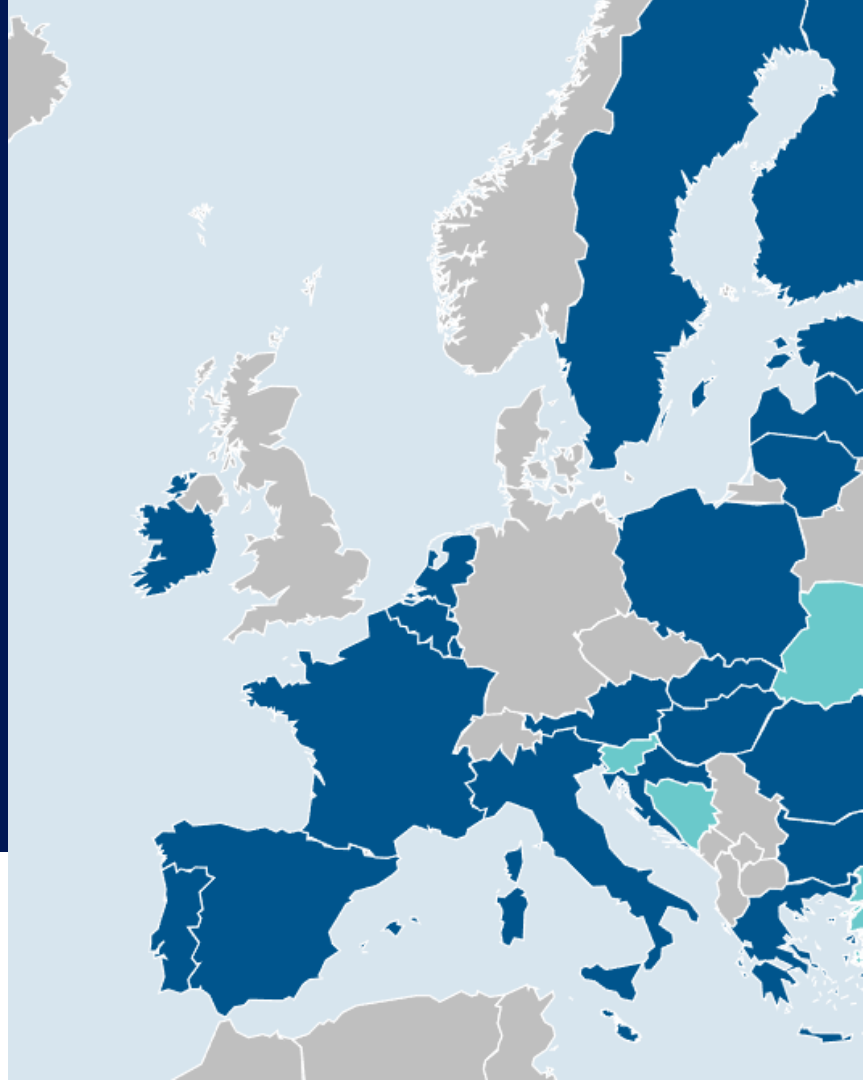
NEW study: Service of Documents (SoD)

Panel moderated by
Marta Rekawek-Pachwicewicz – Board Member
Jurmala (Latvia) - November 2026

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Co-funded by the European Union



Presentation of Regulation (EU) 2020/1784: short overview

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- Regulation (EU) 2020/1784 of 25 November 2020 (hereinafter “the Regulation”) is a European Union (EU) instrument on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

The revised text, applicable from 1st July 2022, replaced the two previous Community regulations on service of documents, Regulation (EC) 1348/2000 of 29 May 2000 and Regulation (EC) No 1393/2007 of 13 November 2007.

Presentation of Regulation (EU) 2020/1784: short overview

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- Before the adoption of these texts, the service of documents between EU Member States was mainly governed by the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the Service Convention). This convention continues to apply to relations with other States that are signatories.
- Service of documents among EU Member States is part of the construction of the European Judicial Area and aims to help the proper functioning of the internal market.
- The adoption of special rules for the service of documents among these Member States fulfils the goals to have quicker and more secure international service.

Presentation of Regulation (EU) 2020/1784: short overview

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- The Regulation applies to communications of documents in civil or commercial matters between the 27 EU Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.
- The main purpose of this instrument is to provide for the methods by which judicial documents will be transmitted abroad either to the competent authorities of the receiving State or directly to the addressee.
- For judicial document it is intended to be a legal document drawn up for the commencement of a civil or commercial lawsuit or issued during the course of it that must be served on a party.

