decentralised IT system composed of national IT systems.

Or. ro

**Amendment 48**  
**Răzvan Popa**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ensure the speedy transmission of documents to other Member States for the purposes of service there, all appropriate means of modern communication technology should be used, provided that certain conditions as to the integrity and reliability of the document received are observed. For that purpose, all

*Amendment*

(4) In order to ensure the speedy transmission of documents to other Member States for the purposes of service there, all appropriate means of modern communication technology should be used, provided that certain conditions as to the integrity and reliability of the document received are observed. For that purpose, all

communication and exchanges of documents between the agencies and bodies designated by the Member States should be carried out through a decentralised IT system composed of national IT systems.

communication and exchanges of documents between the agencies and bodies designated by the Member States should be carried out through a decentralised IT system composed of national IT systems. ***The transmission of all communications and exchanges of documents between agencies and bodies designated by the Member States must be reliable, safe and secure, so as to ensure the protection of privacy and personal data.***

Or. ro

**Amendment 49**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ensure the speedy transmission of documents to other Member States for the purposes of service there, all appropriate means of modern communication technology should be used, provided that certain conditions as to the integrity and reliability of the document received are observed. For that purpose, all communication and exchanges of documents between the agencies and bodies designated by the Member States should be carried out through a decentralised IT system composed of national IT systems.

*Amendment*

(4) In order to ensure the speedy transmission of documents to other Member States for the purposes of service there, all appropriate means of modern communication technology should be used, provided that certain conditions as to the integrity and reliability of the document received are observed, ***a high level of security and protection in the transmission and service ensured, and the fundamental rights and protection of the personal data of the addressees guaranteed.*** For that purpose, all communication and exchanges of documents between the agencies and bodies designated by the Member States should be carried out through a decentralised IT system composed of national IT systems.

Or. bg

## Amendment 50

Daniel Buda

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not either in a language which he or she understands ***or in the official language or one of the official languages of the place of service.*** This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular agents, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

##### *Amendment*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not either in a language which he or she understands. This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular agents, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

Or. ro

## Amendment 51

Kostas Chrysogonos

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not ***either*** in a language which he or she understands ***or in the official language or one of the official languages of the place of service.***

##### *Amendment*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not in a language which he or she understands. This rule should also apply to any subsequent service once the addressee has exercised

This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular agents, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular agents, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

Or. en

## **Amendment 52**

**Emil Radev**

### **Proposal for a regulation**

#### **Recital 5**

#### *Text proposed by the Commission*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not either in a language which he or she understands or in the official language or one of the official languages of the place of service. This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular agents, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving **a** translation of the document on the addressee.

#### *Amendment*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee ***in the good time*** in writing using the standard form that he or she may refuse to accept the document to be served if it is not either in a language which he or she understands or in the official language or one of the official languages of the place of service. This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular agents, service by postal ***or courier*** services and direct service. It should be possible to remedy the service of the refused document by serving ***an official*** translation of the document on the addressee.

Or. bg

## **Amendment 53**

**Răzvan Popa**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not either in a language which he or she understands or in the official language or one of the official languages of the place of service. This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic or consular **agents**, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

*Amendment*

(5) The receiving agency should, in all circumstances and with no margin of discretion in that regard, inform the addressee in writing using the standard form that he or she may refuse to accept the document to be served if it is not either in a language which he or she understands or in the official language or one of the official languages of the place of service. This rule should also apply to any subsequent service once the addressee has exercised his or her right of refusal. The right of refusal should also apply in respect of service by diplomatic **staff** or consular **officials**, service by postal services and direct service. It should be possible to remedy the service of the refused document by serving a translation of the document on the addressee.

Or. ro

**Amendment 54**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) If the addressee has refused to accept the document, the court or authority seised with the legal proceedings in course of which the service became necessary, should verify whether that refusal was justified. For that purpose, that court or authority should take into account all the relevant information on the file **or at its disposal** in order to determine the actual language skills of the addressee. When assessing the language skills of the

*Amendment*

(6) If the addressee has refused to accept the document, the court or authority seised with the legal proceedings in course of which the service became necessary, should verify whether that refusal was justified. For that purpose, that court or authority should take into account all the relevant information on the file in order to determine the actual language skills of the addressee. When assessing the language skills of the addressee, the court could take



addressee, the court could take into account factual elements such as documents written by the addressee in the language concerned, whether the addressee's profession involves such language skills (for example, teacher or interpreter), whether the addressee is a citizen of the Member State where the judicial proceedings take place, or whether the addressee previously resided in that Member State for some time. ***Such an assessment should not take place, if the document was drawn up or translated into the official language or one of the official languages of the place of service.***

into account factual elements such as documents written by the addressee in the language concerned, whether the addressee's profession involves such language skills (for example, teacher or interpreter), whether the addressee is a citizen of the Member State where the judicial proceedings take place, or whether the addressee previously resided in that Member State for some time.

