

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

2021/0394(COD)

[Version for Trilogue on 25 May, 2023]

24-05-2023 at 15h07

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0394 (COD)	2021/0394 (COD)	2021/0394 (COD)	2021/0394 (COD) Text Origin: Commission Proposal
Proposal Title				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
2	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	<u>DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION</u> <u>on the proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</u> <u>regulation of the European Parliament and of the Council</u> 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 <u>(COM(2021)0759 – C9–0451/2021 – 2021/0394(COD))</u> <u>(Ordinary legislative procedure: first reading)</u>	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	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION <u>The European Parliament,</u>	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2)(e) and (f), and Article 82(1)(d) thereof,	having regard to Article 294(2) , Article 81(2)(e) and (f) , and Article 82(1)(d) of the Treaty on the Functioning of the European Union , and in particular Article 81(2)(e) and (f), and Article 82(1)(d) thereof pursuant to which the Commission submitted the proposal to Parliament (C9-0451/2021) ,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2)(e) and (f), and Article 82(1)(d) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, <small>Text Origin: Commission Proposal</small>
Formula				
8	Whereas:	Whereas:	Whereas:	Whereas: <small>Text Origin: Commission Proposal</small>
Recital 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
9	<p>(1) In its 2 December 2020 Communication on the digitalisation of justice in the EU¹ the Commission identified the need to modernise the legislative framework of the Union's cross-border procedures in civil, commercial and criminal law, in line with the "digital by default" principle, while ensuring all necessary safeguards to avoid social exclusion.</p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Digitalisation of justice in the European Union. A toolbox of opportunities, COM(2020) 710 final</p>	<p>(1) <u>(1)</u> In its 2 December 2020 Communication on the digitalisation of justice in the EU¹ the²⁹ the Commission identified the need to modernise the legislative framework of the Union's cross-border procedures in civil, commercial and criminal law, in line with the "digital by default" principle, while ensuring all necessary safeguards to avoid social exclusion, <u>and ensuring mutual trust, interoperability and security.</u></p> <p><u>²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Digitalisation of justice in the European Union. A toolbox of opportunities. COM(2020) 710 final</u></p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Digitalisation of justice in the European Union. A toolbox of opportunities. COM(2020) 710 final</p>	<p>(1) In its 2 December 2020 Communication on the digitalisation of justice in the EU¹ – the Commission identified the need to modernise the legislative framework of the Union's cross-border procedures in civil, commercial and criminal law, in line with the "digital by default" principle, while ensuring all necessary safeguards to avoid social exclusion.</p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Digitalisation of justice in the European Union. A toolbox of opportunities, COM(2020) 710 final.</p>	
Recital 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
10	(2) Facilitating access to justice for natural and legal persons, and facilitating judicial cooperation between the Member States are among the main objectives of the area of freedom, security and justice enshrined in Title V of Part Three of the Treaty on the Functioning of the European Union.	(2) Facilitating access to justice for natural and legal persons, and facilitating judicial cooperation between the Member States are among the main objectives of the area of freedom, security and justice enshrined in Title V of Part Three of the Treaty on the Functioning of the European Union. <u><i>In order to achieve a fully functional area of freedom, security and justice, it is important that all Member States seek to reduce existing disparities regarding digitalisation, address the fragmentation of national justice systems and take advantage of the opportunities offered by the relevant Union funding mechanisms.</i></u>	(2) Facilitating access to justice for natural and legal persons, and facilitating judicial cooperation between the Member States are among the main objectives of the area of freedom, security and justice enshrined in Title V of Part Three of the Treaty on the Functioning of the European Union.	
Recital 3				
11	(3) For the purposes of enhancing judicial cooperation and access to justice, legal acts of the Union providing for communication between competent authorities, including Union agencies and bodies, and between competent authorities and natural and legal persons, should be complemented by conditions for conducting such communication through digital means.	(3) For the purposes of enhancing judicial cooperation and access to justice, legal acts of the Union providing for communication between competent authorities, including Union agencies and bodies, and between competent authorities and natural and legal persons, should be complemented by <u><i>establishing the</i></u> conditions for conducting such communication through digital means.	(3) For the purposes of enhancing judicial cooperation and access to justice, legal acts of the Union providing for communication between competent authorities, including Union agencies and bodies, and between competent authorities and natural and legal persons in civil and commercial matters , should be complemented by conditions for conducting such communication through digital means.	

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Recital 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
12	<p>(4) This Regulation seeks to improve the effectiveness and speed of judicial procedures and facilitate access to justice by digitalising the existing communication channels, which should lead to cost and time savings, reduction of the administrative burden, and improved resilience in force majeure circumstances for all authorities involved in cross-border judicial cooperation. The use of digital channels of communication between competent authorities should lead to reduced delays in processing of the cases, which should benefit individuals and legal entities. This is also particularly important in the area of cross-border criminal proceedings in the context of the Union's fight against crime. In this regard, the high level of security that digital channels of communication can provide constitutes a step forward, also with respect to safeguarding the rights of the persons concerned and protection of their privacy and personal data.</p>	<p>(4) This Regulation seeks to improve the effectiveness and speed<u>efficiency, effectiveness</u> of judicial procedures and facilitate access to justice by digitalising the existing communication channels, which should lead to cost and time savings, reduction of the administrative burden, and improved resilience in force majeure circumstances for all authorities involved in cross-border judicial cooperation. The use of digital channels of communication between competent authorities should lead to reduced delays in processing of the cases, <u>in the short term as well as in the long term</u>, which should benefit individuals, <u>legal entities and Member States' competent authorities, strengthening confidence in justice systems. Digitalisation of communication channels would also be of benefit</u> and legal entities. This is also particularly important in the area of cross-border criminal proceedings in the context of the Union's <u>fight against crime</u>. In this regard, the high level of security that digital channels of communication can provide constitutes a step forward, also with respect to safeguarding the rights of the persons concerned, <u>such as the right to the respect for private and family life and the right to the protection of</u> and protection of their privacy and personal data.</p>	<p>(4) This Regulation seeks to improve the effectiveness and speed of judicial procedures and facilitate access to justice by digitalising the existing communication channels, which should lead to cost and time savings, reduction of the administrative burden, and improved resilience in force majeure circumstances for all authorities involved in cross-border judicial cooperation. The use of digital channels of communication between competent authorities should lead to reduced delays in processing of the cases, which should benefit individuals and legal entities. This is also particularly important in the area of cross-border criminal proceedings in the context of the Union's fight against crime. In this regard, the high level of security that digital channels of communication can provide constitutes a step forward, also with respect to safeguarding the rights of the persons concerned and protection of their privacy and personal data.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
12a		<u><i>(4a) The fundamental rights and freedoms of all persons affected by the electronic exchange of data pursuant to this Regulation, in particular the right to effective access to justice, the right to a fair trial, the principle of non-discrimination, the right to the respect for private and family life and the right to the protection of personal data, should be fully respected in accordance with Union law. All procedural rights, in particular those that are essential for the protection of fundamental rights should likewise be fully respected in accordance with Union law.</i></u>		
12b		<u><i>(4b) Mere access to judicial authorities does not automatically constitute effective access to justice. The digital switchover is a key step towards improving not only access to justice, but the efficiency, quality and transparency of justice systems.</i></u>		
Recital 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
13	(5) It is important that appropriate channels are developed to ensure that justice systems can efficiently cooperate digitally. Therefore, it is essential to establish, at Union level, an information technology instrument that allows swift, direct, interoperable, reliable and secure cross-border electronic exchange of case related data among competent authorities.	(5) It is important that appropriate channels <u>and tools</u> are developed to ensure that justice systems can efficiently cooperate digitally. Therefore, it is essential to establish, at Union level, ana <u>harmonized</u> information technology instrument that allows swift, direct, interoperable, reliable, <u>accessible</u> , and secure <u>and efficient</u> cross-border electronic exchange of case related data among competent authorities. <u>The European Commission and Member States should ensure that legal professionals are involved in the definition of the digital processes concerning them.</u>	(5) It is important that appropriate channels are developed to ensure that justice systems can efficiently cooperate digitally. Therefore, it is essential to establish, at Union level, an information technology instrument that allows swift, direct, interoperable, reliable and secure cross-border electronic exchange of ease-related case-related data among competent authorities.	
13a		<u>(5a) When carrying out their responsibilities under this Regulation, all entities should respect the principle of the independence of the judiciary, having regard to the principle of separation of powers and the other principles of the rule of law.</u>		
Recital 6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
14	(6) There are tools which have been developed for the digital exchange of case related data, without replacing or requiring costly modifications to the existing IT systems already established in the Member States. The e-Justice Communication via On-line Data Exchange (e-CODEX) system is the main tool of this type developed to date.	(6) There are tools which have been developed for the digital exchange of case related data, without replacing or requiring costly modifications to the existing IT systems already established in the Member States. The e-Justice Communication via On-line Data Exchange (e-CODEX) system is the main tool of this type developed to date <u><i>to ensure the sustainability of cross-border electronic exchange of case-related data among competent authorities.</i></u>	(6) There are tools which have been developed for the digital exchange of ease-related case-related data, without replacing or requiring costly modifications to the existing IT systems already established in the Member States. The e-Justice Communication via On-line Data Exchange (e-CODEX) system is the main tool of this type developed to date.	

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14a		<p><u><i>(6a) Digitalisation of proceedings should ensure access to justice for all, including people in situation of vulnerability. Directive (EU) 2019/882 of the European Parliament and of the Council</i></u> <i>1a does not apply, as such, to electronic communications among competent authorities in the field of judicial cooperation. However, considering that products and services, which comply with the accessibility requirements set out in Directive (EU) 2019/882, are presumed to fulfil the accessibility obligations laid down in other Union legislative acts, the Commission and Member States should aim to apply to the decentralised IT system comparable accessibility requirements as those set out in Directive (EU) 2019/882.</i></p> <hr/> <p><u><i>1a Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</i></u></p>		
Recital 7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
15	(7) Establishing digital channels for cross-border communication should contribute directly to improving access to justice, by enabling natural and legal persons to seek the protection of their rights and ascertain their claims, initiate proceedings, exchange case related data in digital form with judicial or other competent authorities, in procedures falling under the scope of Union law in the area of civil and commercial matters.	(7) Establishing digital channels for cross-border communication should contribute directly to improving access to justice, by enabling natural and legal persons to seek the protection of their rights and ascertain their claims, initiate proceedings, exchange case related data in digital form with judicial or other competent authorities, in procedures falling under the scope of Union law in the area of civil and commercial matters.	(7) Establishing digital channels for cross-border communication should contribute directly to improving access to justice, by enabling natural and legal persons to seek the protection of their rights and ascertain their claims, initiate proceedings, exchange ease related case-related data in digital form with judicial or other competent authorities, in procedures falling under the scope of Union law in the area of civil and commercial matters.	

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15a		<p><i><u>(7a) In order to ensure that electronic communication tools have a positive impact on access to justice, Member States should allocate sufficient resources to the improvement of citizens' digital skills and literacy and should pay particular attention to ensuring that the lack of digital skills does not become an obstacle to the use of the decentralised IT system. Member States should provide training for all legal professionals, including prosecutors, judges, lawyers and administrative staff, in order to ensure effective use of the decentralized IT system. Such training should aim at improving the functioning of justice systems across the Union, as well as the upholding of fundamental rights and values, notably by enabling legal professionals to efficiently address any challenges that may arise during proceedings due to their virtual nature, such as hearings held via videoconferencing or other distance communication technology. Member States should be encouraged and supported by the Commission to apply for grants for training activities under the relevant Union financial programmes.</u></i></p>		

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15b		<u><i>(7b) Member States should ensure that accessible and free of charge technical assistance services are provided to natural or legal persons and their legal or authorised representatives who may require them in order to use the national IT portals, where available.</i></u>		
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
16	<p>(8) This Regulation should cover the digitalisation of written communication in cases with cross-border implications falling under the scope of the Union legal acts in civil, commercial and criminal matters. These acts should be listed in Annexes to this Regulation. Written communication between competent authorities and Union agencies and bodies, such as Eurojust, where provided for by the legal acts listed in the Annex II, should also be covered by this Regulation. At the same time, whether a case is to be considered a matter with cross-border implications, should be determined under the legal acts listed in Annex I and Annex II to this Regulation. Where the instruments listed in Annex I and Annex II to this Regulation explicitly state that national law should govern a communication procedure between competent authorities, this Regulation should not apply.</p>	<p>(8) This Regulation should cover the digitalisation of written communication in cases with cross-border implications falling under the scope of <i>certain of</i> the Union legal acts in civil, commercial and criminal matters. These acts should be listed in Annexes to this Regulation. Written communication between competent authorities and Union agencies and bodies, such as Eurojust, where provided for by the legal acts listed in the Annex II, should also be covered by this Regulation. At the same time, whether a case is to be considered a matter with cross-border implications, should be determined under the legal acts listed in Annex I and Annex II to this Regulation. Where the instruments listed in Annex I and Annex II to this Regulation explicitly state that national law should govern a communication procedure between competent authorities, this Regulation should not apply. <u>Moreover, this Regulation should be without prejudice to national laws that designate any authority, person or body mandated under national law to deal with any aspect of the verification and filing of applications, documents and information. The requirements under applicable national law concerning the authenticity, accuracy, reliability,</u></p>	<p>(8) This Regulation should cover the digitalisation of written communication in cases with cross-border implications falling under the scope of the Union legal acts in civil, commercial and criminal matters. These acts should be listed in Annexes to this Regulation. Written Communication between competent authorities and Union agencies and bodies, such as Eurojust; or the European Public Prosecutor Office where provided for by competent under the legal acts listed in the Annex II, should also be covered by this Regulation. At the same time, whether a case is to be considered a matter with cross-border implications, should be determined Where insolvency practitioners are competent under national law to receive claims lodged by a foreign creditor in insolvency proceedings under the legal acts listed in Annex I and Annex II to this Regulation. Where the instruments listed in Annex I and Annex II to this Regulation explicitly state that national law should govern a communication procedure between competent authorities, Regulation 2015/848, they should be considered as competent authorities within the meaning of this Regulation should not apply.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
16a		<u><i>(8a) This Regulation should not amend rules of cross-border judicial procedures established by the legal acts listed in Annex I and II in substance except from the amendments related to the communication by digital means expressly introduced by this Regulation.</i></u>	(8-a) Whether a case is to be considered a matter with cross-border implications, should be determined under the legal acts listed in Annexes I and II to this Regulation. Where the instruments listed in Annexes I and II to this Regulation explicitly state that national law should govern a communication procedure between competent authorities, this Regulation should not apply.	
16b			(8a) The obligations under this Regulation do not apply to oral communication such as by phone or in person.	
16c				
Recital 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
17	<p>(9) This Regulation should not apply to service of documents pursuant to Regulation (EU) 2020/1784 of the European Parliament and of the Council¹ and Regulation (EC) No 1393/2007 of the European Parliament and of the Council², nor to the taking of evidence pursuant to Regulation (EU) 2020/1783 of the European Parliament and of the Council³ and Council Regulation (EC) No 1206/2001⁴, which already prescribe their own rules on digitalisation of judicial cooperation.</p> <p>1. Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (OJ L 405, 2.12.2020, p. 40).</p> <p>2. Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).</p> <p>3. Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) (OJ L 405, 2.12.2020, p. 1).</p> <p>4. 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 matters (OJ L 174, 27.6.2001, p. 1).</p>	<p>(9) This Regulation should not apply to service of documents pursuant to Regulation (EU) 2020/1784 of the European Parliament and of the Council¹ and Regulation (EC) No 1393/2007 of the European Parliament and of the Council², nor to the taking of evidence pursuant to Regulation (EU) 2020/1783 of the European Parliament and of the Council³ and Council Regulation (EC) No 1206/2001⁴, which already prescribe their own rules on digitalisation of judicial cooperation.</p> <p>1. Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (OJ L 405, 2.12.2020, p. 40).</p> <p>2. Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).</p> <p>3. Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) (OJ L 405, 2.12.2020, p. 1).</p> <p>4. 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 matters (OJ L 174, 27.6.2001, p. 1).</p>	<p>(9) This Regulation should not apply to service of documents pursuant to Regulation (EU) 2020/1784 of the European Parliament and of the Council¹ and Regulation (EC) No 1393/2007 of the European Parliament and of the Council², nor to the taking of evidence pursuant to Regulation (EU) 2020/1783 of the European Parliament and of the Council³ and Council Regulation (EC) No 1206/2001⁴, which already prescribe their own rules on digitalisation of judicial cooperation. However, in order to enhance electronic service of documents to be effected directly on a person who has a known address for service in another Member State, certain amendments are introduced to Regulation (EU) 2020/1784 of the European Parliament and of the Council⁵.</p> <p>1. Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (OJ L 405, 2.12.2020, p. 40).</p> <p>2. Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).</p> <p>3. Regulation (EU) 2020/1783 of the</p>	

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Recital 9a				
G	17a			(9a) When the Commission collaborates with external actors in the design and building stages of the European electronic access point, they should have experience in secure, user-friendly and accessible IT development.
Recital 10				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
18	<p>(10) In order to ensure secure, swift, interoperable, confidential and reliable communication between Member States for the purposes of cross-border judicial procedures in civil, commercial and criminal matters, any appropriate modern communications technology should be used, provided that certain conditions as to the integrity and reliability of the document received and the identification of the participants in the communication are met. Therefore, a secure and reliable decentralised IT system should be used. Accordingly, it is necessary to establish such an IT system for data exchanges in cross-border judicial procedures. The decentralised nature of that IT system would enable secure data exchanges exclusively between one Member State and another, without any of the Union institutions being involved in the substance of those exchanges.</p>	<p>(10) In order to ensure secure, <u>efficient</u>, swift, interoperable, confidential and reliable communication between Member States for the purposes of cross-border judicial procedures in civil, commercial and criminal matters, any appropriate modern communications technology should be used, provided that certain conditions as to the <u>security</u>, integrity and reliability of the document received and the identification of the participants in the communication are met. Therefore, a secure, <u>efficient</u> and reliable decentralised IT system should be used. Accordingly, it is necessary to establish such an IT system established for data exchanges in cross-border judicial procedures. The decentralised nature of that<u>the</u> IT system would<u>should aim to</u> enable secure data exchanges exclusively between one Member State and another, without any of the Union institutions being involved in the substance of those exchanges. <u><i>The decentralised IT system should also make secure data exchanges possible between a Member State and Union agencies and bodies, such as Eurojust, in cases falling under the scope of the legal acts listed in Annex II.</i></u></p>	<p>(10) In order to ensure secure, swift, interoperable, confidential and reliable communication between Member States for the purposes of cross-border judicial procedures in civil, commercial and criminal matters, any appropriate modern communicationscommunication technology should be used, provided that certain conditions as to the integrity and reliability of the document received and the identification of the participants in the communication are met. Therefore, a secure and reliable decentralised IT system should be used. Accordingly, it is necessary to establish such an IT system for data exchanges in cross-border judicial procedures. The decentralised nature of that IT system would enable secure data exchanges exclusively between one Member State and another competent authorities, without any of the Union institutions being involved in the substance of those exchanges.</p>	

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Recital 11				
19	(11) The decentralised IT system should be comprised of the back-end systems of Member States and the Union agencies and bodies, and interoperable access points, through which they are interconnected. The access points of the decentralised IT system should be based on e-CODEX.	(11) The decentralised IT system should be comprised of the back-end systems of Member States and the <u>relevant</u> Union agencies and bodies, and interoperable access points, through which they are interconnected <u>linked using fully secure interconnections</u> . The access points of the decentralised IT system should be based on e-CODEX.	(11) The decentralised IT system should be comprised of the back-end systems of Member States and the Union agencies and bodies, and interoperable access points, through which they are interconnected. The access points of the decentralised IT system should be based on e-CODEX.	
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
20	<p>(12) For the purposes of this Regulation, Member States should be able to use instead of a national IT system, a Commission-developed software (reference implementation software). The Commission should be responsible for the creation, maintenance and development of this reference implementation software in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and Regulation (EU) 2016/679 of the European Parliament and of the Council², in particular the principles of data protection by design and by default as well as high level of cybersecurity. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of cross-border judicial procedures.</p> <p><small>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural</small></p>	<p>(12) For the purposes of this Regulation, Member States should be able to use instead of a national IT system, a Commission-developed software (reference implementation software). The Commission should be responsible for the creation, maintenance, <u>accessibility</u> and development of this reference implementation software in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and <u>Regulation (EU) 2016/679³⁴, Regulation (EU) 2016/679 of the European Parliament and of the Council³⁵ and Directive (EU) 2016/680</u> of the European Parliament and of the Council^{235a}, in particular the principles of data protection by design and by default as well as high level of cybersecurity. <u>In particular, any natural or legal persons that take part in creating, maintaining or developing the national IT systems or the reference implementation software should be bound by these requirements and principles.</u> The reference implementation software should also include <u>implement</u></p>	<p>(12) For the purposes of this Regulation, Member States should be able to use instead of a national IT system, a Commission-developed software could use a software developed by the Commission (reference implementation software)-The Commission should be responsible for the creation, maintenance and development of instead of a national IT system. This reference implementation software in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation should be based on a modular setup, meaning that the software in compliance with the data protection requirements and principles laid down in Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and Regulation (EU) 2016/679 of the European Parliament and of the Council², in particular the principles of data protection by design and by default as well as high level of cybersecurity. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of cross-border judicial</p>	

