



Informal Justice and Home Affairs Ministers' meeting 8-9 July 2014, Milano

Discussion Paper

Simplification of the requirements for presenting certain public documents in the EU: the way forward with regard to the scope of the Regulation and the systems for exchange of information.

I. Background

1. In April 2013 the Commission submitted a proposal for a Regulation of the European Parliament and of the Council to promote 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.
2. The proposal aims to facilitate the free movement of citizens and companies or other businesses, by dispensing certain public documents issued by the authorities of the Member States, and which are to be presented in another Member State, from legalisation or similar formalities in cross-border situations. It should be noted that the proposal does not address the recognition of the content of public documents issued by the authorities of the Member States.
3. The proposal currently provides for the use of the Internal Market Information System (IMI) to request information in case of reasonable doubt as to the authenticity of a public document or its certified copies. The IMI system is meant to contain examples of national public documents for verification purposes, but not the actual copies of the documents issued by the Member States' authorities in each case.

4. Since July 2013, discussions on this file have significantly evolved under the Lithuanian and the Hellenic Presidencies. The aim of the Italian Presidency is now to consider how to achieve a common understanding on this file towards the end of 2014.
5. The European Parliament has already adopted its position at first reading. In particular, the Parliament wishes to widen the scope of the proposal to cover seven additional areas not included in the original proposal of the Commission. However, during discussions in the Civil Law Working Party, several delegations expressed their wish to see the scope of the Commission's proposal narrowed to cover civil status documents only.

II. Discussion points

In order to be able to reflect on a possible way forward, the Italian Presidency invites Ministers to exchange views on the following issues:

a) The scope of the proposal

The scope of the Commission proposal currently covers civil status matters and other issues related to business activities in the internal market.

- 1) *Taking into account that one of the aims of the proposal is to cut red tape, which prevents citizens and companies from enjoying their rights within the internal market, should the scope of the proposal remain as broad as it currently is, or should a solution be sought in order to include as large a number of public documents as possible?*

b) Electronic systems for exchange of information

Some delegations have underlined the need for an electronic system for the direct exchange of information on specific public documents between the authorities of the Member States, which would exclude any possibility of fraud in cross-border situations in this area.

2) *Should the possibility of setting up such a technical solution at EU level be explored in the future, after the adoption of the Regulation, by means of a feasibility study ?*