



COMMISSION OF THE EUROPEAN COMMUNITIES

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CORRIGENDUM : Concerne les versions FR, DE; EN ;
dans l'annexe – page 20 - la partie concernant l'article 8, paragraphe 1 du règlement (CE)
1348/2000 du Conseil: « Information du destinataire sur son droit de refuser de recevoir un
acte » a été complétée.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the
Member States of judicial and extrajudicial documents in civil or commercial matters**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL, CONSULTATIONS

On 29 May 2000 the Council adopted Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters¹. The Regulation aims at expediting the transmission of documents which is to be made directly between local bodies (transmitting and receiving agencies) designated by the Member States. Since the entry into force of Regulation (EC) 1348/2000 on 31 May 2001, the Commission has sought to receive as much information as possible about the application of the Regulation. The Commission has therefore gathered information and discussed the application of the Regulation on various occasions. Furthermore, a Study on the application of the regulation has been made by a contractor of the Commission. Finally, the Commission has adopted the Report on the Application of the Regulation foreseen in Article 24 of the Regulation.

- In December 2002, one session in the context of the first meeting of the *European Judicial Network in Civil and Commercial Matters* was devoted to a discussion of the first experiences with the application of the Regulation. On that occasion, different types of problems were identified which could be summarised as follows: Practical problems due to the fact that the Regulation was introduced only recently (for example, standards forms were not used or the provisions concerning the use of languages were misunderstood); Failure of national administrations to always act within the deadlines provided for by the Regulation; High costs and lack of transparency concerning composition of these costs.
- As a next step in the process of consultation, the Commission organised a *public hearing* on the application of the Regulation in July 2003. The public hearing provided a forum for an exchange of views for authorities and professions involved in the application of the Regulation. The issues which received most attention in the discussion were the amount of time required for transmission and service of documents, the effectiveness of transmitting and receiving agencies and central bodies, and the issue of costs of service. Several Member States expressed their concerns about the fact that forms were either not used correctly, or not used at all.
- Furthermore, a *Study on the application of the Regulation* has been prepared by a contractor of the Commission². The Study concludes that the Regulation has made the transmission and service of documents faster and, by improving judicial cooperation between Member States, has contributed significantly to establishing a European Judicial Area. However, currently professionals involved in the application of the Regulation are still in an adaptation phase and there is still a lack of knowledge about the Regulation. The Study emphasises the need for training of professionals involved in the application of the Regulation.
- Finally, the Commission convened a meeting of the *Advisory committee on the service of documents* (provided for by Article 18 of the Regulation) in April 2004 in order to discuss the results of the Study as well as possible adaptations of the Regulation, and in order to gather further information from Member States on the functioning of the Regulation.

¹ [OJ L 160, 30.6.00, p. 37.](#)

² http://europa.eu.int/comm/justice_home/doc_centre/civil/studies/doc/study_ec1348_2000_en.pdf

Based on the information gathered in the Study and in the various steps in the consultation process, the Commission on 1 October 2004 adopted a *Report on the Application of Council Regulation (EC) 1348/2000*³ including an Annex. The Report concludes that since its entry into force in 2001, the application of the Regulation has generally improved and expedited the transmission and the service of documents between Member States. Nevertheless, in the period of adaptation which is still ongoing, many persons involved in the application of the Regulation, in particular local bodies, still do not have sufficient knowledge about the Regulation. Furthermore, the application of certain provisions of the Regulation is not fully satisfactory.

- In February 2005, the Commission held a *public hearing* on the Report. A discussion paper which listed a number of concrete proposals for possible modifications of the Regulation served as a basis for the hearing.

2. SUBSIDIARITY AND PROPORTIONALITY

The objective of this Regulation is to further improve and expedite the transmission and service of judicial and extrajudicial documents in civil or commercial matters for service between the Member States, to simplify the application of certain provisions of the Regulation and to improve legal certainty for the applicant and for the addressee.

This objective is in line with the *Hague Programme strengthening Freedom, Security and Justice in the European Union* adopted by the European Council on 4/5 November 2004. The Programme stresses the necessity of coherence and better legislation and of an evaluation of the *acquis* in order to increase its effectiveness.

The objective of the proposal cannot be sufficiently accomplished by the Member States themselves as they cannot guarantee the equivalence of rules applicable throughout the Community. The objective can therefore be only achieved at Community level.

The proposal is also fully consistent with the principle of proportionality since it is strictly limited to what is necessary in order to reach its objective.

3. COMMENTS ON THE SPECIFIC ARTICLES

Article 1

1. Paragraph 1 (Article 7)

The Commission Report indicates that – compared with the situation under the 1965 Hague Convention on the Service of Documents - the application of the Regulation has made the transmission and the service of documents faster. While the amount of time required for transmission and service has generally been reduced to 1 to 3 months, in some cases up to 6 months are still required. Such delays for the transmission and service of documents between Member States are unacceptable in a European area of justice in civil and commercial matters. This paragraph introduces therefore an obligation to effect the service of a within one month of receipt of the document by the receiving agency.

³ COM/2004/603 final; Annex: [SEC\(2004\) 1145](#).

This paragraph provides furthermore that the receiving agency shall inform the transmitting agency *immediately*, if it has not been possible to effect service.

The sentence “*The period shall be calculated in accordance with the law of the Member State addressed*” should be deleted since for the purpose of calculating the periods and time limits provided for in this Regulation, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits shall apply (see recital 10).

