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Committee on Legal Affairs

2013/0119(COD)

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AMENDMENTS 44 - 95

Draft report
Bernhard Rapkay
(PE516.765v01-00)

Promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the EU

Proposal for a regulation
(COM(2013)0228 – C7-0111/2013 – 2013/0119(COD))

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PE519.782v01-00

EN

United in diversity

EN

Amendment 44
Alexandra Thein

Proposal for a regulation
Title

Text proposed by the Commission

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

Amendment

Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the **use** of certain public documents in the European Union and amending Regulation (EU) No 1024/2012

(This amendment applies to the entire proposal for a regulation; if it is accepted, the necessary changes must be made throughout.)

Or. de

Amendment 45
Sebastian Valentin Bodu

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The **authentication** of public documents between the Member States is governed by various international conventions and agreements. Those conventions and agreements predate the establishment of administrative and judicial cooperation at Union level, including the adoption of sectorial Union law instruments addressing the issue of cross-border acceptance of specific public documents. In any case, the requirements imposed by those instruments can be burdensome for citizens and companies or

Amendment

(4) The **verification of the veracity** of public documents between the Member States is governed by various international conventions and agreements. Those conventions and agreements predate the establishment of administrative and judicial cooperation at Union level, including the adoption of sectorial Union law instruments addressing the issue of cross-border acceptance of specific public documents. In any case, the requirements imposed by those instruments can be burdensome for citizens and companies or

other undertakings and do not provide for satisfactory solutions for an easier acceptance of public documents between the Member States.

other undertakings and do not provide for satisfactory solutions for an easier acceptance of public documents between the Member States.

Or. en

Justification

There can be no question of recognising the content of public documents issued by the authorities of other Member States. In addition, in 23 Member States the notarial authentication procedure is a special and complex procedure, provided by law, implying a legality check of the content, the responsibility of the notary and giving the document a particular probative value. The confusion of terms should be avoided.

Amendment 46 **Alexandra Thein**

Proposal for a regulation **Recital 5**

Text proposed by the Commission

(5) The scope of this Regulation should cover ***public documents drawn up by authorities of the Member States and having formal evidentiary value relating to birth, death, name, marriage or registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record.*** Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

Amendment

(5) The scope of this Regulation should cover ***extracts from civil registers*** (birth, death, marriage or ***civil*** partnership ***certificates, etc.) and certain other public registers, such as population and intellectual property registers, as well as criminal records.*** Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

Amendment 47
Hubert Pirker, Angelika Niebler

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The scope of this Regulation should cover **public** documents ***drawn up by*** authorities of the Member States ***and having formal evidentiary value relating to*** birth, death, name, marriage or ***registered*** partnership, parenthood, adoption, ***residence***, citizenship, nationality, real estate, ***legal status and representation of a company or other undertaking***, intellectual property ***rights and absence of a criminal record***. Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

Amendment

(5) The scope of this Regulation should cover ***the following*** documents ***issued*** by the authorities of Member States: ***extracts from registers of birth or death, change of name certificates, extracts from marriage or civil partnership registers, certification of parenthood***, adoption, ***population registration***, citizenship ***and*** nationality and ***extracts from*** real estate, ***business and intellectual property registers and from criminal records***. Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

Amendment 48
Antonio Masip Hidalgo

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The scope of this Regulation should

Amendment

(5) The scope of this Regulation should

cover *public* documents *drawn up by authorities of the Member States and having formal evidentiary value* relating to birth, death, *name*, marriage *or* registered partnership, *parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record*. Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

cover documents *entered in civil status registers* (birth *certificates*, death *certificates*, marriage *and* registered partnership *certificates, etc.*) *and documents entered in other public registers, such as the population register and intellectual property registers, as well as information extracted from the* criminal record. Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

Or. fr

Amendment 49
Sebastian Valentin Bodu

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The scope of this Regulation should cover public documents drawn up by authorities of the Member States and having formal evidentiary value relating to birth, death, name, marriage or registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record. Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because

Amendment

(5) The scope of this Regulation should cover public documents drawn up by authorities of the Member States and having formal evidentiary value relating to birth, death, name, marriage or registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record. Simplification of the acceptance of these categories of public documents between the Member States should bring tangible benefits to Union citizens and companies or other undertakings. Because

of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation.

of their different legal nature, documents drawn up by private persons should be excluded from its scope. Documents drawn up by authorities of third countries should likewise fall outside the scope of this Regulation. ***The scope of this Regulation should not cover documents that contain an agreement between two or more parties.***

Or. en

Justification

This Regulation should refer strictly to public documents only and should exclude documents, either authenticated or certified, that reflect a private agreement (i.e. contracts, deeds, articles of association, etc.).

