



# **MODULE II**

## UNIT VII

NORMATIVE INSTRUMENTS FOR
JUDICIAL COOPERATION. SERVICE
OF DOCUMENTS: REGULATION
1393/2007, OF 13 NOVEMBER, ON
THE SERVICE OF JUDICIAL AND
EXTRAJUDICIAL DOCUMENTS.
TAKING OF EVIDENCE:
REGULATION 1206/01, OF 28 MAY,
ON COOPERATION BETWEEN THE
COURTS OF THE MEMBER STATES
IN THE TAKING OF EVIDENCE IN
CIVIL AND COMMERCIAL MATTERS

# The Judicial Area in Civil and Commercial Matters

### **AUTHOR**

**Gordon LINGARD** 

**District Judge, United Kingdom** 



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### **OVERVIEW**

# Council Regulation (EC) No 1206/2001 of 28<sup>th</sup> May 2001 - The *Evidence* Regulation

and

# Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 - The Service Regulation

Are two further important European Regulations relating to judicial cooperation in civil and commercial matters within the European Union

### The Regulations

- Do not apply to criminal proceedings
- provide harmonized procedures for the speedy transmission and execution of requests for taking evidence and service of judicial documents in other states of the EU
- apply to all Member States (except Denmark has opted out of the Evidence Regulation)
- Work on a basis of standard prescribed forms available in all official EU languages
- Prescribe the language to be used on the forms and in other circumstances
- Require Member States to
  - o set up various agencies for supplying and receiving information
  - o notify the commission of
    - the relevant agencies, their territorial jurisdiction and
    - fees payable
    - permitted derogations and various other matters
- Lay down procedures as to who sends what to whom
  - In general terms
  - documents for service are sent from and to specified bodies in the respective Member States
  - o requests for taking of evidence are made from court to court
- Prescribe which Member State's law applies in the operation of the regulations
- Prevail over national law
- Provide for a prescribed committee and review by the Commission as to the working of the Regulations
- Prescribe strict time limits for compliance
- Seriously limit the ability of Member States or their courts to refuse to act
- Embrace the use of information technology
- Rely heavily on the The European Judicial Network in Civil and Judicial matters (EJN) and the European Judicial Atlas for Civil Matters for publication of the relevant information and effectively as a resource to inform and support the operation of the Regulations and national courts.
- Are supported by various practice guides and manuals downloadable from the EU official website.







# Council Regulation (EC) No 1206/2001 of 28<sup>th</sup> May 2001 - The *Evidence* Regulation

and

Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 - The Service Regulation

### **Detailed analysis**

- **1.Matters relating to both regulations** Where a court of one Member State requires either
  - evidence to be taken in another Member State
  - or judicial or extra judicial documents to be served in another Member State

the starting point is the appropriate European Regulation:

Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R1206:EN:HTML

Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R1393:EN:NOT

the next port of call, and for that matter an important port of call on all matters concerning cross border litigation and or cooperation between courts of the Member States of the European Union is :

### The European Judicial Network in Civil and Judicial matters (EJN)

Which contains (in all the official languages of the EU) an abundance of useful information about general matters relating to the judicial and legal systems of each Member State. In fact the EJN website is a veritable treasure trove of information

### http://ec.europa.eu/civiljustice/network/network en.htm

Readers of this module are encouraged to set sail therein to harvest its pearls of wisdom and explore its mine of information, but please dear colleague, only after you have read and completed this module!

The website contains comprehensive details of the designated **Central Bodies** for each Member State and, where direct access is prescribed or permissible the relevant courts and their addresses

The purpose of the Central bodies is to keep the relevant details up to date, cooperate with each other and transmit information between Member States' courts.







