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NOTE

From:	Presidency
To:	Council
No. prev. doc.:	9037/15 JUSTCIV 122 FREMP 115 CODEC 748 ADD 1
No. Cion doc.:	9037/13 JUSTCIV 108 FREMP 70 CODEC 952 + ADD 1 (en) + ADD 2
Subject:	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 (First reading) - Article 1(2), Chapter IIa, Article 18(2b), Article 20[x], Article 20b and Article 22

1. Delegations will find in the Annex the text of Article 1(2), Chapter IIa, Article 18(2b), Article 20[x], Article 20b and Article 22 which the Presidency proposes as a compromise with a view to the adoption of a general approach by the Council (JHA) at its meeting on 15 and 16 June 2015.
2. In comparison with the Commission proposal, all deletions are marked by [...] and newly inserted text is **in bold**.

Proposal for 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**

Chapter I

Subject matter, scope and definitions

Article 1

Subject matter

1. [See document 6812/15 ADD1]
- 1a.** [See document 6812/15 ADD1]
2. It also establishes [...] multilingual standard forms **to be used as a translation aid attached to public documents** concerning birth, death, marriage **and** registered partnership. [...].

Chapter IIa

[...] Translations and multilingual standard forms

Article 6

[...] *Translations*

1. [...] A translation shall not be required where
 - (a) the public document is in the official language of the Member State where the document is presented or, if that Member State has several official languages, in the official language or one of the official languages of the place where the document is presented or in any other language that that Member State has expressly accepted; or
 - (b) a public document concerning birth, death, marriage or registered partnership is accompanied, in accordance with the conditions set out by this Regulation, by a multilingual standard form, provided that the authority to which the public document is presented considers that the information included in the multilingual standard form is sufficient for processing the public document.
2. A certified translation made by a person qualified to make such translations under the law of a Member State shall be accepted in all Member States.

Article [...] 6a

[ex-Article 11]

[...] Multilingual standard forms

- 1. Public documents concerning birth, death, marriage or registered partnership communicated by the Member States in accordance with paragraph 1(c) of Article 20[x] shall, upon request by the person entitled to receive the public document, be accompanied by a multilingual standard form established in accordance with this Regulation.¹**
- 2. The multilingual standard forms referred to in paragraph 1 shall be issued by an authority and shall bear their date of issue as well as the signature and, where applicable, the seal or stamp of the issuing authority.**

Article [...] 6b

[ex-Article 12]

Use of [...] multilingual standard forms

- 1. The multilingual standard forms shall be attached to the public documents referred to in paragraph 1 of Article 6a and shall be used as a translation aid without any autonomous legal value.**
- 2. The multilingual standard forms shall not constitute either extracts from civil status records, or verbatim copies of civil status records, or multilingual extracts from civil status records, or multilingual and coded extracts from civil-status records, or multilingual and coded civil-status certificates.**
- 3. The multilingual standard forms may only be used in a Member State other than the Member State where they were issued.**

¹ In order to provide the necessary transparency in relation to the future application of this Regulation as regards multilingual standard forms, Member States will be invited to communicate in good time, before the final adoption of this Regulation, indicative lists of national public documents for which multilingual standard forms may be issued.

Article 6c
Content of multilingual standard forms

1. Each multilingual standard form shall contain a standard part, consisting of the following elements:
 - (a) the title of the multilingual standard form;
 - (b) the legal basis for the issuance of the multilingual standard form;
 - (c) a reference to the Member State where the multilingual standard form is issued;
 - (d) an "Important Notice" box;
 - (e) a note for the issuing authority;
 - (f) a number of standard entries and their code numbers;² and
 - (g) a "Signature" box.

2. The standard parts to be included in the multilingual standard forms relating to birth, death, marriage and registered partnership, as well as multilingual glossaries of the standard entries, are set out in Annexes I, II, III and IV respectively.

² The term "entry" refers to the pre-typed information indicated in the fields of an empty multilingual standard form (e.g. "place and country of birth").

3. Each multilingual standard form shall also contain, where applicable, a non-standard part consisting of country-specific entries designed to reflect the content of the public document to which the multilingual standard form is to be attached and their code numbers.
4. The country-specific entries referred to in paragraph 3 shall be communicated by the Member States to the Commission in accordance with paragraph 2 of Article 20[x].
5. Each multilingual standard form shall also include a multilingual glossary of both the standard entries and the country-specific entries in all the official languages of the institutions of the Union.³

³ **Example of multilingual glossary relating to an entry:**

5	MÈRE / MUTTER / МАЙКА / MADRE / MATKA / MOR/ EMA / МНТЕРА / MÁTHAIR / MADRE / MĀTE / MOTINA / ANYA / OMM / MOEDER / MATKA / MĀE / MAMA / MATKA / MATI / ÄITI / MODER
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Article 6d

Languages of issuance of multilingual standard forms

1. The multilingual standard forms shall be filled in by the issuing authority in the official language of its Member State or, if that Member State has several official languages, in the official language or one of the official languages of the place where the multilingual standard form is issued.
2. The template of the multilingual standard forms shall be issued simultaneously in the two following languages:
 - (a) the official language of the Member State in which the multilingual standard form is issued or, if that Member State has several official languages, the official language or one of the official languages of the place where the multilingual standard form is issued which corresponds to one of the official languages of the institutions of the Union; and
 - (b) the official language of the Member State in which the public document to which the multilingual standard form is attached is to be presented or, if that Member State has several official languages, the official language or one of the official languages of the place where the public document to which the multilingual standard form is attached is to be presented which corresponds to one of the official languages of the institutions of the Union.
3. The two languages referred to in paragraph 2 and the multilingual glossary referred to in paragraph (5) of Article 6c shall be presented in a single multilingual standard form.