Amendment 50 **Alajos Mészáros**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) The aim of this Regulation is not to change the substantive law of the Member States relating to ***birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record.***

Amendment

(6) The aim of this Regulation is not to change the substantive law of the Member States relating to ***various legal facts and the legal status of natural or legal persons.***

Or. en

Amendment 51 **Alexandra Thein**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) The aim of this Regulation is not to change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, ***real estate, legal status of a company or other undertaking***, intellectual property rights or absence of a criminal record.

Amendment

(6) The aim of this Regulation is not to change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, intellectual property rights or absence of a criminal record.

Or. de

Amendment 52
Giuseppe Gargani

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) ***The aim of*** this Regulation ***is not to*** change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record.

Amendment

(6) This Regulation ***does*** not change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record.

Or. it

Amendment 53
Sebastian Valentin Bodu

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The aim of this Regulation is not to

Amendment

(6) The aim of this Regulation is not to

change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record.

change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record. ***Documents that contain an agreement between two or more parties should be excluded.***

Or. en

Justification

This Regulation should refer strictly to public documents only and should exclude documents, either authenticated or certified, that reflect an agreement (i.e. contracts, deeds, articles of association, etc.).

Amendment 54 **Sajjad Karim**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) The aim of this Regulation is not to change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record.

Amendment

(6) The aim of this Regulation is not to change the substantive law of the Member States relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship or nationality, real estate, legal status of a company or other undertaking, intellectual property rights or absence of a criminal record. ***This Regulation should, however, retain adequate safeguards against fraud and forgery and provide that, in limited circumstances such as in relation to immigration matters, Member States will not be precluded from requiring the provision of original documentation.***

Or. en

Amendment 55
Sebastian Valentin Bodu

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In order to promote the free movement of citizens and companies or other undertakings in the Union, the identified categories of public documents should be exempted from all forms of legalisation or similar formality.

Amendment

(7) In order to promote the free movement of citizens and companies or other undertakings in the Union, the identified categories of public documents should be exempted from all forms of legalisation or similar formality. ***Documents that contain an agreement between two or more parties should be excluded.***

Or. en

Justification

This Regulation should refer strictly to public documents only and should exclude documents, either authenticated or certified, that reflect an agreement (i.e. contracts, deeds, articles of association, etc.).

Amendment 56
Alajos Mészáros

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Appropriate safeguards for the prevention of fraud and forgery of public documents circulating between the Member States should be established.

Amendment

(9) Appropriate safeguards for the prevention of fraud and forgery of public documents circulating between the Member States should be established ***in order to ensure legal certainty in the European Union.***

Or. en

Amendment 57
Alajos Mészáros

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Union multilingual standard forms should be established in all official languages of the Union for public documents relating to ***birth, death, marriage, registered partnership and legal status and representation of a company or other undertaking*** in order to avoid the need for Union citizens and companies or other undertakings to produce translations in cases where they would otherwise be required.

Amendment

(16) Union multilingual standard forms should be established in all official languages of the Union for public documents relating to ***various legal facts and the legal status of natural or legal persons*** in order to avoid the need for Union citizens and companies or other undertakings to produce translations in cases where they would otherwise be required.

Or. en

Amendment 58
Alexandra Thein

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Union multilingual standard forms should be established in all official languages of the Union for public documents relating to birth, death, marriage, registered partnership ***and legal status and representation of a company or other undertaking*** in order to avoid the need for Union citizens ***and companies or other undertakings*** to produce translations in cases where they would otherwise be required.

Amendment

(16) Union multilingual standard forms should be established in all official languages of the Union for public documents relating to birth, death, marriage ***and*** registered partnership in order to avoid the need for Union citizens to produce translations in cases where they would otherwise be required.