Or. ro

**Amendment 55**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) If the addressee has refused to accept the document, the court or authority seised with the legal proceedings in course of which the service became necessary, should verify whether that refusal was justified. For that purpose, that court or authority should take into account all the relevant information on the file or at its disposal in order to determine the actual language skills of the addressee. When assessing the language skills of the addressee, the court could take into account factual elements such as documents written by the addressee in the language concerned, whether the addressee's profession involves such language skills (for example, teacher or interpreter), whether the addressee is a citizen of the Member State where the judicial proceedings take place, or whether the addressee previously resided in that

*Amendment*

(6) If the addressee has refused to accept the document, the court or authority seised with the legal proceedings in course of which the service became necessary, should verify whether that refusal was justified. For that purpose, that court or authority should take into account all the relevant information on the file or at its disposal in order to determine the actual language skills of the addressee. When assessing the language skills of the addressee, the court could take into account factual elements such as documents written by the addressee in the language concerned, whether the addressee's profession involves such language skills (for example, teacher or interpreter), whether the addressee is a citizen of the Member State where the judicial proceedings take place, or whether the addressee previously resided in that

Member State for *some* time. Such an assessment should not take place, if the document was drawn up or translated into the official language or one of the official languages of the place of service.

Member State for *an extended period of* time. Such an assessment should not take place, if the document was drawn up or translated into the official language or one of the official languages of the place of service.

Or. bg

## **Amendment 56** **Emil Radev**

### **Proposal for a regulation** **Recital 7**

#### *Text proposed by the Commission*

(7) Efficiency and speed in cross-border judicial proceedings requires direct, expedited channels for serving documents on persons in other Member States. Consequently, it should be possible for a person interested in a judicial proceeding or a court or authority seised *with* a legal proceeding to effect service of documents directly through electronic means to the ***digital user account*** of an addressee who is domiciled in another Member State. The conditions for the use of such type of direct electronic service should ensure that electronic ***user accounts*** are used for the purpose of service of documents only if there are appropriate safeguards for the protection of the interests of the addressees, *either* by way of high technical standards or ***in form of*** an explicit consent given by the addressee.

#### *Amendment*

(7) Efficiency and speed in cross-border judicial proceedings requires direct, expedited ***and secure*** channels for serving documents on persons in other Member States. Consequently, it should be possible for a person interested in a judicial proceeding or a court or authority seised ***in respect of*** a legal proceeding to effect service of documents directly through electronic means to the ***electronic address*** of an addressee who is domiciled in another Member State. The conditions for the use of such type of direct electronic service should ensure that electronic ***addresses*** are used for the purpose of service of documents only if there are appropriate safeguards for the protection of the interests of the addressees, ***including*** by way of high technical standards or ***through*** an explicit consent given by the addressee. ***Where documents are served or transmitted electronically, the possibility must be available of providing acknowledgement of receipt of the documents. The addressee must be able to refuse electronic acceptance of a document.***

Or. bg

## Amendment 57

Daniel Buda

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

(8) The already existing direct channels for transmission and service of documents should be improved so that they provide reliable and generally accessible alternatives to the traditional transmission via the receiving agencies. For this purpose, postal service providers should use a specific acknowledgement of receipt when performing service by post under Article 14 of Regulation (EC) No 1393/2007. Similarly, it should be possible for any person interested in a judicial proceeding and for courts or authorities seised with a legal proceeding to effect service of documents in the territory of all Member States directly through the judicial officers, officials or other competent persons of the Member State addressed.

*Amendment*

(8) ***Given the need to improve the framework provisions for judicial cooperation in the EU and update public legal administrative procedures in order to increase cross-border interoperability and facilitate interaction with citizens,*** the already existing direct channels for transmission and service of documents should be improved so that they provide ***rapid,*** reliable, ***more secure*** and generally accessible alternatives to the traditional transmission via the receiving agencies. For this purpose, postal service providers should use a specific acknowledgement of receipt when performing service by post under Article 14 of Regulation (EC) No 1393/2007. Similarly, it should be possible for any person interested in a judicial proceeding and for courts or authorities seised with a legal proceeding to effect service of documents in the territory of all Member States directly through the judicial officers, officials or other competent persons of the Member State addressed.

