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**NOTE**

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From:	Presidency
To:	Working Party on e-Justice
No. Cion doc.:	14850/21
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation - Presidency compromise text (articles 16 to 25)

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Delegations will find below the Presidency compromise text for the proposal for a Regulation on digitalisation of judicial cooperation for articles 16 to 25, which will be discussed during the meeting of the Working Party on e-Justice on 14 and 15 September 2022.

*Article 16*

*Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011<sup>1</sup>.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 17*

*Monitoring and Evaluation*

1. Every five years after the date of application of Article 25, the Commission shall carry out an evaluation of this Regulation and present to the European Parliament and to the Council a report supported by information supplied by the Member States and collected by the Commission.
2. As of [...] 2025,<sup>2</sup> unless an equivalent notification procedure applies under other Union legal acts, the Member States shall provide the Commission on an annual basis with information relevant for the evaluation of the operation and application of this Regulation-~~on~~, **where available, on:**<sup>3</sup>

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).

<sup>2</sup> For practical reasons, it may be better not to state a specific date but rather to link it to an end of a period of time after the adoption of implementing acts. Delegations are invited to share their views on this.

<sup>3</sup> Paragraph 2 was changed to reflect the wording used in Article 34 of the Regulation on the service of documents (recast) on monitoring.

- (a) the costs **incurred under Article 14(2) of this Regulation for establishing or adjusting their national IT systems to make them interoperable with the access points;**<sup>4</sup>
- (b) the length of the first instance judicial proceedings, from the reception of the application by the competent authority until the date of the decision, under the legal acts listed in Annex I points 3, 4 and 8 ~~and Annex II~~;
- (c) **the average time to take a decision whether to recognise and execute a judgement or a judicial decision under the legal acts listed in Annex II points 2-8 and 10-11, grouped by corresponding legal act, from the date of receipt of such a judgement or a judicial decision until the date of transmission of information on the decision taken, or, if not applicable, until the date of transmission of the results of execution of such a judgement or a judicial decision.**

~~3. Each Member State shall designate one or more competent authorities to provide the Commission on an annual basis with the following data:~~

- ~~(da) the number of cases requests handled by that authority transmitted where communication was carried out by means other than through the decentralised IT system in accordance with Article 3(12);~~<sup>5</sup>
- ~~(eb) the number of hearings conducted by that authority, where videoconferencing or other distance communication technology was used for oral hearings in accordance with Article 7 and Article 8.;~~

<sup>4</sup> Changes made according to discussions of the WP regarding the fact that not all Member States would be able to differentiate costs for establishing and „administering, operating and maintaining“ their IT systems.

<sup>5</sup> As many Member States expressed doubts about whether cases where communication was carried out outside of the system would be recorded in the system at all (and it is not possible to count on the system being used as case management in all Member States as of this moment), changes were made to reflect the collection of data where the system was used for communication.

34. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in point (da) of paragraph 23 and transmit them to the Commission on an annual basis.

### Article 18

#### Information to be communicated to the Commission

15. Member States shall communicate by [*six months after entry into force*] to the Commission the following information with a view to making it available through the European e-Justice Portal:
- (a) ~~details~~ **descriptions** of national IT ~~systems portals~~ **used for the purpose of Article 5 (1)**, where applicable;<sup>6</sup>
  - (b) a description of the national laws and procedures applicable to videoconferencing;
  - (c) information on fees due in ~~cross-border cases~~ **proceedings under the legal acts listed in Annex I**;<sup>7</sup>
  - (d) details on the electronic payment methods available for fees due in cross-border cases;
- Member States shall communicate to the Commission any changes with regard to this information without delay.
26. Member States may notify the Commission if they are in a position to operate the decentralised IT system earlier than required by this Regulation. The Commission shall make such information available electronically, in particular through the European e-Justice Portal.

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<sup>6</sup> The purpose of this provision is to inform citizens about national IT systems referred to in Article 5 (1). It does not concern technical specifications.

<sup>7</sup> As it is not possible to define “cross-border cases”, a more specific description is proposed. Several Member States also expressed that they are not able to differentiate these fees from those due in national cases and they can only make available information on fees as a whole.