2. Paragraph 2 (Article 8)

a) Article 8 (1)

In view of divergent approaches in the Member States with respect to a time limit for the refusal to accept a document⁴, it is appropriate in the interest of a uniform application of the Regulation in all Member States to introduce a common time limit of one week within which the addressee can refuse to accept the document by returning it. It should also be clarified that the addressee may exercise his right also immediately at the time of service directly with the person serving the document.

Furthermore, an obligation to inform the addressee *in writing* about his right to refuse to accept the document should be introduced since the Commission Report indicates that currently the addressee is not always informed of his right to refuse to accept the document. The receiving agency shall inform the addressee about his right using the standard form in the Annex. In addition, the receiving agency shall - where possible - inform the addressee about his right also orally.

In Article 8 (1) b) the words “*of the Member State of transmission*” should be deleted. It is sufficient that the addressee understands the language of the document, whether or not it is a language of the Member State of transmission.

The words “*and not accompanied by a translation into one of those languages*” are added in order to clarify that if the document is not in one of the languages provided for in Article 8 (1), also the original document must be served in addition to the translation (i.e. that it is not sufficient to serve only the translation of the original document).

b) Article 8 (3)

In view of the fact that the Regulation does not expressly provide for a rule concerning the legal consequences of a justified refusal to accept the document in accordance with paragraph 1, there is currently a case pending at the European Court of Justice with respect to that question⁵.

For reasons of legal certainty, the Regulation itself should provide for an explicit rule for such cases. This paragraph makes a rectification of the service of the document possible through the service of a translation of the document in accordance with the provisions of the Regulation. In order to effectively protect the rights of both the applicant and of the addressee,

⁴ In contrast to the other Member States, Austria and Germany have introduced (different) time limits for the refusal to accept a document in their national legislations.

⁵ Case C-443/03, Götz Leffler/Berlin Chemie AG.

the date of service of the document should in that case be the date on which the translation is served. However, where according to the law of a Member State a document shall be served within a particular period in order to preserve the rights of the applicant, the date to be taken into account with respect to the applicant should be the date of service of the initial document.

3. Paragraph 3 (Article 9)

The purpose of the double date system in Article 9 is to protect the rights of both the applicant and the addressee. Paragraph 1 lays down the principle that the date of service is to be the date on which the document is served in accordance with the law of the Member State addressed. It is intended to protect the rights of the addressee. Paragraph 2 is intended to protect the rights of the applicant, who may have an interest in acting within a given period or on a given date. In such cases it is appropriate to enable him to assert his rights on a date which he can determine himself, instead of referring to an event (the service of a document in another Member State) over which he has no direct influence and which might occur after the due date.

Currently, several Member States⁶ have invoked derogations in accordance with Article 9 (3), on the basis that the double-date system is not known in their national procedural laws. Those Member States do, however, have equivalent rules in order to protect the rights of the applicant (e.g. by providing that prescription is interrupted through the seizure of the court).

In paragraph 1, the words “*pursuant to Article 7*” should be deleted since Article 9 should also apply to the service of a document in accordance with Section 2 (i.e. Articles 12 to 15; see new Article 15a).

In paragraph 2, the wording “*within a particular period in the context of proceedings to be brought or pending in the Member State of origin*” is too narrow and not sufficiently clear. It should be replaced by the words “*within a particular period in order to preserve the rights of the applicant*”.

Furthermore, the words “*according to the law of a Member State*” should be added in paragraph 2. This reference to national law ensures that paragraph 2 is applied only in those Member States which have provided for the double-date system in their national legislation. For this reason, paragraph 3 can be deleted and the complex mechanism of communications under the current paragraph 3 can be replaced by a simpler and clearer provision.

4. Paragraph 4 (Article 11)

The issue of costs was already brought to the attention of the Commission soon after the entry into force of the Regulation, and has been the subject of extensive discussions on several occasions. The Commission Report indicates that the application of this provision is not satisfactory, mainly due to the fact that in certain Member States the costs charged for the service of documents are very high (above 150 €) and not fully transparent (since the amounts are not known to the applicant beforehand).

The systems Member States have in place with respect to the service of documents differ significantly. In many Member States the service of documents is performed by the courts

⁶ Spain, Ireland, Lithuania, Hungary, Malta, Netherlands, Poland, Portugal, Slovenia, Finland, Sweden, United Kingdom.

which in practice often have the documents effectively served by post. In these cases there are no or very low fees for the service of documents. On the other hand, there are some Member States in which a liberal profession such as the *huissiers de justice* is authorized to serve documents. These professions charge fees for serving documents.

The Regulation is intended to function with different systems of serving documents, and it should neither encourage nor discourage the one or the other system. On the other hand, it cannot be denied that the Regulation has caused problems with respect to some Member States because costs are not fully transparent and in some cases are deemed to be very high.

In order to facilitate access to justice, this paragraph provides that costs occasioned by the employment of a judicial officer or of a person competent under the law of the Member State addressed shall correspond to a fixed fee laid down by that Member State in advance which respects the principles of proportionality and non-discrimination.

As regards the proportionality of such a fixed fee, the amount of existing fixed fees for the service of documents⁷ should be taken into account.

5. Paragraph 5 (Article 14)

This paragraph aims at further facilitating the application of the Regulation by introducing a uniform rule for all Member States concerning postal services. Currently, the identification of the conditions applicable in a specific Member State is not user-friendly. The paragraph provides for a uniform requirement (registered letter with acknowledgement of receipt or equivalent) which is applicable already in many Member States. This requirement guarantees with sufficient certainty that the addressee has received the document, and that there is sufficient proof thereof.