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20a			<p>(12a) The Commission should be responsible for the creation, maintenance and development of this reference implementation software in accordance with the principles of data protection by design and by default. The Commission should design, develop and maintain the reference implementation software in compliance with the data protection requirements and principles laid down in Regulation (EU) 2018/1725 of the European Parliament and of the Council¹, Regulation (EU) 2016/679 of the European Parliament and of the Council², and Directive (EU) 2016/680 of the European Parliament and of the Council³, in particular the principles of data protection by design and by default as well as high level of cybersecurity. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring a level of security and interoperability which is appropriate for the exchange of information in the context of cross-border judicial procedures. In order to ensure interoperability with national IT systems, the reference implementation software should be able to implement the digital procedural standards, as</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 13				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	<p>(13) In order to provide swift, secure and efficient assistance to applicants, written communication between competent authorities, such as courts and Central Authorities established under Council Regulation (EC) 4/2009¹ and Council Regulation (EU) 2019/1111², should, as a rule, be carried out through the decentralised IT system. In exceptional cases, other means of communication may be used if those are found to be more appropriate for the purposes of ensuring flexibility. However, the decentralised IT system should always be considered the most appropriate means for exchanging forms between competent authorities established by the legal acts listed in Annex I and Annex II to this Regulation.</p> <p>1. 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 (OJ L 7, 10.1.2009, p. 1–79)</p> <p>2. 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 (OJ L 178, 2.7.2019, p. 1).</p>	<p>(13) In order to provide swift, secure and efficient assistance to applicants, written communication between competent authorities, such as courts and Central Authorities established under Council Regulation (EC) 4/2009³⁶ and Council Regulation (EU) 2019/1111³⁷, should, as a rule, be carried out through the decentralised IT system. In exceptional cases, other means of communication may be used if those are found to be more appropriate for the purposes of ensuring flexibility. However, the decentralised IT system should always be considered the most appropriate means for exchanging forms <i>and other procedural documents</i> between <i>authorities</i> competent <i>authorities established by in proceedings under</i> the legal acts listed in Annex I and Annex II to this Regulation.</p> <p>³⁶ <i>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 (OJ L 7, 10.1.2009, p. 1–79)</i></p> <p>³⁷ <i>Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the</i></p>	<p>(13) In order to provide swift, secure and efficient assistance to applicants, written communication between competent authorities, such as courts and Central Authorities established under Council Regulation (EC) 4/2009¹ and Council Regulation (EU) 2019/1111², should, as a rule, be carried out through the decentralised IT system. In exceptional cases, other means of communication may be used if those are found to be more appropriate for the purposes of ensuring flexibility. However, the decentralised IT system should always be considered the most appropriate means for exchanging forms between competent authorities established by the legal acts listed in Annex I and Annex II to this Regulation.</p> <p>1. 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 (OJ L 7, 10.1.2009, p. 1–79).</p> <p>2. 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 (OJ L 178, 2.7.2019, p. 1).</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 14				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
22	<p>(14) Transmission through the decentralised IT system could be impossible due to a disruption of the system or where the nature of what has to be transmitted makes transmission by digital means impracticable, such as the transmission of physical/material evidence. Where the decentralised IT system is not used, communication should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or by postal service.</p>	<p>(14) <u><i>In exceptional cases, other means of communication than the decentralised IT system may be used. Electronic</i></u> transmission through the decentralised IT system could be <u><i>impossible temporarily interrupted</i></u> due to a disruption of the system or <u><i>could factually be impossible</i></u> where the nature of what has to be transmitted makes transmission by <u><i>digital means the decentralised IT system</i></u> impracticable, such as the transmission of physical/material evidence. Where the decentralised IT system is not used, communication should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or by postal service <u><i>or by transmission in person where such transmission is possible. In these exceptional circumstances, documents submitted by means other than the decentralised IT system should not be considered inadmissible solely on that basis.</i></u></p>	<p>(14) Transmission through the decentralised IT system could be impossible due to a disruption of the system or where the nature of what has to be transmitted makes transmission by digital means impracticable, such as the transmission of physical/material evidence or the need to transmit the original document in paper format to assess its authenticity or in exceptional circumstances, such as the conversion of voluminous documentation into electronic form, imposing a disproportionate administrative burden on the sending competent authority. Where the decentralised IT system is not used, communication should be carried out by the most appropriate alternative means. Such alternative means should entail, <i>inter alia</i>, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or by postal service.</p>	<p>(14) Transmission through the decentralised IT system could be impossible due to a disruption of the system. Any disruption of the system should be solved as soon as possible by the relevant Union bodies and the Member States. The transmission could also be factually impossible due to the physical or technical or where the nature of what has to be transmitted, such as the makes transmission by digital means impracticable, such as the transmission of physical/material evidence. of physical/material evidence or the need to transmit the original document in paper format to assess its authenticity, or force majeure. . Situations of force majeure , as a general rule, follow from unforeseeable and unavoidable events arising from a cause external to the competent authority. Where the decentralised IT system is not used, communication should be carried out by the most appropriate alternative means. Such alternative means should entail, inter alia, transmission being performed as swiftly as possible and in a secure manner by other secure electronic means or, by postal service or by transmission in person where such transmission is possible.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 15				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>23</p>	<p>(15) For the purposes of ensuring the flexibility of judicial cooperation in certain cross-border judicial procedures, other means of communication could be more appropriate. In particular, this may be appropriate for direct communication between courts under Regulation (EU) 2019/1111 and Regulation (EU) 2015/848 of the European Parliament and the Council¹, as well as direct communication between competent authorities under the Union legal acts in criminal matters. In such cases, less formal communication means, such as e-mail, could be used.</p> <p>¹ 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).</p>	<p>(15) <u>The decentralised IT system should be used by default in the communication between competent authorities. However, for the purposes of ensuring the flexibility of judicial cooperation, other means of communication could be more appropriate in certain cross-border judicial procedures. The decision to use other means of communication could be more appropriate in exceptional cases should be left to the discretion of the competent authority.</u> In particular, this may be appropriate for direct communication between courts under Regulation (EU) 2019/1111 and Regulation (EU) 2015/848 of the European Parliament and the Council³⁸, as well as direct communication between competent authorities under the Union legal acts in criminal matters. In such cases, less formal communication means, such as e-mail, could be used, <u>provided they allow for the secure and reliable exchange of information. However, the decentralized IT system should always be considered the most appropriate means of exchanging forms and other formal procedural documents between the competent authorities established pursuant to the legal acts listed in Annex I and Annex II to this Regulation.</u></p> <p>³⁸ Regulation (EU) 2015/848 of</p>	<p>(15) For the purposes of ensuring the flexibility of judicial cooperation in certain cross-border judicial procedures, other means of communication could be more appropriate. In particular, this may be could be appropriate for direct communication between courts under Regulation (EU) 2019/1111 and Regulation (EU) 2015/848 of the European Parliament and of the Council¹, as well as direct communication between competent authorities under Council Framework Decisions 2005/214/JHA², 2006/783/JHA³, 2008/909/JHA⁴, 2008/947/JHA⁵, 2009/829/JHA⁶, Directive 2014/41/EU⁷ or Regulation (EU) 2018/1805⁸ allowing for the communication between the competent authorities to be carried out by any means or any appropriate means under the Union legal acts in criminal matters. In such cases, less formal communication means, such as e-mail, could be used. This could also be the case when the competent authorities need direct personal communication. Considering that competent authorities deal with sensitive data, the aspects of security and reliability of the information exchange should always be taken into account when selecting the appropriate means of communication.</p>	<p>(15) The decentralised IT system should be used by default in the communication between competent authorities. However, for the purposes of ensuring the flexibility of judicial cooperation in certain cross-border judicial procedures, other means of communication could be more appropriate. In particular, this may in certain situations. This could be appropriate when the competent authorities need direct personal communication and in particular for direct communication between courts under Regulation (EU) 2019/1111 and Regulation (EU) 2015/848 of the European Parliament and of the Council¹, as well as for direct communication between competent authorities under Council Framework Decisions 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA, Directive 2014/41/EU or Regulation (EU) 2018/1805 where the communication between the competent authorities could be carried out by any means or any appropriate means the Union legal acts in criminal matters. In such cases, competent authorities may use less formal communication means, such as e-mail. This could also be appropriate when the communication involves handling of sensitive data or when the conversion of voluminous</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 16				
24	(16) In relation to the components of the decentralised IT system, which are under the responsibility of the Union, the entity managing the system's components should have sufficient resources in order to ensure their proper functioning.	(16) In relation to the components of the decentralised IT system, which are under the responsibility of the Union, the entity managing the system's components should have sufficient resources in order to ensure their proper <u>and fully secure</u> functioning.	(16) In relation to the components of the decentralised IT system, which are under the responsibility of the Union, in accordance with Regulation (EU) 2022/850 of the European Parliament and of the Council¹ , the entity managing the system's components, should have sufficient resources in order to ensure their proper functioning. 1. Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system) and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).	
Recital 17				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25	<p>(17) For the purpose of facilitating access of natural and legal persons to the competent authorities, this Regulation should establish an access point at Union level (European electronic access point), as part of the decentralised IT system through which natural and legal persons should be able to file claims, launch requests, send and receive procedurally relevant information and communicate with the competent authorities, for cases covered by this Regulation. The European electronic access point should be hosted on the European e-Justice Portal, which serves as a one-stop-shop for judicial information and services in the Union.</p>	<p>(17) For the purpose of facilitating access of natural and legal persons to the competent authorities, this Regulation should establish an access point at Union level (European electronic access point), as part of the decentralised IT system through which<u>that should contain information for</u> natural and legal persons <u>on their right to legal assistance, and through which they</u> should be able to file claims, launch requests, send and receive procedurally relevant information, <u>including request and receive digitalised case files or documents therein,</u> and communicate with the competent authorities, <u>or have their legal representative do so on their behalf,</u> for cases covered by this Regulation, <u>Guaranteeing access to digitalised case files through the European electronic access point in cross-border criminal proceedings would support effective implementation of the right to a fair trial. It would facilitate the production and handling of case data, as well as, enable effective defence preparation from the early stages of a proceeding.</u> The European electronic access point should be hosted on the European e-Justice Portal, which serves as a one-stop-shop for judicial information and services in the Union.</p>	<p>(17) For the purpose of facilitating access of natural and legal persons to the competent authorities in civil and commercial matters, this Regulation should establish an access point at Union level (European electronic access point), as part of the decentralised IT system through which natural and legal persons should be able to file claims, launch requests, send and, receive and store procedurally relevant information and communicate with the competent authorities, for cases in the instances covered by this Regulation or be served with judicial or extrajudicial documents . The European electronic access point should be hosted on the European e-Justice Portal, which serves as a one-stop-shop for judicial information and services in the Union.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 18				
26	(18) Member States should be responsible for the establishment, maintenance and development of national electronic portals (national IT portals) for the purposes of electronic communication between natural and legal persons and the respective authorities which are competent in the proceedings under the legal acts listed in Annex I.	(18) Member States should be responsible for the establishment, maintenance and development of national electronic portals (national IT portals) for the purposes of electronic communication between natural and legal persons, <u>and their legal or authorised representatives</u> , and the respective authorities which are competent in the proceedings under the legal acts listed in Annex I, <u>whilst fully respecting the specificities of national justice systems including the roles and responsibilities of the various actors involved, including Bars and Law Societies, and Notary Councils</u> .	(18) Member States should be responsible for the establishment, maintenance and development of national electronic portals (national IT portals) for the purposes of electronic communication between natural and legal persons and the respective authorities which are competent in the proceedings under the legal acts listed in Annex I.	
Recital 19				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
27	<p>(19) In the context of the communication in cross-border cases of natural and legal persons with competent authorities, electronic communication should be used as an alternative to the existing means of communication. Notwithstanding, to ensure that access to justice through digital means does not contribute to further widening of the digital divide, the choice of the means of communication between electronic communication, as provided by this Regulation, and other means of communication should be left to the discretion of the individuals concerned. This is particularly important in order to cater for the specific circumstances of disadvantaged groups and people in situation of vulnerability, such as children or older people, who may lack the requisite technical means or digital skills to access digital services.</p>	<p>(19) In the context of the communication in cross-border cases ofby natural and legal persons with competent authorities <u>in cross-border cases</u>, electronic communication should be used as an alternative to the existing means of communication. <u>In case of communication of legal persons with competent authorities, the use by default of electronic means should be encouraged.</u> Notwithstanding, to ensure that access to justice through digital means does not contribute to further widening of the digital divide, the choice of the means of communication between electronic communication, as provided by this Regulation, and other means of communication should be left to the discretion of the individuals concerned. This is particularly important in order to cater for the specific circumstances of disadvantaged groups and people in situation of vulnerability, such as children or older people, who may lack the requisite technical means or digital skills to access digital services.</p>	<p>(19) In the context of the communication in cross-border cases of natural and legal persons with competent authorities in civil and commercial matters, electronic communication should be used as an alternative to the existing means of communication, including national ones , without affecting how natural or legal persons communicate with their national authorities, in accordance with national law. Notwithstanding, to ensure that access to justice through digital means does not contribute to a further widening of the digital divide, the choice of the means of communication between electronic communication, as provided by this Regulation, and other means of communication should be left to the discretion of the individuals concerned. This is particularly important in order to cater for the specific circumstances of disadvantaged groups and the case of people in situation of vulnerabilityspecific circumstances , such as children or older people, who maythose who could lack the requisite technical means or digital skills to access digital services and those with disabilities, as the Member States and the Union have committed themselves to taking appropriate measures in accordance with the United Nations Convention on the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 20				
28	<p>(20) In order to enhance electronic cross-border communication and transmission of documents through the decentralised IT system, the European electronic access point and national IT portals, where available, those documents should not be denied legal effect and should not be considered inadmissible in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of those documents, which may constitute evidence in accordance with national law. It should also be without prejudice to national law regarding the conversion of documents.</p>	<p>(20) In order to enhance electronic cross-border communication and transmission of documents through the decentralised IT system, the European electronic access point and national IT portals, where available, those documents should not be denied legal effect and should not be considered inadmissible in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of those documents, which may constitute evidence in accordance with national law. It should also be without prejudice to national law regarding the conversion of documents <u>and to any requirements regarding the authenticity, accuracy, reliability, credibility and appropriate legal form of the documents or information, except with regard to the conditions related to the communication by digital means expressly introduced by this Regulation.</u></p>	<p>(20) In order to enhance electronic cross-border communication and transmission of documents through the decentralised IT system, including through the European electronic access point and national IT portals, where available, those documents should not be denied legal effect and should not be considered inadmissible in the proceedings solely on the grounds that they are in electronic form. However, that principle should be without prejudice to the assessment of the legal effects or the admissibility of those documents, which may could constitute evidence in accordance with national law. It should also be without prejudice to national law regarding the conversion of documents.</p>	
Recital 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29	<p>(21) In order to facilitate oral hearings in proceedings in civil, commercial and criminal matters with cross-border implications, this Regulation should provide for the optional use of videoconferencing or other distance communication technology for the participation of the parties in such hearings. The procedure for applying and conducting of hearings through videoconferencing or other distance communication technology should be governed by the law of the Member State conducting the videoconference. Conducting a hearing by videoconferencing or other distance communication technology should not be refused solely based on the non-existence of national rules governing the use of distance communication technology. In such cases the most appropriate rules available under the national law, such as rules for taking of evidence, should apply mutatis mutandis.</p>	<p>(21) In order to facilitate oral hearings in proceedings in civil, commercial and criminal <u>and commercial</u> matters with cross-border implications, this Regulation should provide for the optional use of videoconferencing or other distance communication technology for the participation of the parties <u>and all other persons entitled to participate under the law of the Member State in which the proceedings take place,</u> in such hearings. The procedure for applying and conducting of hearings through <u>In proceedings in civil and commercial matters, given the optional use of the</u> videoconferencing or other distance communication technology <u>should be governed by the law of the Member State conducting the and the need to ensure appropriate procedural safeguards to the parties to the proceedings, they should have the possibility to object to such use. In case of objection, it should be for the competent authorities to allow or not the participation of parties by</u> videoconference. Conducting a hearing by videoconferencing or other distance communication technology should not be refused solely based on the non-existence of national rules governing the use of <u>As regards criminal matters, this Regulation should make it possible for all</u></p>	<p>(21) In order to facilitate oral hearings in proceedings in civil, commercial and criminal matters with cross-border implications, this Regulation should provide for the optional use of videoconferencing or other distance communication technology for the participation of the parties in such hearings, subject to the availability of the relevant technology. This Regulation does not preclude persons assisting a party and public prosecutors in civil and commercial matters to also attend the hearing through videoconferencing or other distance communication technology, in accordance with the applicable national law. The procedure for applying initiating and conducting of hearings through videoconferencing or other distance communication technology should be governed by the law of the Member State which should conduct the videoconference. In criminal matters, the Member State conducting the hearing through videoconferencing or other distance communication technology should be understood as the Member State requesting the videoconference. Conducting a hearing by through through videoconferencing or other distance communication technology should not be refused solely based on the non-existence of national rules</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29a		<p><i><u>(21a) The videoconferencing or other distance communication technology should allow for the authentication of the persons to be heard, and should enable both verbal and non-verbal communication during the hearing; a mere phone call should not be considered an appropriate distance communication technology for oral hearings. The procedure for applying and conducting of hearings through videoconferencing or other distance communication technology should be governed by the law of the Member State where the proceedings take place in civil and commercial matters and by the law of the requesting Member State in criminal matters falling under the acts listed in Annex II. The specific videoconferencing or other distance communication technology used should meet applicable standards for the protection of personal data, of the confidentiality of communications and of data security, irrespective of the type of hearing for which they are used. The competent authorities responsible for the videoconferencing or other distance communication technology should ensure that communication between the parties of the proceedings and their lawyers both before and during the hearing is</u></i></p>	<p>(21-a) Where a child participates in proceedings in civil or commercial matters, in particular as a party, under national law, the child could participate in the hearing through videoconferencing or other distance communication technology under this Regulation, taking into account their procedural rights. However, where the child is participating in the proceedings for the purpose of taking evidence in civil or commercial matters, for example where the child is to be heard as a witness, the child could also be heard through videoconferencing or other distance communication technology in accordance with Regulation (EU) 2020/1783.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29b		<p><i><u>(21b) Conducting a hearing by videoconferencing or other distance communication technology should not be refused solely based on the non-existence of national rules governing the use of distance communication technology. In such cases the most appropriate rules available under the national law, such as rules for taking of evidence, should apply mutatis mutandis. Member States should make videoconferencing technology available for cross-border proceedings. Appropriate technical arrangements should be put in place to enable all participants to follow the proceedings and to be heard without technical impediments, as well as to ensure full respect of the right to translation, the right to file and inspect evidence, and the right to examine witnesses.</u></i></p>	<p>(21a) Where the competent authority requests the participation of a person for the purpose of taking evidence in civil or commercial matters, the participation of such person in the hearing through videoconferencing or other distance communication technology should be governed by Regulation (EU) 2020/1783.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29c			(21aa) This Regulation should not apply to the use of videoconferencing or other distance communication technology in civil and commercial proceedings where such use is already foreseen in certain legal acts, listed in Annex I.	
29d			(21ab) The rules under this Regulation on the use of videoconferencing or other distance communication technology for hearings in judicial cooperation procedures in criminal matters should not apply to hearings through videoconferencing or other distance communication technology for the purposes of taking evidence or of holding a trial which could result in a decision on the guilt or innocence of a suspect or accused person. This Regulation should be without prejudice to the Directive 2014/41/EU, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and to the Council Framework Decision 2002/465/JHA.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29e			<p>(21b) In order to safeguard the right to a fair trial and the rights of defence, the suspect, accused or convicted persons should give their consent on the use of videoconferencing or other distance communication technology for a hearing in judicial cooperation procedures in criminal matters. Where a suspect, accused or convicted person is called to express their consent on the use of videoconferencing or other distance communication technology, this Regulation should apply taking into account the right of access to a lawyer as provided in Directive 2013/48/EU¹. The competent authority could derogate from the requirement of consent of the suspect, accused or convicted person only in exceptional circumstances when this is duly justified by the compelling reasons specified in this Regulation.</p> <p><small>¹ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294/1).</small></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29f			<p>(21c) Where the rights of a suspect, accused, or convicted person are violated in the context of a hearing through videoconferencing or other distance communication technology, access to effective legal remedies should be guaranteed in accordance with Article 47 of the Charter of Fundamental Rights of the European Union¹. Access to effective legal remedies should also be guaranteed for affected persons other than a suspect, accused or convicted person in the context of their hearing through videoconferencing or other distance communication technology in proceedings under Regulation (EU) 2018/1805 of the European Parliament and of the Council.</p> <p>¹ Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407).</p>	