## CHAPTER VII

### AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS

#### *Article 19*

#### *Amendments to Regulation (EC) No 1896/2006<sup>8</sup>*

Regulation (EC) No 1896/2006 is amended as follows:

[(1) In Article 7, paragraph 5 is replaced by the following:

“5. The application shall be submitted in paper form, by electronic means of communication provided for in Article 5 of Regulation (EU) .../...[*this Regulation*]<sup>9\*</sup>, or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin .”]<sup>10</sup>

(2) In Article 7, paragraph 6, the first sub-paragraph is replaced by the following:

“6. The application shall be signed by the claimant or, where applicable, by his representative. Where the application is submitted in electronic form in accordance with paragraph 5, it shall be signed in accordance with Article 9(3) of Regulation (EU) .../...[*this Regulation*]<sup>11\*</sup>. The electronic signature shall be recognised in the Member State of origin ~~and may not be made subject to additional requirements.~~”.

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<sup>8</sup> Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (OJ L 399, 30.12.2006, p. 1)

<sup>9\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>10</sup> Delegations are invited to share their views on possible deletion of amendments to Article 7(5) and 16(4) of Regulation (EC) No 1896/2006 as the current text might cover electronic means of communication as well.

<sup>11\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

**(3) In Article 13 a new paragraph 2 is inserted as follows:**

**“(2) The European order for payment may be served on the defendant by electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784.”**

**(34)** Article 16 is amended as follows:

[(a) paragraph 4 is replaced by the following:

“4. The statement of opposition shall be submitted in paper form or by electronic means of communication provided for in Article 5 of Regulation (EU) .../...[*this Regulation*]<sup>12\*</sup>, or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin.”.]

(b) in paragraph ~~54~~, the first subparagraph is replaced by the following:

“~~45~~. The statement of opposition shall be signed by the defendant or, where applicable, by his representative. Where the application is submitted in electronic form in accordance with paragraph 5 of this Article, it shall be signed in accordance with Article 9(3) of Regulation (EU) .../...[*this Regulation*]<sup>13\*</sup>. The electronic signature shall be recognised in the Member State of origin ~~and may not be made subject to additional requirements.~~”.

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<sup>12\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>13\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

*Article 20*

*Amendments to Regulation (EC) No 861/2007<sup>14</sup>*

Regulation (EC) No 861/2007 is amended as follows:

(1) In Article 4, paragraph 1 is replaced by the following:

“1. The claimant shall commence the European Small Claims Procedure by filling in standard claim Form A, as set out in Annex I to this Regulation, and lodging it with the court or tribunal with jurisdiction directly, by post, by electronic means of communication provided for in Article 5 of Regulation (EU) .../...[*this Regulation*]<sup>15\*</sup> or by any other means of communication, such as fax or e-mail, acceptable to the Member State in which the procedure is commenced. The claim form shall include a description of evidence supporting the claim and be accompanied, where appropriate, by any relevant supporting documents.”.

**(2) In article 13, paragraph 1(a) is replaced by the following:**

**“(a) by postal service,”**

**(3) In Article 13, paragraph 1(b) is replaced by the following:**

**“(b) by electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784; or”.**

**(4) In Article 13, paragraph 1, a new letter (c) is inserted as follows:**

**“(c) through the European Electronic Access Point established under Article 4 of Regulation (EU) ... / ... [*this Regulation*]**

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<sup>14</sup> Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1)

<sup>15\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

**(5) In Article 13, paragraph 2 is replaced by the following:**

**“2. All written communications not referred to in paragraph 1 between the court or tribunal and the parties or other persons involved in the proceedings shall be carried out by electronic means attested by an acknowledgment of receipt, where such means are technically available and admissible in accordance with the procedural rules of the Member State in which the European Small Claims Procedure is conducted, provided that the party or person has accepted in advance such means of communication or is, in accordance with the procedural rules of the Member State in which that party or person is domiciled or habitually resident, under a legal obligation to accept such means of communication or by electronic means of communication provided for in Article 5 of Regulation (EU).../... [*this Regulation*].”**

**(26) In Article 15a, paragraph 2 is replaced by the following:**

“2. The Member States shall ensure that the parties can make electronic payments of court fees by means of distance payment methods which allow the parties to make the payment also from a Member State other than the Member State in which the court or tribunal is situated, in accordance with Article 11 of Regulation (EU) .../...[*this Regulation*]<sup>16\*</sup>.”

