

# Political Agreement to Make Cross-Border European Justice Faster and More Accessible in Civil and Commercial Matters



On 30 June 2020, the European Parliament (the **EP**) and the Council of the European Union (the **Council**) reached an agreement to amend [Council Regulation \(EC\) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters](#) (the **Taking of Evidence Regulation**) and [Regulation \(EC\) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters](#) (the **Service of Documents Regulation**) (together the **Regulations**).

The amendments to those Regulations aim to make cross-border European justice more accessible, faster, cheaper and more straightforward, in particular by increasing legal certainty and decreasing judicial delays and undue costs for citizens.

The Taking of Evidence Regulation establishes an EU-wide system for the swift transmission of requests for the taking and execution of evidence between national courts. It creates

a framework for cross-border judicial assistance between EU Member States. However, in 2017, the European Commission (the **Commission**) highlighted that contacts between each national authorities designated in the Taking of Evidence Regulation (and responsible for the transfer of evidentiary documents between EU Member States' courts), were almost exclusively paper-based and that videoconferencing was rarely used to hear persons located in other Member States. These findings, thus, encouraged the adoption of the current [proposal](#) for a Regulation to amend the Taking of Evidence Regulation whose main objectives are the following:

- To introduce mandatory electronic communications for the transmission of requests for evidence;
- To increase the use of videoconferencing as direct taking of evidence;
- To improve the taking of evidence by diplomatic officers or consular agents; and
- To prohibit rejecting evidence collected in accordance with the law of the Member State solely due to its digital nature.

On the other hand, the Service of Documents Regulation provides fast-track channels and uniform procedures for the service of documents between EU courts and parties located in different EU Member States. The Service of Documents Regulation also lays down minimum standards on the protection of the rights of defense and sets uniform legal requirements to serve a document by post across borders. In 2017, the Commission found that the system of transmission of documents was underperforming and that recent technological developments were not used to their full potential. The current [proposal](#), therefore, aims to ensure a smoother transmission of documents. In particular;

- Regarding judicial documents, the proposal clarifies

that the Service of Documents Regulation applies in all situations where the domicile of the addressee is located in another Member State;

- Communications and exchanges of documents between national authorities will be carried out electronically, through a decentralized IT system composed of national interconnected IT systems;

- In line with the relevant case-law of the Court of Justice of the European Union, the proposal improves the procedure of the right of the addressee to refuse the document if it is not drawn up or translated into an appropriate language;

- The postal service providers will be obliged to use a specific return slip when serving documents by post; and

- The electronic service of documents is introduced as an additional alternative method of service.

The final version of the political agreement on the proposals amending the Regulations must be formally endorsed by the EP and the Council before its publication in the Official Journal of the European Union. The two amending regulations will enter into force twenty days following their publication. The Commission shall monitor the outputs and evaluate the impact of the amendments on the judicial cooperation between EU Member States in civil and commercial matters.

The press release of the EP is available [here](#).

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