Or. ro

## Amendment 58

Emil Radev

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

(8) The already existing direct channels for transmission and service of documents

*Amendment*

(8) The already existing direct channels for transmission and service of documents

should be improved so that they provide reliable and generally accessible alternatives to the traditional transmission via the receiving agencies. For this purpose, postal service providers should use a specific acknowledgement of receipt when performing service by post under Article 14 of Regulation (EC) No 1393/2007. Similarly, it should be possible for any person interested in a judicial proceeding and for courts or authorities seised with a legal proceeding to effect service of documents in the territory of all Member States directly through the judicial officers, officials or other competent persons of the Member State addressed.

should be improved so that they provide reliable, **secure** and generally accessible alternatives to the traditional transmission via the receiving agencies. For this purpose, postal **or courier** service providers should use a specific acknowledgement of receipt when performing service by post **or courier** under Article 14 of Regulation (EC) No 1393/2007. Similarly, it should be possible for any person interested in a judicial proceeding and for courts or authorities seised with a legal proceeding to effect service of documents in the territory of all Member States directly through the judicial officers, officials or other competent persons of the Member State addressed.

Or. bg

## **Amendment 59**

**Daniel Buda**

### **Proposal for a regulation**

**Recital 9**

#### *Text proposed by the Commission*

(9) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect of the rights of defence of the addressees, which derive from the right to a fair trial, enshrined in Article 47 of the Charter of Fundamental Rights.

#### *Amendment*

(9) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect of the rights of defence of the addressees, which derive from the right to a fair trial, enshrined in Article 47 of the Charter of Fundamental Rights. ***Similarly, by guaranteeing equal access to justice, the Regulation serves to promote non-discrimination (Article 18 TFEU), while furthermore applying in accordance with existing EU rules on the protection of personal data and privacy.***

Or. ro

**Amendment 60**

**Daniel Buda**

**Proposal for a regulation**

**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) This Regulation seeks to improve the effectiveness and speed of judicial procedures by simplifying and streamlining procedures for the notification or communication of judicial and extrajudicial documents at EU level, while at the same time helping to reduce delays and costs for individuals and businesses. In addition, greater legal certainty, coupled with simpler, streamlined and digitalised procedures can encourage individuals and businesses to engage in cross-border transactions, thereby boosting EU trade and hence the functioning of the internal market.***

Or. ro

**Amendment 61**

**Răzvan Popa**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2**

Regulation (EC) No 1393/2007

Article 2 – paragraph 4 – point c

*Text proposed by the Commission*

*Amendment*

(c) the means of receipt of documents available to them for the cases set out in Article 3a(6); ;

(c) the means of receipt of documents available to them for the cases set out in Article 3a(4); ;

Or. ro

**Amendment 62**

**Evelyn Regner**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1393/2007

Article 3 a – paragraph 1

*Text proposed by the Commission*

1. Documents, requests, confirmations, receipts, certificates and any communication carried out on the basis of the standard forms in Annex I between the transmitting agencies and receiving agencies, between those agencies and the central bodies, or between the central bodies of the different Member States shall be transmitted through a decentralised IT system composed of national IT systems interconnected by a communication infrastructure enabling the secure and reliable cross-border exchange of information between the national IT systems.

*Amendment*

1. Documents, requests, confirmations, receipts, certificates and any communication carried out on the basis of the standard forms in Annex I between the transmitting agencies and receiving agencies, between those agencies and the central bodies, or between the central bodies of the different Member States shall be transmitted through a decentralised IT system composed of national IT systems interconnected by a communication infrastructure enabling the secure and reliable cross-border exchange of information between the national IT systems. ***The requirements as to the accuracy, authenticity and due legal form of the transmitted documents as well as requests, confirmations, receipts, certificates and any communication under national law, shall remain unaffected.***

Or. en

**Amendment 63**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1393/2007

Article 3 a – paragraph 1

*Text proposed by the Commission*

1. Documents, requests, confirmations, receipts, certificates and any communication carried out on the basis of the standard forms in Annex I between the transmitting agencies and receiving

*Amendment*

1. Documents, requests, confirmations, receipts, certificates and any communication carried out on the basis of the standard forms in Annex I between the transmitting agencies and receiving

agencies, between those agencies and the central bodies, or between the central bodies of the different Member States shall be transmitted through a decentralised IT system composed of national IT systems interconnected by a communication infrastructure enabling the secure and reliable cross-border exchange of information between the national IT systems.

agencies, between those agencies and the central bodies, or between the central bodies of the different Member States shall be transmitted through a decentralised IT system composed of national IT systems interconnected by a communication infrastructure enabling the secure and reliable cross-border exchange of information *in real time* between the national IT systems.

Or. bg

**Amendment 64**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3**  
Regulation (EC) No 1393/2007  
Article 3 a – paragraph 3

*Text proposed by the Commission*

3. Where the documents, requests, confirmations, receipts, certificates and other communication referred to in paragraph 1 require or feature a seal or handwritten signature, ‘qualified electronic seals’ and ‘qualified electronic signatures’ as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used instead.