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<sup>16\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

*Article 21*

*Amendments to Regulation (EU) No 655/2014<sup>17</sup>*

Regulation (EU) No 655/2014 is amended as follows:

(1) In Article 8, paragraph 4 is replaced by the following:

“4. The application and supporting documents may be submitted by any means of communication, including electronic, which are accepted under the procedural rules of the Member State in which the application is lodged or by the electronic means of communication provided for in Article 5 of Regulation (EU) .../...[*this Regulation*]<sup>18\*</sup>.”

(2) In Article 17, paragraph 5 is replaced by the following:

“5. The decision on the application shall be brought to the notice of the creditor in accordance with the procedure provided for by the law of the Member State of origin for equivalent national orders or by the electronic means of communication provided for in Article 5 of Regulation (EU) .../...[*this Regulation*]<sup>19\*</sup>.”

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<sup>17</sup> Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (OJ L 189, 27.6.2014, p. 59).

<sup>18\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>19\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(3) Article 29 is replaced by the following:

*“Article 29*

**Transmission of documents**

1. Where this Regulation provides for transmission of documents in accordance with this Article, such transmission shall be carried out in accordance with Regulation (EU) .../...[this Regulation]<sup>20\*</sup> as regards the communication between authorities, or by any appropriate means where communication is to be carried out by creditors, provided that the content of the document received is true and faithful to that of the document transmitted and that all information contained in it is easily legible.”.
2. The court or authority that received documents in accordance with paragraph 1 of this Article shall, by the end of the working day following the day of receipt, send to:
  - (a) the authority that transmitted the documents an acknowledgment of receipt, in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>21\*</sup>; or
  - (b) creditor or bank that transmitted the documents an acknowledgment of receipt<sup>21</sup> employing the swiftest possible means of transmission.

The court or authority that received documents in accordance with paragraph 1 of this Article shall use the standard form established by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 52(2).”.

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<sup>21\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(4) Article 36 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. The application for a remedy pursuant to Article 33, 34 or 35 shall be made using the remedy form established by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 52(2).

The application may be made at any time and may be submitted:

(a) by any means of communication, including electronic means, which are accepted under the procedural rules of the Member State in which the application is lodged;

(b) by the electronic means of communication provided for in Article 5 of Regulation (EU) .../...[*this Regulation*]<sup>22\*</sup>.”

(b). paragraph 3 is replaced by the following:

“3. Except where the application was submitted by the debtor pursuant to Article 34(1), point (a) or pursuant to Article 35(3), the decision on the application shall be issued after both parties have been given the opportunity to present their case, including by such appropriate means of communication technology as are available and accepted under the national law of each of the Member States involved or under Regulation (EU) .../...[*this Regulation*]<sup>23\*</sup>.”

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<sup>22\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>23\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

*Article 22*  
*Amendments to Regulation 848/2015<sup>24</sup>*

Regulation (EU) 848/2015 is amended as follows:

(1) In Article 42, paragraph 3, the first sentence is replaced by the following: “The cooperation referred to in paragraph 1 of this Article shall be implemented in accordance with Article 3 of Regulation (EU) .../... [*this regulation*]\*,”.

(2) Article 53 is replaced by the following:

*“Article 53*

**Right to lodge claims**

Any foreign creditor may lodge claims in insolvency proceedings by any means of communication, which are accepted by the law of the State of the opening of proceedings or by the electronic means of communication provided for in Article 5 of Regulation (EU) .../... [*this Regulation*]<sup>25\*</sup>.

Representation by a lawyer or another legal professional shall not be mandatory for the sole purpose of lodging of claims.”.

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<sup>24</sup> Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19)

<sup>25\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(3) In Article 57 paragraph 3, the first sentence is replaced by the following:

“The cooperation referred to in paragraph 1 of this Article shall be implemented in accordance with Article 3 of Regulation (EU) .../... [*this regulation*]\*.”.