For reasons of clarification, the term “post” in Article 14 is replaced by the term “postal services”. In accordance with the Postal Directive⁸, Member States can organise the registered mail service used in the context of judicial or in administrative procedures in accordance with their national legislation, which includes the possibility of appointing the entity or entities responsible for providing these services. The term “postal services” in this context includes therefore (depending on the solution adopted at the level of the Member States) services provided by both public and private operators, irrespective of whether or not these operators are subject to a universal service obligation.

6. Paragraph 6 (Article 15)

The deletion of paragraph 2 which provides for a possibility for Member States to oppose themselves to direct service will further facilitate the application of the Regulation by introducing a uniform rule for all Member States. Currently several Member States⁹ are opposed to direct service. Provided that the competences of the judicial officers, officials and other competent persons are respected, there is no reason for denying persons interested in

⁷ In France the fee amounts to 69 €, in the United States to 89 \$.

⁸ Directive 97/67/EC, OJ L 15, 21.01.1998, p.14, as amended by Directive 2002/39/EC, OJ L 176, 5.7.2002, p.21.

⁹ Austria, Czech Republic, England, Wales and Northern Ireland, Estonia, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Slovak Republic, Slovenia.

judicial proceedings the possibility to effect service directly. This method can in certain cases speed up service significantly.

7. Paragraph 7 (Article 15a)

In order to improve legal certainty for the applicant and the addressee and for reasons of consistency, this paragraph provides – as a clarification - that the rules concerning the refusal to accept the document (Article 8), and the rules concerning the date of service (Article 9), shall apply to the means of transmission and service provided for in this section (i.e. Articles 12 to 15). This modification clarifies also that the language rules of Article 8 also apply for service by postal services¹⁰.

8. Paragraph 8 (Articles 17 and 23)

The requirement for the adoption of the manual of receiving agencies and the glossary by a Commission Decision (Article 17) should be deleted as well as the requirement of the publication of the information communicated by Member States in the Official Journal (Article 23). Instead, this paragraph provides that a rule equivalent to Articles 19 and 22 of Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters¹¹ is introduced since Articles 17 and 23 unnecessarily complicate making available the information communicated by Member States.

The information communicated by Member States is now available in the European Judicial Atlas in Civil Matters¹² where it is updated continuously. In the Atlas a record should be kept of changes and of time periods during which different declarations have been successively in force.

9. Paragraph 9 (Annex)

This paragraph brings the standard forms in line with the new wording of Articles 7 and 8, and introduces an additional standard form concerning the *Information of the Addressee about the Right to Refuse to Accept a Document* (see Article 8(1)). Furthermore, missing reference numbers of the transmitting and receiving agency and missing references to the new languages are added in the forms.

¹⁰ The introduction of the *Information communicated by Member States under Article 23 of Council Regulation (EC) No 1348/2000* states: “As regards Article 14, the fact that a Member State has not communicated a specific language requirement means implicitly that the language requirements of Article 8 are applicable.” (OJ C 202, 18.7.2001, p. 10).

¹¹ [O.J. L 174 , 27.06.2001](#), p.1.

¹² http://europa.eu.int/comm/justice_home/judicialatlascivil/html/docservinformation_en.htm

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61 (c) and Article 67 paragraph 5 second indent thereof,

Having regard to the proposal from the Commission¹³,

Having regard to the opinion of the European Economic and Social Committee¹⁴,

Acting in accordance with the procedure laid down in Article 251 of the Treaty¹⁵,

Whereas:

- (1) On 1 October 2004 the Commission adopted a report¹⁶ on the application of Council Regulation (EC) 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters¹⁷. The report concludes that since its entry into force in 2001, the application of Regulation (EC) 1348/2000 has generally improved and expedited the transmission and the service of documents between Member States, but that nevertheless the application of certain provisions of the Regulation is not fully satisfactory.
- (2) The proper functioning of the internal market entails the need to further improve and expedite the transmission and service of judicial and extrajudicial documents in civil or commercial matters for service between the Member States, to simplify the application of certain provisions of Regulation (EC) No 1348/2000 and to improve legal certainty for the applicant and the addressee.
- (3) The service of a document should be effected as soon as possible, and in any event within one month of receipt by the receiving agency.
- (4) The receiving agency should inform the addressee in writing using a standard form that he or she may refuse to accept the document to be served at the time of service or by returning the document within one week of that time.

¹³ OJ C [...] [...], p.[...].

¹⁴ OJ C [...] [...], p.[...].

¹⁵ OJ C [...] [...], p.[...].

¹⁶ COM/2004/603 final; [SEC\(2004\) 1145](#)

¹⁷ OJ L 160 , 30.6.2000 p. 37.

- (5) It should be established that the service of a document can be rectified through the service on the addressee of a translation of the document.
- (6) The date of service of a document should be the date on which it is served in accordance with the law of the Member State addressed. However, where according to the law of a Member State a document shall be served within a particular period in order to preserve the rights of the applicant, the date to be taken into account with respect to the applicant should be that fixed by the law of that Member State.
- (7) In order to facilitate access to justice, costs occasioned by the employment of a judicial officer or of a person competent under the law of the Member State addressed should correspond to a fixed fee laid down by that Member State in advance which respects the principles of proportionality and non-discrimination.
- (8) Each Member State should be free to effect service of judicial documents directly by postal services to persons residing in another Member State by registered letter with acknowledgement of receipt or equivalent.
- (9) This Regulation should not interfere with the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State addressed.
- (10) In calculating the periods and time limits provided for in Regulation (EC) 1348/2000, Regulation (EEC, Euratom) No 1182/71¹⁸ should apply.
- (11) Since the objectives of the action to be taken cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.
- (12) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁹.
- (13) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Regulation.
- (14) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, is not participating in the adoption of this Regulation, and is therefore not bound by it nor subject to its application,

¹⁸ OJ L 124 , 8.6.1971, p. 1.