Or. de

Amendment 59
Alexandra Thein

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Union multilingual standard forms should be issued upon request to citizens **and companies or other undertakings** entitled to receive the equivalent public documents existing in the issuing Member State and under the same conditions. The standard forms should have the same formal evidentiary value as the equivalent public documents drawn up by the authorities of the issuing Member State, leaving the choice to Union citizens **and companies or other undertakings** in each individual case to use them or the equivalent national documents. Union multilingual standard forms should not produce legal effects as regards the recognition of their content in the Member States where they are presented. The Commission should develop detailed guidance on their use, by associating central authorities for that purpose.

Amendment

(17) Union multilingual standard forms should be issued upon request to citizens entitled to receive the equivalent public documents existing in the issuing Member State and under the same conditions. The standard forms should have the same formal evidentiary value as the equivalent public documents drawn up by the authorities of the issuing Member State, leaving the choice to Union citizens in each individual case to use them or the equivalent national documents. Union multilingual standard forms should not produce legal effects as regards the recognition of their content in the Member States where they are presented. The Commission should develop detailed guidance on their use, by associating central authorities for that purpose.

Or. de

Amendment 60
Luigi Berlinguer

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation provides for a dispensation from legalisation or similar formality and for a simplification of other formalities related to the acceptance of **certain** public documents issued by authorities of the Member States.

Amendment

This Regulation provides for a dispensation from legalisation or similar formality and for a simplification of other formalities related to the acceptance of public documents issued by authorities of the Member States.

Amendment 61
Alajos Mészáros

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

It also establishes Union multilingual standard forms concerning ***birth, death, marriage, registered partnership and legal status and representation of a company or other undertaking.***

Amendment

It also establishes Union multilingual standard forms concerning ***legal facts and the legal status of natural or legal persons.***

Amendment 62
Alexandra Thein

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

It also establishes Union multilingual standard forms concerning birth, death, marriage, registered partnership ***and legal status and representation of a company or other undertaking.***

Amendment

It also establishes Union multilingual standard forms concerning birth, death, marriage ***and*** registered partnership.

Amendment 63
Sebastian Valentin Bodu

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

Amendment

It also establishes Union multilingual standard forms concerning birth, death, marriage, registered partnership **and legal status and representation of a company or other undertaking**.

It also establishes Union multilingual standard forms concerning birth, death, marriage **and** registered partnership.

Or. en

Justification

This Regulation should not aim to standardise the content of documents, as that could trigger a modification of the internal procedures of each Member State.

Amendment 64
Alajos Mészáros

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation applies to the acceptance of public documents **which have** to be presented to the authorities of another Member State.

1. This Regulation applies to the acceptance of public documents **that are** to be presented to the authorities of another Member State.

Or. en

Amendment 65
Alexandra Thein

Proposal for a regulation
Article 3 – point 1

Text proposed by the Commission

Amendment

(1) "public documents" means documents issued by authorities of a Member State **and having formal evidentiary value relating to:**

(1) "public documents" means **the following** documents issued by authorities of a Member State:

a) **birth;**

a) **extracts from register of births;**

- b) *death*;
- c) name;
- d) marriage and *registered* partnership;
- e) parenthood;
- f) adoption;
- g) *residence*;

h) citizenship and nationality;

i) real estate;

j) legal status and representation of a company or other undertaking;

k) intellectual property *rights*;

l) absence of a criminal *record*;

- b) *extracts from register of deaths*;
- c) *change of name certificates*;
- d) *extracts from* marriage and *civil* partnership *register*;
- e) *certificates of* parenthood;
- f) *certificates of* adoption;
- g) *extracts from population register*;
- h) citizenship and nationality *certificates*;

k) *extracts from* intellectual property *registers*;

l) *extracts from* criminal *records*; *certificate of good conduct*;

Or. de

Amendment 66
Hubert Pirker, Angelika Niebler

Proposal for a regulation
Article 3 – point 1

Text proposed by the Commission

(1) "public documents" means documents issued by authorities of a Member State **and having formal evidentiary value relating to:**

- a) *birth*;
- b) *death*;
- c) name;
- d) marriage and *registered* partnership;
- e) parenthood;
- f) adoption;

Amendment

(1) "public documents" means **the following** documents issued by authorities of a Member State:

- a) *extracts from register of births*;
- b) *extracts from register of deaths*;
- c) *change of name certificates*;
- d) *extracts from* marriage and *civil* partnership *register*;
- e) *certificates of* parenthood;
- f) *certificates of* adoption;

