


Procedure file

Basic information	
CNS - Consultation procedure Regulation	2000/0823(CNS) Procedure completed
Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany	
Amended by 2018/0203(COD)	
Subject 7.40.02 Judicial cooperation in civil and commercial matters	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs and Internal Market		22/11/2000
		PSE MARINHO Luís	
	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2350	28/05/2001

Key events			
06/10/2000	Legislative proposal published	11808/2000	Summary
27/10/2000	Committee referral announced in Parliament		
27/02/2001	Vote in committee		Summary
27/02/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0073/2001	
13/03/2001	Debate in Parliament		
14/03/2001	Decision by Parliament	T5-0138/2001	Summary
28/05/2001	Act adopted by Council after consultation of Parliament		
28/05/2001	End of procedure in Parliament		
27/06/2001	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0823(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2018/0203(COD)

Legal basis	EC Treaty (after Amsterdam) EC 067-p1; EC Treaty (after Amsterdam) EC 061-
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/13882

Documentation gateway

Legislative proposal	11808/2000 OJ C 314 03.11.2000, p. 0001	06/10/2000	CSL	Summary
Committee draft report	PE298.394	01/02/2001	EP	
Committee report tabled for plenary, 1st reading/single reading	A5-0073/2001	27/02/2001	EP	
Economic and Social Committee: opinion, report	CES0228/2001 OJ C 139 11.05.2001, p. 0010	28/02/2001	ESC	
Text adopted by Parliament, 1st reading/single reading	T5-0138/2001 OJ C 343 05.12.2001, p. 0106-0184	14/03/2001	EP	Summary
Non-legislative basic document	COM(2007)0769	05/12/2007	EC	Summary

Additional information

European Commission	EUR-Lex
---------------------	-------------------------

Final act

Regulation 2001/1206 OJ L 174 27.06.2001, p. 0001 Summary
--

Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany

PURPOSE: to present an initiative of the Federal Republic of Germany with a view to the adoption of a Council Regulation on cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters. CONTENT: The main provisions of this proposed Regulation would relate to the following: - direct transmission between the courts; - transmitting and receiving agencies; - central authority; - form and content of requests; - transmission of requests and other communications; - notification of delays - execution of the request; - coercive measures; - refusal to execute; - presence of representatives of the requesting court and of the other parties; - procedure after execution of the request; - implementing rules; - relationship with existing or future agreements or arrangements between the Member States; - data protection. In conclusion, no later than 5 years after the date of entry into force of this proposed Regulation, and every five years thereafter, it is envisaged that the Commission would present to the European Parliament and the Council and the Economic and Social Committee, a report on the application of this Regulation.?

Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany

The committee adopted the report by Luis MARINHO (PES, P) broadly approving the German initiative subject to a number of amendments aimed at clarifying its wording and fleshing out its content by including issues such as better information on the use of languages and greater use of new technologies.?

Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany

The European Parliament voted by 475 to 13 with 20 abstentions to approve the report by Luis MARINHO (PES, P) on an initiative by Germany for the adoption of a Council Regulation on co-operation between Courts of the Member States in the taking of evidence in civil and commercial cases. Parliament gives its full backing to the German initiative which seeks to lay down uniform rules on how the courts should proceed in cases where a court of a Member States requests the competent court of another Member State to obtain evidence or perform judicial acts. (Please refer to the previous text).?

Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany

PURPOSE : to improve the cooperation between courts of the Member States in the taking of evidence in civil and commercial matters.

COMMUNITY MEASURE : Council Regulation 1206/2001/EC on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

CONTENT : this Regulation aims to improve cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. In particular, it will play an important role in improving and facilitating cross border litigation practices. The Regulation will apply in civil or commercial matters when a court of a Member State, in accordance with the provisions of the law of that State, requests the competent court of another Member State to take evidence or requests to take directly in another Member State. The Regulation contains provisions laying out the detailed procedure for the transmission and execution of requests which cover such questions as form and content of the request, language, transmission of requests and other communications, general provisions on the execution of the request (within 90 days), coercive measures, refusal to execute, notification of delay, direct taking of evidence by the requesting court and costs. In particular, the Regulation provides for a new mechanism that enables a requesting Member State to directly perform the taking of evidence in accordance with the law of that Member State. However, the requested Member State shall inform if that is acceptable and where necessary under what conditions the taking of evidence is to be carried out. The competent authority may refuse the direct taking of evidence if it is contrary to fundamental principles of law in its Member State. The United Kingdom and Ireland have given notice that they were taking part in the adoption of and application of this Regulation in accordance with the relevant Protocol annexed to the TEU. Denmark, in accordance with the relevant Protocol on its position concerning the JHA matters annexed to the TEU and the TEC, did not participate in the adoption of this Regulation and is therefore not bound by it, nor subject to its adoption.

ENTRY INTO FORCE : the Regulation shall enter into force on 1 July 2001. It shall apply from 1 January 2004, except for Articles 19, 21 and 22 which shall apply from 1 July 2001.?