¹⁹ OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 1348/2000 is amended as follows:

(1) Article 7 (2) is replaced by the following:

“2. The service of the document shall be effected as soon as possible, and in any event within one month of receipt. If it has not been possible to effect service, the receiving agency shall immediately inform the transmitting agency by means of the certificate in the standard form in the Annex, which shall be drawn up under the conditions referred to in Article 10(2).”

(2) Article 8 is amended as follows:

a) paragraph 1 is replaced by the following:

“1. The receiving agency shall inform the addressee, where possible, orally, and in any case in writing using the standard form in the Annex that he or she may refuse to accept the document to be served at the time of service or by returning the document within one week of that time if it is in a language other than either of the following languages and not accompanied by a translation into one of these languages:

(a) 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; or

(b) a language which the addressee understands.”

b) the following paragraph 3 is added:

“3. If the addressee has refused to accept the document under the conditions of paragraph 1, the service of the document can be rectified through the service on the addressee in accordance with the provisions of this Regulation of a translation of the document 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 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 shall be served within a particular period in order to preserve the rights of the applicant, the date to be taken into account with respect to the applicant shall be the date of service of the initial document.”

(3) Article 9 is replaced by the following:

“Article 9

Date of service

1. Without prejudice to Article 8, the date of service of a document shall be the date on which it is served in accordance with the law of the Member State addressed.
2. However, where according to the law of a Member State a document shall be served within a particular period in order to preserve the rights of the applicant, the date to be taken into account with respect to the applicant shall be that fixed by the law of that Member State.”

(4) In Article 11 (2) the following subparagraph is added:

“Costs occasioned by the employment of a judicial officer or of a person competent under the law of the Member State addressed shall correspond to a fixed fee laid down by that Member State in advance which respects the principles of proportionality and non-discrimination. Member States shall communicate such fixed fees to the Commission.”

(5) Article 14 is replaced by the following:

“Article 14

Service by postal services

Each Member State shall be free to effect service of judicial documents directly by postal services to persons residing in another Member State by registered letter with acknowledgement of receipt or equivalent.”

(6) Article 15 is replaced by the following:

“Article 15

Direct service

This Regulation shall not interfere with the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State addressed.”

(7) The following Article 15a is inserted:

“Article 15a

Applicable provisions

The rules concerning the refusal to accept the document provided for in Article 8 and the rules concerning the date of service provided for in Article 9 shall apply to the means of transmission and service provided for in this section.”

(8) Article 17 is replaced by the following:

“Article 17

Implementing rules

The measures necessary for the implementation of this Regulation relating to the updating or making technical amendments to the standard forms set out in the Annex shall be adopted in accordance with the advisory procedure referred to in Article 18(2).”

(9) Article 23 is replaced by the following:

“Article 23

Communication

1. Member States shall communicate to the Commission the information referred to in Articles 2, 3, 4, 10, 11, 13 and 19.
2. The Commission shall draw up and update regularly a manual which shall be available electronically, containing the information referred to in paragraph 1.

(10) The Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on [...].

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the Treaty establishing the European Community.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

REQUEST FOR SERVICE OF DOCUMENTS

(Article 4(3) of Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (1))

Reference No:

1. TRANSMITTING AGENCY

1.1. Identity:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and code:

1.2.3. Country:

1.3. Tel:

1.4. Fax (*):

1.5. E-mail (*)

2. RECEIVING AGENCY

2.1. Identity:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and code:

2.2.3. Country:

2.3. Tel:

2.4. Fax (*):

2.5. E-mail (*):

(1) OJ L 160, 30.6.2000, p. 37.

(*) This item is optional.

3. APPLICANT

3.1. Identity:

3.2. Address:

3.2.1. Street and number/PO box:

3.2.2. Place and code:

3.2.3. Country:

3.3. Tel (*):

3.4. Fax (*):

3.5. E-mail (*):

4. ADDRESSEE

4.1. Identity:

4.2. Address:

4.2.1. Street and number/PO box:

4.2.2. Place and code:

4.2.3. Country:

4.3. Tel (*):

4.4. Fax (*):

4.5. E-mail (*):

4.6. Identification number/social security number/organisation number/or equivalent (*):

5. METHOD OF SERVICE

5.1. In accordance with the law of the Member State addressed

5.2. By the following particular method:

5.2.1. If this method is incompatible with the law of the Member State addressed, the document(s) should be served in accordance with the law:

5.2.1.1. yes

5.2.1.2. no

(*) This item is optional.