#### *Article 22a*

##### *Amendments to Regulation (EC) No 805/2004*

**(1) In Article 13, paragraph 1, a new letter (e) is inserted as follows:**

**“(e) electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784.”**

#### *Article 22b*

##### *Amendments to Regulation (EU) No 606/2013<sup>26</sup>*

**(1) In Article 8, paragraph 2 is replaced by the following:**

**“ 2. Where the person causing the risk resides in the Member State of origin, the notification shall be effected in accordance with the law of that Member State. Where the person causing the risk resides in a Member State other than the Member State of origin, the notification shall be effected by registered letter with acknowledgment of receipt or equivalent or by electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784. Where the person causing the risk resides in a third country, the notification shall be effected by registered letter with acknowledgment of receipt or equivalent.**

**Situations in which the address of the person causing the risk is not known or in which that person refuses to accept receipt of the notification shall be governed by the law of the Member State of origin.”**

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<sup>26</sup> Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4).

**(2) In Article 11, paragraph 4 is replaced by the following:**

**“4. Where the person causing the risk resides in the Member State of origin, the notification shall be effected in accordance with the law of that Member State. Where the person causing the risk resides in a Member State other than the Member State of origin, the notification shall be effected by registered letter with acknowledgment of receipt or equivalent or by electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784. Where the person causing the risk resides in a third country, the notification shall be effected by registered letter with acknowledgment of receipt or equivalent.**

**Situations in which the address of the person causing the risk is not known or in which that person refuses to accept receipt of the notification shall be governed by the law of the Member State addressed.”**

**CHAPTER VIII**  
**AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN**  
**CRIMINAL MATTERS**

*Article 23*

*Amendments in Regulation (EU) 2018/1805<sup>27</sup>*

Regulation (EU) 2018/1805 is amended as follows:

(1) In Article 4, paragraph 1 is replaced by the following:

“1. A freezing order shall be transmitted by means of a freezing certificate. The issuing authority shall transmit the freezing certificate provided for in Article 6 of this Regulation directly to the executing authority or, where applicable, to the central authority referred to in Article 24(2) of this Regulation in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>28\*</sup>”.

(2) In Article 7, paragraph 2 is replaced by the following:

“2. The executing authority shall report to the issuing authority on the execution of the freezing order, including a description of the property frozen and, where available, providing an estimate of its value. Such reporting shall be carried out in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>29\*</sup>, without undue delay once the executing authority has been informed that the freezing order has been executed.”

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<sup>27</sup> Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1).

<sup>28\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>29\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(3) In Article 8, paragraph 3 is replaced by the following:

“3. Any decision not to recognise or execute the freezing order shall be taken without delay and notified immediately to the issuing authority in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>30\*</sup>.”

(4) In Article 9, paragraph 4 is replaced by the following:

“4. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>31\*</sup>, the decision on the recognition and execution of the freezing order to the issuing authority.”

(5) In Article 10, paragraphs 2 and 3 are replaced by the following:

“2. The executing authority shall, immediately and in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>32\*</sup>, report to the issuing authority on the postponement of the execution of the freezing order, specifying the grounds for the postponement and, where possible, the expected duration of the postponement.”

“3. As soon as the grounds for postponement have ceased to exist, the executing authority shall immediately take the measures necessary for the execution of the freezing order and inform the issuing authority thereof in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>33\*</sup>.”

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<sup>30\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>31\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>32\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>33\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(6) In Article 12, paragraph 2 is replaced by the following:

“2. The executing authority may, taking into account the circumstances of the case, make a reasoned request to the issuing authority to limit the period for which the property is to be frozen. Such a request, including any relevant supporting information, shall be transmitted in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>34\*</sup>. When examining such a request, the issuing authority shall take all interests into account, including those of the executing authority. The issuing authority shall respond to the request as soon as possible. If the issuing authority does not agree to the limitation, it shall inform the executing authority of the reasons thereof. In such a case, the property shall remain frozen in accordance with paragraph 1 of this Article. If the issuing authority does not respond within six weeks of receiving the request, the executing authority shall no longer be obliged to execute the freezing order.”

(7) In Article 14, paragraph 1 is replaced by the following:

“1. A confiscation order shall be transmitted by means of a confiscation certificate. The issuing authority shall transmit the confiscation certificate provided for in Article 17 of this Regulation directly to the executing authority or, where applicable, to the central authority referred to in Article 24(2) of this Regulation, in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>35\*</sup>.”