- g) *residence*;
- h) citizenship and nationality;
- i) real estate;
- j) *legal status and representation of a company or other undertaking*;
- k) intellectual property *rights*;
- l) *absence of a criminal record*;

- g) *population registry certificates*;
- h) citizenship and nationality *certificates*;
- i) *extracts from* real estate *registers*;
- j) *extracts from* company *registers*

- k) *extracts from* intellectual property *registers*;
- l) *extracts from* criminal *records*;

Or. de

Amendment 67
Luigi Berlinguer

Proposal for a regulation
Article 3 – point 1

Text proposed by the Commission

(1) ‘public documents’ means *documents issued by authorities of a Member State and having formal evidentiary value relating to:*

- (a) *birth*;
- (b) *death*;
- (c) *name*;
- (d) *marriage and registered partnership*;

Amendment

(1) ‘public documents’ means:

- (a) *documents drawn up by authorities of the Member States*;
- (b) *documents drawn up by an authority or an official connected with the courts or tribunals of the Member State, including those drawn up by a public prosecutor, a clerk of the court or a bailiff*;
- (c) *authentic instruments*;
- (d) *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;

- (e) parenthood;*
- (f) adoption;*
- (g) residence;*
- (h) citizenship and nationality;*
- (i) real estate;*
- (j) legal status and representation of a company or other undertaking;*
- (k) intellectual property rights;*
- (l) absence of a criminal record;*

Or. en

Amendment 68
Antonio Masip Hidalgo

Proposal for a regulation
Article 3 – point 1

Text proposed by the Commission

(1) "public documents" means documents issued by authorities of a Member State and having formal evidentiary value ***relating to:***

- (a) birth;
- (b) death;
- (c) name;
- (d) marriage and registered partnership;
- (e) parenthood;
- (f) adoption;
- (g) ***residence;***
- (h) citizenship and nationality;
- (i) ***real estate;***
- (j) ***legal status and representation of a***

Amendment

(1) "public documents" means documents issued by authorities of a Member State and having formal evidentiary value, ***i.e.:***

- (a) birth ***certificates;***
- (b) death ***certificates;***
- (c) ***change of name certificates;***
- (d) marriage and registered partnership ***certificates;***
- (e) parenthood ***documents;***
- (f) adoption ***documents;***
- (g) ***extracts from population registers;***
- (h) ***documents relating to*** citizenship and nationality;

company or other undertaking;

(k) intellectual property *rights*;

(l) *absence of a* criminal record;

(k) *extracts from* intellectual property registers;

(l) *information extracted from the* criminal record;

Or. fr

Amendment 69

Sebastian Valentin Bodu

Proposal for a regulation

Article 3 – point 1 – introductory part

Text proposed by the Commission

(1) ‘public documents’ means documents issued by authorities of a Member State *and having* formal evidentiary value relating to:

Amendment

(1) ‘public documents’ means documents issued by authorities of a Member State, *excluding documents that contain an agreement between two or more parties, which have* formal evidentiary value relating to:

Or. en

Justification

This Regulation should refer strictly to public documents only and should exclude documents, either authenticated or certified, that reflect an agreement (i.e. contracts, deeds, articles of association, etc.).

Amendment 70

Alajos Mészáros

Proposal for a regulation

Article 3 – point 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) qualifications and records of schooling and further education;

Or. en

Amendment 71
Jean-Pierre Audy

Proposal for a regulation
Article 3 – point 1 – point j a (new)

Text proposed by the Commission

Amendment

(j a) driving, pilot's and boat operator's licences;

Or. fr

Amendment 72
Alajos Mészáros

Proposal for a regulation
Article 3 – point 1 – point l

Text proposed by the Commission

Amendment

(l) absence of a criminal record;

deleted

Or. en

Amendment 73
Sebastian Valentin Bodu

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Authorities shall not require parallel presentation of the original of a public document and of its certified copy issued by the authorities of other Member States.

deleted

Or. en

Justification

The generalisation of the acceptance of uncertified copies in cross-border exchanges within the European Union would run the risk of endangering the requirement of legal certainty.

Amendment 74 **Tadeusz Zwiefka**

Proposal for a regulation **Article 5 – paragraph 1**

Text proposed by the Commission

1. Authorities ***shall not require parallel presentation*** of the original of a public document ***and of its certified copy*** issued by the authorities of other Member States.