*Amendment*

3. Where the documents, requests, confirmations, receipts, certificates and other communication referred to in paragraph 1 require or feature a seal or handwritten signature, ‘qualified electronic seals’ and ‘qualified electronic signatures’ as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used instead, ***provided that it is fully ensured that the person to be served with the aforementioned documents has obtained knowledge of these documents in sufficient time and in lawful manner.***

Or. en

**Amendment 65**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3**

*Text proposed by the Commission*

3. Where the documents, requests, confirmations, receipts, certificates and other communication referred to in paragraph 1 require ***or feature*** a seal or handwritten signature, ‘qualified electronic seals’ and ‘qualified electronic signatures’ as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used instead.

*Amendment*

3. Where the documents, requests, confirmations, receipts, certificates and other communication referred to in paragraph 1 require a seal or handwritten signature, ***the appropriate*** ‘qualified electronic seals’ and ‘qualified electronic signatures’ as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used instead.

Or. bg

**Amendment 66**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3**  
Regulation (EC) No 1393/2007  
Article 3 a – paragraph 4

*Text proposed by the Commission*

If transmission in accordance with paragraph 1 is not possible due to an unforeseen and exceptional disruption of the decentralised IT system, transmission shall be carried out by the swiftest possible alternative means.

*Amendment*

4. If transmission in accordance with paragraph 1 is not possible due to an unforeseen and exceptional disruption of the decentralised IT system, transmission shall be carried out by the swiftest possible alternative means, guaranteeing ***the same high level of efficiency, reliability, security and protection of privacy and personal data.***

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*Justification*



## **Amendment 67**

**Emil Radev**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1393/2007

Article 3 a – paragraph 4

#### *Text proposed by the Commission*

4. If transmission in accordance with paragraph 1 is not possible due to ***an unforeseen and*** exceptional disruption of the decentralised IT system, transmission shall be carried out by the swiftest possible alternative means.

#### *Amendment*

4. If transmission in accordance with paragraph 1 is not possible due to ***unforeseen circumstances or*** exceptional disruption of the decentralised IT system, transmission shall be carried out by the swiftest possible alternative means.

Or. bg

## **Amendment 68**

**Kostas Chrysogonos**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1393/2007

Article 3 a – paragraph 4 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***4a. The fundamental rights and freedoms of all involved persons, and in particular the right to the protection of personal data and privacy shall be fully observed and respected.***

Or. en

## **Amendment 69**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1393/2007

Article 3 b – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. For the effective implementation of paragraphs 1 and 2, the Commission shall consider whether to propose additional ways of channelling EU funding or co-funding into these activities.**

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*Justification*

*For the transmission of requests and other communications using a communications infrastructure facilitating secure cross-border exchanges of information, we consider further analysis of the budgetary implications and EU co-funding opportunities to be necessary.*

**Amendment 70**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3**  
Regulation (EC) No 1393/2007  
Article 3 b – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The Union may co-finance the costs of the installation, operation and maintenance of communication infrastructure access points of the Member States, as well as the costs of establishing and adjusting the national IT systems.**

Or. en

**Amendment 71**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3**

*Text proposed by the Commission*

1. Where the address of the person to be served with the judicial or extrajudicial document in another Member State is not known, Member States shall provide assistance by one or more of the following means:

*Amendment*

1. Where the address of the person to be served with the judicial or extrajudicial document in another Member State is not known, Member States shall, ***as soon as possible***, provide assistance by one or more of the following means:

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*Justification*

*The amendment is necessary to bring the provisions of this Regulation into line.*

**Amendment 72**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3**  
Regulation (EC) No 1393/2007  
Article 3 c – paragraph 1 – point c

*Text proposed by the Commission*

(c) detailed practical guidance on the mechanisms available for the determination of the addresses of persons within the framework of the European Judicial Network in civil and commercial matters and with a view to making the information available to the public.

*Amendment*

(c) detailed practical guidance ***online accessible*** on the mechanisms available for the determination of the addresses of persons within the framework of the European Judicial Network in civil and commercial matters and with a view to making the information available to the public.

Or. en

**Amendment 73**  
**Răzvan Popa**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1393/2007

Article 3 c – paragraph 2 – point a

*Text proposed by the Commission*

(a) the method of assistance which the Member State will provide in its territory pursuant to paragraph 1;

*Amendment*

(a) the **methods** of assistance which the Member State will provide in its territory pursuant to paragraph 1;

Or. ro

**Amendment 74**

**Evelyn Regner**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1393/2007

Article 4 – paragraph 3

*Text proposed by the Commission*

3. *The documents that are transmitted through the decentralised IT system referred to in Article 3a shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that they are in an electronic form. If paper documents are transformed into electronic form for the purpose of transmission through the decentralised IT system, the electronic copies or their printouts shall have the same effect as the original documents.;*

*Amendment*

*deleted*

Or. en

**Amendment 75**

**Răzvan Popa**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EC) No 1393/2007

## Article 6 – paragraph 1

### *Text proposed by the Commission*

1. On receipt of a document, an automatic receipt of delivery shall be sent to the transmitting agency via the decentralised IT system referred to in Article 3a.