The central body of one's own Member State should also be considered as a first port of call if a national judge needs assistance with a trans-national or cross border matter within the Union

Within the EJN website is to be found the **Atlas** http://ec.europa.eu/justice home/judicialatlascivil/html/te information es.htm

which itself has tabs for the two Regulations the subject of this paper, as well as lots of other scintillating information - you are respectfully reminded to resist the temptation of straying from the righteous paths numbered 1206 and 1393! useful hyperlinks (available in all official EU languages) are

- A guide to videoconferencing <a href="http://ec.europa.eu/civiljustice/publications/docs/guide-videoconferencing-en.p">http://ec.europa.eu/civiljustice/publications/docs/guide-videoconferencing-en.p</a>
   df
- Summary of the evidence regulation
   <a href="http://europa.eu/legislation summaries/justice freedom security/judicial coope">http://europa.eu/legislation summaries/justice freedom security/judicial coope</a>
   ration in civil matters/l33130 en.htm
- A guide to the evidence regulation <u>http://ec.europa.eu/civiljustice/evidence/evidence\_ec\_guide\_en.pdf</u>

It is also vital to remember that while some Member States have a unified legal system, others are federal in the true sense of the word, or as in the case of the UK comprise a Unity of separate nations with quite different legal systems. There may also be Territories or Dependencies which at first sight might appear to be part of a particular Member State, but in fact are not.

The EJN website and the Atlas set out whether there is one or more legal system and or Central Body

As with a number of similar Regulations dealing with enforcement, recognition of orders Small Claims and Orders for Payment, there are appendices to both Regulations containing prescribed forms of request and replies.

As these forms are in a common format in all the official languages of the EU it is vital that the prescribed form or a form closely resembling it but adopting the same numbering system is vital.

In many cases use of the form reduces or entirely obviates the necessity for translation and delays or confusion in communication

Both Regulations prohibit "contracting out " by Member States but permit bilateral or multi lateral arrangements between Member States which further facilitate the taking of evidence, or service of documents provided that they are compatible with the Regulations

### 2.Terminology

Throughout this paper I shall refer to

the Court or Member State making a request as **MSA** and the Court or Member State to which the request is addressed as **MSB** 







### 3. Regulation (EC) No 1206/2001 "The Evidence Regulation"

Before 2004, there was no binding instrument between all Member States concerning the taking of evidence. In 2001 the Council of the European Union adopted **The Evidence Regulation** to facilitate the taking evidence in another Member State. The Regulation applies from 1 January 2004 to all Member States except Denmark; it replaces the Hague Convention of 1970.

The primary objective of the Regulation is to expedite requests for the taking of evidence.

the Regulation applies in civil or commercial matters Article 1(1), where MSA requests:

- the competent court of MSB to take evidence; or
- for MSA to take evidence directly in MSB

The evidence **must** be intended for use in judicial proceedings, commenced or contemplated *Article* 1(2)

### 3.1 Definitions

The phrase "civil and commercial matters" is an autonomous concept of Community law which is to be interpreted in the light of the objectives of the Regulation and of the EC Treaty and in particular in accordance with Article 65 of the Treaty .

The European Court of Justice has at different occasions given interpretations of it. See e.g. 14. October 1976, 29/76, *LTU v. Eurocontrol*, in *ECR*, 1541; 16. December 1980, 814/79,

Ruffler, ECR, 3807; 21 April 1993, C-172/91 Sontag, ECR, I-1963; 14. November 2002, C-271/00,

### Steenbergen v. Baten

The Regulation applies to all civil and commercial proceedings regardless of the nature of the court or tribunal in which they are proceeding,

For example it will apply to litigation relating to consumer law, employment law and competition law as far as private proceedings are concerned.

This regulation is not as restrictive as the *Brussels I* Regulation (Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters).

Matters relating to the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession; corporate and individual insolvency all fall within the scope of this Regulation

Neither *Court* nor *Tribunal* nor *Evidence* is defined in the regulation and therefore should be given the widest possible interpretation

There is an interesting definition of *Court* in Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility,

Art 2: the term "court" shall cover all the authorities in the Member States with jurisdiction in the matters falling within the scope of this Regulation pursuant to Article 1;







### 3.2 The Central Body Article 3

In respect of each Member State is responsible for:

- supplying information to the courts;
- seeking solutions to any difficulties which may arise in respect of a request;
- forwarding, in exceptional cases, at the request of a requesting court, a request to the competent court.
- 3.2.1 The **competent authority** (*Article 3 (3)*) takes the decisions on requests to take evidence directly pursuant to *Article 17*.