6. DOCUMENT TO BE SERVED

(a) 6.1. Nature of the document

6.1.1. judicial

6.1.1.1. writ of summons

6.1.1.2. judgment

6.1.1.3. appeal

6.1.1.4. other

6.1.2. extrajudicial

(b) 6.2. Date or time limit stated in the document (*):

(c) 6.3. Language of document:

6.3.1. original ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV, others:

6.3.2. translation (*) ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV, others:

6.4. Number of enclosures:

7. A COPY OF DOCUMENT TO BE RETURNED WITH THE CERTIFICATE OF SERVICE (Article 4(5) of the Regulation)

7.1. Yes (in this case send two copies of the document to be served)

7.2. No

1. You are required by Article 7(2) of the Regulation to effect all steps required for service of the document as soon as possible, and in any event within one month of receipt. If it has not been possible for you to effect service, you must inform this agency by means of the certificate provided for in point 13.

2. If you cannot fulfil this request for service on the basis of the information or documents transmitted, you are required by Article 6(2) of the Regulation to contact this agency by the swiftest possible means in order to secure the missing information or document.

Done at:

Date:

Signature and/or stamp:

(*) This item is optional.

Reference No of the transmitting agency:

Reference No of the receiving agency:

ACKNOWLEDGEMENT OF RECEIPT

(Article 6(1) of Council Regulation (EC) No 1348/2000)

This acknowledgement must be sent by the swiftest possible means of transmission as soon as possible after receipt of the document and in any event within seven days of receipt.

8. DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp:

Reference No of the transmitting agency:

Reference No of the receiving agency:

NOTICE OF RETURN OF REQUEST AND DOCUMENT

(Article 6(3) of Council Regulation (EC) No 1348/2000)

The request and document must be returned on receipt.

9. REASON FOR RETURN:

9.1. The request is manifestly outside the scope of the Regulation:

9.1.1. the document is not civil or commercial

9.1.2. the service is not from one Member State to another Member State

9.2. Non-compliance with formal conditions required makes service impossible:

9.2.1. the document is not easily legible

9.2.2. the language used to complete the form is incorrect

9.2.3. the document received is not a true and faithful copy

9.2.4. other (please give details):

9.3. The method of service is incompatible with the law of that Member State (Article 7(1) of the Regulation)

Done at:

Date:

Signature and/or stamp:

Reference No of the transmitting agency:

Reference No of the receiving agency:

NOTICE OF RETRANSMISSION OF REQUEST AND DOCUMENT TO THE
APPROPRIATE RECEIVING AGENCY

(Article 6(4) of Council Regulation (EC) No 1348/2000)

The request and document were forwarded on to the following receiving agency, which has territorial jurisdiction to serve it:

10.1. Identity:

10.2. Address:

10.2.1. Street and number/PO box:

10.2.2. Place and code:

10.2.3. Country:

10.3. Tel:

10.4. Fax (*):

10.5. E-mail (*):

Done at:

Date:

Signature and/or stamp:

(*) This item is optional.

Reference No of the transmitting agency:

Reference No of the appropriate receiving agency:

NOTICE OF RECEIPT BY THE APPROPRIATE RECEIVING AGENCY HAVING
TERRITORIAL JURISDICTION TO THE TRANSMITTING AGENCY

(Article 6(4) of Council Regulation (EC) No 1348/2000)

This notice must be sent by the swiftest possible means of transmission as soon as possible after receipt of the document and in any event within seven days of receipt.

11. DATE OF RECEIPT:

Done at:

Date:

Signature and/or stamp:

INFORMATION OF THE ADDRESSEE ABOUT THE RIGHT TO REFUSE TO ACCEPT
A DOCUMENT

(Article 8(1) of Council Regulation (EC) No 1348/2000)

ES:

El documento adjunto se notifica o traslada de conformidad con el Reglamento (CE) nº 1348/2000 del Consejo, de 29 de mayo de 2000, relativo a la notificación y al traslado en los Estados miembros de documentos judiciales y extrajudiciales en materia civil o mercantil

Puede usted negarse a aceptar el documento si no está redactado en una lengua oficial del lugar de notificación o traslado o en una lengua que usted comprenda y si no va acompañado de una traducción a alguna de esas lenguas.

Si desea usted ejercitar este derecho, debe negarse a aceptar el documento en el momento de la notificación o traslado directamente ante la persona que notifique o traslade el documento o devolver el documento dentro del plazo de una semana contado a partir de ese momento, declarando que se niega a aceptarlo.

CS:

Příložená písemnost se doručuje v souladu s nařízením Rady (ES) č. 1348/2000 ze dne 29. května 2000 o doručování soudních a mimosoudních písemností ve věcech občanských a obchodních.

Jste oprávněn/a odmítnout přijetí písemnosti, jestliže tato není v úředním jazyce místa doručení ani v jazyce, kterému rozumíte, a není k ní připojen překlad do některého z těchto jazyků.

Jestliže si přejete uplatnit toto právo, musíte přijetí písemnosti odmítnout v okamžiku doručení přímo u osoby, která ji doručuje, nebo musíte písemnost vrátit do jednoho týdne od tohoto okamžiku s prohlášením, že ji odmítáte přijmout.

DA:

Vedlagte dokument forkyndes hermed i overensstemmelse med Rådets forordning (EF) nr. 1348/2000 af 29. maj 2000 om forkyndelse i medlemsstaterne af retslige og udenretslige dokumenter i civile og kommercielle sager.

De kan nægte at modtage dokumentet, hvis det ikke er affattet på forkyndelsesstedets officielle sprog eller på et sprog, De forstår, eller ikke er ledsaget af en oversættelse til et af disse sprog.

Hvis De ønsker at gøre brug af denne ret, skal De nægte at modtage dokumentet ved forkyndelsen direkte over for den person, der forkynder det, eller returnere det senest en uge efter forkyndelsen med angivelse af, at De nægter modtagelse.