Amendment

1. Authorities shall ***accept, in place*** of the original of a public document issued by the authorities of other Member States ***or by EU authorities, a certified or uncertified copy thereof, if such documents may be accepted in this form under national law.***

Or. pl

Justification

Copies of documents should be accepted only where this is permitted under national law. Otherwise, nationals of a Member State in which only originals of documents may be submitted could be discriminated against if nationals of other Member States were allowed to submit copies. Originals or certified copies of documents are required principally for reasons of reliability and legal certainty.

Amendment 75 **Sajjad Karim**

Proposal for a regulation **Article 5 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. By way of derogation from paragraph 1, Member States may require, for the purposes of detection of fraud, the presentation of original documents in limited circumstances.

Or. en

Amendment 76
Sebastian Valentin Bodu

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the original of a public document issued by the authorities of one Member State is presented together with its copy, the authorities of the other Member States shall accept such copy without certification.

deleted

Or. en

Justification

The generalisation of the acceptance of uncertified copies in cross-border exchanges within the European Union would run the risk of endangering the requirement of legal certainty.

Amendment 77
Alajos Mészáros

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Non-certified translations

1. Authorities shall accept ***non-certified*** translations of public documents issued by the authorities of other Member States.

2. Where an authority has reasonable doubt as to the correctness or quality of the translation of a public document presented to it in an individual case, it may require a certified translation of that public document. In such a case, the authority shall accept certified translations established in other Member States.

Certified translations

1. Authorities shall accept ***certified*** translations of public documents issued by the authorities of other Member States.

2. Authorities shall accept certified translations produced in other Member States. A database with the lists of official translators shall be made available for the authorities in the Member States.

Amendment 78
Sebastian Valentin Bodu

Proposal for a regulation
Article 6

Text proposed by the Commission

Non-certified translations

1. Authorities shall accept *non-certified* translations of public documents issued by the authorities of other Member States.

2. *Where an authority has reasonable doubt as to the correctness or quality of the translation of a public document presented to it in an individual case, it may require a certified translation of that public document. In such a case, the authority shall accept certified translations established in other Member States.*

Amendment

Certified translations

Authorities shall accept *certified* translations of public documents issued by the authorities of other Member States.

Or. en

Justification

The withdrawal of the requirement for translations to be certified is worrying, particularly with regard to legal certainty. Member States should accept certified translations established in other Member States. Authorities that receive a non-certified translation of a foreign document are not generally in a position to detect incorrect or flawed translations through a lack of knowledge of the original language of the document, so the notion of reasonable doubt seems inappropriate.

Amendment 79
Hubert Pirker, Angelika Niebler

Proposal for a regulation
Article 6

Text proposed by the Commission

1. Authorities shall accept *non*-certified

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Amendment

Authorities shall accept certified

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translations of public documents issued by the authorities of other Member States.

2. Where an authority has reasonable doubt as to the correctness or quality of the translation of a public document presented to it in an individual case, it may require a certified translation of that public document. In such a case, the authority shall accept certified translations established in other Member States.

translations of public documents issued by the authorities of other Member States.

Or. de

Amendment 80
Alajos Mészáros

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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, ***which cannot be otherwise resolved***, they may submit a request for information to the relevant authorities of the Member State where these documents were issued, either by using the Internal Market Information System referred in Article 8 directly, or by contacting the central authority of their Member State.

Amendment

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, ***after thorough examination***, they may submit a request for information to the relevant authorities of the Member State where these documents were issued, either by using the Internal Market Information System referred in Article 8 directly, or by contacting the central authority of their Member State.

Or. en

Amendment 81
Alajos Mészáros

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. The reasonable doubt referred to in paragraph 1 – ***and based on a thorough and objective examination*** – may relate, in particular, to:

Or. en

Amendment 82
Sebastian Valentin Bodu

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Requests for information shall be accompanied by a ***scanned*** copy of the public document concerned or of its certified copy. The requests and any replies to those requests shall not be subject to any tax, duty or charge.

Amendment

4. Requests for information shall be accompanied by a copy of the public document concerned or of its certified copy. The requests and any replies to those requests shall not be subject to any tax, duty or charge.

Or. en

Amendment 83
Jean-Pierre Audy

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. The authorities shall reply to such requests within the shortest possible period of time and in any case not exceeding one month.