The **central body** can be designated as the **competent authority** 

### 3.3 The Procedure

It is vital to note that

- requests from MSA to MSB for MSB to take evidence are not generally made through the central bodies of the member states but direct from Court to court
- where MSA wants to take evidence direct in MSB ( *Article 17*) the request is addressed to the **Competent Authority**
- each Member State designates which courts should receive requests see
   The Atlas
- the forms in the Annex to the Regulation should be used

### 3.3.1 The Request

Must be in form A or form I in the Annex and must contain full details of :

- MSA and MSB
- the parties and their representatives, if any;
- the nature and subject matter of the case and a brief statement of the facts;
- a description of the evidence that is being asked to be taken;
- details of the person(s) to be examined,
- the questions to be put or a statement of the facts about which he is (they are) to be examined,
- where appropriate, a reference to a right to refuse to testify under the law of MSA
- any requirement that the examination is to be carried out under oath or affirmation in lieu thereof, and any special form to be used,
- any other information that MSA deems necessary;
- where the request is for any other form of taking of evidence, the documents or other objects to be inspected;
- where appropriate, any request pursuant to







Article 10(3) - special procedure provided for by the law of MSA (provided that is compatible with the law of MSB) or

Article 10 (4) use of technology /videoconference/ teleconference, unless such is incompatible with the law of MSB or there are major practical difficulties. or

Article 11 -if the law of MSA so allows, that the parties or their representatives be present when the evidence is taken or

Article 12 - presence of representatives or experts appointed by MSA

(Provided in the case of Articles 11 & 12 the law of MSB so allows)

and any information necessary for the application thereof

Documents which the requesting court deems it necessary to enclose for the execution of the request shall be accompanied by a translation into the language in which the request is written.

The request and all documents accompanying it are exempt from formal authentication.

### 3.3.2 Language Article 5

consult the Atlas

All communications and forms must be

- in the official language of MSB or,
- in the official language or one of the official languages of the place where the evidence is to be taken or
- in another language which MSB has indicated it can accept.

### 3.3.3 Mode of communication

Article 6

Requests and communications pursuant to this Regulation must be transmitted by the swiftest possible means, which MSB has indicated it can accept.

### 3.3.4 Action by MSB on receipt of the request

Article 7

Within seven days of receipt of the request, MSB acknowledges receipt to MSA in *Form B* in the Annex.

If the request does not comply with *Articles 5 and 6* (language or transmission method), MSB must so state in *Form B*.

If in effect MSA has sent Form A, which complies with Article 5, to the wrong court in of MSB, the recipient shall forward the request to the correct court in its Member State and shall inform MSA using Form A

### 3.3.4.1 Incomplete requests

Article 8

If the request cannot be executed because it does not contain some of the information prescribed by Article 4, MSB must inform MSA without delay







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(maximum 30 days after receipt of the request) using Form C, and shall request it to send the missing information, which should be clearly specified.

If a deposit or advance is necessary under Article 18(3) (see below) MSB shall inform MSA without delay (maximum 30 days after receipt of the request) using Form C

and inform MSA how the deposit or advance should be made. The requested MSA shall acknowledge receipt of the deposit or advance without delay, (at the latest within 10 days of receipt) of the deposit or the advance using form D.

### 3.3.5 Execution of the Request

Articles 9 and 10

MSB executes the request (in accordance with its domestic law) without delay and, at the latest, within 90 days of receipt of

- the request or
- receipt of any information requested pursuant to Article 8
- payment of any deposit or advance requested under Article 18

If MSB is unable to comply with a request to use information technology or a special procedure requested by MSA it must so notify MSA on Form E

In any event, regardless of any request by MSA, if its domestic law so permits MSB must invite parties and or their representatives (including an expert or representatives of MSA) to participate in the taking of evidence using Form F

### 3.3.5.1 Coercive measures

Article 13

Where necessary, MSB applies such appropriate coercive measures in accordance with its domestic law as it would for the execution of a request made for the same purpose by its national authorities or one of the parties concerned.

