

Free Circulation of Documents: Removing Formalities

**Proposal for a Regulation on promoting the free movement of
citizens and businesses by simplifying the acceptance of certain
public documents in the EU**



- ◎ **Horizontal measure. Legal grounds:**
 - **Art 21(2) Free movement of citizens**
 - **Art 114 (1) Establishing and functioning Internal Market**

◎ **Scope:**

- **The scope of this proposal covers public documents issued by authorities of the Member States and having formal evidentiary value**
- **Documents drawn up by private persons and documents issued by authorities of third States are excluded from its scope**

◎ **Legal Effects: formal evidentiary value**

Article 2:

- This Regulation applies to the acceptance of public documents which have to be presented to the authorities of another MS
- This Regulation does not apply to the recognition of the content of public documents issued by the authorities of other MS

◉ Envisaged Measures

- ◉ Dispensation from legislation or similar formality and for a simplification of other formalities related to the acceptance of certain public documents issued by authorities of the MS
- ◉ It also establishes a Union multilingual standard forms concerning birth, death, marriage, registered partnership and legal status and representation of a company or other undertaking

◎ Simplification of Formalities:

"public documents" means documents issued by authorities of a MS and having formal evidentiary value relating to:

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| (a) birth; | (g) residence; |
| (b) death; | (h) citizenship and nationality; |
| (c) name; | (i) real estate; |
| (d) marriage and registered partnership; | (j) legal status and representation of a company or other undertaking; |
| (e) parenthood; | (k) intellectual property rights; |
| (f) adoption; | (l) absence of a criminal record |

◎ **Simplification of Formalities (II):**

○ **Exemption of Legalization**

Public documents shall be exempted from all forms of legalisation and similar formality (Art. 4)

○ **Certified copies**

Authorities shall accept certified copies which were issued in other MS (Art. 5)

○ **Non certified translations**

Authorities shall accept non-certified translations of public documents issued by the authorities of other MS (Art. 6)

- ◎ **Simplification of Formalities (III): Request for information in case of reasonable doubt (Art. 7)**
 - **The reasonable doubt may relate, in particular, to:**
 - (a) The authenticity of the signature,
 - (b) The capacity in which the person signing the document has acted
 - (c) The identity of the seal or stamp
 - **The request will be sent to the relevant authorities of the MS where these documents were issued**
 - **Request will comprise:**
 - (a) Grounds for refusal on individual cases
 - (b) A scan copy of the document



- ◎ **Simplification of Formalities (IV): Request for information in case of reasonable doubt (Art. 7)**
 - The requests and any replies to those requests shall not be subject to any tax, duty or charge. (Art. 7.4)
 - The authorities shall reply within the shortest possible period of time and in any case not exceeding one month. (Art. 7.5)
 - If the reply of the authorities does not confirm the authenticity of the public document/ certified copy, the requesting authority shall not be obliged to accept them. (Art. 7.6)

◉ **Administrative cooperation**

- **The Internal Market Information System established by Regulation (EU) No 1024/2012 shall be used for the purposes of Article 7**
- **Each MS shall designate at least one central authority**
- **Functions of central authorities:**
 - **Transmit and receive such requests;**
 - **Exchange best practices and establish templates of public documents (EJN will be considered) ELRN**



- ◎ **The Union multilingual standard forms:**
 - Shall have the same formal evidentiary value as the equivalent public documents issued by the authorities of the issuing MS.
 - Shall not produce legal effects as regards the recognition of their content when they are presented in another MS than the MS where they were issued.
 - Shall be accepted by the authorities of the MS where they are presented without legalisation or similar formality
 - Shall not be mandatory and shall not prejudice the use of equivalent public documents issued by authorities of the issuing MS, or of other public documents or means of evidence.



- ◎ **The Union multilingual standard forms concerning birth, death, marriage, registered partnership and legal status and representation of a company are established.**
- ◎ **Those Union multilingual standard forms shall be as set out in the Annexes.**
- ◎ **The Commission shall develop electronic versions of Union multilingual standard forms or other formats suitable for electronic exchanges.**
- ◎ **Multilingual standard form for real estate: EULRD**



Thank you for your attention
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