(8) In article 16, paragraph 3, the introductory wording, is replaced by the following:

“The issuing authority shall immediately inform the executing authority in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>36\*</sup> where: (...)”

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<sup>34\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>35\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>36\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(9) In Article 18, paragraph 6 is replaced by the following:

“6. As soon as the execution of the confiscation order has been completed, the executing authority shall inform, in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>37\*</sup>, the issuing authority of the results of the execution”.

(10) In Article 19, paragraph 3 is replaced by the following:

“3. Any decision not to recognise or execute the confiscation order shall be taken without delay and notified immediately to the issuing authority in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>38\*</sup>.”

(11) In Article 20, paragraph 2 is replaced by the following:

“2. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>39\*</sup>, the decision on the recognition and execution of the confiscation order to the issuing authority.”

(12) In Article 21, paragraph 3 is replaced by the following:

“3. The executing authority shall, without delay and in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>40\*</sup>, report to the issuing authority on the postponement of the execution of the confiscation order, specifying the grounds for the postponement and, where possible, the expected duration of the postponement”.

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<sup>37\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>38\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>39\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>40\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(13) In Article 21, paragraph 4 is replaced by the following:

“4. As soon as the grounds for postponement have ceased to exist, the executing authority shall take, without delay, the measures necessary for the execution of the confiscation order and inform the issuing authority thereof in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>41\*</sup>.”

(14) In Article 27, paragraphs 2 and 3 are replaced by the following:

“2. The issuing authority shall immediately inform the executing authority, in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>42\*</sup>, of the withdrawal of a freezing order or confiscation order and of any decision or measure that causes a freezing order or confiscation order to be withdrawn.”

“3. The executing authority shall terminate the execution of the freezing order or confiscation order, in so far as the execution has not yet been completed, as soon as it has been informed by the issuing authority in accordance with paragraph 2 of this Article. The executing authority shall send, without undue delay and in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>43\*</sup>, a confirmation of the termination to the issuing State.”

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<sup>41\*</sup> Proposal for a Regulation (EU) of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (COM(2021) 759).

<sup>42\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>43\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

(15) In Article 31, paragraph 2, the third subparagraph, is replaced by the following:

“The consultation, or at least the result thereof, shall be recorded in accordance with Article 3 of Regulation (EU) .../...[*this Regulation*]<sup>44\*</sup>.”.

## CHAPTER IX FINAL PROVISIONS

### *Article 24*

#### *Transitional provisions<sup>45</sup>*

1. Member States shall start using the decentralised IT system referred to in Articles 3(1), and 5(1) and (2) from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 12(3).

They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.

2. Member States shall start using the decentralised IT system referred to in Articles 3(1), and 5(1) and (2) from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 12(4).

They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.

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<sup>44\*</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).

<sup>45</sup> Although some Member States expressed concerns about this ambitious timeline, no specific changes were proposed. It was emphasised during the meeting that the timeline should not be shortened during trialogues.

3. Member States shall start using the decentralised IT system referred to in 3(1), and 5(1) and (2) from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 12(5).

They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.

4. Member States shall start using the decentralised IT system referred to in 3(1), and 5(1) and (2) from the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 12(6).

They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.

#### *Article 25*

##### *Entry into force and application*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [the first day of the month following the period of two years after the date of entry into force].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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**ANNEX 1**

**Legal acts in the area of judicial cooperation in civil and commercial matters**

- (1) Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.
- (2) Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims.
- (3) Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.
- (4) Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.
- (5) Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.
- (6) Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.
- (7) Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).
- [(x) Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters]*
- (8) Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters.

(9) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.

(10) Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes.

(11) Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships.

(12) Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction.

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**ANNEX 2**

**Legal acts in the area of judicial cooperation in criminal matters**

- [(1) Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams.]<sup>46</sup>
- (2) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.
- (3) *Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.*
- (4) Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.
- (5) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.
- (6) *Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.*
- (7) *Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.*
- (8) Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.
- (9) Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

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<sup>46</sup> This instrument is put in brackets waiting for a clear position of the Members States concerning the exclusion of this Framework Decision from the Annex II.

(10) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.

(11) Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders.

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