DE:

Die Zustellung des beigefügten Schriftstücks erfolgt im Einklang mit der Verordnung (EG) Nr. 1348/2000 des Rates vom 29. Mai 2000 über die Zustellung gerichtlicher und außergerichtlicher Schriftstücke in Zivil- oder Handelssachen in den Mitgliedstaaten.

Sie können die Annahme dieses Schriftstücks verweigern, wenn es nicht in einer Amtssprache des Zustellungsortes oder nicht in einer Sprache abgefasst ist, die Sie verstehen, oder wenn ihm keine Übersetzung in einer dieser Sprachen beigefügt ist.

Wenn Sie von ihrem Annahmeverweigerungsrecht Gebrauch machen wollen, müssen Sie dies entweder sofort bei der Zustellung gegenüber der das Schriftstück zustellenden Person erklären oder das Schriftstück binnen einer Woche nach der Zustellung mit der Angabe zurücksenden, dass Sie die Annahme verweigern.

ET:

Lisatud dokument antakse kätte vastavalt nõukogu 29. mai 2000. aasta määrusele nr 1348/2000 tsiviil- ja kaubandusajade kohtu- ja kohtuväliste dokumentide kätteandmise kohta.

Te võite keelduda dokumenti vastu võtmast, kui see ei ole kätteandmise koha ametlikus keeles või Teile arusaadavas keeles ning dokumendile ei ole lisatud tõlget ühte nimetatud keeltest.

Kui Te soovite nimetatud õigust kasutada, peate Te keelduma dokumenti vastu võtmast vahetult selle kätteandmisel, tagastades dokumendi seda kätteandvale isikule, või tagastama dokumendi ühe nädala jooksul alates kätteandmisest, märkides, et Te keeldute dokumenti vastu võtmast.

EL:

Η συνημμένη πράξη επιδίδεται ή κοινοποιείται σύμφωνα με τον κανονισμό (ΕΚ) αριθ. 1348/2000 του Συμβουλίου της 29^{ης} Μαΐου 2000 περί επιδόσεως και κοινοποίησεως στα κράτη μέλη δικαστικών και εξωδίκων πράξεων σε αστικές ή εμπορικές υποθέσεις.

Έχετε δικαίωμα να αρνηθείτε την παραλαβή της πράξης εφόσον δεν είναι συνταγμένη σε μία επίσημη γλώσσα του τόπου επίδοσης ή κοινοποίησης ή σε γλώσσα την οποία κατανοείτε και εφόσον δεν συνοδεύεται από μετάφραση σε μία από αυτές τις γλώσσες.

Αν επιθυμείτε να ασκήσετε αυτό το δικαίωμα, πρέπει είτε να δηλώσετε την άρνηση παραλαβής κατά τη χρονική στιγμή της επίδοσης ή κοινοποίησης απευθείας στο πρόσωπο που επιδίδει ή κοινοποιεί την πράξη, είτε να επιστρέψετε την πράξη εντός μιας εβδομάδας από τη χρονική αυτή στιγμή, δηλώνοντας ότι αρνείστε την παραλαβή της.

EN:

The enclosed document is served in accordance with Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service of judicial and extrajudicial documents in civil and commercial matters.

You may refuse to accept the document if it is not in an official language of the place of service or in a language which you understand and if it is not accompanied by a translation into one of those languages.

If you wish to exercise this right, you must refuse to accept the document at the time of service directly with the person serving the document or return the document within one week of that time stating that you refuse to accept it.

FR: L'acte ci-joint est signifié ou notifié conformément au règlement (CE) n° 1348/2000 du Conseil du 29 mai 2000 relatif à la signification et à la notification dans les États membres des actes judiciaires et extrajudiciaires en matière civile et commerciale.

Vous pouvez refuser de recevoir l'acte s'il n'est pas rédigé dans une langue officielle du lieu de signification ou de notification ou dans une langue que vous comprenez, et s'il n'est pas accompagné d'une traduction dans l'une de ces langues.

Si vous souhaitez exercer ce droit de refus, vous devez soit faire part de votre refus de recevoir l'acte au moment de la signification ou de la notification directement à la personne signifiant ou notifiant l'acte, soit renvoyer l'acte dans un délai d'une semaine en indiquant que vous refusez de le recevoir.

IT:

L'atto accluso viene notificato o comunicato in conformità del regolamento (CE) n. 1348/2000 del Consiglio, del 29 maggio 2000, relativo alla notificazione e alla comunicazione negli Stati membri degli atti giudiziari ed extragiudiziali in materia civile e commerciale.

È prevista la facoltà di non accettare l'atto se non è stilato in una lingua ufficiale del luogo da cui avviene la notificazione o la comunicazione, oppure in una lingua compresa dal destinatario, e se l'atto non è corredato di una traduzione in una di queste lingue.

Chi desideri avvalersi di tale diritto, può rifiutare di accettare l'atto direttamente al momento della notificazione o della comunicazione, attraverso la persona che consegna l'atto medesimo, oppure rispedirlo entro una settimana dalla ricezione, dichiarando il proprio rifiuto di accettarlo.

LV:

Pievienoto dokumentu izsniedz saskaņā ar Padomes 2000. gada 29. maija Regulu (EK) Nr. 1348/2000 par tiesas un ārpus tiesas civillietu un komercietu dokumentu izsniegšanu.