### *Amendment*

1. On receipt of a document, an automatic receipt of delivery shall, ***as soon as possible***, be sent to the transmitting agency via the decentralised IT system referred to in Article 3a.

Or. ro

## **Amendment 76**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5**

Regulation (EC) No 1393/2007

Article 6 – paragraph 2

### *Text proposed by the Commission*

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency in order to secure the missing information or documents.

### *Amendment*

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall, ***as soon as possible***, contact the transmitting agency in order to secure the missing information or documents.

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

### *Justification*

,

## **Amendment 77**

**Kostas Chrysogonos**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5**

Regulation (EC) No 1393/2007

Article 6 – paragraph 2

*Text proposed by the Commission*

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency in order to secure the missing information or documents.

*Amendment*

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact ***without delay*** the transmitting agency in order to secure the missing information or documents.

Or. en

**Amendment 78**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EC) No 1393/2007  
Article 6 – paragraph 2

*Text proposed by the Commission*

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall contact the transmitting agency in order to secure the missing information or documents.

*Amendment*

2. Where the request for service cannot be fulfilled on the basis of the information or documents transmitted, the receiving agency shall ***immediately*** contact the transmitting agency in order to secure the missing information or documents.

Or. bg

**Amendment 79**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EC) No 1393/2007  
Article 6 – paragraph 3

*Text proposed by the Commission*

3. If the request for service is manifestly outside the scope of this Regulation or if non-compliance with the

*Amendment*

3. 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, the request and the documents transmitted shall be returned, on receipt, to the transmitting agency, together with the notice of return using the standard form set out in Annex I.

formal conditions required makes service impossible, the request and the documents transmitted shall be returned **immediately**, on receipt, to the transmitting agency, together with the notice of return using the standard form set out in Annex I.

Or. bg

## **Amendment 80**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5**

Regulation (EC) No 1393/2007

Article 6 – paragraph 4

#### *Text proposed by the Commission*

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, through the decentralised IT system referred to in Article 3a to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(2) and shall inform the transmitting agency accordingly using the standard form set out in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the same Member State, an automatic receipt of delivery is sent to the transmitting agency, via the decentralised IT system referred to in Article 3a."

#### *Amendment*

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall, **as soon as possible**, forward it, as well as the request, through the decentralised IT system referred to in Article 3a to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(2) and shall, **at the same time**, inform the transmitting agency accordingly using the standard form set out in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the same Member State, an automatic receipt of delivery is sent to the transmitting agency **as soon as possible** via the decentralised IT system referred to in Article 3a."

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

#### *Justification*

**Amendment 81**  
**Răzvan Popa**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EC) No 1393/2007  
Article 6 – paragraph 4

*Text proposed by the Commission*

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, through the decentralised IT system referred to in Article 3a to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(2) and shall inform the transmitting agency accordingly using the standard form set out in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the same Member State, an automatic receipt of delivery is sent to the transmitting agency, via the decentralised IT system referred to in Article 3a."

*Amendment*

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, through the decentralised IT system referred to in Article 3a to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(2) and shall, ***as soon as possible***, inform the transmitting agency accordingly using the standard form set out in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the same Member State, an automatic receipt of delivery is sent to the transmitting agency, via the decentralised IT system referred to in Article 3a."

Or. ro

**Amendment 82**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EC) No 1393/2007  
Article 6 – paragraph 4

*Text proposed by the Commission*

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it, as well as the request, through

*Amendment*

4. A receiving agency receiving a document for service but not having territorial jurisdiction to serve it shall forward it ***immediately***, as well as the



the decentralised IT system referred to in Article 3a to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(2) and shall inform the transmitting agency accordingly using the standard form set out in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the same Member State, an automatic receipt of delivery is sent to the transmitting agency, via the decentralised IT system referred to in Article 3a." ; ;

request, through the decentralised IT system referred to in Article 3a to the receiving agency having territorial jurisdiction in the same Member State if the request complies with the conditions laid down in Article 4(2) and shall inform the transmitting agency accordingly using the standard form set out in Annex I. Upon receipt of the document and the request by the receiving agency having territorial jurisdiction in the same Member State, an automatic receipt of delivery is sent ***immediately*** to the transmitting agency, via the decentralised IT system referred to in Article 3a. ;

Or. bg

**Amendment 83**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EC) No 1393/2007  
Article 7 a – paragraph 1

*Text proposed by the Commission*

1. Where a document instituting the proceedings has been served upon the defendant, the law of the forum Member State may impose an obligation upon parties who are domiciled in another Member State to appoint a representative for the purpose of service of documents on them in the forum Member State.