Amendment

5. The authorities shall reply to such requests within the shortest possible period of time and in any case not exceeding one month. ***The absence of a reply shall be deemed to be confirmation of the authenticity of the public document or certified copy thereof.***

Or. fr

Amendment 84
Alajos Mészáros

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall ensure that the tasks requested in Article 7 comply with the technical and personal requirements of the Internal Market Information System.

Or. en

Amendment 85
Jean-Pierre Audy

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

1. 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 central authority within that Member State.***
3. The designation of the ***one or more*** central ***authorities and their*** contact details shall be communicated by each Member State to the Commission in accordance with Article 20.

1. Each Member State shall designate one central authority.
2. Where ***more than one authority in a Member State is competent to reply to information requests, the Member State shall take the necessary measures to ensure that all communications are dealt with by the central authority it designates.***
3. The designation of the central ***authority and its*** contact details shall be communicated by each Member State to the Commission in accordance with Article 20.

Or. fr

Justification

For the sake of simplicity, it seems logical for the Member States to designate only one

central authority and to organise their national administration accordingly.

Amendment 86
Alajos Mészáros

Proposal for a regulation
Article 11

Text proposed by the Commission

Article 11

Union multilingual standard forms concerning ***birth, death, marriage, registered partnership and representation of a company or other undertaking*** legal status ***and representation of a company or other undertaking***

Union multilingual standard forms concerning ***birth, death, marriage, registered partnership and representation of a company or other undertaking*** legal status ***and representation of a company or other undertaking*** are hereby established.

Those Union multilingual standard forms shall be as set out in the Annexes.

Amendment

Article 11

Union multilingual standard forms concerning ***legal facts and the legal status of natural or legal persons***

Union multilingual standard forms concerning ***legal facts and the legal status of natural or legal persons*** are hereby established.

Those Union multilingual standard forms shall be as set out in the Annexes.

Or. en

Amendment 87
Alexandra Thein

Proposal for a regulation
Article 11

Text proposed by the Commission

Article 11

Union multilingual standard forms concerning birth, death, marriage, registered partnership ***and legal status and representation of a company or other undertaking***

Union multilingual standard forms concerning birth, death, marriage,

Amendment

Article 11

Union multilingual standard forms concerning birth, death, marriage ***and*** registered partnership

Union multilingual standard forms concerning birth, death, marriage ***and***

registered partnership **and legal status and representation of a company or other undertaking** are hereby established.

Those Union multilingual standard forms shall be as set out in the Annexes.

registered partnership are hereby established.

Those Union multilingual standard forms shall be as set out in the Annexes.

Or. de

Amendment 88
Sebastian Valentin Bodu

Proposal for a regulation
Article 11

Text proposed by the Commission

Article 11

Union multilingual standard forms concerning birth, death, marriage, registered partnership **and legal status and representation of a company or other undertaking**

Union multilingual standard forms concerning birth, death, marriage, registered partnership **and legal status and representation of a company or other undertaking** are hereby established.

Those Union multilingual standard forms shall be as set out in the Annexes.

Amendment

Article 11

Union multilingual standard forms concerning birth, death, marriage **and** registered partnership

Union multilingual standard forms concerning birth, death, marriage **and** registered partnership are hereby established.

Those Union multilingual standard forms shall be as set out in the Annexes.

Or. en

Justification

This Regulation should not aim to standardise the content of the documents, as that could trigger a modification of the internal procedures of each Member State.

Amendment 89
Jean-Pierre Audy

Proposal for a regulation
Article 14

Text proposed by the Commission

The Commission shall develop electronic versions of Union multilingual standard forms or other formats suitable for electronic exchanges.

Amendment

The Commission shall develop electronic versions of Union multilingual standard forms or other formats suitable for electronic exchanges ***which the Member States shall be required to use exclusively.***

Or. fr

Amendment 90
Alexandra Thein

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. Union multilingual standard forms shall be ***accepted by*** the authorities of the Member States where they are presented without legalisation or similar formality.

Amendment

3. Union multilingual standard forms shall be ***used in dealings with*** the authorities of the Member States where they are presented without legalisation or similar formality.

See amendment to title.

Or. de

Amendment 91
Jean-Pierre Audy

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. By ..., the Member States shall communicate to the Commission the ***designation of one or more central authorities and their*** contact details referred to in Article 9(3). The Member States shall inform the Commission of any subsequent changes to that information.