29g				
Recital 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
30	(22) This Regulation should not apply to the use of videoconferencing or other distance communication technology in civil, commercial and criminal proceedings where such use is already foreseen in the legal acts, listed in Annex I and Annex II.	(22) This Regulation should not apply to the use of videoconferencing or other distance communication technology in civil, commercial and criminal proceedings where such use is already foreseen in the legal acts, listed in Annex I and Annex II. <u><i>This Regulation should neither apply to the use of videoconferencing nor to other distance communication technology in notarial authentication procedures, nor in domestic judicial proceedings.</i></u>	(22) This Regulation should not apply to the use of videoconferencing or other distance communication technology in civil, commercial and criminal proceedings where such use is already foreseen in the legal acts, listed in Annex I and Annex II.	
Recital 23				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
31	<p>(23) The Regulation (EU) No 910/2014 of the European Parliament and of the Council¹ sets up a common Union regulatory framework for recognition of electronic identification means and electronic trust services (electronic signatures, electronic seals, time stamps, electronic delivery services and website authentication) that are recognised across borders as having the same legal status as their physical equivalents. Therefore, this Regulation should apply the e-IDAS trust services for the purposes of digital communication.</p> <p>¹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).</p>	<p>(23) The Regulation (EU) No 910/2014 of the European Parliament and of the Council¹ sets up a common Union regulatory framework for recognition of electronic identification means and electronic trust services (electronic signatures, electronic seals, time stamps, electronic delivery services and website authentication) that are recognised across borders as having the same legal status as their physical equivalents. Therefore, this Regulation should apply the e-IDAS trust services for the purposes of digital communication.</p> <p>¹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).</p>	<p>(23) The Regulation (EU) No 910/2014 of the European Parliament and of the Council¹ sets up a common Union regulatory framework for recognition of electronic identification means and electronic trust services (electronic signatures, electronic seals, time stamps, electronic delivery services and website authentication) that are recognised across borders as having the same legal status as their physical equivalents. Therefore, this Regulation should apply the e-IDAS trust services for the purposes of digital communication.</p> <p>¹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
31a			<p>(23a) Where a document transmitted as part of the electronic communication under this Regulation requires a seal or signature, a qualified electronic seal or signature as defined in Regulation (EU) No 910/2014 should be used by competent authorities and a qualified electronic signature or electronic identification should be used by natural or legal persons. However, this Regulation should not affect the formal requirements applicable to documents produced in support of a request, which could be digital originals or certified copies. It should also be without prejudice to national law regarding the conversion of documents.</p>	
Recital 24				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32	(24) For the purposes of facilitating payment of fees in cases with cross-border implications falling under the scope of the Union legal acts in civil and commercial matters, electronic payment of fees should be possible in an online environment by payment methods widely available throughout the Union, such as credit cards, debit cards, e-wallet and bank transfers.	(24) For the purposes of facilitating payment of fees in cases with cross-border implications falling under the scope of the Union legal acts in civil and commercial matters, electronic payment of fees should be possible in an online environment by <u>accessible</u> payment methods widely available throughout the Union <u>and enabling proof of payment to be provided</u> , such as credit cards, debit cards, e-wallet and bank transfers.	(24) For the purposes of facilitating payment of fees in cases with cross-border implications falling under the scope of the Union legal acts in civil and commercial matters, electronic payment of fees should be possible in an online environment by payment methods widely available throughout the Union, such as credit cards, debit cards, e-wallet and bank transfers should be possible in an online environment and accessible through the European electronic access point.	
Recital 25				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
33	<p>(25) It is necessary, for the purposes of ensuring the full attainment of the objectives of this Regulation and for the alignment of the existing Union legal acts in civil, commercial and criminal matters with this Regulation, that amendments are introduced in the following legal acts: Regulation (EC) No 1896/2006 of the European Parliament and of the Council¹, Regulation (EC) No 861/2007 of the European Parliament and of the Council², Regulation (EU) No 655/2014 of the European Parliament and of the Council³, Regulation (EU) 2015/848 and Regulation (EU) 2018/1805 of the European Parliament and of the Council⁴. Those amendments seek to ensure that communication takes place in accordance with the rules and principles set out in this regulation. Amendments to Directives and Framework Decisions in civil, commercial and criminal matters are enacted in a Directive of the European Parliament and the Council .../... [Amending Directive]⁵.</p> <p>1. 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). 2. 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)</p>	<p>(25) It is necessary, for the purposes of ensuring the full attainment of the objectives of this Regulation and for the alignment of the existing Union legal acts in civil, commercial and criminal matters with this Regulation, that amendments are introduced in the following legal acts: Regulation (EC) No 1896/2006 of the European Parliament and of the Council¹, Regulation (EC) No 861/2007 of the European Parliament and of the Council², Regulation (EU) No 655/2014 of the European Parliament and of the Council³, Regulation (EU) 2015/848 and Regulation (EU) 2018/1805 of the European Parliament and of the Council⁴. Those amendments seek to ensure that communication takes place in accordance with the rules and principles set out in this regulation. Amendments to Directives and Framework Decisions in civil, commercial and criminal matters are enacted in a Directive of the European Parliament and the Council .../... [Amending Directive]⁵.</p> <p>1. 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). 2. 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)</p>	<p>(25) It is necessary, for the purposes of ensuring the full attainment of the objectives of this Regulation and for the alignment of the existing Union legal acts in civil, commercial and criminal matters with this Regulation, that amendments are introduced in the following legal acts: Regulation (EC) No 1896/2006 of the European Parliament and of the Council¹, Regulation (EC) No 861/2007 of the European Parliament and of the Council², Regulation (EU) No 606/2013 of the European Parliament and of the Council³, Regulation (EU) No 655/2014 of the European Parliament and of the Council³⁴, Regulation (EU) 2015/848 and Regulation (EU) 2018/1805 of the European Parliament and of the Council⁴⁵. Those amendments seek to ensure that communication takes place in accordance with the rules and principles set out in this regulation. Amendments to Directives and Framework Decisions in civil, commercial and criminal matters are enacted in a Directive of the European Parliament and the Council .../... [Amending Directive]⁵⁶.</p> <p>1. 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). 2. Regulation (EC) No 861/2007 of the</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 26				
34	<p>(26) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹, the Commission should evaluate this Regulation on the basis of the information collected through specific monitoring arrangements for each of the legal acts, listed in Annexes I and II to this Regulation in order to assess the actual effects of this Regulation and the need for any further action.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).</p>	<p>(26) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 13 April 2016 on Better Law-Making⁴⁵, the Commission should evaluate this Regulation on the basis of the information collected through specific monitoring arrangements, <u>including quantitative and qualitative assessments</u> for each of the legal acts, listed in Annexes I and II to this Regulation in order to assess the actual effects of this Regulation <u>on the ground, particularly to detect, prevent or rectify the impact on the legality, accessibility, and effectiveness of justice systems,</u> and the need for any further action.</p> <p><u>⁴⁵ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).</u></p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).</p>	<p>(26) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 13 April 2016 on Better Law-Making¹, the Commission should evaluate this Regulation on the basis of the information collected through specific monitoring arrangements for each of the legal acts, listed in Annexes I and II to this Regulation in order to assess the actual effects of this Regulation and the need for any further action.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).</p>	
Recital 27				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
35	<p>(27) The reference implementation software developed by the Commission as a back-end system should programmatically collect the data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system may be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission.</p>	<p>(27) The reference implementation software developed by the Commission as a back-end system should programmatically collect the data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system mayshould be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission.</p>	<p>(27) The reference implementation software developed by the Commission as a back-end system should programmatically collect the data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system may could be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission. The e-CODEX connector could also be equipped with a feature allowing retrieval of relevant statistical data.</p>	
Recital 28				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
36	<p>(28) In such cases where data cannot be collected automatically, and for the purpose of alleviating the administrative burden of data collection, each Member State should designate at least one court or competent authority for the purpose of establishing a monitoring sample. The court or competent authority designated in this way should be tasked with collecting and providing the Commission with data on its own proceedings which should serve to provide an estimate on the level of a given Member State of the data necessary for the evaluation of this Regulation. The designated court or competent authority should be representative of the scope of the Regulation insofar as the Regulation covers Union instruments in civil, commercial and criminal matters. In areas where authorities other than courts or prosecutors are considered as competent authorities within the meaning of this Regulation, such as notaries, the designated monitoring sample should be representative of their implementation of the Regulation as well.</p>	<p>(28) In such cases where data cannot be collected automatically, and for the purpose of alleviating the administrative burden of data collection, each Member State should designate at least one court or competent authority for the purpose of establishing a monitoring sample. The court or competent authority designated in this way should be tasked with collecting and providing the Commission with data on its own proceedings which should serve to provide an estimate on the level of a given Member State of the data necessary for the evaluation of this Regulation. The designated court or competent authority should be representative of the scope of the Regulation insofar as the Regulation covers Union instruments in civil, commercial and criminal matters. In areas where authorities other than courts or prosecutors are considered as competent authorities within the meaning of this Regulation, such as notaries, the designated monitoring sample should be representative of their implementation of the Regulation as well.</p>	<p>(28) In cases where data on the number of hearings such cases where datavideoconferencing was used cannot be collected automatically, and for the purpose of alleviating the limiting the additional administrative burden of data collection, each Member State should designate at least one court or competent authority for the purpose of establishing a monitoring sample. The court or competent authority designated in this way should be tasked with collecting and providing the Commission with such data on its own proceedings hearings which should serve to provide an estimate on the level of a given Member State of the data necessary for the evaluation of this Regulation. The designated court or competent authority should be representative of the scope of the Regulation insofar as the competent to conduct hearings through videoconference in accordance with this Regulation covers Union instruments in civil, commercial and criminal matters. In areas where authorities other than courts or prosecutors are considered as competent authorities within the meaning of this Regulation, such as notaries, the designated monitoring sample should be representative of their implementation of the Regulation as well.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 29				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
37	<p>(29) The application of this Regulation should be without prejudice to procedural rights as enshrined in the Charter of Fundamental Rights of the European Union¹ and Union law, such as the procedural rights directives², and in particular to the right to an interpreter, the right of access to a lawyer, the right of access to the case file, the right to legal aid, and the right to be present at the trial.</p> <p>1. Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407). 2. Directive 2010/64/EU of the European Parliament and of the Council of 22 May 2012 on the right to interpretation and translation in criminal proceedings (OJ 2010 L 280/1) Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ 2012 L 142/1); Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294/1); Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65/1);- Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal</p>	<p>(29) The application of this Regulation should be without prejudice to <u>the separation of powers and the independence of the judiciary in the Member States, as well as to</u> procedural rights as enshrined in the Charter of Fundamental Rights of the European Union⁴⁶ and Union law, such as the procedural rights directives²⁴⁷, and in particular to the right to an interpreter, the right of access to a lawyer, the right of access to the case file, the right to legal aid, and the right to be present at the trial.</p> <p><u>⁴⁶ Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407).</u> <u>⁴⁷ Directive 2010/64/EU of the European Parliament and of the Council of 22 May 2012 on the right to interpretation and translation in criminal proceedings (OJ 2010 L 280/1) Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ 2012 L 142/1); Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294/1); Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65/1);- Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal</u></p>	<p>(29) The application of this Regulation should be without prejudice to procedural rights as enshrined in the Charter of Fundamental Rights of the European Union¹ and Union law, such as the procedural rights directives², and in particular to the right to an interpreter, the right of access to a lawyer, the right of access to the case file, the right to legal aid, and the right to be present at the trial.</p> <p>1. Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407). 2. Directive 2010/64/EU of the European Parliament and of the Council of 22 May 2012 on the right to interpretation and translation in criminal proceedings (OJ 2010 L 280/1); Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ 2012 L 142/1); Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294/1); Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65/1);- Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 30				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
38	<p>(30) Regulation (EU) 2016/679 of the European Parliament and the Council and Directive (EU) 2016/680¹ of the European Parliament and the Council, apply to the processing of personal data carried out in the decentralised IT system. In order to clarify the responsibility for the processing of personal data sent or received through the decentralised IT system, this Regulation should indicate the controller of the personal data. For this purpose, each sending or receiving entity should be regarded as having determined the purpose and means of the personal data processing separately.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).</p>	<p>(30) <u>Regulation (EU) 2018/1725</u>, Regulation (EU) 2016/679 of the European Parliament and the Council and Directive (EU) 2016/680⁴⁸ of the European Parliament and the Council, apply to the processing of personal data carried out in the decentralised IT system. In order to clarify the responsibility for the processing of personal data sent or received through the decentralised IT system, this Regulation should indicate the controller of the personal data. For this purpose, each sending or receiving entity should be regarded as having determined the purpose and means of the personal data processing separately.</p> <p><u>⁴⁸ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).</u></p> <p><i>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal</i></p>	<p>(30) Regulation (EU) 2016/679 of the European Parliament and the Council and , Directive (EU) 2016/680¹ of the European Parliament and the Council and Regulation (EU) 2018/1725 of the Parliament and of the Council², apply to the processing of personal data carried out in the decentralised IT system. In order to clarify the responsibility for the processing of personal data sent or received through the decentralised IT system, this Regulation should indicate the controller of the personal data. For this purpose, each sending or receiving entity should be regarded as having determined the purpose and means of the personal data processing separately.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).</p> <p>2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 20, 08)</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 31				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
39	<p>(31) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment of the decentralised IT system, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>(31) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment <u>establish the decentralised IT system, the power to adopt acts in accordance with Article 290 of the decentralised IT system, implementing powers Treaty on the Functioning of the European Union</u> should be conferred on <u>delegated to</u> the Commission <u>to supplement this Regulation by setting out the relevant specifications, objectives and related technical requirements. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted. Those powers should be exercised</u> in accordance with Regulation (EU) No 182/2011 of the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{49a} <u>In particular, to ensure equal participation in the preparation of delegated acts,</u> the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. The adoption of these delegated acts should be</p>	<p>(31) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment of the decentralised IT system, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. The implementing acts should enable Member States to adapt their relevant national IT systems for connecting to the decentralised IT system.</p> <p>¹ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 32				
40	(32) Since harmonised digitalisation of cross-border judicial cooperation cannot be sufficiently achieved by the Member States acting alone, for reasons such as no guarantee as to the interoperability of IT systems of Member States and Union agencies and bodies, but can rather, by reason of coordinated Union action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	(32) Since harmonised digitalisation of cross-border judicial cooperation cannot be sufficiently achieved by the Member States acting alone, for reasons such as no guarantee as to the interoperability of IT systems of Member States and Union agencies and bodies, but can rather, by reason of coordinated Union action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	(32) Since harmonised digitalisation of cross-border judicial cooperation cannot be sufficiently achieved by the Member States acting alone, for reasons such as no guarantee as to the interoperability of IT systems of Member States and Union agencies and bodies, but can rather, by reason of coordinated Union action, be better achieved at Union level, the Union may could adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	
Recital 33				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
41	(33) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(33) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(33) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(33) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Text Origin: Commission Proposal
Recital 34, first subparagraph				
42	(34) [In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	(34) [In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	(34) [In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	
Recital 34, second subparagraph				
43	OR	OR	OR	
Recital 34, third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
44	In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...,] its wish to take part in the adoption and application of this Regulation.	In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...,] its wish to take part in the adoption and application of this Regulation.	In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...,] its wish to take part in the adoption and application of this Regulation.	
Recital 35				
45	(35) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EC) No 2018/1725 of the European Parliament and of the Council and delivered an opinion on [...],	(35) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EC) No 2018/1725 of the European Parliament and of the Council and delivered an opinion on [...],	(35) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EC) No 2018/1725 of the European Parliament and of the Council and delivered an opinion on [...] 25 January 2022,	(35) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EC) No 2018/1725 of the European Parliament and of the Council and delivered an opinion on [...] 25 January 2022, Text Origin: Council Mandate
Formula				
46	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal
CHAPTER I				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
47	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS Text Origin: Commission Proposal
Article 1				
48	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Text Origin: Commission Proposal
Article 1(1), first subparagraph				
49	1. This Regulation establishes a legal framework for electronic communication between competent authorities in judicial cooperation procedures in civil, commercial and criminal matters and for electronic communication between natural or legal persons and competent authorities in judicial procedures in civil and commercial and criminal matters.	1. This Regulation establishes a <u>uniform</u> legal framework for <u>the use of</u> electronic communication between competent authorities in judicial cooperation procedures in civil, commercial and criminal matters and for <u>the use of</u> electronic communication between natural or legal persons and competent authorities in judicial procedures in civil and commercial and criminal matters.-	1. This Regulation establishes a legal framework for electronic communication between competent authorities in judicial cooperation procedures in civil, commercial and criminal matters and for electronic communication between natural or legal persons and competent authorities in judicial procedures in civil and commercial-and-criminal-matters.-	1. This Regulation establishes a uniform legal framework for the use of electronic communication between competent authorities in judicial cooperation procedures in civil, commercial and criminal matters and for the use of electronic communication between natural or legal persons and competent authorities in judicial procedures in civil and commercial-and-criminal-matters.- Text Origin: EP Mandate
Article 1(1), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
50	In addition, it lays down rules on:	In addition, it lays down rules on:	In addition, it lays down rules on:	In addition, it lays down rules on: <i>Text Origin: Commission Proposal</i>
Article 1(1), second subparagraph, point (a)				
51	(a) the use of videoconferencing or other distance communication technology for purposes other than taking of evidence under Regulation (EU) 2020/1783;	(a) the use of videoconferencing or other distance communication technology for purposes other than taking of evidence under Regulation (EU) 2020/1783;	(a) the use of videoconferencing or other distance communication technology for purposes other than taking of evidence under Regulation (EU) 2020/1783;	(a) the use of videoconferencing or other distance communication technology for purposes other than taking of evidence under Regulation (EU) 2020/1783; <i>Text Origin: Commission Proposal</i>
Article 1(1), second subparagraph, point (b)				
52	(b) the application of electronic trust services;	(b) the application of electronic trust services <i>signatures and seals</i> ;	(b) the application of electronic trust services;	(b) the application of electronic trust services signatures and electronic seals ; <i>Text Origin: EP Mandate + Council proposal</i>
Article 1(1), second subparagraph, point (c)				
53	(c) the legal effects of electronic documents;	(c) the legal effects of electronic documents;	(c) the legal effects of electronic documents;	(c) the legal effects of electronic documents; <i>Text Origin: Commission Proposal</i>
Article 1(1), second subparagraph, point (d)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	54	(d) electronic payment of fees.	(d) electronic payment of fees.	(d) electronic payment of fees. Text Origin: Commission Proposal	G
Article 1(2)					
Y	55	2. This Regulation shall apply to:	2. This Regulation shall apply to:	2. This Regulation shall apply to: electronic communication in judicial cooperation procedures in civil, commercial and criminal matters, as specified in Articles 3 and 4, and hearing through videoconferencing or other means of distance communication technology in civil, commercial and criminal matters, as specified in Articles 7 and 8.	Y
Article 1(2), point (a)					
Y	56	(a) electronic communication between competent authorities in the context of the legal acts listed in Annex I and Annex II;	(a) electronic communication between competent authorities in the context of the legal acts listed in Annex I and Annex II;	(a) electronic communication between competent authorities in the context of the legal acts listed in Annex I and Annex II;	Y
Article 1(2), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	57 (b) electronic communication between natural or legal persons and competent authorities, and electronic payment of fees in cross-border civil and commercial matters, in the context of the legal acts listed in Annex I; and	(b) electronic communication between natural or legal persons and competent authorities, and electronic payment of fees in cross-border civil and commercial matters, in the context of the legal acts listed in Annex I; and	(b) electronic communication between natural or legal persons and competent authorities, and electronic payment of fees in cross-border civil and commercial matters, in the context of the legal acts listed in Annex I; and	
Article 1(2), point (c)				
Y	58 (c) videoconferencing in proceedings falling under the scope of the legal acts listed in Annex I and Annex II or in other civil and commercial matters, where one of the parties is present in another Member State.	(c) videoconferencing in proceedings falling under the scope of the legal acts listed in Annex I and Annex II or in other civil and commercial matters, where one of the parties is present in another Member State.	(c) videoconferencing in proceedings falling under the scope of the legal acts listed in Annex I and Annex II or in other civil and commercial matters, where one of the parties is present in another Member State.	
Article 2				
G	59 Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal
Article 2, first paragraph				
G	60 For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply: Text Origin: Commission Proposal

