



EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS

62ND MEETING OF THE CONTACT POINTS

(REGULATION (EC) No 1393/2007 OF 13 NOVEMBER 2007 AND
COUNCIL REGULATION (EC) No 1206/2001 OF 28 MAY 2001)

MONDAY, 14 NOVEMBER 2016, FROM 9:30 – 16:30 HRS
TUESDAY, 15 NOVEMBER, FROM 9:30 – 17:00 HRS

HOTEL BÔRIK

BÔRIK 1628/15

BRATISLAVA

SIMULTANEOUS INTERPRETATION: ENGLISH, FRENCH, SLOVAK

AGENDA

*Chair: Ms Karen Vandekerckhove,
Deputy Head of Unit Civil justice, DG Justice and Consumers, European Commission*

MONDAY, 14 NOVEMBER 2016

9:00 Registration

I. Introduction and opening of the meeting

9:30 Welcome and introduction to the meeting (*European Commission*)

9:40 Opening of the meeting by Mr Michal Kotlarik, Director-General of the International Law Department of the Slovak Ministry of Justice

9:50 Opening words by Ms Salla Saastmoinen, Director of the Directorate Civil and commercial justice, DG Justice and Consumers, European Commission

10:00 **State of play and envisaged timing on the revision of both Regulations on service of documents and taking of evidence**

II. Discussion on the application of the Regulation (EC) 1393/2007 on service of documents

10:10 **Incorrect address, unknown whereabouts**

How to exploit potentials in the European e-Justice Portal to increase transparency and to broaden access to information (access to national on-line databases containing information on addresses, EU-wide interconnection of information on constructive service of documents etc.)?

10:40 **Extra-judicial documents**

The aftermath of the CJEU judgment in Tecom Mican SL (Case C- 223/14).

11:00 *Coffee break*

11:30 **Electronic service of documents**

a) Technical aspects:

What can the eIDAS Regulation bring to the revision of the Regulation on service of documents (e.g Electronic Registered Delivery Service as an accepted trust service)? Recent EU developments to be taken into account in the context of cross-border service of documents (e-Codex, CEF eDelivery)? How to capture technical developments by the Regulation of service of documents?

b) Legal aspects:

How to define the cross-border nature of serving documents with regard to e-service (scope of the Regulation)? Law applicable to e-service: should the validity of e-service be subject to conflict-of-laws rules or uniform standards of EU law?

c) Ongoing work in the Council expert group on e-Service of documents (information point)

12:30 Specific methods of service of documents in the Regulation

a) Postal service:

The interpretation of Article 14 – uniform way of serving documents or merely a method of transmitting documents?

b) Direct service of documents:

How to broaden its territorial scope of application?

13:00 *Lunch*

14:30 Specific methods of service of documents in the Regulation (continued)

15:00 Presentation by Ms Eva Storskrubb, European Law Institute (reporter on the working group – service and due notice of proceedings for the ELI/Unidroit project) - tbc

15:15 The protection of the right of the defence

Art 19: nature – minimum standards or full harmonization (C-70/15 Lebek); scope – also for domestic cases?

Right of refusal to accept the service of documents (Art. 8)

How to create greater legal certainty and less formality at the same time (Case C- 519/13 Alpha Bank Cyprus, Case C-384/14 Alta Realitat S.L.)

16:30 End of first meeting day

18:00 *Departure of the sightseeing train to Bratislava city centre – Train will leave from the parking of the hotel Crown Plaza*

19:30 *Dinner at Beer Palace (Gorkeho 5, Bratislava)*

TUESDAY, 15 NOVEMBER

III. Follow-up issues from previous meetings

9:30 Participation of candidate countries in the EJM-civil

9:45 Article 66(5) Successions Regulation – set up of an EJM working group

IV. Discussion on the application of the Regulation (EC) 1206/2001 on taking of evidence

10:00 Concept of ‘taking of evidence’ in the context of the Regulation.

Can a more precise scope for this EU concept be defined?

11:00 *Coffee break*

11:30 Taking of evidence by using modern communication technologies

E.g. videoconferencing and electronic communication between courts;

12:15 Electronic evidence

Minimum harmonisation on admissibility?

13:00 Lunch break

14:30 Direct taking of evidence

What are the difficulties?

Direct taking of evidence should be most preferred option for courts in the EU, as it allows a judge to keep most control over the proceedings, while statistical data show that is rarely used.

Possible difficulties:

- using compulsion for direct taking of evidence?
- workload of the courts
- use of videoconferencing

16:00 The mandatory nature of the Regulation and its relationship to national procedural measures enabling taking of evidence abroad

How to create greater legal certainty in this issue? Where are the "cross-border" limits of national law in terms of hearing of a party, witness examination, investigation by an expert etc.

17:00 AOB and end of the meeting