### 3.3.6 Refusal to execute

Article 14

MSB shall not execute the request

- if the person concerned claims the right to refuse to give evidence or to be prohibited from giving evidence,
  - o under the law of MSB; or
  - under the law of MSA specified in the request, or, if need be, at the instance MSB, confirmed by MSA
- the request does not fall within the scope of Article 1 of the Regulation
- the execution of the request under the law of MSB is not a judicial function; or
- MSA fails to comply with a request made by MSB to furnish further information pursuant to Article 8 within 30 days after the requested court asked it to do so; or







 a deposit or advance asked for in accordance with Article 18(3) is not paid within 60 days after MSB requested it.

There are no other grounds for refusal, in particular MSB may not refuse to execute a request solely on the ground that under its domestic law a court of that Member State has exclusive jurisdiction over the subject matter of the action or that the law of that Member State would not admit the right of action on it.

MSB must notify any refusal to execute a request within 60 days of receipt of the request using *form H* in the Annex.

### **3.3.7 Delay** *Article 15*

If MSB is not in a position to execute the request within 90 days of receipt, it shall inform MSA, using *form G* setting out, the grounds for the delay and the estimated time that it expects it will need to execute the request.

### 3.3.8 Completion of the request

Article 16

After taking the evidence MSB shall send to MSA without delay

- Confirmation of execution using form H in the Annex.
- The evidence taken or documents received when executing the request and,
- where appropriate, return the documents received from MSA

### 3.4 Direct taking of evidence by MSA

Article 17

In these circumstances MSA makes the request to the **Central Body** of MSB using *form I*.

If the taking of taking of evidence involves a person (witness) being heard, MSA must inform him or her that it cannot compel him or her to give evidence.

The evidence is taken by a member of the judicial personnel or by any other person, such as an expert, designated in accordance with the domestic law of MSA

Within 30 days of receiving the request, the central body or the competent authority of MSB shall inform MSA using *form J* 

- if the request is accepted and,
- if applicable, the conditions, according to its domestic law under which the evidence can be taken

The central body or the competent authority may assign a court of its Member State to participate in the taking of evidence in order to ensure the proper application of the Regulation.

The central body or the competent authority shall encourage the use of communications technology, videoconferences and teleconferences.







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The central body or the competent authority may refuse direct taking of evidence **only** if:

- the request does not fall within the scope of this Regulation as set out in Article 1;
- the request does not contain all of the necessary information pursuant to Article 4; or
- the direct taking of evidence requested is contrary to fundamental principles of law in its Member State.

Subject to any conditions laid down by the central Body of MSB, MSA shall execute the request in accordance with its domestic law

### 3. 5 Costs Article 18

Where the opinion of an expert is required, MSB may **before** executing the request, ask MSA for an adequate deposit or advance towards the requested costs.

MSB can require the payment (without delay) by MSA of

- fees paid to experts and interpreters, and
- the costs of any special procedures requested by MSA under Article 10(3) or of communications technology requested under Article10 (4)

but no other claim for taxes or costs can be made

whether MSA can recover any costs fees etc payable to MSB or otherwise depends on MSA's domestic law –

\*\*\*\*\*\*\*\*

### 4. Regulation (EC) No 1393/2007 - The Service Regulation

applies from 13 November 2008

to all Member States including Denmark (by letter of 20 November 2007 Denmark notified the Commission of its decision to implement the contents of Regulation (EC) No 1393/2007)

4.1 Scope Article 1

The Regulation applies in **civil and commercial** matters where a judicial or extrajudicial document has to be transmitted from one Member State to another for service there.

It does not apply to

- revenue,
- · customs or
- administrative matters or







- to liability of the State for actions or omissions in the exercise of state authority (acta iure imperii).
- where the address of the person to be served with the document is not known.

### 4.2 Transmitting and receiving agencies

Article 2

Each Member State must designate

one or more "transmitting agency" (TA) and a

"receiving agency", (RA) and one or more

"central body" the Central body is responsible for:

- supplying information to the TA;
- seeking solutions to any difficulties which may arise during transmission of documents for service;
- forwarding, in exceptional cases, at the request of a TA, a request for service to the competent RA.

A Member State may designate the same body to be both its **TA** and **RA** -See the general preamble to this paper as to federal etc states

### 4.3 Transmission of documents

Article 4

The TA in MSA sends to the RA of MSB

- Annex 1 Form ("The Form") and
- the documents to be served (in duplicate if the **TA** wants a copy returned with the *Article 10 Certificate*)

by any appropriate means, provided that the content of the document received is true and faithful to that of the document forwarded and that all information in it is easily legible.

