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NOTE

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

Statement of Estonia, Ireland and Portugal for the minutes of COREPER and the Justice and Home Affairs Council regarding the Regulation on Service of Documents in civil or commercial matters

One of the main aims of this Regulation is to further improve the efficiency and speed of judicial proceedings, in a way which maintains or improves the existing level of access to justice and the protection of the rights of the defence in cross-border proceedings, and to reduce the burdens for citizens and businesses involved in cross-border proceedings resulting from undue costs and delays. This can be achieved by the better use of technical developments and electronic means for the service of procedural documents in civil and commercial matters.

The signatories welcome the objective of the Commission proposal and the compromise text of the Finnish Presidency. There are many aspects in the compromise text that the signatories can be very satisfied with.

However, Article 14a (2), which allows a Member State to indicate the conditions under which it will accept service of judicial documents to people with an address in its territory by e-mail, leaves the Member States with a broad possibility not to accept service by e-mail in its territory. There is no limitation foreseen to the conditions the Member States can indicate, making it thus possible to object to it as such. In order to follow the main objective of the Regulation it is also vital to follow the principle of non-discrimination - the Member States accepting e-mail as a valid method of service domestically should accept it in cross-border cases as well. Not following the principle of non-discrimination would jeopardize the main objective of the Regulation.

The signatories regret that there was not sufficient time to consider the impact of this objection on the judicial proceedings and the rights of parties before the adoption of the general approach. We believe that it is essential to find a better solution during the upcoming trilogies with the European Parliament, which would better achieve the aim of the Commission proposal.