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 2021/0394(COD) 24-05-2023 at 15h07 64/208

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (1)				
61	(1) “competent authorities” means courts, public prosecutors, Union agencies and bodies and other authorities taking part in judicial cooperation procedures in accordance with the provisions of the legal acts listed in Annex I and Annex II;	(1) “competent authorities” means courts, public prosecutors, Union agencies and bodies and other authorities taking part in judicial cooperation procedures in accordance with the provisions of the legal acts listed in Annex I and Annex II;	(1) " competent authorities " means courts, public prosecutors’ offices, central authorities and other competent authorities as defined in and, designated or notified in accordance with the legal acts listed in Annexes I and II, as well as Union agencies and bodies Union agencies and bodies and other authorities taking part in judicial cooperation procedures in accordance with the provisions of the legal acts listed in Annex I and Annex III. For the purposes of Articles 7 and 8 of this Regulation, competent authority also means any court or other authority competent under national or Union law to conduct hearings through videoconferencing or other distance communication technology in civil, commercial or criminal matters;	
Article 2, first paragraph, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	62	(2) “electronic communication” means digital exchange of information over the internet or another electronic communication network;	(2) “electronic communication” means digital exchange of information over the internet or another electronic communication network;	(2) " electronic communication " means digital exchange of information over the internet or another electronic communication network; Text Origin: Commission Proposal
Article 2, first paragraph, point (3)				
Y	63	(3) “electronic document” means a document transmitted as part of electronic communication, including scanned paper documents;	(3) “electronic document” means a document transmitted as part of electronic communication, including scanned paper documents;	(3) " electronic document " means a document transmitted as part of electronic communication, including scanned paper documents;
Article 2, first paragraph, point (4)				
G	64	(4) “decentralised IT system” means a network of IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, Union agency or body that enables the secure and reliable cross-border exchange of information;	(4) “decentralised IT system” means a network of IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, Union agency or body that enables the secure and reliable cross-border exchange of information;	(4)(3) " decentralised IT system " means a network of IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, Union agency or body that enables the secure and reliable cross-border exchange of information; Text Origin: Commission Proposal
Article 2, first paragraph, point (5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
65	(5) “European electronic access point” means an interoperable access point in the context of the decentralised IT system, which is accessible to natural and legal persons throughout the Union;	(5) “European electronic access point” means an interoperable access point in the context of the decentralised IT system, which is accessible to natural and legal persons throughout the Union;	(5) (4) " <i>European electronic access point</i> " means a portal which is accessible to natural and legal persons or their representatives throughout the Union, connected to an interoperable access point in the context of the decentralised IT system-an interoperable access point in the context of the decentralised IT system, which is accessible to natural and legal persons throughout the Union;	(5) " <i>European electronic access point</i> " means a portal which is accessible to natural and legal persons or their representatives throughout the Union, connected to an interoperable access point in the context of the decentralised IT system-an interoperable access point in the context of the decentralised IT system, which is accessible to natural and legal persons throughout the Union; Text Origin: Council Mandate
Article 2, first paragraph, point (6)				
66	(6) “fees” means payments levied by competent authorities in the context of the proceedings under the legal acts listed in Annex I.	(6) “fees” means payments levied by competent authorities in the context of the proceedings under the legal acts listed in Annex I.	(6) (5) " <i>fees</i> " means payments levied by competent authorities in the context of the proceedings under the legal acts listed in Annex I.	(6) “fees” means payments levied by competent authorities in the context of the proceedings under the legal acts listed in Annex I. Text Origin: Commission Proposal
66a		<u><i>(6a) "videoconferencing" means using audiovisual transmission technology tools enabling the remote participation of persons in a cross-border judicial procedure.</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
CHAPTER II				
67	CHAPTER II COMMUNICATION BETWEEN COMPETENT AUTHORITIES	CHAPTER II COMMUNICATION BETWEEN COMPETENT AUTHORITIES	CHAPTER II COMMUNICATION BETWEEN COMPETENT AUTHORITIES	CHAPTER II COMMUNICATION BETWEEN COMPETENT AUTHORITIES Text Origin: Commission Proposal
Article 3				
68	Article 3 Means of communication between competent authorities	Article 3 Means of communication between competent authorities	Article 3 Means of communication between competent authorities	Article 3 Means of communication between competent authorities Text Origin: Commission Proposal
Article 3(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
69	1. Written communication between competent authorities in cases falling under the scope of the legal acts listed in Annex I and Annex II, including the exchange of forms established by these acts, shall be carried out through a secure and reliable decentralised IT system.	1. Written communication between competent authorities in cases falling under the scope of the legal acts listed in Annex I and Annex II, including the exchange of forms established by these acts, shall be carried out through a secure, efficient and reliable decentralised IT system.	1. Written-Communication between competent authorities in cases falling under the scope of of different Member States pursuant to the legal acts listed in Annexes I and II or between a national competent authority and a Union agency or body pursuant to the legal acts listed in Annex II, including the exchange of forms established by these acts, shall be carried out through a secure and reliable decentralised IT system.	1. Written communication Communication pursuant to the legal acts listed in Annex I between competent authorities in cases falling under the scope of of different Member States, and pursuant to the legal acts listed in Annex I and Annex III between competent authorities of different Member States and between a national competent authority and a Union agency or body, including the exchange of forms established by these those acts, shall be carried out through a secure, efficient and reliable decentralised IT system. Text Origin: Auxiliary 2
Article 3(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
70	<p>2. Where electronic communication in accordance with paragraph 1 is not possible due to the disruption of the decentralised IT system, the nature of the transmitted material or exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to ensure a secure and reliable exchange of information.</p>	<p>2. Where electronic communication in accordance with paragraph 1 is not possible due to the <u>temporary</u> disruption of the decentralised IT system, <u>or due to the physical</u> the nature of the transmitted material or exceptional circumstances, the transmission shall be carried out, <u>based on the assessment of the competent authority</u>, by the swiftest, most appropriate alternative means, taking into account the need to ensure <u>while ensuring</u> a secure and reliable exchange of information.</p>	<p>2. Where electronic communication in accordance with paragraph 1 is not possible due to the disruption of the decentralised IT system, the nature of the transmitted material or exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to ensure a secure and reliable exchange of information.</p>	<p>2. The transmission may be carried out by competent authorities by alternative means where electronic communication in accordance with paragraph 1 is not possible due to:</p> <p>a) -the disruption of the decentralised IT system, b) the physical or technical the nature of the transmitted material, or c) force majeure.</p> <p>For the purposes of the first subparagraph, the competent authorities shall ensure that the or exceptional circumstances, the transmission shall be carried out by the swiftest, most appropriate alternative means, taking into account the need to of communication used are the swiftest and most appropriate and that they ensure a secure and reliable exchange of information.</p> <p><small>Text Origin: Auxiliary 2</small></p>
Article 3(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
71	3. Where the use of the decentralised IT system is not appropriate in view of the specific circumstances of the communication in question, any other means of communication may be used.	3. <u>In addition to the exceptions referred to in paragraph 2, where due to the nature of the communication in question,</u> the use of the decentralised IT system is not appropriate in view of the specific circumstances of the <u>a given case, the competent authority may exceptionally use other means of communication</u> in question, any other means of communication may be used <u>that ensure that the exchange of information occurs in a secure and reliable manner.</u>	3. Where the use of the decentralised IT system is not appropriate in view of the specific circumstances of the communication in question, any other means of communication may be used.	3. In addition to the exceptions referred to in paragraph 2, where the use of the decentralised IT system is not appropriate in view of the specific circumstances of the communication in question, any other means of communication may be used a given situation any other means of communication may be used. Competent authorities shall ensure that the exchange of information under this paragraph occurs in a secure and reliable manner.
Article 3(3a)				
71a		<u>3a. Documents submitted by means other than the decentralised IT system, in accordance with paragraphs 2 and 3 shall not be considered inadmissible solely on that basis.</u>		3a. Deleted
Article 3(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 72	4. Paragraph 3 of this Article shall not apply to the exchange of forms provided by the instruments listed in Annex I and Annex II.	4. Paragraph 3 of this Article shall not apply to the exchange of forms <u>or other formal procedural documents</u> provided by the instruments listed in Annex I and Annex II.	4. Paragraph 3 of this Article shall not apply to the exchange of forms provided by the instruments listed in Annex Annexes I and II. In cases where the competent authorities of different Member States are present at the same location in a Member State for the purpose of assisting in the execution of judicial cooperation procedures under the legal acts listed in Annex II, they may exchange the forms through other appropriate means.	4. Paragraph 3 of this Article shall not apply to the exchange of forms provided by the instruments listed in Annex Annexes I and II. In cases where the competent authorities of different Member States are present at the same location in a Member State for the purpose of assisting in the execution of judicial cooperation procedures under the legal acts listed in Annex II, they may exchange the forms through other appropriate means if it is necessary due to the urgency of the matter. Competent authorities shall ensure that the exchange of forms under the second sentence of this paragraph occurs in a secure and reliable manner Text Origin: Auxiliary 2
Article 3(4a)				
G 72a		<u>4a. Requirements under applicable national law on the admissibility of documents or of information other than admissibility requirements related to the means of communication of such documents and information between authorities shall remain unaffected by this article.</u>		4a. This article is without prejudice to applicable procedural provisions in Union and national law on admissibility of documents, other than requirements related to the means of communication.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(4b)				
G	72b		5. Each Member State may decide to use the decentralised IT system for communication between its national authorities in cases falling under the scope of the legal acts listed in Annex I or II.	5. Each Member State may decide to use the decentralised IT system for communication between its national authorities in cases falling under the scope of the legal acts listed in Annex I or II. Text Origin: Council Mandate
Article 3(4c)				
G	72c		6. Union agencies or bodies may decide to use the decentralised IT system for communication within the agency or body in cases falling under the scope of the legal acts listed in Annex II.	6. Union agencies or bodies may decide to use the decentralised IT system for communication within the agency or body in cases falling under the scope of the legal acts listed in Annex II. Text Origin: Council Mandate
CHAPTER III				
G	73	CHAPTER III COMMUNICATION BETWEEN NATURAL OR LEGAL PERSONS AND COMPETENT AUTHORITIES IN CIVIL AND COMMERCIAL MATTERS	CHAPTER III COMMUNICATION BETWEEN NATURAL OR LEGAL PERSONS AND COMPETENT AUTHORITIES IN CIVIL AND COMMERCIAL MATTERS	CHAPTER III COMMUNICATION BETWEEN NATURAL OR LEGAL PERSONS AND COMPETENT AUTHORITIES IN CIVIL AND COMMERCIAL MATTERS Text Origin: Commission Proposal
Article 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
74	Article 4 Establishment of a European electronic access point	Article 4 Establishment of a European electronic access point	Article 4 Establishment of a European electronic access point	Article 4 Establishment of a European electronic access point Text Origin: Council Mandate
Article 4(1)				
75	1. A European electronic access point shall be established on the European e-Justice Portal, to be used for electronic communication between natural or legal persons and competent authorities in cases falling under the scope of the legal acts listed in Annex I.	1. A European electronic access point shall be established on the European e-Justice Portal, to be used for electronic communication between natural or legal persons and competent authorities in cases falling under the scope of the legal acts listed in Annex I.	1. A European electronic access point shall be established on the European e-Justice Portal, to be used for electronic communication between natural or legal persons and competent authorities in cases falling under the scope of the legal acts listed in Annex I.	1. A European electronic access point shall be established on the European e-Justice Portal, to be used for electronic communication between natural or legal persons and competent authorities in cases falling under the scope of the legal acts listed in Annex I. Text Origin: Council Mandate
Article 4(1a), first subparagraph				
75a			2. The European electronic access point may be used for electronic communication between natural or legal persons or their representatives and competent authorities in the following instances:	2. The European electronic access point may be used for electronic communication between natural or legal persons or their representatives and competent authorities in the following instances: Text Origin: Council Mandate
Article 4(1a), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	75b		(a) procedures provided for in Regulation (EC) No 1896/2006, Regulation (EC) No 861/2007 and Regulation (EU) No 655/2014.	(a) procedures provided for in Regulation (EC) No 1896/2006, Regulation (EC) No 861/2007 and Regulation (EU) No 655/2014. Text Origin: Council Mandate
Article 4(1b)				
G	75c		(b) procedures provided for in Regulation (EC) No 805/2004;	(b) procedures provided for in Regulation (EC) No 805/2004; Text Origin: Council Mandate
Article 4(1c)				
G	75d		(c) proceedings for recognition, declaration of enforceability or refusal of recognition provided for in Regulation (EC) 4/2009, Regulation (EU) 650/2012, (EU) 1215/2012, Regulation (EU) 606/2013, Regulation (EU) 2016/1103, Regulation (EU) 2016/1104, Regulation (EU) 2019/1111.	(c) proceedings for recognition, declaration of enforceability or refusal of recognition provided for in Regulation (EC) 4/2009, Regulation (EU) 650/2012, (EU) 1215/2012, Regulation (EU) 606/2013, Regulation (EU) 2016/1103, Regulation (EU) 2016/1104, Regulation (EU) 2019/1111. Text Origin: Council Mandate
Article 4(1d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	75e		(d) procedures related to the issuance, rectification and withdrawal of:	(d) procedures related to the issuance, rectification and withdrawal of: Text Origin: Council Mandate
Article 4(1d), point (a)				
G	75f		– extracts provided for in Regulation (EC) 4/2009,	– extracts provided for in Regulation (EC) 4/2009, Text Origin: Council Mandate
Article 4(1d), point (b)				
G	75g		– the European Successions Certificate and the attestations provided for in Regulation (EU) 650/2012,	– the European Successions Certificate and the attestations provided for in Regulation (EU) 650/2012, Text Origin: Council Mandate
Article 4(1d), point (c)				
G	75h		– certificates provided for in Regulation (EU) 1215/2012,	– certificates provided for in Regulation (EU) 1215/2012, Text Origin: Council Mandate
Article 4(1d), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	75i		– certificates provided for in Regulation (EU) 606/2013,	– certificates provided for in Regulation (EU) 606/2013, Text Origin: Council Mandate
Article 4(1d), point (e)				
G	75j		– attestations provided for in Regulation (EU) 2016/1103,	– attestations provided for in Regulation (EU) 2016/1103, Text Origin: Council Mandate
Article 4(1d), point (f)				
G	75k		– attestations provided for in Regulation (EU) 2016/1104,	– attestations provided for in Regulation (EU) 2016/1104, Text Origin: Council Mandate
Article 4(1d), point (g)				
G	75l		– certificates provided for in Regulation (EU) 2019/1111;	– certificates provided for in Regulation (EU) 2019/1111; Text Origin: Council Mandate
Article 4(1e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	75m		(e) lodging of a claim by a foreign creditor in insolvency proceedings under Article 53 of Regulation (EU) 2015/848;	(e) lodging of a claim by a foreign creditor in insolvency proceedings under Article 53 of Regulation (EU) 2015/848; Text Origin: Council Mandate
Article 4(1f)				
G	75n		(f) communication between natural or legal persons or their representatives with the Central Authorities under Regulation (EC) 4/2009 and Regulation (EU) 2019/1111 or the competent authorities under Chapter IV of Directive 2003/8/EC.	(f) communication between natural or legal persons or their representatives with the Central Authorities under Regulation (EC) 4/2009 and Regulation (EU) 2019/1111 or the competent authorities under Chapter IV of Directive 2003/8/EC. Text Origin: Council Mandate
Article 4(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
76	2. The Commission shall be responsible for the technical management, development, maintenance, security and support of the European electronic access point.	2. The Commission shall be responsible for the technical management, development, <u>accessibility</u> , maintenance, security and <u>technical, free of charge user support and other</u> support of the European electronic access point. <u>When the Commission collaborates with external actors in the design and building stages of the European electronic access point, they shall have experience in secure, user-friendly and accessible IT development.</u>	2. The Commission shall be responsible for the technical management, development, maintenance, security and support of the European electronic access point.	2. The Commission shall be responsible for the technical management, development, accessibility , maintenance, security and free of charge technical user support of the European electronic access point. See new recital on line 17a
Article 4(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77	<p>3. The European electronic access point shall allow natural and legal persons to file claims, launch requests, send and receive procedurally relevant information and communicate with the competent authorities.</p>	<p>3. <u><i>The European electronic access point shall contain information for natural and legal persons on their right to legal assistance, including in cross-border proceedings. It shall also allow for their legal representative to act on their behalf.</i></u> The European electronic access point shall allow natural and legal persons, <u><i>or their legal representatives,</i></u> to file claims, launch requests, send and receive procedurally relevant information and communicate with the competent authorities. <u><i>The European electronic access point shall comply with the requirements of the national law of the relevant Member State with regard to form, language and representation.</i></u></p>	<p>3. The European electronic access point shall allow natural and legal persons or their representatives, in the instances referred to in paragraph 2, to initiate or engage in procedures, send, receive and store to file claims, launch requests, send and receive procedurally relevant information or documents and communicate with the competent authorities or be served with judicial or extrajudicial documents. Without prejudice to Article 9 of this Regulation, the communication through the European electronic access point shall comply with the applicable procedural provisions of Union and national law.</p>	<p>3. The European electronic access point shall contain information for natural and legal persons on their right to legal aid, including in cross-border proceedings. It shall also allow for their legal representative to act on their behalf. The European electronic access point shall allow natural and legal persons, or their legal representatives, in the instances referred to in paragraph 2, to file claims, launch requests, send and receive procedurally relevant information and communicate with the competent authorities or be served with judicial or extrajudicial documents. Communication through the EEAP shall comply with the requirements of Union law and national law of the relevant Member State, in particular with regard to form, language and representation.</p> <p><small>Text Origin: Council Mandate</small></p>
77a				
Article 4(3a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77b			4. Competent authorities shall accept electronic communication transmitted through the European electronic access point in the instances referred to in paragraph 2.	3a. Competent authorities shall accept electronic communication transmitted through the European electronic access point in the instances referred to in paragraph 2.
Article 4(3b)				
77c			5. Competent authorities shall communicate with natural and legal persons or their representatives in the instances referred to in paragraph 2 or may serve documents on them through the European electronic access point, where that natural or legal person or their representative gave prior express consent to the use of that means of communication or method of service. Each consent shall be specific to the procedure in which it is given and shall be given separately for the purposes of communication and service of documents.	3b. Competent authorities shall communicate with natural and legal persons or their representatives in the instances referred to in paragraph 2 or may serve documents on them through the European electronic access point, only where that natural or legal person or their representative gave prior express consent to the use of that means of communication or method of service. Each consent shall be specific to the procedure in which it is given and shall be given separately for the purposes of communication and service of documents. Where a natural or legal person intends to use the European electronic access point on their own initiative for communication in proceedings, they shall be able to indicate their consent in that initial communication.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(3c)				
77d			6. The Commission shall be responsible for the technical management, development, maintenance, security, accessibility, and support of the European electronic access point.	3c. Deleted
Article 5				
78	Article 5 Means of communication between natural or legal persons and competent authorities	Article 5 Means of communication between natural or legal persons and competent authorities	Article 5 Means of communication between natural or legal persons and competent authorities	
Article 5(1)				
79	1. Written communication between natural or legal persons and competent authorities falling within the scope of the legal acts listed in Annex I, may be carried out by the following electronic means:	1. Written <i>electronic</i> communication between natural or legal persons <i>or their legal representative</i> and competent authorities falling within the scope of the legal acts listed in Annex I, may be carried out by the following electronic means:	1. Written communication between natural or legal persons and competent authorities falling within the scope of the legal acts listed in Annex I, may be carried out by the following electronic means:	
Article 5(1), point (a)				
80	(a) the European electronic access point; or	(a) the European electronic access point; or	(a) the European electronic access point; or	
Article 5(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
81	(b) national IT portals, where available.	(b) national IT portals, where available.	(b) national IT portals, where available.	
Article 5(1), point (ba)				
81a		<u><i>1a. The electronic means referred to in paragraph 1 shall be such as to ensure the identification and authentication of the users.</i></u>		(ba) The European electronic access point shall be such as to ensure the identification of the users.
Article 5(2)				
82	2. Competent authorities shall communicate with natural and legal persons through the European electronic access point, where that natural or legal person gave prior express consent to the use of this means of communication.	2. Competent authorities shall <u><i>only</i></u> communicate with natural and legal persons through the European electronic access point, where that natural or legal person gave prior express consent to the use of this means of communication. <u><i>Where a natural or legal person intends to use the European electronic access point on their own initiative for communication in proceedings, and provided that that natural or legal person has been made aware of their right to legal assistance and representation, they shall be able to indicate their consent in that initial communication.</i></u>	2. Competent authorities shall communicate with natural and legal persons through the European electronic access point, where that natural or legal person gave prior express consent to the use of this means of communication.	
Article 5(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
83	3. Communication under paragraph 1 shall be considered equivalent to written communication under the applicable procedural rules.	3. Communication under paragraph 1 shall be considered equivalent to written communication under the applicable procedural rules.	3. Communication under paragraph 1 shall be considered equivalent to written communication under the applicable procedural rules.	
83a		<u><i>3a. Member States shall ensure that accessible and free of charge assistance services are provided to natural or legal persons and their legal or authorised representatives who may require them in order to use the national IT portals, where available.</i></u>		
Article 6				
84	Article 6 Obligation to accept electronic communication	Article 6 Obligation to accept electronic communication	Article 6 Obligation to accept electronic communication	
Article 6, first paragraph				
85	Competent authorities shall accept electronic communication under Article 5(1), transmitted through the European electronic access point or national IT portals, where available.	Competent authorities shall accept electronic communication under Article 5(1), transmitted through the European electronic access point or <u>through</u> national IT portals, where available.	Competent authorities shall accept electronic communication under Article 5(1), transmitted through the European electronic access point or national IT portals, where available.	
CHAPTER IV				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
86	CHAPTER IV HEARING THROUGH VIDEOCONFERENCING OR OTHER DISTANCE COMMUNICATION TECHNOLOGY	CHAPTER IV HEARING THROUGH VIDEOCONFERENCING OR OTHER DISTANCE COMMUNICATION TECHNOLOGY	CHAPTER IV HEARING THROUGH VIDEOCONFERENCING OR OTHER DISTANCE COMMUNICATION TECHNOLOGY	CHAPTER IV HEARING THROUGH VIDEOCONFERENCING OR OTHER DISTANCE COMMUNICATION TECHNOLOGY Text Origin: Commission Proposal
Article 7				
87	Article 7 Hearing through videoconferencing or other distance communication technology in civil and commercial matters	Article 7 Hearing through videoconferencing or other distance communication technology in <u>cross-border</u> civil and commercial matters	Article 7 Participation in a hearing through videoconferencing or other distance communication technology in civil and commercial matters	
Article 7(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
88	<p>1. Without prejudice to specific provisions regulating the use of videoconferencing or other distance communication technology in proceedings under the legal acts listed in Annex I, and upon request of a party to proceedings falling under the scope of these legal acts or in other civil and commercial matters where one of the parties is present in another Member State, or upon request of their legal or authorised representative, competent authorities shall allow their participation to a hearing by videoconferencing or other distance communication technology, provided that:</p>	<p>1. Without prejudice to specific provisions regulating the use of videoconferencing or other distance communication technology in proceedings under the legal acts listed in Annex I, and upon request of a party <u>or another person entitled to participate in such proceedings under the law of the Member State whose judicial authorities are conducting the</u> to proceedings falling under the scope of these legal acts or in other civil and commercial matters where one of the parties is present in another Member State, or upon request of their legal or authorised representative, competent authorities shall allow their participation to <u>throughout the</u> hearing by videoconferencing or other distance communication technology, provided that:</p>	<p>1. Without prejudice to specific provisions regulating the use of videoconferencing or other distance communication technology in proceedings under the legal acts listed in Annex I, and upon request of a party to Regulations (EU) 2020/1783, (EC) 861/2007 and (EU) 655/2014, in proceedings falling under the scope of these legal acts or in other civil and commercial matters where one of the parties is present in another Member State, or upon request of their legal or authorised representative, competent authorities shall allow their participation to competent authorities may allow the participation of the parties and their legal representatives in a hearing by through videoconferencing or other distance communication technology; provided that:</p>	