The Form shall be completed in

- the official language of the MSB or,
- the official language or one of the official languages of the place where service is to be effected, or







 in another language which that Member State has indicated it can accept.

Each Member State must notify the Commission if any official language or languages of the European Union other than its own is or are acceptable to it for completion of *The Form*.

The documents and all papers that are transmitted are exempt from legalisation or similar formality.

If the **TA** requires a copy of the document to be returned together with the certificate of service referred to in *Article 10*, it shall send the document in duplicate.

4.4 Language Article 5

If the document is in:

- a language which the addressee understands; or
- the official language of MSB or,
- the official language or one of the official languages of the place where service is to be effected,

the addressee cannot refuse to accept the documents on language grounds

The **RA** must inform the addressee, using the *Annex II Form*, that he may refuse to accept the document to be served either at the time of service or by returning the document to the **RA** within one week if it is not written in, or accompanied by a translation into, any of the aforementioned languages

The applicant pays any costs of translation prior to the transmission of the document, (without prejudice to any possible subsequent decision by the court or competent authority on liability for such costs).

### 4.5 Receipt of documents by receiving agency Article 6

On receipt the *RA* shall, as soon as possible and in any event within seven days of receipt, send a receipt (using *The Form*) to the *TA* by the swiftest possible means of transmission

If the request for service cannot be fulfilled because of lack of information or documents the **RA** shall contact the **TA** by the swiftest possible means in order to secure the missing information or documents.







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If the request for service is manifestly outside the scope of the Regulation or if non-compliance with the formal conditions required makes service impossible, the request and the documents transmitted shall be returned, on receipt, to the *TA*, together with the notice of return using *The Form* 

If an **RA** receives a request and a document for service (which is *Article 4* compliant) but for which the **RA** does not have territorial jurisdiction to serve, it shall forward the request and the documents to the correct **RA** in the same Member State which has territorial jurisdiction and shall inform the **TA** using *The Form*.

The second **RA** must acknowledge receipt to **TA** using *The Form* within 7 days.

### 4.6 Service of documents

Article 7

The **RA** either

Serves the document itself or has it served,

either

- in accordance with the law of MSB or
- by a particular method requested by the *TA*, provided such method is compatible with the law of MSB.

Service must be effected as soon as possible, and in any event within one month of receipt.

If service has not been effected within one month, **RA** shall:

- immediately inform TA using the certificate in *Annex I*, completed in accordance with Article 10(2); and
- continue to take all necessary steps to effect the service of the document, unless indicated otherwise by the *TA*, where service seems to be possible within a reasonable period of time.

### 4.7 Refusal to accept a document

Article 8

Where the recipient has refused to accept the document on language grounds the *RA* shall immediately inform the *TA* using the *Article 10* certificate and return the request and the documents of which a translation is requested.







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If after refusal of service the addressee is then served with the document accompanied by a translation into an acceptable language, then the date of such service will be the date of service. Subject to the *Article 9(2)* exception (below)

### 4.8 Date of service

Article 9

Is the date on which it is served in accordance with the law of the MSB

**Unless,** according to the law of a Member State, a document has to be served within a particular period, the date to be taken into account as far as the applicant is concerned is that determined by the law of that Member State. (*Article 9(2) exception*)

eg in English/Welsh law a Claim Form as a general rule has to be served within 4 months of the date it was issued by the court, so if a Claim form was issued on 1<sup>st</sup> April and served in say France pursuant to this Regulation and under French Law ( the normal rule for determining the date of service) the date of service was deemed to be 14<sup>th</sup> August it would be out of time for the purposes of the English Rule and so perhaps validly served under French law but not under English Law!

similarly some Member States have a "double date system " if so they must notify the Commission

### 4.9 Certificate of service

Article 10

When the documents have been served **RA** prepares a certificate of completion on *The Form* and sends it to **TA** together with, if applicable, a copy of the document served

It must be completed either in

- the official language/one of the official languages of the MSA or
- in another language which the MSA has indicated that it can accept.