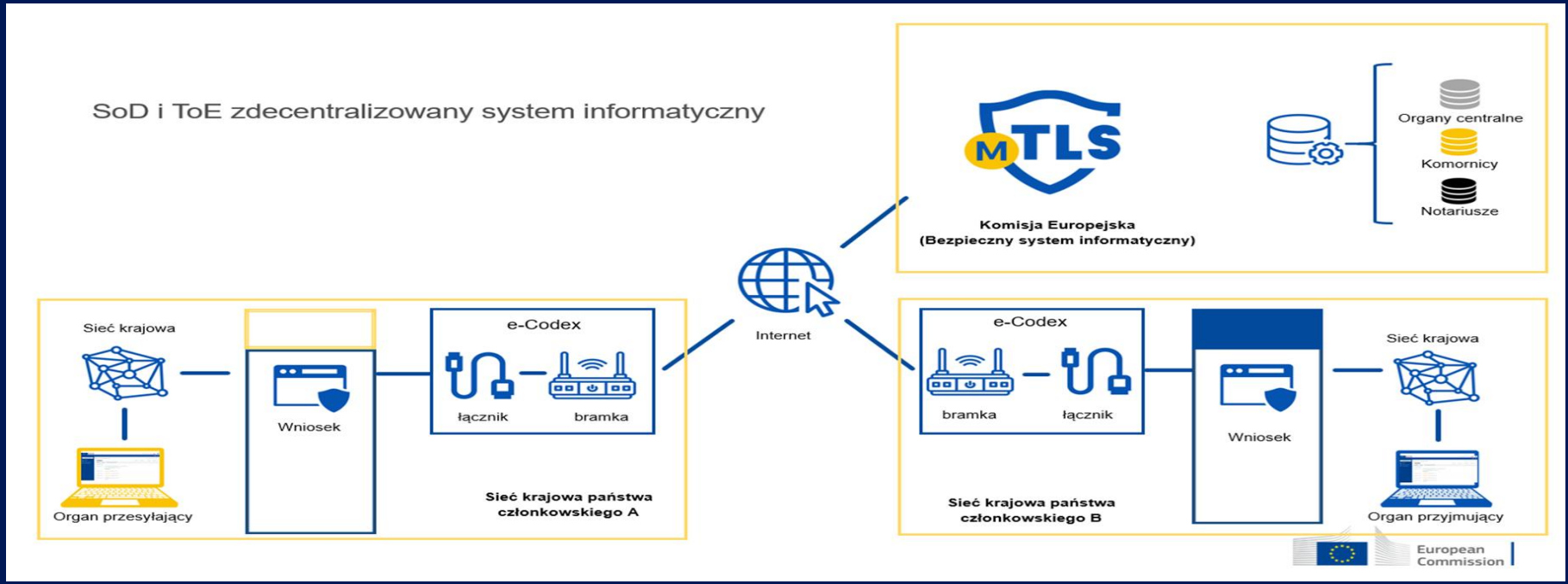
Presentation of Regulation (EU) 2020/1784: short overview

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- The Regulation provides, in the first place, a system of cooperative service which relies on the transmission of the document between the agencies of the two Member States concerned, the Forum Member State and the Member State addressed.

- In practice, this most desirable model of cooperation is based on the e-CODEX system, within which the JUDEX system operates.

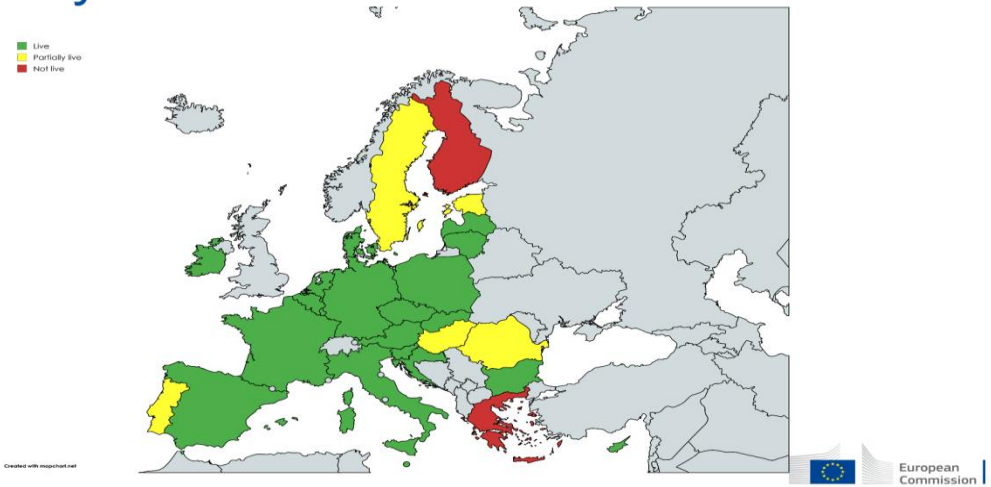
Presentation of Regulation (EU) 2020/1784: short overview



