



# STUDY ON THE FREE MOVEMENT OF PUBLIC DOCUMENTS IN THE EU LR

ELRN



EUROPEAN  
LAND  
REGISTRY  
NETWORK

March 4th, 2022

ELRA

## THE PRINCIPLE:

Mutual recognition of judicial and non judicial decisions  
in civil matters as established in EU treaties



## COURT DECISIONS

art 81 of TFEU:

Regulation 2201/ 2003

Regulation 1393/2007

Regulation 4/2009

Regulation 1215/2012

Regulation 650/ 2012

Regulations 2016/1103 and 2016/1104

## What about non- judicial documents?

«the union shall facilitate access to justice, in particular through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters.» (art 67.4 tfue)

deeds, wills, powers of attorney, civil status...

## EU RESPONSE

very limited

regulation 650/ 2012  
regulations 2016/1103 and 2016/1104

same evidentiary effects (art 58)

no legalisation (art 61)

no translation

## CONCLUSIONS

1. There is no free movement of documents within the EU
2. Strong tendency to «national documents only»
3. Limited European response
4. We are far away but things are changing

## DIGITALIZATION AS KEY EU POLICY

- Digitalization of deeds and other documents
- How digital documents can be recognized??
- How digital documents may be transferred?
- What is the role of e-justice in the transmission??
- What is the role of IMOLA initiative??

## THE STUDY

### 1. Methodology: Questionnaires

### 2. Calendar:

- March: 1st questionnaire
- June (2nd workshop): results and analysis
- September: 2nd questionnaire
- November (3rd workshop): Conclusions

### 3. Expected results:

- To provide information about national situation
- To provide information about main problems detected
- To provide possible options and lines of work
- New Fact Sheet



## ROUND TABLE QUESTIONS

Does your national system accept a foreign document or deed in order to make an entry in the LR????

NO → Explain why so

YES → Elaborate on the answer

Try to explain how you deal if a foreign document is delivered to your land registry

**THANK YOU !!!!**



Fernando de la Puente  
Land Registrar, Spain