*Amendment*

1. Where a document instituting the proceedings has been served upon the defendant, the law of the forum Member State may impose an obligation upon parties who are domiciled in another Member State to appoint a representative for the purpose of service of documents on them in the forum Member State ***for the proceedings.***

Or. bg

**Amendment 84**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**

*Text proposed by the Commission*

2. Where a party fails to comply with the obligation to appoint a representative in accordance with paragraph 1 and has not expressed his or her consent to use an electronic **user account** for service in accordance with point (b) of Article 15a, any method of service permitted under the law of the forum Member State may be used for service of documents during the proceedings, provided that the party concerned has been duly informed about this consequence.";

*Amendment*

2. Where a party fails to comply with the obligation to appoint a representative in accordance with paragraph 1 and has not expressed his or her consent to use an electronic **address** for service in accordance with point (b) of Article 15a, any method of service permitted under the law of the forum Member State may be used for service of documents during the proceedings, provided that the party concerned has been duly informed about this consequence **at the time the document instituting the proceedings was served.**";

Or. bg

**Amendment 85**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 1393/2007

Article 8 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. The receiving agency shall inform the addressee, using the standard form set out in Annex II, that he or she may refuse to accept the document to be served if it is not written in, or accompanied by **an official** translation into, either of the following languages:

Or. bg

**Amendment 86**

**Kostas Chrysogonos**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7**  
Regulation (EC) No 1393/2007  
Article 8 – paragraph 1– point a

*Text proposed by the Commission*

(a) a language which the addressee understands;

*Amendment*

(a) a language which ***is presumed that*** the addressee understands;

Or. en

**Amendment 87**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7**  
Regulation (EC) No 1393/2007  
Article 8 – paragraph 1– point b

*Text proposed by the Commission*

***(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.***

*Amendment*

***deleted***

Or. en

**Amendment 88**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7**  
Regulation (EC) No 1393/2007  
Article 8 – paragraph 2

*Text proposed by the Commission*

2. The addressee may refuse to accept the document at the time of service or within two weeks by returning the standard form set out in Annex II to the receiving agency.

*Amendment*

2. The addressee may, ***based on reasons***, refuse to accept the document at the time of service or within two weeks by returning the standard form set out in Annex II to the receiving agency.

**Amendment 89**

**Daniel Buda**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 1393/2007

Article 8 – paragraph 3

*Text proposed by the Commission*

3. Where the receiving agency is informed that the addressee refuses to accept the document in accordance with paragraphs 1 and 2, it shall immediately inform the transmitting agency by means of the certificate provided for in Article 10 and return the request.

*Amendment*

3. Where the receiving agency is informed that the addressee refuses to accept the document in accordance with paragraphs 1 and 2, it shall immediately inform the transmitting agency by means of the certificate provided for in Article 10 and return the request ***and the document in respect of which a translation is requested.***

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*(In line with Article 8(3))*

*Justification*

**Amendment 90**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 1393/2007

Article 8 – paragraph 4

*Text proposed by the Commission*

4. If the addressee has refused to accept the document in accordance with paragraphs 1 and 2, the court or authority

*Amendment*

4. If the addressee has refused to accept the document in accordance with paragraphs 1 and 2, the court or authority

seised with the legal proceedings, in the course of which service was carried out, shall verify whether the refusal was well founded.

seised with the legal proceedings, in the course of which service was carried out, shall verify *at the earliest opportunity* whether the refusal was well founded.

Or. bg

**Amendment 91**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7**  
Regulation (EC) No 1393/2007  
Article 8 – paragraph 5

*Text proposed by the Commission*

5. The service of the document may 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. In that case, the date of service of the document shall be the date on which the document accompanied by *the* translation is served in accordance with the law of the Member State addressed. 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 the date of the service of the initial document determined pursuant to Article 9(2).

*Amendment*

5. The service of the document may be remedied through the service on the addressee, in accordance with the provisions of this Regulation of the document accompanied by *an official* translation into a language provided for in paragraph 1. In that case, the date of service of the document shall be the date on which the document accompanied by *an official* translation is served in accordance with the law of the Member State addressed. 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 the date of the service of the initial document determined pursuant to Article 9(2).

Or. bg

**Amendment 92**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7**  
Regulation (EC) No 1393/2007  
Article 8 – paragraph 7

*Text proposed by the Commission*

7. 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 or 15a, shall inform the addressee that he or she may refuse to accept the document and that any document refused must be sent to those agents or to that authority or person respectively.";

*Amendment*

7. 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 or 15a, shall inform the addressee that he or she may refuse to accept the document and that any document refused must be sent ***immediately*** to those agents or to that authority or person respectively.";

Or. bg

**Amendment 93**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1393/2007

Article 14 – title

*Text proposed by the Commission*

Article 14  
Service by postal services

*Amendment*

Article 14  
Service by postal ***or courier*** services

Or. bg

**Amendment 94**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1393/2007

Article 14 – paragraph 1

*Text proposed by the Commission*

1. Service of judicial documents may be effected directly by postal services on persons domiciled in another Member State by registered letter with acknowledgement

*Amendment*

1. Service of judicial documents may be effected directly by postal ***or courier*** services on persons domiciled in another Member State by registered letter ***or***

of receipt.