### 4.10 Costs of service

Article 11

The only fees which can be charged by RA can charge for service are those for

- recourse to a judicial officer or to a person competent to serve documents under the law of MSB;
- the use of a particular method of service.







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The fee must be a (proportionate and non-discriminatory) fixed fee which has been previously notified to the Commission. There can be different fifed fees for different types of service. -details appear in the atlas.

### 4.11 Other means of transmission and service of judicial documents

### 4.11.1 consular or diplomatic channels

Article 12

In exceptional circumstances, a Member State may use consular or diplomatic channels to forward judicial documents, for the purpose of service, to an RA in another Member State.

### 4.11.2 Service by diplomatic or consular agents

Article 13

A Member State may serve judicial documents on persons residing in another Member State, without application of any compulsion, directly through its diplomatic or consular agents.

**BUT** Any Member State may notify the Commission that it is opposed to such service within its territory, unless the documents are to be served on nationals of the Member State in which the documents originate.

### 4.11.3 Service by postal services

Article 14

Member States may serve judicial documents directly by postal services on persons residing in another Member State by registered letter with acknowledgement of receipt or its equivalent.

If service is effected under either Article 13, or Article 14, the person served must be informed of his or her right to refuse to accept the document on language grounds (see 4.4 above) and that any document refused must be returned to the body or person who served it

### 4.11.4 Direct service

Article 15

If the law of MSB so permits, any person interested in a judicial proceeding may effect service of judicial documents directly through the judicial officers, officials or other competent persons of the MSB Note: Whilst the Article 8 right to refuse service on language grounds applies to direct service under this article it appears that there is no obligation on the person serving (or requesting service) to advise the recipient of his right so to refuse

### 4.12 Extrajudicial documents

Article 16

Extrajudicial documents may be transmitted for service in another Member State in accordance with the provisions of the Regulation.







### 4.13 Defendant not entering an appearance

Article 19

If a writ of summons or equivalent document has been served by MSB pursuant to the Regulation and the **defendant has not appeared**, judgment shall not be given until it is established that:

- service was effected in accordance in accordance with the law of MSB in respect of people who are within its territory; or
- the document was actually delivered to the defendant or to his residence by another method provided for by this Regulation;

**and** that in any event the service or the delivery was effected in sufficient time to enable the defendant to defend.

A Member State may notify the Commission that, notwithstanding the above provisions, a judge may give judgment even if no certificate of service or delivery has been received, provided that:

- the document was transmitted by one of the methods provided for in this Regulation; and
- such period (of at least six months) as is considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document; and
- no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities or bodies of the MSB.

In any event the judge may order, in case of urgency, any provisional or protective measures.

### **4.13.1 Setting aside a default judgment**Article 19 (4 &5)

If a writ of summons or its equivalent has been transmitted to MSB for service under the Regulation and a judgment has been entered against a defendant who has not appeared, a judge in MSA may set aside (or allow an appeal against) the judgment if the following conditions are fulfilled:

- the defendant, without any fault on his part, did not have knowledge
  of the document in sufficient time to defend, or knowledge of the
  judgment in sufficient time to appeal; and
- the defendant has disclosed a *prima facie* defence to the action on the merits







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The judgment does not concern the status or capacity of persons

Any application for relief must be filed within a reasonable time after the defendant has knowledge of the judgment.

A Member State may notify the Commission that such an application will not be entertained if it is filed after the expiry of a specified period (of at least one year) after the date of the judgment.

### 4.14 Article 20

The Regulation prevails over Article IV of the Protocol to the Brussels Convention of 1968 and the Hague Convention of 15 November 1965.

### 4.15 Protection of information transmitted

Article 22

without prejudice to national laws enabling data subjects to be informed of the use made of information transmitted under this Regulation, information, including personal data, transmitted under the Regulation may only be used by **RA** for the purpose for which it was transmitted and **RA** s are required to preserve the confidentiality of such information, in accordance with their national law.

**4.16 The Regulation is** without prejudice to Directives 95/46/EC and 2002/58/EC.

### 4.17 Calculating time

Regulation (EEC,Euratom) No 1182/71 of the Council of 3 June 1971 (determining the rules applicable to periods, dates and time limits) applies to any date or period of time in the Regulation.