Amendment

1. By ... ***at the latest***, the Member States shall communicate to the Commission the ***name of the designated central authority and its*** contact details ***as*** referred to in Article 9(3). The Member States shall inform the Commission of any subsequent changes to that information.

Amendment 92
Sebastian Valentin Bodu

Proposal for a regulation
Article 21 – paragraph 1 – point b

Text proposed by the Commission

(b) establishment of Union multilingual standard forms relating to parenthood, adoption, residence, citizenship and nationality, *real estate, intellectual property rights* and absence of a criminal record;

Amendment

(b) establishment of Union multilingual standard forms relating to parenthood, adoption, residence, citizenship and nationality and absence of a criminal record;

Amendment 93
Alexandra Thein

Proposal for a regulation
Article 21 – paragraph 1 – point b

Text proposed by the Commission

b) establishment of Union multilingual standard forms relating to parenthood, adoption, residence, citizenship and nationality, *real estate*, intellectual property rights and absence of a criminal record;

Amendment

b) establishment of Union multilingual standard forms relating to parenthood, adoption, residence, citizenship and nationality, intellectual property rights and absence of a criminal record;

Amendment 94
Lena Kolarska-Bobińska

Proposal for a regulation
Annex II a (new)

Annex II a

EUROPEAN UNION MULTILINGUAL STANDARD FORM CONFIRMING NON-MARRIED STATUS		
Article 11 of Regulation (EU) [Add number and title of this Regulation]		
1	MEMBER STATE:	2 ISSUING AUTHORITY
3	EUROPEAN UNION MULTILINGUAL STANDARD FORM CONFIRMING NON-MARRIED STATUS	
4	SURNAME	
5	FORENAME(S)	
6	SEX	
7	DATE AND PLACE OF BIRTH	Da Mo Ye □□□□□□□□
8	DATE OF ISSUE SIGNATURE AND STAMP	Da Mo Ye □□□□□□□□
<i>Legal note: This EU multilingual standard form is made available by the authorities of the issuing Member State and may be requested alternatively to the equivalent public document existing in that Member State. It shall not prejudice the use of an equivalent national public document drawn up by the authorities of the issuing Member State. It shall have the same formal evidentiary value as the national equivalent of the issuing Member State, and it shall be used without prejudice to the substantive law of the Member States.</i>		

[Multilingual part of the annex not reproduced.]

Or. en


Justification

Many Member States require proof of non-married status before allowing marriage. This also applies to non-nationals marrying a national. There is often a problem where such a form does not exist in some Member States, or a problem with translation or formatting. This amendment would create an EU form proving non-married status.

Amendment 95
Giuseppe Gargani

Proposal for a regulation
Annex III

Annex III

EUROPEAN UNION MULTILINGUAL STANDARD FORM CONCERNING MARRIAGE		
Article 11 of Regulation (EU) [Add number and title of this Regulation]		
1	MEMBER STATE :	2 ISSUING AUTHORITY
3	EU MULTILINGUAL STANDARD FORM CONCERNING MARRIAGE	

4	DATE AND PLACE OF THE MARRIAGE			Da Mo Ye	
	5	SPOUSE A / HUSBAND	6	SPOUSE B / WIFE	
7	NAME BEFORE THE MARRIAGE				
8	FORENAME(S)				
9	SEX				
10	DATE AND PLACE OF BIRTH		Da Mo Ye	Da Mo Ye	
11	NAME FOLLOWING THE MARRIAGE				
12	HABITUAL RESIDENCE				
13	OTHER PARTICULARS OF THE REGISTRATION				
14	DATE OF ISSUE, SIGNATURE, SEAL		Da Mo Ye		

Legal note: This EU multilingual standard form is made available by the authorities of the issuing Member State and may be requested alternatively to the equivalent public document existing in that Member State. It shall not prejudice the use of an equivalent national public document drawn up by the authorities of the issuing Member State. It shall have the same formal evidentiary value as the national equivalent of the issuing Member State, and it shall be used without prejudice to the substantive law of the Member States relating to marriage.

[Equivalents in other languages not reproduced.]

Or. it

Justification

The wording used in sections 5 and 6 is not as comprehensive as that used in most national legal systems.