**bundle** with acknowledgement of receipt.

Or. bg

## **Amendment 95**

**Axel Voss**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1393/2007

Article 14 – paragraph 2

#### *Text proposed by the Commission*

(2) For the purpose of this Article, service by post shall be carried out by using the specific acknowledgement of receipt set out in Annex IV.

#### *Amendment*

(2) For the purpose of this Article, service by post shall be carried out by using the specific acknowledgement of receipt set out in Annex IV.

***The mail service provider shall not be responsible for the accuracy of the information or for legal assessment of the representation relationships in the acknowledgement of receipt.***

Or. de

## **Amendment 96**

**Emil Radev**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1393/2007

Article 14 – paragraph 2

#### *Text proposed by the Commission*

2. For the purpose of this Article, service by post shall be carried out by using the specific acknowledgement of receipt set out in Annex IV.

#### *Amendment*

2. For the purpose of this Article, service by post **or courier** shall be carried out by using the specific acknowledgement of receipt set out in Annex IV.

Or. bg

## **Amendment 97**

**Emil Radev**

## **Proposal for a regulation**

### **Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1393/2007

Article 14 – paragraph 3

#### *Text proposed by the Commission*

3. Irrespective of the law of the Member State of origin, service by post shall be considered as validly effected also, if the document was delivered at the addressee's home address on adult persons who are living in the same household as the addressee or are employed there by the addressee, and who have the ability and are willing to accept the document.

#### *Amendment*

3. Irrespective of the law of the Member State of origin, service by post ***or courier*** shall be considered as validly effected also, if the document was delivered at the addressee's home address on adult persons who are living in the same household as the addressee or are employed there by the addressee, and who have the ability and are willing to accept the document.

Or. bg

## **Amendment 98**

**Kostas Chrysogonos**

## **Proposal for a regulation**

### **Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1393/2007

Article 15 – paragraph 2

#### *Text proposed by the Commission*

2. Each Member State shall provide the Commission with the information on the type of professions or competent persons who are permitted to carry out service under this Article in their territory.;

#### *Amendment*

2. Each Member State shall provide the Commission with the information on the type of professions or competent persons who are permitted to carry out service under this Article in their territory.  
***This information shall be accessible online;***

Or. en

## **Amendment 99**

**Emil Radev**

## **Proposal for a regulation**



**Article 1 – paragraph 1 – point 10**  
Regulation (EC) No 1393/2007  
Article 15 a – paragraph 1 – introductory part

*Text proposed by the Commission*

Service of judicial documents may be effected directly on persons domiciled in another Member State through electronic means to **user accounts** accessible to the addressee, provided that **one of** the following conditions **is** fulfilled:

*Amendment*

Service of judicial documents may be effected directly on persons domiciled in another Member State through electronic means to **electronic addresses** accessible to the addressee, provided that the following conditions are fulfilled:

Or. bg

**Amendment 100**  
**Sergio Gaetano Cofferati, Evelyn Regner**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 10**  
Regulation (EC) No 1393/2007  
Article 15 a – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) the electronic identification of the holder during the creation of the user account fulfils the requirements and the criteria for the assurance level “high” within the meaning of Regulation (EU) No 910/2014 of the European Parliament and of the Council, and**

Or. en

**Amendment 101**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 10**  
Regulation (EC) No 1393/2007  
Article 15 – point b

*Text proposed by the Commission*

*Amendment*

b) after the commencement of legal

b) after the commencement of legal

proceedings, the addressee gave express consent to the court or authority seised with the proceedings to use that particular **user account** for purposes of serving documents in course of the legal proceedings.";

proceedings, the addressee gave express consent to the court or authority seised with the proceedings to use that particular **electronic address** for purposes of serving documents in course of the legal proceedings.";

Or. bg

## **Amendment 102**

**Emil Radev**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 11**

Regulation (EC) No 1393/2007

Article 18 – paragraph 2

#### *Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for **an indeterminate** period of **time** from [the date of entry into force of this Regulation].

#### *Amendment*

2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this Regulation].