Article 13

Guidance on the use of [...] multilingual standard forms

[see Article 20a]

Article [...] 6e

[ex-Article 14]

Electronic versions of [...] multilingual standard forms

The European e-Justice Portal shall contain, for each Member State, model multilingual standard forms relating to birth, death, marriage and, where applicable, registered partnership established in accordance with this Regulation in all the official languages of the institutions of the Union and including:

- (a) the standard parts set out in Annexes I to IV to this Regulation;**
- (b) the country-specific entries communicated by the Member States to the Commission in accordance with paragraph 2 of Article 20[x].**

Article 18

*Relations with [...] international conventions **and agreements***

1. [See document 6812/15 ADD1]
2. [See document 6812/15 ADD1]
- 2a. [See document 6812/15 ADD1]
- 2b. **This Regulation shall not preclude Member States from negotiating, concluding, acceding to, amending and applying international agreements and arrangements with third countries concerning legalisation or similar formality of public documents on matters covered by this Regulation issued by the authorities of Member States or third countries to be used in relations between the Member States and the third countries concerned, nor from deciding on the acceptance of the accession of new Contracting Parties to such agreements and arrangements to which one or more Member States are or may decide to become party.**⁴

Article 20[x]

Information to be communicated by Member States

1. **By...,⁵ the Member States shall communicate to the Commission:**
 - (a) **the languages they may accept for the public documents to be presented to their authorities pursuant to Article 6(1).**⁶
 - (b) **an indicative list of public documents falling within the scope of this Regulation;**

⁴ See also Recital 14(f).

⁵ OJ: please insert the date: **[30 months]** after the entry into force of this Regulation.

⁶ This text has been modelled on the basis of Article 67 of the Brussels IIa Regulation.

- (c) **the public documents to which multilingual standard forms may be attached as a suitable translation aid;**
 - (d) **the lists of persons qualified, in accordance with national law, to make certified translations, where such lists exist;⁷**
 - (e) **an indicative list of types of authorities empowered by national law to make certified copies;**
 - (f) **information relating to the means by which certified translations and certified copies can be identified; and**
 - (g) **information about the specific features of certified copies.**
2. **By...,⁸ each Member State shall communicate to the Commission, in its official language or languages where these correspond to one of the official languages of the institutions of the Union, the country-specific entries to be included in the multilingual forms relating to birth, death, marriage and, where applicable, registered partnership.**
3. **By ...,⁹ the Commission shall publish the lists of country-specific entries received pursuant to paragraph 2 in the Official Journal of the European Union and in the European e-Justice Portal in all the official languages of the institutions of the Union.**

⁷ A disclaimer in the European e-Justice Portal could clarify that the information included in the lists is made available for information purposes and is provided without any express or implied guarantee as to its accuracy, completeness or currency.

⁸ OJ: please insert the date: **[6 months]** after the entry into force of this Regulation.

⁹ OJ: please insert the date: **[24 months]** after the entry into force of this Regulation.

4. **The Member States shall communicate to the Commission any subsequent changes to the information referred to in paragraphs 1 and 2.**
5. **The Commission shall make publicly available through the European e-Justice Portal:**
 - (a) **the information referred to in paragraph 1(a) to (f); and**
 - (b) **the information referred to in paragraph 1(g) which is publicly available under the law of the Member State whose authorities made the certified copy.**

Article 20b

Amendment of country-specific entries in the multilingual standard forms

1. **The Member States shall notify the Commission of any amendments to the country-specific entries referred to in paragraph (2) of Article 20[x].**
2. **The Commission shall publish the amendments to the country-specific entries in the Official Journal of the European Union.**
3. **The Commission shall make the amendments to the country-specific entries publicly available through the European e-Justice Portal and shall amend the model multilingual standard forms for each Member State accordingly.**

Article 22

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from....¹⁰, with the exception of
 - a) **Article 6e which shall apply from...¹¹;**
 - b) **Article 20 and Article 20[x] (1), which shall apply from...¹²;**
 - c) **Article 20[x] (2) which shall apply from....¹³; and**
 - d) **Article 20[x] (3) which shall apply from¹⁴.**

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

¹⁰ OJ: please insert the date: **[36 months]** after the entry into force of this Regulation.

¹¹ OJ: please insert the date: **[24 months]** after the entry into force of this Regulation.

¹² OJ: please insert the date: **[30 months]** after the entry into force of this Regulation

¹³ OJ: please insert the date: **[6 months]** after the entry into force of this Regulation.

¹⁴ OJ: please insert the date: **[24 months]** after the entry into force of this Regulation.