Jums ir tiesības atteikties pieņemt dokumentu, ja tas nav tās vietas oficiālajā valodā, kurā veic izsniegšanu, vai valodā, kuru jūs saprotat, kā arī ja tam nav pievienots tulkojums vienā no minētajām valodām.

Ja vēlaties īstenot šīs tiesības, jums no personas, kas izsniedz dokumentu, jāatsakās to pieņemt izsniegšanas brīdī vai jānosūta dokuments atpakaļ nedēļas laikā no saņemšanas brīža, norādot, ka jūs to atsakāties pieņemt.

LT:

Priedamas dokumentas įteikiamas pagal 2000 m. gegužės 29 d. Tarybos reglamentą (EB) Nr. 1348/2000 dėl teisminių ir neteisminių dokumentų civilinėse arba komercinėse bylose įteikimo valstybėse narėse.

Jūs galite atsisakyti priimti šį dokumentą, jeigu jis neparengtas įteikimo vietoje oficialia kalba arba jūsų suprantama kalba ir jeigu prie jo nepridėtas vertimas į tas kalbas.

Jeigu norite pasinaudoti savo teise, turite atsisakyti priimti dokumentą iš tiesiogiai jį įteikiančio asmens įteikimo metu arba gražinti dokumentą per vieną savaitę nuo to momento, kai jūs atsisakėte jį priimti.

HU:

A mellékelt irat kézbesítése a polgári és kereskedelmi ügyekben a bírósági és bíróságon kívüli iratok kézbesítéséről szóló, 2000. május 29-i 1348/2000/EK tanácsi rendelet szerint történik.

Joga van megtagadni az irat átvételét, amennyiben az nem a kézbesítés fogadosítási helyének egyik hivatalos nyelvén vagy nem az Ön számára érthető nyelven készült, és nem mellékeltek hozzá ezen nyelvek egyikén készült fordítást.

Amennyiben e jogával élni kíván, az irat átvételét megtagadhatja közvetlenül az iratkézbesítést végző személlyel szemben az iratkézbesítés alkalmával, vagy az iratot ezen időponttól számított egy héten belül vissza kell küldenie az átvétel megtagadásának feltüntetésével.

MT:

Id-dokument mehmuż qed ikun innotifikat skond ir-Regolament tal-Kunsill (KE) Nru. 1348/2000 dwar in-notifika ta' dokumenti ġudizzjarji u extra-ġudizzjarji fi kwistjonijiet ċivili u kummerċjali.

Tista' tirrifjuta d-dokument jekk ma jkunx f'lingwa uffiċjali tal-post tan-notifika jew ma jkunx f'lingwa li tifhem u jekk mhux akkumpanjat minn traduzzjoni f'waħda minn dawk il-lingwi.

Jekk trid teżerċita dan id-dritt, għandek tirrifjuta d-dokument fil-hin tan-notifika direttament mal-persuna li tinnotifika d-dokument jew għandek tibgħat id-dokument lura fi żmien ġimgħa minn dak il-hin u tgħid li qed tirrifjutah.

NL:

De betekening of kennisgeving van het bijgevoegde stuk is geschied overeenkomstig Verordening (EG) nr. 1348/2000 van de Raad van 29 mei 2000 inzake de betekening en de kennisgeving in de lidstaten van gerechtelijke en buitengerechtelijke stukken in burgerlijke of in handelszaken.

U kunt weigeren het stuk in ontvangst te nemen indien het niet in de officiële taal van de plaats van betekening of kennisgeving dan wel in een taal die u begrijpt is gesteld en het niet vergezeld gaat van een vertaling in een van deze talen.

Indien u dat recht wenst uit te oefenen, moet u onmiddellijk bij de betekening of kennisgeving van het stuk en rechtstreeks ten aanzien van de persoon die de betekening of kennisgeving verricht de ontvangst ervan weigeren of moet u het stuk binnen een week na die datum terugzenden en verklaren dat u de ontvangst ervan weigert.

PL:

Załączony dokument doręcza się zgodnie z rozporządzeniem Rady (WE) nr 1348/2000 z dnia 29 maja 2000 r. w sprawie doręczania dokumentów sądowych i pozasądowych w sprawach cywilnych lub handlowych w Państwach Członkowskich.

Odbiorcy przysługuje prawo odmowy przyjęcia dokumentu, jeżeli dokument nie jest w języku urzędowym miejsca doręczenia lub w języku, który odbiorca rozumie i nie towarzyszy mu tłumaczenie na jeden z tych języków.

Jeżeli odbiorca chce skorzystać z tego prawa, musi odmówić przyjęcia dokumentu w momencie jego doręczenia bezpośrednio wobec osoby doręczającej lub odesłać dokument w ciągu jednego tygodnia od tego czasu, informując o odmowie jego przyjęcia.

PT:

O acto junto é citado ou notificado em conformidade com o Regulamento (CE) n.º 1348/2000 do Conselho, de 29 de Maio de 2000, relativo à citação e à notificação dos actos judiciais e extrajudiciais em matérias civil e comercial nos Estados-Membros.

Pode recusar a recepção do acto se este não estiver redigido na língua oficial do local de citação ou notificação ou numa língua que compreenda e se não for acompanhado de uma tradução numa dessas línguas.

Se pretender exercer este direito, deve recusar a recepção do acto no próprio momento, directamente com a pessoa que procede à citação ou notificação do acto, ou devolver o acto no prazo de uma semana a contar dessa data, declarando que recusa a sua recepção.