Article 7(1), point (a)				
89	(a) such technology is available, and	<i>deleted</i>	(a) such technology is available, and	
Article 7(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
90	(b) the other party or parties to the proceedings were given the possibility to submit an opinion on the use of videoconferencing or other distance communication technology.	(b) the other party or parties to the proceedings were given the possibility to submit an opinion on the use of videoconferencing or other distance communication technology.	(b) the other party or parties to the proceedings were given the possibility to submit an opinion on the use of videoconferencing or other distance communication technology.	
90a		<u><i>1a. Member States shall guarantee that the parties and other persons entitled to participate to the proceedings, including persons with a disability, have access to the necessary infrastructure to use videoconferencing or other distance communication technology in the premises of the competent authorities.</i></u>		
90b			2. The procedure for holding a hearing through videoconferencing or other distance communication technology shall be regulated by the national law of the Member State conducting the hearing.	
Article 7(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
91	2. A request for conducting an oral hearing through videoconferencing or other distance communication technology may be refused by the competent authority where the particular circumstances of the case are not compatible with the use of such technology.	2. A request for conducting an oral hearing through videoconferencing or other distance communication technology may be refused by the competent authority where the particular circumstances of the case are not compatible with the use of such technology. <u><i>In those cases, the competent authority shall explain its reasons for such refusal to the requesting party.</i></u>	2. A request for conducting an oral hearing through videoconferencing or other distance communication technology may be refused by the competent authority where the particular circumstances of the case are not compatible with the use of such technology.	
Article 7(3)				
92	3. Competent authorities may on their own motion allow the participation of parties to hearings by videoconference, provided that all parties to the proceedings are given the possibility to submit an opinion on the use of videoconferencing or other distance communication technology.	3. Competent authorities may on their own motion allow the participation of parties to hearings by videoconference, provided that all parties to the proceedings are given the possibility to submit an opinion on <u>object to</u> the use of videoconferencing or other distance communication technology.	3. Competent authorities may on their own motion allow the participation of parties to hearings by videoconference, provided that all parties to the proceedings are given the possibility to submit an opinion on the use of videoconferencing or other distance communication technology.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92a		<u><i>3a. The competent authorities responsible for the videoconferencing or other distance communication technology shall ensure that communication between the parties of the proceedings and their lawyers both before and during the hearing is confidential in accordance with applicable national law.</i></u>		
Article 7(4)				
93	4. Subject to this Regulation, the procedure for requesting and conducting a videoconference shall be regulated by the national law of the Member State conducting videoconference.	4. Subject to this Regulation, the procedure for requesting and conducting a videoconference shall be regulated by the national law of the Member State <u><i>where the proceedings are taking place, which shall be considered to be the</i></u> conducting videoconference.	4. Subject to this Regulation, the procedure for requesting and conducting a videoconference shall be regulated by the national law of the Member State conducting videoconference.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
93a		<u><i>4a. Where the recording of hearings is provided for under the national law of the Member State where the procedure takes place, the same rules shall apply also to hearings through videoconferencing or other distance communication technology in cross-border cases. Member States where the proceedings take place shall take appropriate measures to ensure that such records are secured and not publicly disseminated.</i></u>		
Article 7(5)				
94	5. Requests under paragraph 1 may be submitted via the European electronic access point and through national IT portals, where available.	5. Requests under paragraph 1 may be submitted via the European electronic access point and through national IT portals, where available.	5. Requests under paragraph 1 may be submitted via the European electronic access point and through national IT portals, where available.	
Article 8				
95	Article 8 Hearing through videoconferencing or other distance communication technology in criminal proceedings	Article 8 Hearing through videoconferencing or other distance communication technology in <u>cross border</u> criminal proceedings	Article 8 Article 8 Hearing through videoconferencing or other distance communication technology in criminal proceedings matters	
Article 8(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
96	1. Where the competent authority of a Member State requests the hearing of a suspect, accused or convicted person in proceedings under the legal acts listed in Annex II, the competent authority shall allow their participation to the hearing by videoconferencing or other distance communication technology, provided that:	1. Where the competent authority of a Member State requests the hearing of a suspect, accused or convicted person in <u>person either directly involved in or relevant to proceedings under the legal acts listed in Annex II, the and located in another Member State, the corresponding</u> competent authority <u>in that other Member State</u> shall allow their participation to the hearing by videoconferencing or other distance communication technology, provided that:	1. Where the competent authority of a Member State requests the hearing of a suspect, accused or convicted person present in another Member State in proceedings under in proceedings under the legal acts listed in Annex II, the competent authority shall allow their participation to the hearing by videoconferencing or other distance communication technology, provided that:	
96a			- Council Framework Decision 2002/584/JHA, in particular Article 18(1)(a) thereof,	
96b			- Council Framework Decision 2008/909/JHA, in particular Article 6(3) thereof,	
96c			- Council Framework Decision 2008/947/JHA, in particular Article 17(4) thereof,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
96d			- Council Framework Decision 2009/829/JHA, in particular Article 19(4) thereof,	
96e			- Directive 2011/99/EU, in particular Article 6(4) thereof,	
96f			- Regulation (EU) 2018/1805, in particular Article 33(1) thereof,	
96g			the competent authority of the other Member State shall allow their participation in the hearing through videoconferencing or other distance communication technology, provided that:	
Article 8(1), point (a)				
97	(a) such technology is available;	<i>deleted</i>	(a) such technology is available;	
Article 8(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
98	(b) the particular circumstances of the case justify the use of such technology;	(b) the particular circumstances of the case justify the use of such technology;	(b) the particular circumstances of the case justify the use of such technology; and	
Article 8(1), point (c)				
99	(c) the suspect, accused or convicted persons expressed consent on the use of videoconferencing or other distance communication technology. Before expressing consent on the use of videoconferencing or other distance communication technology the suspect or the accused person shall have the possibility to seek the advice of a lawyer in accordance with Directive 2013/48/EU.	(c) the suspect, accused or convicted persons expressed consent on the use of videoconferencing or other distance communication technology <i>for that hearing</i> . Before expressing consent on the use of videoconferencing or other distance communication technology the suspect or the accused person shall have the possibility to seek the advice of a lawyer in accordance with Directive 2013/48/EU. <u><i>Competent authorities shall provide suspects, accused or convicted persons with information about the procedure for conducting a hearing through videoconferencing or other distance communication technology, including the right to interpretation in accordance with the Directive 2010/64/EU and the right of access to legal assistance in accordance with Directive 2013/48/EU, before such persons are required to consent or refuse on the use of videoconferencing or other distance communication technology for that hearing;</i></u>	(c) the suspect, accused or convicted persons expressed consent on the use of videoconferencing or other distance communication technology. Before expressing consent on the use of videoconferencing or other distance communication technology the suspect or the accused person shall have the possibility to seek the advice of a lawyer in accordance with Directive 2013/48/EU. Without prejudice to the principle of a fair trial, the consent of these persons may not be required where the participation in a hearing in person may pose a threat to public security or public health.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99a		<i><u>(ca) the consent by a suspect accused or convicted person to the use of videoconferencing, is given voluntarily and unequivocally and that the competent authority conducting the hearing by videoconferencing or other distance communication technology has verified that consent prior to starting such hearing. Verification of the consent shall be recorded in the records of the hearing in accordance with the national law of the conducting Member State;</u></i>		
99b		<i><u>(cb) without prejudice to national law governing the procedure and time limits for submission of evidence, the technology used for the purposes of conducting the hearing through videoconferencing or other distance communication technology ensures it is possible to submit, review and examine evidence, including through the examination of witnesses.</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99c		<u><i>1a. Member States shall guarantee that persons either directly involved in or relevant to the proceedings under the legal acts listed in Annex II, including persons with a disability, have access to the necessary infrastructure to use videoconferencing or other distance communication technology in the premises of the competent authorities.</i></u>		
99d			-1a. Where in proceedings under Regulation (EU) 2018/1805 of the European Parliament and of the Council, the competent authority of a Member State requests a hearing of an affected person as defined in Article 2, point 10 of that Regulation, other than a suspect, accused or convicted person, present in another Member State, such hearing may be conducted through videoconferencing or other distance communication technology provided that the conditions of paragraph 1, points a) and b) of this Article are met.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99e		<u><i>Ib. The competent authorities in the requesting and authorising Member States shall agree the practical arrangements of the hearing through videoconferencing or other distance communication technology.</i></u>		
Article 8(2)				
100	2. Paragraph 1 is without prejudice to the provisions regulating the use of videoconferencing or other distance communication technology in the legal acts listed in Annex II.	2. Paragraph 1 is <u><i>Paragraphs 1 and 1a</i></u> are without prejudice to the provisions regulating the use of videoconferencing or other distance communication technology in the legal acts listed in Annex II.	2. Paragraph 1 This Article is without prejudice to the provisions regulating other Union legal acts allowing for the use of videoconferencing or other distance communication technology in the legal acts listed in Annex II criminal matters .	
Article 8(3)				
101	3. Subject to this Regulation, the procedure for conducting a videoconference shall be regulated by the national law of the Member State conducting the videoconference.	3. Subject to this Regulation, the procedure for conducting a videoconference shall be regulated by the national law of the Member State conducting <u><i>requesting</i></u> the videoconference.	3. Subject to this Regulation, the procedure for conducting a hearing through videoconferencing or other distance communication technology videoconference shall be regulated by the national law of the requesting Member State conducting the videoconference . The requesting and requested competent authorities shall agree on practical arrangements.	
Article 8(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
102	4. The confidentiality of communication between suspects, accused or convicted persons and their lawyer before and during the hearing through videoconferencing or other distance communication technology shall be ensured.	4. The confidentiality of <u>competent authority shall ensure that</u> communication between suspects, accused or convicted persons and their lawyer before and during the hearing through videoconferencing or other distance communication technology shall be ensured <u>is confidential in accordance with the applicable national law.</u>	4. The confidentiality of communication between suspects, accused or convicted persons and their lawyer before and during the hearing through videoconferencing or other distance communication technology shall be ensured.	
Article 8(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
103	<p>5. Before hearing a child through videoconferencing or other distance communication technology, holders of parental responsibility as defined in Article 3, point 2 of Directive (EU) 2016/800 of the European Parliament and of the Council¹ or another appropriate adult as referred to in Article 5(2) of that Directive shall be informed promptly. When deciding whether to hear a child through videoconferencing or other distance communication technology, the competent authority shall take into account the best interests of the child.</p> <p>¹ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1–20).</p>	<p>5. Before hearing a child through videoconferencing or other distance communication technology, holders of parental responsibility as defined in Article 3, point 2 of Directive (EU) 2016/800 of the European Parliament and of the Council⁴⁵⁰ or another appropriate adult as referred to in Article 5(2) of that Directive shall be informed promptly. When deciding whether to hear a child through videoconferencing or other distance communication technology, the competent authority shall take into account the best interests of the child. <u><i>Equivalent measures shall apply when the hearing through videoconferencing concerns a vulnerable adult.</i></u></p> <p><u><i>⁵⁰ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1–20).</i></u></p> <p><i>1. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1–20).</i></p>	<p>5. Before hearing a child through videoconferencing or other distance communication technology, holders of parental responsibility as defined in Article 3, point 2 of Directive (EU) 2016/800 of the European Parliament and of the Council¹ or another appropriate adult as referred to in Article 5(2) of that Directive shall be informed promptly. When deciding whether to hear a child through videoconferencing or other distance communication technology, the competent authority shall take into account the best interests of the child.</p> <p>¹ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1–20).</p>	
Article 8(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
104	6. Where the recording of hearings is provided for under the national law of a Member State for domestic cases, the same rules shall apply also to hearings through videoconferencing or other distance communication technology in cross-border cases. Member States shall take appropriate measures to ensure that such records are secured and not publicly disseminated.	6. Where the recording of hearings is provided for under the national law of a Member State for domestic cases, the same rules shall apply also to hearings through videoconferencing or other distance communication technology in cross-border cases. Member States <i>where the proceedings take place</i> shall take appropriate measures to ensure that such records are secured and not publicly disseminated.	6. Where the recording of hearings is provided for under the national law of a Member State for domestic cases, the same rules shall apply also to hearings through videoconferencing or other distance communication technology in cross-border cases. Member States shall take appropriate measures in accordance with national law to ensure that such records are secured and not publicly disseminated.	
Article 8(7)				
105	7. A suspect, an accused and the convicted person shall have the right to an effective legal remedy under national law in the event of a breach of this Article.	7. A suspect, an accused and the convicted person shall have the right to an effective legal remedy under national law in the event of a breach of this Article.	7. A suspect, an accused and the convicted person shall have the right to an effective legal remedy under national law in the event of a breach of this Article.	
CHAPTER V				
106	CHAPTER V TRUST SERVICES, LEGAL EFFECTS OF ELECTRONIC DOCUMENTS AND ELECTRONIC PAYMENT OF FEES	CHAPTER V TRUST SERVICES, LEGAL EFFECTS OF ELECTRONIC DOCUMENTS AND ELECTRONIC PAYMENT OF FEES	CHAPTER V TRUST SERVICES, LEGAL EFFECTS OF ELECTRONIC DOCUMENTS AND ELECTRONIC PAYMENT OF FEES	CHAPTER V TRUST SERVICES, LEGAL EFFECTS OF ELECTRONIC DOCUMENTS AND ELECTRONIC PAYMENT OF FEES Text Origin: Commission Proposal
Article 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
107	Article 9 Electronic signatures and electronic seals	Article 9 Electronic signatures and electronic seals	Article 9 Electronic signatures and electronic seals	Article 9 Electronic signatures and electronic seals Text Origin: Commission Proposal
Article 9(1)				
108	1. The general legal framework for the use of trust services set out in Regulation (EU) No 910/2014 shall apply to the electronic communication under this Regulation.	1. The general legal framework for the use of trust services set out in Regulation (EU) No 910/2014 shall apply to the electronic communication under this Regulation.	1. The general legal framework for the use of trust services set out in Regulation (EU) No 910/2014 shall apply to the electronic communication under this Regulation.	1. The general legal framework for the use of trust services set out in Regulation (EU) No 910/2014 shall apply to the electronic communication under this Regulation. Text Origin: Commission Proposal
Article 9(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
109	2. Where a document transmitted as part of the electronic communication under Article 3 of this Regulation requires or features a seal or handwritten signature, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead.	2. Where a document transmitted as part of the electronic communication under Article 3 <u>or 5</u> of this Regulation requires or features a seal or handwritten signature, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead.	2. Where a document transmitted as part of the electronic communication under Article 3 of this Regulation requires a seal or signature in accordance with the legal acts listed in Annexes I and II, the document shall feature a or features a seal or handwritten signature, qualified electronic seals seal or qualified electronic signatures signature as defined in Regulation (EU) No 910/2014 may be used instead.	2. Where a document transmitted as part of the electronic communication under Article 3 of this Regulation requires a seal or signature in accordance with the legal acts listed in Annexes I and II, the document shall feature a or features a seal or handwritten signature, qualified electronic seals seal or qualified electronic signatures signature as defined in Regulation (EU) No 910/2014 may be used instead. <small>Text Origin: Council Mandate</small>
Article 9(2a)(3)				
110	3. Where a document transmitted as part of the electronic communication under Article 5 of this Regulation requires or features a seal or handwritten signature, advanced electronic seals, advanced electronic signatures, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead.	<i>deleted</i>	32a. Where a document transmitted as part of the electronic communication in the instances referred to in under Article 5 4(2) of this Regulation requires or features a seal or handwritten signature, the advanced electronic seals, advanced electronic signatures of the person transmitting the document, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead. that person shall fulfil this requirement by:	3. Where a document transmitted as part of the electronic communication in the instances referred to in under Article 5 4(2) of this Regulation requires or features a seal or handwritten signature, the advanced electronic seals, advanced electronic signatures of the person transmitting the document, qualified electronic seals or qualified electronic signatures as defined in Regulation (EU) No 910/2014 may be used instead. that person shall fulfil this requirement by: <small>Text Origin: Council Mandate</small>
Article 9(2a), (3) a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 110a			a) electronic identification with an assurance level as defined in Article 8(2)(c) of Regulation (EU) No 910/2014; or	a) electronic identification with an assurance level as defined in Article 8(2)(c) of Regulation (EU) No 910/2014; or Text Origin: Council Mandate
Article 9(2b)				
G 110b			b) a qualified electronic signature as defined in Article 3(12) of Regulation (EU) No 910/2014.	b) a qualified electronic signature as defined in Article 3(12) of Regulation (EU) No 910/2014. Text Origin: Council Mandate
Article 10				
G 111	Article 10 Legal effects of electronic documents	Article 10 Legal effects of electronic documents	Article 10 Legal effects of electronic documents	Article 10 Legal effects of electronic documents Text Origin: Commission Proposal
Article 10, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
112	Documents transmitted as part of electronic communication shall not be denied legal effect or be considered inadmissible in the context of cross-border judicial procedures under the legal acts listed in Annex I and Annex II solely on the ground that they are in electronic form.	Documents transmitted as part of electronic communication shall not be denied legal effect or be considered inadmissible in the context of cross-border judicial procedures under the legal acts listed in Annex I and Annex II solely on the ground that they are in electronic form.	Documents transmitted as part of electronic communication shall not be denied legal effect or be considered inadmissible in the context of cross-border judicial procedures under the legal acts listed in Annex Annexes I and Annex II solely on the ground that they are in electronic form.	Documents transmitted as part of electronic communication shall not be denied legal effect or be considered inadmissible in the context of cross-border judicial procedures under the legal acts listed in Annex Annexes I and Annex II solely on the ground that they are in electronic form. Text Origin: Council Mandate
Article 11				
113	Article 11 Electronic payment of fees	Article 11 Electronic payment of fees	Article 11 Electronic payment of fees	Article 11 Electronic payment of fees Text Origin: Commission Proposal
Article 11(1)				
114	1. Member States shall provide for the possibility of electronic payment of fees, including from Member States other than where the competent authority is situated.	1. Member States shall provide for the possibility of electronic payment of fees, including from Member States other than where the competent authority is situated.	1. Member States shall provide for the possibility of electronic payment of fees, including from Member States other than where the competent authority is situated.	1. Member States shall provide for the possibility of electronic payment of fees, including from Member States other than where the competent authority is situated. Text Origin: Commission Proposal
Article 11(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
115	2. Member States shall provide for technical means allowing the payment of the fees referred to in paragraph 1 through the European electronic access point.	2. Member States shall provide for technical <i>and accessible</i> means allowing the payment of the fees referred to in paragraph 1 through the European electronic access point.	2. Member States shall provide for technical means allowing the payment of the fees referred to in paragraph 1 Where the available means of electronic payment of the fees so allow, they shall be accessible through the European electronic access point.	2. Member States The technical means for the electronic payment of fees shall provide for technical comply with applicable rules on accessibility. Where the available means allowing the of electronic payment of the fees referred to in paragraph 1 fees so allow, they shall be accessible through the European electronic access point. Text Origin: Council Mandate
CHAPTER VI				
116	CHAPTER VI PROCEDURAL PROVISIONS AND EVALUATION	CHAPTER VI PROCEDURAL PROVISIONS AND EVALUATION		CHAPTER VI PROCEDURAL PROVISIONS AND EVALUATION Text Origin: Commission Proposal
Article 12				
117	Article 12 Adoption of implementing acts by the Commission	Article 12 Adoption of implementing <i>delegated</i> acts by the Commission	Article 12 Adoption of implementing acts by the Commission	
Article 12(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
118	1. The Commission shall adopt implementing acts establishing the decentralised IT system, setting out the following:	1. The Commission shall adopt <u>delegated acts in accordance with Article 15a in order to supplement this Regulation by</u> implementing acts establishing the decentralised IT system, setting out the following:	1. The Commission shall adopt implementing acts establishing the decentralised IT system, setting out the following:	
Article 12(1), point (a)				
119	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system; Text Origin: Commission Proposal
Article 12(1), point (b)				
120	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols; Text Origin: Commission Proposal
Article 12(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
121	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system; Text Origin: Commission Proposal
Article 12(1), point (d)				
122	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system; Text Origin: Commission Proposal
122a			(e) digital procedural standards as defined in Article 3(9) of Regulation (EU) 2022/850;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
122b			(f) an implementation timetable laying down, inter alia, the dates of the availability of the reference implementation software, referred to in Article 13, its installation by the competent authorities, and, where relevant, completion of the adjustments to national IT systems necessary for ensuring compliance with the requirements referred to in points (a) - (e); and	
122c			(g) the technical specifications for the European electronic access point, including the means used for the electronic identification of the user at the assurance level as defined in Article 8(2)(c) of Regulation (EU) 910/2014 and the retention period for storing information and documents.	
122d			7. The timetable for the adoption of the implementing acts according to this Article and the transition period according to Article 24 is set out in Annex III.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
122e		<u><i>1a. The specifications, objectives and related technical requirements listed in paragraph 1 shall be established in close consultation with the relevant experts and legal practitioners.</i></u>		
Article 12(2)				
123	2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 16.	<i>deleted</i>	2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 16.	
123a		<i>deleted</i>		
Article 12(3)				
124	3. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 3 and 4 and the legal acts listed in Annex II, points 2, 6 and 10 shall be adopted by [2 years after the entry into force].	3. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 3 and 4 and the legal acts listed in Annex II, points 2, 6 and 10 <u>delegated acts referred to in paragraph 1 of this Article</u> shall be adopted by [2 years after the entry into force].	3. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 3 and 4 of Annex I and the legal acts listed in Annex II, points 2, 6 and 10 10 and 11 of Annex II shall be adopted by [2 years after the entry into force].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
124a		<u><i>(a) [1 year after the entry into force of this Regulation] for the legal acts listed in Annex I, points 3 and 4 and the legal acts listed in Annex II, points 2, 6 and 10,</i></u>		
124b		<u><i>(b) [2 years after the entry into force of this Regulation] for the legal acts listed in Annex I, points 1, 8 and 9 and the legal act listed in Annex II, point 11,</i></u>		
124c		<u><i>(c) [3 years after the entry into force of this Regulation] for the legal acts listed in Annex I, points 6, 10, 11 and the legal acts listed in Annex II, points 3, 4, 5 and</i></u>		
124d		<u><i>(d) [4 years after the entry into force of this Regulation] for the legal acts listed in Annex I, points 2, 5, 7 and 12 and the legal acts listed in Annex II, points 1, 7 and 8.</i></u>		
Article 12(4)				

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 2021/0394(COD) 24-05-2023 at 15h07 109/208

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
125	4. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 1, 8 and 9 and the legal act listed in Annex II, point 11 shall be adopted by [3 years after the entry into force].	<i>deleted</i>	4. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 1, 7a , 8 and 9 of Annex I and the legal act listed in points 6 and 9a of Annex II, point 11 shall be adopted by [3 years after the entry into force].	
Article 12(5)				
126	5. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 6, 10, 11 and the legal acts listed in Annex II, points 3, 4, 5 and 9 shall be adopted by [5 years after the entry into force].	<i>deleted</i>	5. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 6, 10, 11 of Annex I and the legal acts listed in Annex II, points 3, 4, 5 and 9 of Annex II shall be adopted by [5 years after the entry into force].	
Article 12(6)				
127	6. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 2, 5, 7 and 12 and the legal acts listed in Annex II, points 1, 7 and 8 shall be adopted by [6 years after the entry into force].	<i>deleted</i>	6. The implementing acts establishing the decentralised IT system for the legal acts listed in Annex I, points 2, 5, 7 and 12 of Annex I and the legal acts listed in Annex II, points 1, 7 and 8 of Annex II shall be adopted by [6 years after the entry into force].	
Article 12a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
127a		<u>Article 12a Training</u>		
Article 12a(1)				
127b		<u>(1) Member States shall ensure that the legal professionals concerned and competent authorities receive the necessary training for efficient use of the decentralised IT system and for the appropriate deployment of videoconferencing or other distance communication technology.</u>		
Article 12a(2)				
127c		<u>(2) The Commission shall provide support for the training of legal professionals concerned and of the competent authorities in the efficient use of the decentralised IT system.</u>		
Article 12a(3)				
127d		<u>(3) Member States shall encourage the authorities to share best practices regarding videoconferencing in order to reduce costs and increase efficiency.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12a(4)				
127e		<i>(4) Member States shall be encouraged and supported by the Commission to apply for grants to support the activities referred to in paragraphs 1 and 3, under the relevant Union financial programmes.</i>		
Article 13				
128	Article 13 Reference implementation software	Article 13 Reference implementation software	Article 13 Reference implementation software	Article 13 Reference implementation software Text Origin: Commission Proposal
Article 13(1)				
129	1. The Commission shall be responsible for the creation, maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.	1. The Commission shall be responsible for the creation, <u>accessibility</u> , maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.	1. The Commission shall be responsible for the creation, maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.	1. The Commission shall be responsible for the creation, accessibility , maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union. Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Article 13(2)					
G	130 2. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software.	2. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software.	2. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software.	2. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software. Text Origin: Commission Proposal	G
Article 13(2a)					
G	130a		3. The reference implementation software shall offer a common interface to communicate with other national IT systems.	2a. The reference implementation software shall offer a common interface to communicate with other national IT systems.	G
Article 14					
G	131 Article 14 Costs of the decentralised IT system, European electronic access point and national IT portals	Article 14 Costs of the decentralised IT system, European electronic access point and national IT portals	Article 14 Costs of the decentralised IT system, European electronic access point and national IT portals	Article 14 Costs of the decentralised IT system, European electronic access point and national IT portals Text Origin: Commission Proposal	G
Article 14(1)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
132	1. Each Member State shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points which are located on their territory.	1. Each Member State shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points which are located on their territory.	1. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850 of the European Parliament and of the Council shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points for which are located on their territory they are responsible.	1. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850 of the European Parliament and of the Council shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points for which are located on their territory they are responsible. Text Origin: Council Mandate
Article 14(2)				
133	2. Each Member State shall bear the costs of establishing and adjusting its national IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	2. Each Member State shall bear the costs of establishing and adjusting its national IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	2. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850 of the European Parliament and of the Council shall bear the costs of establishing and adjusting its relevant national IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	2. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850 of the European Parliament and of the Council shall bear the costs of establishing and adjusting its relevant national or, where applicable, other IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.
Article 14(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	134	3. Member States shall not be prevented from applying for grants to support the activities referred to in paragraphs 1 and 2, under the relevant Union financial programmes.	3. Member States shall not be prevented from applying <u>be encouraged and supported by the Commission to apply</u> for grants to support the activities referred to in paragraphs 1 and 2, under the relevant Union financial programmes.	3. The Commission shall inform Member States shall not be prevented from applying on the possibilities to apply for grants to support the activities referred to in paragraphs 1 and 2, under the relevant Union financial programmes. Text Origin: Council Mandate
Article 14(4)				
6	135	4. Union agencies and bodies shall bear the costs of the installation, operation and maintenance of the components comprising the decentralised IT system under their responsibility.	4. Union agencies and bodies shall bear the costs of the installation, operation and maintenance of the components comprising the decentralised IT system under their responsibility.	4. Union agencies and bodies shall bear the costs of the installation, operation and maintenance of the components comprising the decentralised IT system under their responsibility. Text Origin: Commission Proposal
Article 14(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
136	5. Union agencies and bodies shall bear the costs of establishing and adjusting their case-management systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	5. Union agencies and bodies shall bear the costs of establishing and adjusting their case-management systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	5. Union agencies and bodies shall bear the costs of establishing and adjusting their case-management systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	5. Union agencies and bodies shall bear the costs of establishing and adjusting their case-management systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems. Text Origin: Commission Proposal
Article 14(6)				
137	6. The Commission shall bear all costs related to the European electronic access point.	6. The Commission shall bear all costs related to the European electronic access point.	6. The Commission shall bear all costs related to the European electronic access point.	6. The Commission shall bear all costs related to the European electronic access point. Text Origin: Commission Proposal
Article 15				
138	Article 15 Protection of information transmitted	Article 15 Protection of information transmitted	Article 15 Protection of information transmitted	Article 15 Protection of information transmitted Text Origin: Commission Proposal
Article 15(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	139	1. The competent authority shall be regarded as controller within the meaning of Regulation (EU) 2016/679, Regulation (EU) 2018/1725 or Directive (EU) 2016/680 with respect to the processing of personal data sent or received through the decentralised IT system.	1. The competent authority shall be regarded as controller within the meaning of Regulation (EU) 2016/679, Regulation (EU) 2018/1725 or Directive (EU) 2016/680 with respect to the processing of personal data sent or received through the decentralised IT system.	1. The competent authority shall be regarded as a controller within the meaning of Regulation (EU) 2016/679, Regulation (EU) 2018/1725 or Directive (EU) 2016/680 with respect to the processing of personal data sent or received through the decentralised IT system. Text Origin: Council Mandate
Article 15(2)				
6	140	2. The Commission shall be regarded as a controller within the meaning of Regulation (EU) 2018/1725 with respect to personal data processing by the European electronic access point.	2. The Commission shall be regarded as a controller within the meaning of Regulation (EU) 2018/1725 with respect to personal data processing by the European electronic access point.	2. The Commission shall be regarded as a controller within the meaning of Regulation (EU) 2018/1725 with respect to personal data processing by the European electronic access point. Text Origin: Commission Proposal
Article 15(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
141	3. Competent authorities shall ensure that information transmitted in the context of cross-border judicial procedures to another competent authority, which is deemed confidential in the Member State from which the information is being sent, remains confidential in accordance with the national law of the Member State to which the information is being sent.	3. Competent authorities shall ensure that information transmitted in the context of cross-border judicial procedures to another competent authority, which is deemed confidential in the Member State from which the information is being sent, remains confidential in accordance with the national law of the Member State to which the information is being sent.	3. Competent authorities shall ensure that information transmitted in the context of cross-border judicial procedures to another competent authority, which is deemed confidential under the law of in the Member State from which the information is being sent, shall be subject to the rules on confidentiality laid down by Union and remains confidential in accordance with the national law of the Member State to which the information is being sent.	3. Competent authorities shall ensure that information transmitted in the context of cross-border judicial procedures to another competent authority, which is deemed confidential under the law of in the Member State from which the information is being sent, shall be subject to the rules on confidentiality laid down by Union and remains confidential in accordance with the national law of the Member State to which the information is being sent. Text Origin: Council Mandate
Article 15a				
141a		<u>Article 15a</u> <u>Exercise of the delegation</u>		
Article 15a(1)				
141b		<u>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</u>		
Article 15a(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
141c		<p><u>2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a period of five years from ... [date of entry into force of the basic legislative act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u></p>		
Article 15a(3)				
141d		<p><u>3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</u></p>		
Article 15a(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
141e		<u><i>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</i></u>		
Article 15a(5)				
141f		<u><i>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i></u>		
Article 15a(6)				
141g		<u><i>6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16				
142	Article 16 Committee procedure	Article 16 <i>deleted</i>	Article 16 Committee procedure	
Article 16(1)				
143	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>¹ 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).</p>	<i>deleted</i>	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>¹ 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).</p>	
Article 16(2)				
144	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	<i>deleted</i>	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 17				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
145	Article 17 Monitoring and Evaluation	Article 17 Monitoring and Evaluation	Article 17 Monitoring and Evaluation	Article 17 Monitoring and Evaluation Text Origin: Commission Proposal
Article 17(1)				
146	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.	1. Every five ^{three} 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. <u>It shall also include an assessment of the effect of electronic communication on the equality of arms in the context of cross-border civil and criminal proceedings.</u>	1. Every five Six years after the date of entry into force of the implementing act referred to in application of Article 12(6) and every five years thereafter -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.	
Article 17(2)				
147	2. As of [...] 2025, 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:	2. As of [...] 2025, 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:	2. As of [...] 2025, Unless an equivalent notification procedure applies under other Union legal acts, the Member States shall provide the Commission on an annual basis with the following information relevant for the evaluation of the operation and application of this Regulation- on : :	

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 2021/0394(COD) 24-05-2023 at 15h07 122/208

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17(2), point (a)				
148	(a) the costs incurred under Article 14(2) of this Regulation;	(a) the costs incurred under Article 14(2) of this Regulation;	(a) as of four years after the date of entry into force of each of the implementing acts referred to in Article 12(3)-(6) , the costs incurred for establishing or adjusting their relevant national IT systems to make them interoperable with the access points under Article 14(2) of this Regulation;	
Article 17(2), point (b)				
149	(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.	(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.	(b) as of five years after the entry into force of the implementing act referred to in Article 12(4) , 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, where available;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
149a			(c) as of five years after the date of entry into force of each of the implementing acts referred to in Article 12(3)-(6), the length of time to transmit information on the decision on recognition and execution of a judgement or a judicial decision or, if not applicable, to transmit the results of the execution of such a judgement or a judicial decision, under the legal acts listed in points 2-8 and 9a-11 of Annex II, grouped by corresponding legal act, where available;	
Article 17(3)				
150	3. Each Member State shall designate one or more competent authorities to provide the Commission on an annual basis with the following data:	3. Each Member State shall designate one or more competent authorities <i>as identified under Article 18 (1)(da)</i> to provide the Commission on an annual basis with the following data:	3. Each Member State shall designate one or more competent authorities to provide the Commission on an annual basis with the following data:	
Article 17(3), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
151	(a) the number of cases handled by that authority, where communication was carried out by means other than through the decentralised IT system, in accordance with Article 3(2);	(a) the number of cases handled by that authority, where communication was carried out by means other than through the decentralised IT system, in accordance with Article 3(2);	(a) (d) as of five years after the date of entry into force of each of the implementing acts referred to in Article 12(3)-(6), the number of requests transmitted the number of cases handled by that authority, where communication was carried out by means other than through the decentralised IT system, in accordance with Article 3(2); 3(1), where available.	
Article 17(3), point (b)				
152	(b) 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;	(b) 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;	(b) 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;	
152a		<u><i>(ba) the number of relevant legal professionals who have completed training in the use of digital tools for judicial cooperation;</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
152b		<u><i>(bb) the number of cases where legal and technical assistance was provided to natural or legal persons in their use of the European electronic access point or the national IT portals, where available.</i></u>		
152c			3. For the purpose of establishing a sample, each Member State shall designate one or more competent authorities to collect the data on the number of hearings conducted by those authorities, where videoconferencing or other distance communication technology was used in accordance with Articles 7 and 8 which shall be provided to the Commission as of one year after the date of application of this Regulation.	
Article 17(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
153	4. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in point (a) of paragraph 3 and transmit them to the Commission on an annual basis.	4. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in point (a) of paragraph 3 and transmit them to the Commission on an annual basis.	4. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in points (b), (c) and (d) point (a) of paragraph 3 2 and transmit them to the Commission on an annual basis.	
Article 18				
154	Article 18 Information to be communicated to the Commission	Article 18 Information to be communicated to the Commission	Article 18 Information to be communicated to the Commission	Article 18 Information to be communicated to the Commission Text Origin: Commission Proposal
Article 18(1), first subparagraph				
155	1. 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:	1. 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:	1. Member States shall communicate by [six months after entry into force 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:-	1. 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: Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
156	(a) details of national IT portals, where applicable;	(a) details of national IT portals, where applicable;	(a) details of national IT portals, where applicable;	
Article 18(1), first subparagraph, point (b)				
157	(b) a description of the national laws and procedures applicable to videoconferencing;	(b) a description of the national laws and procedures applicable to videoconferencing;	(b) (a) a description of the national laws and procedures applicable to videoconferencing in accordance with Articles 7 and 8;	(b) a description of the national laws and procedures applicable to videoconferencing in accordance with Articles 7 and 8; <small>Text Origin: Council Mandate</small>
Article 18(1), first subparagraph, point (c)				
158	(c) information on fees due in cross-border cases;	(c) information on fees due in cross-border cases;	(c) (b) information on fees due in proceedings under the legal acts listed in Annex I cross-border cases;	(c) information on fees due in proceedings under the legal acts listed in Annex I cross-border cases; <small>Text Origin: Council Mandate</small>
Article 18(1), first subparagraph, point (d)				
159	(d) details on the electronic payment methods available for fees due in cross-border cases;	(d) details on the electronic payment methods available for fees due in cross-border cases;	(d) (c) details on the electronic payment methods available for fees due in cross-border cases;	(d) details on the electronic payment methods available for fees due in cross-border cases; <small>Text Origin: Council Mandate</small>
Article 18(1), first subparagraph, point (da)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	159a	<u><i>(da) identification of the competent authorities that should be considered as such for the proceedings under the legal acts that are listed in Annexes I and II.</i></u>		<p>(da) the authorities with competence under the legal acts listed in Annexes I and II, where they have not already been notified in accordance with those legal acts</p> <p>Commission compromise proposal.</p> <p>Text Origin: EP Mandate</p>
Article 18(1), second subparagraph				
G	160	Member States shall communicate to the Commission any changes with regard to this information without delay.	Member States shall communicate to the Commission any changes with regard to this information without delay.	Member States shall communicate to the Commission any changes with regard to this information without delay.
Article 18(2)				
G	161	2. 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.	2. Member States may shall 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.	2. Member States may shall notify the Commission if they are in a position to apply Article 7 or 8 or 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.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
CHAPTER VII				
162	CHAPTER VII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS	CHAPTER VII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS	CHAPTER VII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS	CHAPTER VII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS Text Origin: Commission Proposal
Article 19				
163	Article 19 Amendments to Regulation (EC) No 1896/2006	Article 19 Amendments to Regulation (EC) No 1896/2006	Article 19 Article 19 Amendments to Regulation (EC) No 1896/2006 ¹ 1. 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).	Article 19 Amendments to Regulation (EC) No 1896/2006 ¹ 1. 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). Text Origin: Council Mandate
Article 19, first paragraph				
164	Regulation (EC) No 1896/2006 is amended as follows:	Regulation (EC) No 1896/2006 is amended as follows:	Regulation (EC) No 1896/2006 is amended as follows:	Regulation (EC) No 1896/2006 is amended as follows: Text Origin: Commission Proposal
Article 19, first paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
165	(1) In Article ,7 paragraph 5 is replaced by the following:	(1) In Article ,7 paragraph 5 is replaced by the following:	(1) In Article ,7 paragraph 5 is replaced by the following:	(1) In Article ,7 paragraph 5 is replaced by the following: Text Origin: Commission Proposal
Article 19, first paragraph, point (1), amending provision, numbered paragraph (5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
166	<p>“</p> <p>5. The application shall be submitted in paper form, by electronic means of communication provided for in Article 5 of Regulation (EU) .../...[this Regulation]¹, or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin ..</p> <p>”</p> <p>1. [*] 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 ...).</p>	<p>“</p> <p>5. The application shall be submitted in paper form, by electronic means of communication provided for in Article 5 of Regulation (EU) .../...[this Regulation]^{†, or*}, <u>or, where the use of such means is not possible in duly identified exceptional cases</u>, by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin-[”].</p> <p><u>[*] 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 ...).</u></p> <p>”</p> <p>1. [*] 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 ...).</p>	<p>“</p> <p>5. The application shall be submitted in paper form, by electronic means of communication provided for in Article-5 4 of Regulation (EU) .../...[this Regulation]^{†*}, in paper form ; or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin-[”].</p> <p>”</p> <p>1. ^{**} 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 ...).</p>	
	Article 19, first paragraph, point (2)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
167	(2) In Article 7, paragraph 6, the first sub-paragraph is replaced by the following:	(2) In Article 7, paragraph 6, the first sub-paragraph is replaced by the following:	(2) In Article 7, paragraph 6, the first sub-paragraph is replaced by the following:	(2) In Article 7, paragraph 6, the first sub-paragraph is replaced by the following: Text Origin: Commission Proposal

Article 19, first paragraph, point (2), amending provision, numbered paragraph (6)

168	<p>“</p> <p>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]¹. The electronic signature shall be recognised in the Member State of origin and may not be made subject to additional requirements..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹. The electronic signature shall be recognised in the Member State of origin and may not be made subject to additional requirements..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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, the requirement to sign the application it shall be signed fulfilled in accordance with Article 9(3) of Regulation (EU) .../...[this Regulationthis Regulation]^{1*}. The electronic signature shall be recognised in the Member State of origin and may not be made subject to additional requirements.”</p> <p>”</p> <p>1. ** 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 ...).</p>	
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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
168a			(3) In Article 13 a new paragraph 2 is inserted as follows:	
168b			"(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."	
Article 19, first paragraph, point (3)				
169	(3) Article 16 is amended as follows:	(3) Article 16 is amended as follows:	(3) (4) Article 16 is amended as follows:	(3) Article 16 is amended as follows: Text Origin: Council Mandate
Article 19, first paragraph, point (3)(a)				
170	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following: Text Origin: Commission Proposal
Article 19, first paragraph, point (3)(a), amending provision, numbered paragraph (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
171	<p>“</p> <p>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]¹, or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin..</p> <p>”</p> <p>1. [*] 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 ...).</p>	<p>“</p> <p>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]¹, or[*], <u>or, where the use of such means is not possible in duly identified exceptional cases</u>, by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin.”</p> <p><u>[*] 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 ...).</u></p> <p>”</p> <p>1. [*] 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 ...).</p>	<p>“</p> <p>4. The statement of opposition shall be submitted in paper form or by electronic means of communication provided for in Article 5 4 of Regulation (EU) .../...[this Regulation^{this Regulation}]¹, in paper form, or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin.”</p> <p>”</p> <p>1. ^{**} 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 ...).</p>	
Article 19, first paragraph, point (3)(b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
172	(b) in paragraph 5, the first subparagraph is replaced by the following:	(b) in paragraph 5, the first subparagraph is replaced by the following:	(b) in paragraph 5, the first subparagraph is replaced by the following:	(b) in paragraph 5, the first subparagraph is replaced by the following: Text Origin: Commission Proposal
Article 19, first paragraph, point (3)(b), amending provision, numbered paragraph (5)				
173	<p>“</p> <p>5. 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]¹. The electronic signature shall be recognised in the Member State of origin and may not be made subject to additional requirements..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>5. 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]¹. The electronic signature shall be recognised in the Member State of origin and may not be made subject to additional requirements..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>5. 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 4 of this Article, the requirement to sign the application it shall be signed fulfilled in accordance with Article 9(3) of Regulation (EU) .../...[this Regulation]^{1*}. The electronic signature shall be recognised in the Member State of origin and may not be made subject to additional requirements.”.</p> <p>”</p> <p>1. ** 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 ...).</p>	
Article 20				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 174	Article 20 Amendments to Regulation (EC) No 861/2007	Article 20 Amendments to Regulation (EC) No 861/2007	Article 20 Amendments to Regulation (EC) No 861/2007 ¹ 1. 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).	Article 20 Amendments to Regulation (EC) No 861/2007 ¹ 1. 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). Text Origin: Council Mandate
Article 20, first paragraph				
G 175	Regulation (EC) No 861/2007 is amended as follows:	Regulation (EC) No 861/2007 is amended as follows:	Regulation (EC) No 861/2007 is amended as follows:	Regulation (EC) No 861/2007 is amended as follows: Text Origin: Commission Proposal
Article 20, first paragraph, point (1)				
G 176	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following: Text Origin: Commission Proposal
Article 20, first paragraph, point (1), amending provision, numbered paragraph (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
177	<p>“</p> <p>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]¹ 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..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹or^{* or,} <u>where the use of such means is not possible in duly identified exceptional cases,</u> 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..”</p> <p><u>* 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 ...).</u></p> <p>”</p> <p>1. * Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil,</p>	<p>“</p> <p>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 4 of Regulation (EU) .../...[this Regulationthis Regulation]¹* 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.”</p> <p>”</p> <p>1. ** 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 ...).</p>	

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 2021/0394(COD) 24-05-2023 at 15h07 138/208

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
177a			(2) In article 13, paragraph 1(a) is replaced by the following:	
177b			"(a) by postal service,"	
177c			(3) In Article 13, paragraph 1(b) is replaced by the following:	
177d			"(b) by electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784; or".	
177e			(4) In Article 13, paragraph 1, a new point (c) is inserted as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
177f			"(c) through the European electronic access point established under Article 4(1) of Regulation (EU) ... / ... [this Regulation], provided that the addressee gave prior express consent to the use of this means for service of documents in the course of these legal proceedings.	
177g			(5) In Article 13, paragraph 2 is replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
177h			<p>"2. All 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 4 of Regulation (EU).../... [this Regulation]."</p>	
Article 20, first paragraph, point (2)				
178	(2) In Article 15a, paragraph 2 is replaced by the following:	(2) In Article 15a, paragraph 2 is replaced by the following:	(2) (6) In Article 15a, paragraph 2 is replaced by the following:	(2) In Article 15a, paragraph 2 is replaced by the following: Text Origin: Council Mandate
Article 20, first paragraph, point (2), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
179	<p>“</p> <p>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]¹.</p> <p>“</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹.</p> <p>“</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹.</p> <p>“</p> <p>1. ** 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 ...).</p>	<p>“</p> <p>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]¹.</p> <p>“</p> <p>1. * 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 ...).</p> <p>Text Origin: Commission Proposal</p>
Article 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 180	Article 21 Amendments to Regulation (EU) No 655/2014	Article 21 Amendments to Regulation (EU) No 655/2014	Article 21 Amendments to Regulation (EU) No 655/2014 ¹ 1. 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).	Article 21 Amendments to Regulation (EU) No 655/2014 ¹ 1. 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). Text Origin: Council Mandate
Article 21, first paragraph				
G 181	Regulation (EU) No 655/2014 is amended as follows:	Regulation (EU) No 655/2014 is amended as follows:	Regulation (EU) No 655/2014 is amended as follows:	Regulation (EU) No 655/2014 is amended as follows: Text Origin: Commission Proposal
Article 21, first paragraph, point (1)				
G 182	(1) In Article 8, paragraph 4 is replaced by the following:	(1) In Article 8, paragraph 4 is replaced by the following:	(1) In Article 8, paragraph 4 is replaced by the following:	(1) In Article 8, paragraph 4 is replaced by the following: Text Origin: Commission Proposal
Article 21, first paragraph, point (1), amending provision, numbered paragraph (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
183	<p>“</p> <p>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]¹.</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹.</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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 4 of Regulation (EU) .../... [this Regulation]¹.[*]”</p> <p>”</p> <p>¹. ^{**} 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 ...).</p>	
Article 21, first paragraph, point (2)				
184	<p>(2) In Article 17, paragraph 5 is replaced by the following:</p>	<p>(2) In Article 17, paragraph 5 is replaced by the following:</p>	<p>(2) In Article 17, paragraph 5 is replaced by the following:</p>	<p>(2) In Article 17, paragraph 5 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 21, first paragraph, point (2), amending provision, numbered paragraph (5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
185	<p>“</p> <p>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]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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 4 of Regulation (EU) .../...[this Regulation this Regulation]¹..”.</p> <p>”</p> <p>1. ** 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 ...).</p>	
Article 21, first paragraph, point (3)				
186	<p>(3) Article 29 is replaced by the following:</p>	<p>(3) Article 29 is replaced by the following:</p>	<p>(3) Article 29 is replaced by the following:</p>	<p>(3) Article 29 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 21, first paragraph, point (3), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
187	“ Article 29 Transmission of documents	“ Article 29 Transmission of documents	“ <i>Article 29</i> <i>Transmission of documents</i> Article 29 Transmission of documents	“ Article 29 Transmission of documents Text Origin: Commission Proposal
Article 21, first paragraph, point (3), amending provision, numbered paragraph (1)				
188	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] ¹ 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.” 1.	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] ⁴ 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.” 1.	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] ^{1*} 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.” 1. * 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 ...).	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] ^{1*} 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.” 1. * 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 ...). Text Origin: Council Mandate
Article 21, first paragraph, point (3), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
189	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:	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:	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:	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: Text Origin: Commission Proposal
Article 21, first paragraph, point (3), amending provision, numbered paragraph (2), point (a)				
190	(a) the authority that transmitted the documents an acknowledgment of receipt, in accordance with Article 3 of Regulation (EU) .../...[this Regulation] ¹ ; or 1. * 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 ...).	(a) the authority that transmitted the documents an acknowledgment of receipt, in accordance with Article 3 of Regulation (EU) .../...[this Regulation] ¹ ; or 1. * 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 ...).	(a) the authority that transmitted the documents an acknowledgment of receipt, in accordance with Article 3 of Regulation (EU) .../...[this Regulation] ¹ *; or ; or 1. ** 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 ...).	(a) the authority that transmitted the documents an acknowledgment of receipt, in accordance with Article 3 of Regulation (EU) .../...[this Regulation] ¹ *; or 1. ** 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 ...). Text Origin: Commission Proposal
Article 21, first paragraph, point (3), amending provision, numbered paragraph (2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
191	(b) creditor or bank that transmitted the documents an acknowledgment of receipt: employing the swiftest possible means of transmission.	(b) creditor or bank that transmitted the documents an acknowledgment of receipt: employing the swiftest possible means of transmission.	(b) creditor or bank that transmitted the documents an acknowledgment of receipt: employing the swiftest possible means of transmission.	(b) creditor or bank that transmitted the documents an acknowledgment of receipt: employing the swiftest possible means of transmission. Text Origin: Commission Proposal
Article 21, first paragraph, point (3), amending provision, numbered paragraph (2), first paragraph				
192	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).”.	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).”.	The court or authority that received documents in accordance with paragraph 1 of this Article shall use use the standard form established by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 52(2).”.	The court or authority that received documents in accordance with paragraph 1 of this Article shall use use the standard form established by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 52(2).”.
Article 21, first paragraph, point (4)				
193	(4) Article 36 is amended as follows:	(4) Article 36 is amended as follows:	(4) Article 36 is amended as follows:	(4) Article 36 is amended as follows: Text Origin: Commission Proposal
Article 21, first paragraph, point (4)(a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
194	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following: Text Origin: Commission Proposal
Article 21, first paragraph, point (4)(a), amending provision, numbered paragraph (1)				
195	“ 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).	“ 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).	“ 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).	“ 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). Text Origin: Commission Proposal
Article 21, first paragraph, point (4)(a), amending provision, numbered paragraph (1), first paragraph				
196	The application may be made at any time and may be submitted:	The application may be made at any time and may be submitted:	The application may be made at any time and may be submitted:	The application may be made at any time and may be submitted: Text Origin: Commission Proposal
Article 21, first paragraph, point (4)(a), amending provision, numbered paragraph (1), first paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
197	(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;	(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;	(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;	(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; Text Origin: Commission Proposal
Article 21, first paragraph, point (4)(a), amending provision, numbered paragraph (1), first paragraph, point (b)				
198	(b) by the electronic means of communication provided for in Article 5 of Regulation (EU) .../... [this Regulation] ¹ . <u>1. * 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 ...).</u>	(b) by the electronic means of communication provided for in Article 5 of Regulation (EU) .../... [this Regulation] ¹ . <u>1. * 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 ...).</u>	(b) by the electronic means of communication provided for in Article 5 4 of Regulation (EU) .../... ... [this Regulation] ¹ ." this Regulation ¹ ." <u>1. ** 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 ...).</u>	
Article 21, first paragraph, point (4)(b)				
199	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21, first paragraph, point (4)(b), amending provision, numbered paragraph (3)				
200	<p>“</p> <p>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]¹.. ”</p> <p><u>1. * 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 ...).</u></p>	<p>“</p> <p>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]¹.. ”</p> <p><u>1. * 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 ...).</u></p>	<p>“</p> <p>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 Regulationthis Regulation]¹*." ”</p> <p><u>1. ** 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 ...).</u></p> <p>Text Origin: Council Mandate</p>	<p>“</p> <p>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]¹*." ”</p> <p><u>1. ** 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 ...).</u></p>
Article 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
201	Article 22 Amendments to Regulation 848/2015	Article 22 Amendments to Regulation 848/2015	Article 22 Amendments to Regulation 848/2015 Regulation 2015/848¹ 1. 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)	Article 22 Amendments to Regulation 848/2015 Regulation 2015/848¹ 1. 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) Text Origin: Council Mandate
Article 22, first paragraph				
202	Regulation (EU) 848/2015 is amended as follows:	Regulation (EU) 848/2015 is amended as follows:	Regulation (EU)-848/2015 2015/848 is amended as follows:	Regulation (EU)-848/2015 2015/848 is amended as follows: Text Origin: Council Mandate
Article 22, first paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 203	(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]*,”.	(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]*,”.	(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 this-Regulation]*,“1*,”. 1. * 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 ...).	(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]*,“1*,”. 1. * 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 ...). Text Origin: Council Mandate
Article 22, first paragraph, point (2)				
G 204	(2) Article 53 is replaced by the following:	(2) Article 53 is replaced by the following:		(2) Article 53 is replaced by the following: Text Origin: Commission Proposal
Article 22, first paragraph, point (2), amending provision, first paragraph				
G 205	“ Article 53 Right to lodge claims	“ Article 53 Right to lodge claims	“ Article 53 Right to lodge claims	“ Article 53 Right to lodge claims Text Origin: Commission Proposal ”

