

## REGULATION (EU) N. 2020/1784 – KEY POINTS

1. The 1<sup>st</sup> of July 2022, Regulation (EU) 2020/1784 (the “**Regulation**”) on the service of judicial and extrajudicial documents between EU Member States, came into force, repealing the previous Regulation (EC) 1393/2007.
2. For Judicial document it is intended to be a legal document drawn up for the commencement of a civil or commercial lawsuit or issued during the course of it that must be served on a party. Extrajudicial document is intended to be a legal document that is outside the case file, and that is necessary for the purposes of exercising, proving or safeguarding a right or a claim in civil or commercial law. As such they are not limited to documents that are connected to legal proceedings alone (for example, notice of payment, exercise of pre-emption right, etc.).
3. The Regulation lays down rules on cross-border service of judicial and extrajudicial documents in civil or commercial matters, excluding tax, customs or administrative matters and excluding cases involving the liability of a Member State for acts or omissions in the exercise of State authority. The Regulation applies where it is necessary to transmit judicial or extrajudicial documents for transmission from one Member State to another.
4. The Regulation provides, in the first place, a system of cooperative service which relies on the transmission of the document between the agencies of the two Member States concerned, the Forum Member State and the Member State addressed.
5. To this end, each Member State must designate the agencies that are responsible for transmitting and receiving documents, the Transmitting Agencies and the Receiving Agencies. They must provide the European Commission with their names and addresses, the geographical areas to which they apply, and their accepted languages and means of receipt of documents.
6. Each Member State must also designate a central body that is responsible for supplying information to the agencies, resolving any difficulties that may arise and forwarding requests for service by the transmitting agency to the relevant receiving agency in exceptional circumstances.
7. The efficiency and speed of judicial proceedings in civil matters requires that the transmission of documents is carried out rapidly between the agencies designated by the Member States.
8. The applicant forwards document to the transmitting agency and bears any costs of translation prior to transmitting the document. Document must in turn be transmitted directly and as soon as possible from the Transmitting Agency to the Receiving Agency.
9. According to art. 5 of the Regulation, the transmission of documents takes place by means of a “decentralised IT system”, which is defined in art. 2 as a system that enables the secure and reliable cross-border exchange of information between national IT systems. The digital transmission between agencies will entry into force as of the 1<sup>st</sup> of May 2025.
10. The Receiving Agency must send a receipt of the document to be served within 7 days and it must contact the Transmitting Agency as soon as possible in case of missing information.
11. The Receiving Agency should either serve the document itself or have it served within 1 month. If this is not possible, the Receiving Agency must inform the Transmitting Agency and continue to try to serve the document.
12. Serving is done according to the law of the Member State addressed, or by a particular method, if this is requested by the transmitting agency and it conforms to the national law. When service has

been carried out, a certificate of completion of the formalities involved must be completed in a language accepted by the Forum Member State and sent to the Transmitting Agency.

**13.** The date of service will be the date on which the document is served, according to the law of the Member State addressed, except where it must be addressed within a particular period according to the law of the Forum Member State.

**14.** Documents may also be served directly by using registered post with a receipt or via the judicial officers, officials or other competent persons of the EU country addressed, if this is permitted by the country in question. In exceptional circumstances, documents may be forwarded to agencies of another EU country via consular or diplomatic channels.

**15.** The Receiving Agency must inform the addressee of its right to refuse the service of the document if the latter is not written in a language that he or she understands or in the official language of the Member State where service takes place. The refusal must take place at the time of service or within two weeks.

**16.** If the document is a writ of summons (an official order for someone to appear in a court of law) or equivalent and the defendant does not appear, a judgment may not be pronounced until it is sure that the document was served according to the law of the Member State addressed, it was delivered and the defendant had sufficient time to submit a defence. However, judgment may be delivered if the document was transmitted by one of the methods laid down in the Regulation, and if more than 6 months have elapsed and no certificate of any kind has been obtained in spite of every reasonable effort by the competent authorities of the EU country addressed. If the defendant did not know about the document in time to appear, it is still possible to apply for relief within a reasonable time after finding out about the judgment.