SK:

Priložený dokument sa doručí v súlade s nariadením Rady (ES) č. 1348/2000 z 29. mája 2000 o doručovaní súdnych a mimosúdnych dokumentov v občianskoprávných a obchodných veciach.

Môžete odmietnuť prevziať tento dokument, ak nie je v úradnom jazyku miesta doručenia alebo v jazyku, ktorému rozumiete, a ak nie je doložený prekladom do jedného z týchto jazykov.

Ak si želáte využiť toto právo, musíte odmietnuť prevziať tento dokument v čase doručenia priamo u osoby, ktorá dokument doručuje, alebo vrátiť dokument do jedného týždňa od tohto času s konštatovaním, že ho odmietate prevziať.

SL:

Priložena listina se vroči v skladu z Uredbo Sveta (ES) št. 1348/2000 z dne 29. maja 2000 o vročanju sodnih in zunajsodnih pisanj v civilnih ali gospodarskih zadevah v državah članicah.

Pravico imate, da zavrnete sprejem listine, če le-ta ni napisana v uradnem jeziku kraja vročitve ali v jeziku, ki ga razumete, in ji ni priložen prevod v enega od teh jezikov.

Če želite uresničiti to pravico, morate zavrniti sprejem listine v času vročitve neposredno osebi, ki listino vroča, ali vrniti listino v roku enega tedna od vročitve z izjavo, da zavračate njen sprejem.

FI:

Oheinen asiakirja annetaan tiedoksi oikeudenkäynti- ja muiden asiakirjojen tiedoksiannosta jäsenvaltioissa siviili- tai kauppaoikeudellisissa asioissa 29 päivänä toukokuuta 2000 annetun neuvoston asetuksen (EY) N:o 1348/2000 mukaisesti.

Voitte kieltäytyä vastaanottamasta asiakirjaa, jollei se ole jollakin tiedoksiantopaikan virallisista kielistä tai kielellä, jota ymmärrätte, ja jollei mukana ole käännöstä jollekin näistä kielistä.

Jos haluatte käyttää tätä oikeuttanne, teidän on kieltäydyttävä vastaanottamasta asiakirjaa tiedoksiannon yhteydessä ilmoittamalla tästä suoraan asiakirjan toimittavalle henkilölle tai palautettava asiakirja viikon kuluessa kyseisestä päivämäärästä todeten, että kieltäydytte vastaanottamisesta.

SV:

Den bifogade handlingen har delgivits i enlighet med rådets förordning (EG) nr 1348/2000 av den 29 maj 2000 om delgivning i medlemsstaterna av handlingar i mål och ärenden av civil eller kommersiell natur.

Adressaten har rätt att vägra att ta emot handlingen om den inte är avfattad på delgivningsplatsens officiella språk, eller på ett språk som adressaten inte förstår, och om det inte åtföljs av översättning till ett av dessa båda språk.

Om adressaten önskar utöva denna rättighet, skall denne vägra att emot handlingen vid delgivningen genom att direkt vända sig till delgivningsmannen eller genom att återsända nämnda handling inom en vecka därefter och ange att den inte tas emot.

Reference No of the transmitting agency:

Reference No of the receiving agency:

CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS

(Article 10 of Council Regulation (EC) No 1348/2000)

The service shall be effected as soon as possible, and in any event within one month of receipt. If it has not been possible to effect service, the receiving agency shall inform the transmitting agency (according to Article 7(2) of the Regulation)

12. COMPLETION OF SERVICE

(a) 12.1. Date and address of service:

(b) 12.2. The document was

(A) 12.2.1. served in accordance with the law of the Member State addressed, namely

12.2.1.1. handed to

12.2.1.1.1. the addressee in person

12.2.1.1.2. another person

12.2.1.1.2.1. Name:

12.2.1.1.2.2. Address:

12.2.1.1.2.2.1. Street and number/PO box:

12.2.1.1.2.2.2. Place and code:

12.2.1.1.2.2.3. Country:

12.2.1.1.2.3. Relation to the addressee:

family employee others

12.2.1.1.3. the addressee's address

12.2.1.2. served by post

12.2.1.2.1. without acknowledgement of receipt

12.2.1.2.2. with the enclosed acknowledgement of receipt

12.2.1.2.2.1. from the addressee

12.2.1.2.2.2. another person

12.2.1.2.2.2.1. Name:

12.2.1.2.2.2.2. Address

12.2.1.2.2.2.2.1. Street and number/PO box:

12.2.1.2.2.2.2.2. Place and code:

12.2.1.2.2.2.2.3. Country:

12.2.1.2.2.2.3. Relation to the addressee:

family employee others

12.2.1.3. other method (please say how):

(B) 12.2.2. served by the following particular method (please say how):

(c) 12.3. The addressee of the document was informed in writing that he or she may refuse to accept it if it was not in an official language of the place of service or in an official language which he or she understands and if the document was not accompanied by a translation into one of those languages.

13. INFORMATION IN ACCORDANCE WITH ARTICLE 7(2)

It was not possible to effect service within one month of receipt.

14. REFUSAL OF DOCUMENT

The addressee refused to accept the document on account of the language used. The documents are annexed to this certificate.

15. REASON FOR NON-SERVICE OF DOCUMENT

15.1. Address unknown

15.2. Addressee cannot be located

15.3. Document could not be served before the date or time limit stated in point 6.2.

15.4. Others (please specify):

The documents are annexed to this certificate.

Done at:

Date:

Signature and/or stamp: