Council of the European Union

Brussels, 11 April 2016
(OR. en)

7756/16

Interinstitutional File:
2013/0119 (COD)

JUSTCIV 56
FREMP 59
CODEC 403

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	8 April 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 206 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

Delegations will find attached document COM(2016) 206 final.

Encl.: COM(2016) 206 final

EUROPEAN
COMMISSION

Brussels, 8.4.2016
COM(2016) 206 final

2013/0119 (COD)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

2013/0119 (COD)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (COM(2013) 228 final, 2013/0119 (COD)[1])	24.04.2013
Date of the opinion of the European Economic and Social Committee (INT/700 - CES4005-2013):	11.07.2013
Date of the position of the European Parliament, first reading:	04.02.2014
Date of adoption of the position of the Council:	11.03.2016

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The objective of the proposal on public documents is to cut red tape and costs for citizens and businesses when they need to present to the authorities of a Member State a public document issued by the authorities of another Member State. The proposal does not apply to public documents issued by the authorities of third countries (even where such documents have already been accepted as authentic by the authorities of a Member State).

Under the proposal, public documents on certain matters (for example, birth, marriage or representation of a company) issued in a Member State must be accepted as authentic in another Member State without the need for such documents bearing an authentication stamp (the apostille). The proposal also abolishes the obligation to provide in all cases certified copies and certified translations of public documents issued in another Member State. The proposal strengthens the fight against fraud by introducing a system of administrative cooperation between Member States based on the Internal Market Information system (IMI) that will enable Member States to communicate with each other in case of doubt about the authenticity of a public document. The proposal introduces self-standing Union multilingual standard forms for cross-border use aimed at avoiding translation requirements. The proposal

[1] Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012

does not deal with the recognition in a Member State of the content of a public document issued in another Member State.

3. COMMENTS ON THE POSITION OF THE COUNCIL

Overall the Council's position endorses the core objective of the Commission proposal, namely to cut red tape and costs for citizens and thereby simplify the circulation of certain public documents. However, the Council has introduced some changes in the Commission's proposal.

With regard to the areas covered by the Regulation, the Council's text covers public documents for the benefit of citizens, in particular civil status documents, but excludes business-related documents. However, in line with the trilogue discussions, the Council's text covers civil status documents in an extended number of areas. It also includes a revised review clause that refers to certain public documents concerning businesses and also citizens and provides that a review to consider the inclusion of these additional areas in the regulation will be carried out at an earlier date than the date for the general review of the regulation.

In the Council's text, the self-standing multilingual standard forms have become translation aids to be attached to the public document. However, in line with the trilogue discussions, the Council's text introduces seven additional forms to avoid translation requirements in additional areas.

The Council's text allows the receiving Member States to require certified translations of public documents in languages other than those expressly accepted by each Member State. However, in line with the trilogue discussions, the Council's text clarifies that, where a public document is accompanied by a multilingual standard form, a translation of the document can only be required exceptionally.

The Council's text notes that, although a Member State authority cannot require an apostille on a public document issued by another Member State authority, citizens can continue to ask for an apostille. However, in line with the trilogue discussions, the Council's text includes the obligation on Member States and the Commission to inform citizens on the content of the regulation both in individual contacts and through web-based information portals.

Despite the changes introduced by the Council, the core principles of the Commission proposal, namely the abolition of the apostille requirement, the simplification of formalities concerning translations and certified copies and the use of the IMI as a system of cooperation between Member States to fight against fraud, are preserved. Further to the changes introduced in the proposal as agreed by the co-legislators in trilogue discussions, the title of the proposed regulation was adjusted.

Following the informal trilogue discussions held on 15 July 2015, 17 September 2015, 28 September 2015, 6 October 2015 and 13 October 2015, the Parliament and the Council reached a provisional political agreement on the text.

This political agreement was confirmed by the Council on 3 December 2015 and, on 11 March 2016, the Council adopted its first reading position.

4. CONCLUSION

As all amendments to the Commission proposal were discussed during the informal trilogue discussions, the Commission can accept the amendments that the Council adopted in its first reading position.