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22, first paragraph, point (2), amending provision, second paragraph				
206	<p>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]¹.</p> <p>1. * 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 ...).</p>	<p>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]¹.</p> <p>1. * 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 ...).</p>	<p>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 4 of Regulation (EU) .../... [this Regulation]^{1*}.</p> <p>1. ** 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 ...).</p>	
Article 22, first paragraph, point (2), amending provision, third paragraph				
207	<p>Representation by a lawyer or another legal professional shall not be mandatory for the sole purpose of lodging of claims..</p> <p>”</p>	<p>Representation by a lawyer or another legal professional shall not be mandatory for the sole purpose of lodging of claims..</p> <p>”</p>	<p>Representation by a lawyer or another legal professional shall not be mandatory for the sole purpose of lodging of claims.".</p> <p>”</p>	
Article 22, first paragraph, point (3)				
208	<p>(3) In Article 57 paragraph 3, the first sentence is replaced by the following:</p>	<p>(3) In Article 57 paragraph 3, the first sentence is replaced by the following:</p>	<p>(3) In Article 57 paragraph 3, the first sentence is replaced by the following:</p>	
Article 22, first paragraph, point (3), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209	<p>“</p> <p>The cooperation referred to in paragraph 1 of this Article shall be implemented in accordance with Article 3 of Regulation (EU) .../... [this regulation]*..</p> <p>”</p>	<p>“</p> <p>The cooperation referred to in paragraph 1 of this Article shall be implemented in accordance with Article 3 of Regulation (EU) .../... [this regulation]*..</p> <p>”</p>	<p>“</p> <p>"The cooperation referred to in paragraph 1 of this Article shall be implemented in accordance with Article 3 of Regulation (EU) .../... [this this-Regulation]*1*.."</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>"The cooperation referred to in paragraph 1 of this Article shall be implemented in accordance with Article 3 of Regulation (EU) .../... [this Regulation]*1*.."</p> <p>”</p> <p>1. * 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 ...).</p> <p><small>Text Origin: Council Mandate</small></p>
209a			<p>Article 22a</p> <p>Amendments to Regulation (EC) No 805/2004¹</p> <p>1. 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 (OJ L 143, 30.4.2004, p. 15).</p>	
209b			<p>Regulation (EU) 805/2004 is amended as follows:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209c			In Article 13, paragraph 1, a new point (e) is inserted as follows:	
209d			" (e) electronic means of service provided for in Article 19 and Article 19a of Regulation (EU) 2020/1784. "	
209e			Article 22b Amendments to Regulation (EU) No 606/2013¹ 1. 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).	
209f			Regulation (EU) 606/2013 is amended as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209g			(1) In Article 8, paragraph 2 is replaced by the following:	
209h			" 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209i			<p>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."</p> <p style="text-align: right;">"</p>	
209j			<p>(2) In Article 11, paragraph 4 is replaced by the following:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209k			<p>"</p> <p>4. Where the person causing the risk resides in the Member State addressed, 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 addressed, 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.</p>	
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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209m			<p>Article 22c</p> <p>Amendments to Regulation (EU) 2020/1784¹</p> <p>1. Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) (OJ L 405, 2.12.2020, p. 40).</p>	
209n			<p>Regulation (EU) 2020/1784 is amended as follows:</p>	
209o			<p>(1) Article 12, paragraph 7 is replaced by the following:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209p			<p>"</p> <p>(7) For the purposes of paragraphs 1 and 2, the diplomatic agents or consular officers in cases where service is effected in accordance with Article 17, and the authority or person in cases where service is effected in accordance with Article 18, 19, 19a or 20 shall inform the addressee that the addressee may refuse to accept the document and that either form L in Annex I or a written declaration of refusal must be sent to those agents or officers or to that authority or person respectively.</p> <p>"</p>	
209q			<p>(2) Article 13, paragraph 3 is replaced by the following:</p>	
209r			<p>"</p> <p>(3) This Article also applies to the other means of transmission and service of judicial documents provided for in Section 2 with the exception of Article 19a."</p> <p>"</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209s			(3) the following Article is inserted after Article 19:	
209t			" Article 19a Electronic service through the European electronic access point	
209u			(1) The service of judicial documents may be effected directly on a person who has a known address for service in another Member State through the European electronic access point established under Article 4(1) of Regulation (EU) .../... [Digitalisation Regulation], provided that the addressee gave prior express consent to the use of this electronic means for serving documents in the course of these legal proceedings.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209v			<p>(2) The addressee shall confirm the receipt of the documents with an acknowledgment of receipt, including the date of the receipt. The date of service of documents shall be the date specified in the acknowledgment of receipt. The same applies in case of service of refused documents remedied in accordance with Article 12(5)."</p> <p style="text-align: right;">"</p>	
209w			<p>(4) In Article 37, new paragraph 3 is added as follows:</p>	
209x			<p style="text-align: right;">"</p> <p>(3) Article 19a shall apply from the first day of the month following the period of three years after the date of entry into force of the implementing acts referred to in Article 12(3) of Regulation (EU) .../...[this Regulation]."</p> <p style="text-align: right;">"</p>	
CHAPTER VIII				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
210	CHAPTER VIII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CRIMINAL MATTERS	CHAPTER VIII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CRIMINAL MATTERS	CHAPTER VIII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CRIMINAL MATTERS	CHAPTER VIII AMENDMENTS TO LEGAL ACTS IN THE AREA OF JUDICIAL COOPERATION IN CRIMINAL MATTERS Text Origin: Commission Proposal
Article 23				
211	Article 23 Amendments in Regulation (EU) 2018/1805	Article 23 Amendments in Regulation (EU) 2018/1805	Article 23 Amendments in Amendments to Regulation (EU) 2018/1805 ¹ 1. 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).	Article 23 Amendments into Regulation (EU) 2018/1805 ¹ 1. 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). Text Origin: Council Mandate
Article 23, first paragraph				
212	Regulation (EU) 2018/1805 is amended as follows:	Regulation (EU) 2018/1805 is amended as follows:	Regulation (EU) 2018/1805 is amended as follows:	Regulation (EU) 2018/1805 is amended as follows: Text Origin: Commission Proposal
Article 23, first paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
213	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (1), amending provision, numbered paragraph (1)				
214	<p>“</p> <p>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]¹..</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹..</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹..”.</p> <p>”</p> <p>¹. * 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 ...).</p>	
Article 23, first paragraph, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
215	(2) In Article 7, paragraph 2 is replaced by the following:	(2) In Article 7, paragraph 2 is replaced by the following:	(2) In Article 7, paragraph 2 is replaced by the following:	(2) In Article 7, paragraph 2 is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (2), amending provision, numbered paragraph (2)				
216	<p>“</p> <p>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]¹, without undue delay once the executing authority has been informed that the freezing order has been executed.</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹, without undue delay once the executing authority has been informed that the freezing order has been executed.</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹, without undue delay once the executing authority has been informed that the freezing order has been executed.”</p> <p>”</p> <p>¹. * 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 ...).</p>	
Article 23, first paragraph, point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
217	(3) In Article 8, paragraph 3 is replaced by the following:	(3) In Article 8, paragraph 3 is replaced by the following:	(3) In Article 8, paragraph 3 is replaced by the following:	(3) In Article 8, paragraph 3 is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (3), amending provision, numbered paragraph (3)				
218	“ 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] ¹ . ” <u>1. * 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 ...).</u>	“ 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] ¹ . ” <u>1. * 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 ...).</u>	“ 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]¹. ” ” <u>1. * 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 ...).</u>	
Article 23, first paragraph, point (4)				
219	(4) In Article 9, paragraph 4 is replaced by the following:	(4) In Article 9, paragraph 4 is replaced by the following:	(4) In Article 9, paragraph 4 is replaced by the following:	(4) In Article 9, paragraph 4 is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (4), amending provision, numbered paragraph (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
220	<p>“</p> <p>4. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, the decision on the recognition and execution of the freezing order to the issuing authority.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>4. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, the decision on the recognition and execution of the freezing order to the issuing authority.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>4. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, the decision on the recognition and execution of the freezing order to the issuing authority.”</p> <p>”</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (5)				
221	<p>(5) In Article 10, paragraphs 2 and 3 are replaced by the following:</p>	<p>(5) In Article 10, paragraphs 2 and 3 are replaced by the following:</p>	<p>(5) In Article 10, paragraphs 2 and 3 are replaced by the following:</p>	<p>(5) In Article 10, paragraphs 2 and 3 are replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 23, first paragraph, point (5), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
222	<p>“</p> <p>2. The executing authority shall, immediately and in accordance with Article 3 of Regulation (EU) .../... [this Regulation]¹, 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.</p> <p>”</p> <p>1. [*] 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 ...).</p>	<p>“</p> <p>2. The executing authority shall, immediately and in accordance with Article 3 of Regulation (EU) .../... [this Regulation]¹, 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.</p> <p>”</p> <p>1. [*] 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 ...).</p>	<p>“</p> <p>2. The executing authority shall, immediately and in accordance with Article 3 of Regulation (EU) .../... [this Regulation]¹, 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.”</p> <p>”</p> <p>1. [*] 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 ...).</p>	
Article 23, first paragraph, point (5), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
223	<p>“</p> <p>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]¹.</p> <p>”</p> <p><small>1. * 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 ...).</small></p>	<p>“</p> <p>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]¹.</p> <p>”</p> <p><small>1. * 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 ...).</small></p>	<p>“</p> <p>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]¹.”</p> <p>”</p> <p><small>1. * 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 ...).</small></p>	
Article 23, first paragraph, point (6)				
224	<p>(6) In Article 12, paragraph 2 is replaced by the following:</p>	<p>(6) In Article 12, paragraph 2 is replaced by the following:</p>	<p>(6) In Article 12, paragraph 2 is replaced by the following:</p>	<p>(6) In Article 12, paragraph 2 is replaced by the following:</p> <p><small>Text Origin: Commission Proposal</small></p>
Article 23, first paragraph, point (6), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
225	<p>“</p> <p>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]¹. 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.</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹. 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.</p> <p>”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>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]¹ directly to the issuing authority . 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.”</p> <p>”</p> <p>¹. * 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 ...).</p>	

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 2021/0394(COD) 24-05-2023 at 15h07 171/208

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23, first paragraph, point (7)				
226	(7) In Article 14, paragraph 1 is replaced by the following:	(7) In Article 14, paragraph 1 is replaced by the following:	(7) In Article 14, paragraph 1 is replaced by the following:	(7) In Article 14, paragraph 1 is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (7), amending provision, numbered paragraph (1)				
227	<p>“</p> <p>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]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
228	(8) In article 16, paragraph 3, the introductory wording, is replaced by the following:	(8) In article 16, paragraph 3, the introductory wording, is replaced by the following:	(8) In article 16, paragraph 3, the introductory wording, is replaced by the following:	(8) In article 16, paragraph 3, the introductory wording, is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (8), amending provision, first paragraph				
229	<p>“</p> <p>The issuing authority shall immediately inform the executing authority in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹ where: (...)</p> <p>”</p> <p><small>1. * 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 ...).</small></p>	<p>“</p> <p>The issuing authority shall immediately inform the executing authority in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹ where: (...)</p> <p>”</p> <p><small>1. * 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 ...).</small></p>	<p>“</p> <p>"The issuing authority shall immediately inform the executing authority in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹ where: (...)"</p> <p>”</p> <p><small>1. * 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 ...).</small></p>	
Article 23, first paragraph, point (9)				
230	(9) In Article 18, paragraph 6 is replaced by the following:	(9) In Article 18, paragraph 6 is replaced by the following:	(9) In Article 18, paragraph 6 is replaced by the following:	(9) In Article 18, paragraph 6 is replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (9), amending provision, numbered paragraph (6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
231	<p>“</p> <p>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]¹, the issuing authority of the results of the execution.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹, the issuing authority of the results of the execution.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹, the issuing authority of the results of the execution”.</p> <p>”</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (10)				
232	<p>(10) In Article 19, paragraph 3 is replaced by the following:</p>	<p>(10) In Article 19, paragraph 3 is replaced by the following:</p>	<p>(10) In Article 19, paragraph 3 is replaced by the following:</p>	<p>(10) In Article 19, paragraph 3 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 23, first paragraph, point (10), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233	<p>“</p> <p>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]¹.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>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]¹.”</p> <p>”</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (11)				
234	<p>(11) In Article 20, paragraph 2 is replaced by the following:</p>	<p>(11) In Article 20, paragraph 2 is replaced by the following:</p>	<p>(11) In Article 20, paragraph 2 is replaced by the following:</p>	<p>(11) In Article 20, paragraph 2 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 23, first paragraph, point (11), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
235	<p>“</p> <p>2. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, the decision on the recognition and execution of the confiscation order to the issuing authority.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>2. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, the decision on the recognition and execution of the confiscation order to the issuing authority.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>2. The executing authority shall communicate, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, the decision on the recognition and execution of the confiscation order to the issuing authority.”</p> <p>”</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (12)				
236	<p>(12) In Article 21, paragraph 3 is replaced by the following:</p>	<p>(12) In Article 21, paragraph 3 is replaced by the following:</p>	<p>(12) In Article 21, paragraph 3 is replaced by the following:</p>	<p>(12) In Article 21, paragraph 3 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 23, first paragraph, point (12), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
237	<p>“</p> <p>3. The executing authority shall, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, 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.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>3. The executing authority shall, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, 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.</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>3. The executing authority shall, without delay and in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, 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”.</p> <p>”</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (13)				
238	<p>(13) In Article 21, paragraph 4 is replaced by the following:</p>	<p>(13) In Article 21, paragraph 4 is replaced by the following:</p>	<p>(13) In Article 21, paragraph 4 is replaced by the following:</p>	<p>(13) In Article 21, paragraph 4 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 23, first paragraph, point (13), amending provision, numbered paragraph (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
239	<p>“</p> <p>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]¹.</p> <p>”</p> <p>¹. * 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).</p>	<p>“</p> <p>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]¹.</p> <p>”</p> <p>¹. * 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).</p>	<p>“</p> <p>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]¹.”</p> <p>”</p> <p>¹. * 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).</p>	
239a			(13a) In Article 25:	
239b			(a) the title should be replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
239c			" Means of communication "	
239d			(b) paragraph 1 is replaced by the following:	
239e			" 1. Official communication under this Regulation between the issuing authority and the executing authority, in particular in application of Articles 4(1), 7(2), 8(3), 9(4), 10(2), 10(3), 12(2), 14(1), 16(3), 18(6), 19(3), 20(2), 21(3), 21(4), 27(2), 27(3), 31(2)(third subparagraph), shall be carried out in accordance with Article 3 of Regulation (EU) .../...[this Regulation]^{1*}. 1. * 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 ...).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
239f			Where a Member State has designated a central authority(ies), official communication with the central authority(ies) of another Member State shall also be carried out in accordance with Article 3 of Regulation (EU) .../... [this Regulation].	
239g			Where necessary, the issuing authority and the executing authority shall consult each other without delay to ensure efficient application of this Regulation, using any appropriate means of communication.	
239h			Where this Regulation provides that the communication between the authorities may be carried out by any or any appropriate means, authorities should have discretion as to which method of communication to use. "	
Article 23, first paragraph, point (14)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
240	(14) In Article 27, paragraphs 2 and 3 are replaced by the following:	(14) In Article 27, paragraphs 2 and 3 are replaced by the following:	(14) In Article 27, paragraphs 2 and 3 are replaced by the following:	(14) In Article 27, paragraphs 2 and 3 are replaced by the following: Text Origin: Commission Proposal
Article 23, first paragraph, point (14), amending provision, numbered paragraph (2)				
241	<p>“</p> <p>2. The issuing authority shall immediately inform the executing authority, in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, 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.”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>2. The issuing authority shall immediately inform the executing authority, in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, 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.”</p> <p>¹. * 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 ...).</p>	<p>“</p> <p>2. The issuing authority shall immediately inform the executing authority, in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹, 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.”</p> <p>¹. * 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 ...).</p>	
Article 23, first paragraph, point (14), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
242	<p>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]¹, a confirmation of the termination to the issuing State.”</p> <p>“</p> <p>1. * 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 ...).</p>	<p>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]¹, a confirmation of the termination to the issuing State.”</p> <p>“</p> <p>1. * 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 ...).</p>	<p>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]¹, a confirmation of the termination to the issuing State.”</p> <p>“</p> <p>1. * 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 ...).</p>	
Article 23, first paragraph, point (15)				
243	<p>(15) In Article 31, paragraph 2, the third subparagraph, is replaced by the following:</p>	<p>(15) In Article 31, paragraph 2, the third subparagraph, is replaced by the following:</p>	<p>(15) In Article 31, paragraph 2, the third subparagraph, is replaced by the following:</p>	<p>(15) In Article 31, paragraph 2, the third subparagraph, is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Article 23, first paragraph, point (15), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
244	<p>“</p> <p>The consultation, or at least the result thereof, shall be recorded in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>The consultation, or at least the result thereof, shall be recorded in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	<p>“</p> <p>The consultation, or at least the result thereof, shall be recorded in accordance with Article 3 of Regulation (EU) .../...[this Regulation]¹..</p> <p>”</p> <p>1. * 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 ...).</p>	
CHAPTER IX				
245	CHAPTER IX FINAL PROVISIONS	CHAPTER IX FINAL PROVISIONS	CHAPTER IX FINAL PROVISIONS	CHAPTER IX FINAL PROVISIONS Text Origin: Commission Proposal
Article 24				
246	Article 24 Transitional provisions	Article 24 Transitional provisions	Article 24 Transitional provisions	Article 24 Transitional provisions Text Origin: Commission Proposal
Article 24(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
247	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).	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 <u>one year</u> after the adoption of the implementing act referred to in Article 12(3).-	1. Member States shall start using the decentralised IT system referred to in Articles 3(1); and 4 (1)-5(1) and (2) from the first day of the month following the period of two three years after the adoption of the implementing act referred to in Article 12(3).	
Article 24(1), second subparagraph				
248	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system tefor procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	
Article 24(2), first subparagraph				
249	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).	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 <u>one year</u> after the adoption of the implementing act referred to in Article 12(4).-	2. Member States shall start using the decentralised IT system referred to in Articles 3(1); and 5(1) and 4 (1) and (2) from the first day of the month following the period of two two three years after the adoption of the implementing act referred to in Article 12(4).-	
Article 24(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system te <i>for</i> procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	
Article 24(3), first subparagraph				
251	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).	3. <u> </u> 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 <i>one year</i> after the adoption of the implementing act referred to in Article 12(5).	3. Member States shall start using the decentralised IT system referred to in Articles 3(1), and 4 (1)-5(1) and (2) from the first day of the month following the period of two three years after the adoption of the implementing act referred to in Article 12(5).-	
Article 24(3), second subparagraph				
252	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system te <i>for</i> procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	
Article 24(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
253	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).	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 <u>one year</u> after the adoption of the implementing act referred to in Article 12(6).-	4. Member States shall start using the decentralised IT system referred to in Articles 3(1), and 4 (1)-5(1) and (2) from the first day of the month following the period of two three years after the adoption of the implementing act referred to in Article 12(6).-	
Article 24(4), second subparagraph				
254	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system to <u>for</u> procedures instituted from the day referred to in the first subparagraph.	They shall use that decentralised IT system to procedures instituted from the day referred to in the first subparagraph.	
Article 25				
255	Article 25 Entry into force and application	Article 25 Entry into force and application	Article 25 Entry into force and application	Article 25 Entry into force and application Text Origin: Commission Proposal
Article 25, first paragraph				
256	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25, second paragraph				
257	It shall apply from [the first day of the month following the period of two years after the date of entry into force].	It shall apply from [the first day of the month following the period of two years <u>one year</u> after the date of entry into force].	It shall apply from [the first day of the month following the period of two years after the date of entry into force].	
Article 25, third paragraph				
258	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. Text Origin: Commission Proposal
Formula				
259	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				
260	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 261	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
G 262	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
G 263	The President	The President	The President	The President Text Origin: Commission Proposal
Annex 1				
G 264	Annex 1 Legal acts in the area of judicial cooperation in civil and commercial matters	Annex 1 Legal acts in the area of judicial cooperation in civil and commercial matters	Annex 1 ANNEX I Legal acts in the area of judicial cooperation in civil and commercial matters	Annex H Legal acts in the area of judicial cooperation in civil and commercial matters Text Origin: Council Mandate
Annex 1, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 265	(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.	(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.	(1) Council Directive 2002/8/EC 2003/8/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.	(1) Council Directive 2002/8/EC 2003/8/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. Text Origin: Council Mandate
Annex 1, second paragraph				
G 266	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 1, third paragraph				
G 267	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 1, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
268	(4) Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims 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.	(4) Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims 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. Text Origin: Commission Proposal
Annex 1, fifth paragraph				
269	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 1, sixth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
270	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 1, seventh paragraph				
271	(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).	(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).	(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).	(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). Text Origin: Commission Proposal
271a			(7a) 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 1, eighth paragraph				
272	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 1, ninth paragraph				
273	(9) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.	(9) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.	(9) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.	(9) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings. Text Origin: Commission Proposal
Annex 1, tenth paragraph				
274	(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.	(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.	(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.	(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. Text Origin: Commission Proposal

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 1, eleventh paragraph				
275	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 1, twelfth paragraph				
276	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 2				
277	Annex 2 Legal acts in the area of judicial cooperation in criminal matters	Annex 2 Legal acts in the area of judicial cooperation in criminal matters	Annex 2 ANNEX II Legal acts in the area of judicial cooperation in criminal matters	Annex 2 II Legal acts in the area of judicial cooperation in criminal matters Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 2, first paragraph				
278	(1) Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams.	(1) Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams.	(1) Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams.	
Annex 2, second paragraph				
279	(2) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.	(2) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.	(2) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.	(2) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. Text Origin: Commission Proposal
Annex 2, third paragraph				
280	(3) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.	(3) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.	(3) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.	(3) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence. Text Origin: Commission Proposal
Annex 2, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
281	(4) Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.	(4) Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.	(4) Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.	(4) Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties. Text Origin: Commission Proposal
Annex 2, fifth paragraph				
282	(5) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.	(5) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.	(5) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.	(5) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. Text Origin: Commission Proposal
Annex 2, sixth paragraph				
283	(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.	(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.	(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.	(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. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 2, seventh paragraph				
284	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 2, eighth paragraph				
285	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 2, ninth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
286	(9) Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.	(9) Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.	(9) Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.	(9) Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings. Text Origin: Commission Proposal
286a			(9a) Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.	
Annex 2, tenth paragraph				
287	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
Annex 2, eleventh paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
ANNEX III				
288a			Timeline for the adoption of Implementing acts by the Commission - Transitional period	
ANNEX III				
288b			(1) Implementing act: Article 12(3), 2 years after the entry into force of the regulation	
ANNEX III				
288c			Transitional period: Article 24(1), 3 years after the adoption of the Implementing act	
ANNEX III				
288d			Covered legal acts:	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ANNEX III				
288e			– Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure. (Annex I, point 3)	
ANNEX III				
288f			– Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure. (Annex I, point 4)	
ANNEX III				
288g			– Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. (Annex II, point 2)	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288h			– Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. (Annex II, point 10)	
ANNEX III				
288i			– 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. (Annex II, point 11)	
ANNEX III				
288j			(2) Implementing act: Article 12(4), 3 years after the entry into force of the regulation	
ANNEX III				
288k			Transitional period: Article 24(2), 3 years after the adoption of the Implementing act	
ANNEX III				
288l			Covered legal acts:	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ANNEX III				
288m			– Council Directive 2003/8/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. (Annex I, point 1)	
ANNEX III				
288n			– 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 (Annex I, point 7a).	
ANNEX III				
288o			– 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. (Annex I, point 8)	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288p			– Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings. (Annex I, point 9)	
ANNEX III				
288q			– 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. (Annex II, point 6)	
ANNEX III				
288r			– Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. (Annex II, point 9a)	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288s			(3) Implementing act: Article 12(5), 5 years after the entry into force of the regulation	
ANNEX III				
288t			Transitional period: Article 24(3), 3 years after the adoption of the Implementing act	
ANNEX III				
288u			Covered legal acts:	
ANNEX III				
288v			– 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. (Annex I, point 6)	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288w			<ul style="list-style-type: none"> – 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. (Annex I, point 10) 	
ANNEX III				
288x			<ul style="list-style-type: none"> – 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. (Annex I, point 11) 	
ANNEX III				
288y			<ul style="list-style-type: none"> – Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence. (Annex II, point 3) 	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288z			– Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties. (Annex II, point 4)	
ANNEX III				
288aa			– Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. (Annex II, point 5)	
ANNEX III				
288ab			– Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings. (Annex II, point 9)	
ANNEX III				
288ac			(4) Implementing act: Article 12(6), 6 years after the entry into force of the regulation	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288ad			Transitional period: Article 24(4), 3 years after the adoption of the Implementing act	
ANNEX III				
288ae			Covered legal acts:	
ANNEX III				
288af			– 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. (Annex I, point 2)	
ANNEX III				
288ag			– 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. (Annex I, point 5)	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288ah			– 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). (Annex I, point 7)	
ANNEX III				
288ai			– 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. (Annex I, point 12)	
ANNEX III				
288aj			– 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. (Annex II, point 7)	
ANNEX III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
288ak			<p>– 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. (Annex II, point 8)</p>	