Or. bg

## **Amendment 103**

**Sergio Gaetano Cofferati**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 11**

Regulation (EC) No 1393/2007

Article 18 – paragraph 6

#### *Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European

#### *Amendment*

6. A delegated act adopted pursuant to **Article 3a, Article 15a or** Article 17 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that

Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council;

period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council;

Or. en

**Amendment 104**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**  
Regulation (EC) No 1393/2007  
Article 19 – paragraph 1

*Text proposed by the Commission*

1. Where a document instituting the proceedings has had to be transmitted to another Member State for the purpose of service under the provisions of this Regulation and the defendant has not appeared, judgment shall not be given until it is established that the service or the delivery was effected in sufficient time to enable the defendant to defend and that:

*Amendment*

1. Where a document instituting the proceedings has had to be transmitted to another Member State for the purpose of service under the provisions of this Regulation and the defendant has not appeared, judgment shall not be given until it is established that the service or the delivery was effected in sufficient time **and in a lawful manner** to enable the defendant to defend and that:

Or. en

**Amendment 105**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**  
Regulation (EC) No 1393/2007  
Article 19 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. Notwithstanding the provisions of paragraph 1, the judge may give judgment even if no certificate of service or delivery

*Amendment*

2. Notwithstanding the provisions of paragraph 1, the judge may give judgment even if no certificate of service or delivery

has been received, where all the following conditions are fulfilled:

has been received, where all the following conditions are ***cumulatively*** fulfilled:

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*Justification*

*The original wording implies cumulative fulfilment of the conditions. However, in order to ensure better understanding of the text (especially in the case of translation into other official languages), the term ‘cumulatively’ should be added.*

**Amendment 106**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**  
Regulation (EC) No 1393/2007  
Article 19 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

***(b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document;*** ***deleted***

Or. en

**Amendment 107**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**  
Regulation (EC) No 1393/2007  
Article 19 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

***(c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through*** ***deleted***

*the competent authorities or bodies of the Member State addressed.*

Or. en

## **Amendment 108**

**Emil Radev**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 13**

Regulation (EC) No 1393/2007

Article 19 – paragraph 3

#### *Text proposed by the Commission*

3. Where the conditions set out in paragraph 2 are met, reasonable efforts shall be made to inform the defendant through any available channels of communication, including means of modern communication technology, for which an address or an **account** is known to the court seised, that court proceedings have been instituted against him or her.

#### *Amendment*

3. Where the conditions set out in paragraph 2 are met, reasonable efforts shall be made to inform the defendant through any available channels of communication, including means of modern **remote** communication technology, for which an address or an **electronic address** is known to the court seised, that court proceedings have been instituted against him or her.

Or. bg

## **Amendment 109**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 13**

Regulation (EC) No 1393/2007

Article 19 – paragraph 4

#### *Text proposed by the Commission*

4. Notwithstanding paragraphs 1 and 2, the judge may, in case of urgency, order any provisional or protective measures.

#### *Amendment*

4. Notwithstanding paragraphs 1 and 2, the judge may, in **justified** case of urgency, order any provisional or protective measures.

*(This amendment applies throughout the text. Adopting it will necessitate*

*corresponding changes throughout.)*

Or. ro

*Justification*

**Amendment 110**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**  
Regulation (EC) No 1393/2007  
Article 19 – paragraph 5 – point a

*Text proposed by the Commission*

(a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal;

*Amendment*

(a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time ***and/or in a lawful manner*** to defend, or knowledge of the judgment in sufficient time to appeal;

Or. en

**Amendment 111**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**  
Regulation (EC) No 1393/2007  
Article 19 – paragraph 5 – point b

*Text proposed by the Commission*

(b) the defendant ***has disclosed a prima facie defence to the action on the merits.***

*Amendment*

(b) ***the claims of*** the defendant ***are well-founded.***

Or. en

**Amendment 112**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 13**

*Text proposed by the Commission*

b) the defendant has disclosed a ***prima facie*** defence to the action on the merits.

*Amendment*

b) the defendant has disclosed a defence to the action on the merits.

Or. bg

**Amendment 113**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 13**

Regulation (EC) No 1393/2007

Article 19 – paragraph 5 – subparagraph 3

*Text proposed by the Commission*

Such application shall not be entertained if it is filed more than ***two years*** following the date of the judgment.

*Amendment*

Such application shall not be entertained if it is filed more than ***one year*** following the date of the judgment.

Or. bg

**Amendment 114**

**Emil Radev**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 13**

Regulation (EC) No 1393/2007

Article 19 – paragraph 6

*Text proposed by the Commission*

6. After the expiry of the period of ***two years*** following the date of the judgment referred to in paragraph 2, the provisions of national law allowing for an extraordinary relief from the effects of the expiry of the time for appeal may not be applied in the context of challenging the recognition and enforcement of that judgment in another Member State.

*Amendment*

6. After the expiry of the period of ***one year*** following the date of the judgment referred to in paragraph 2, the provisions of national law allowing for an extraordinary relief from the effects of the expiry of the time for appeal may not be applied in the context of challenging the recognition and enforcement of that judgment in another Member State.