Service of Documents – status of JUDEX introduction in EU countries

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Status – May 2026



Presentation of Regulation (EU) 2020/1784: short overview

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- The Regulation proposes five “Other means of transmission and service of judicial documents” in Section 2 of Chapter II:

- Transmission by diplomatic or consular channels (Art. 16)
- Service by diplomatic agents or consular officers (Art. 17)
- Service by postal services (Art. 18)
- Electronic service (Art. 19)
- Direct service (Art. 20)

Presentation of Regulation (EU) 2020/1784: short overview

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- **The Regulation (EU) 2020/1784 does not apply:**

"to revenue, customs or administrative matters or to the liability of a Member State for actions or omissions in the exercise of state authority (acta iure imperii)" (art. 1.1).

- **Its application is also excluded "where the address of the person to be served with a document is not known" (art. 1.2). In this case, reference must be made to the applicable law of the sending State.**

Presentation of Regulation (EU) 2020/1784: short overview

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- **The Regulation (EU) 2020/1784:**

Article 33

- **Communication, publication and manual**

4. The Commission shall draw up and regularly update a manual containing the information referred to in paragraph 1. It shall make the manual available electronically, in particular through the European Judicial Network in Civil and Commercial Matters and on the European e-Justice Portal.

(Par. 1. Member States shall communicate to the Commission the information referred to in Articles 3 (Transmitting and receiving agencies), 7 (Assistance in address enquiries), 12 (Refusal to accept a document), 14 (Certificate of service and copy of the document served), 17 (Service by diplomatic agents or consular officers), 19 (Electronic service), 20 (Direct service) and 22 (Defendant not entering an appearance)

EJN Working Group on the Practice Guide on the Service of Document Regulation

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- European Judicial Network (EJN) is actively involved in the implementation of the Regulation on the Service of Documents (Recast), one example of this involvement is the establishment of a EJN WORKING GROUP ON THE PRACTICE GUIDE ON THE SERVICE OF DOCUMENT REGULATION to draw up a practical guide to the Regulation.
- ELRA is keen to dedicate a section/passus of the practical guide to the specific issues relating to the application of the Regulation to the service of documents in connection with proceedings for entry in the land and mortgage registers or other related proceedings, but this requires first addressing key preliminary questions, as to whether this regulation is applicable at all to such proceedings in the light of the national law of the individual Member States.

Questionnaire - Service of Documents in Land Registry system of ELRN countries

- For this reason, at the EJN meeting in Brussels in June this year, we declared our willingness to carry out preliminary research, and the result of this is the questionnaire which you – ELRN Contact Points – have completed.

- This is the right place to extend my warm thanks to everyone for your replies, which we received thanks to the work of ELRA Secretariat – for which I am also very grateful

- Questionnaire - Service of Documents in Land Registry system of ELRN countries, which consisted of 5 substantive questions (question 1-2 was strictly informative):

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- ***3. In your country's land registration system, are land registration proceedings governed by civil procedural rules, administrative procedural rules or other procedural rules?***
  - ***If another type of procedure applies, please specify. Are all stages of the proceedings governed by the same procedural rules, or do different rules apply at different stages?***
- ***4. In land registration proceedings involving applicants or other parties from other European Union Member States, are the mechanisms provided for under the Recast Service Regulation (SoD) used to serve documents, such as notices of registration or summonses?***

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- *If so, which methods are most used - direct service, service through a receiving agency (the JUDEX system), or other methods? If other methods are used, please specify*

- *5. In cross-border land registration proceedings involving applicants or other parties from other then European Union Member States, please specify which methods of service are used and under which legal instruments (bilateral or multilateral agreements, the Hague Convention or others). If you wish, you may provide a practical example.*

Questionnaire - Service of Documents in Land Registry system of ELRN countries

- We received 23 replies from the ELRN Contact Points in the following 20 countries: Austria, Sweden, Poland, Estonia, Italy, Luxemburg, the Netherlands, Croatia, Malta, Belgium, Spain, Portugal, Slovak Republic, Bulgaria, Hungary, Romania, Finland, Cyprus, Finland, Cyprus.

- **THANK YOU!**

Questionnaire - Service of Documents in Land Registry system of ELRN countries

- **The starting point was to answer the first question, namely, to determine the procedure on which the land and mortgage registers are based – whether it is a civil or administrative procedure.**

- Civil procedure was declared by 10 CPs: Austria, Poland, Italy (Trentino), Luxemburg (with some exemptions), Bulgaria (based on specific acts with subsidiarity of civil procedure), the Netherlands (with exceptions in some appeal matters), Croatia (based on specific acts with subsidiarity of civil procedure), Romania, Malta, Belgium

- Administrative procedure by 2 CPs: Sweden, Cyprus

- Mixed procedure by 5 CPs: Estonia, Italy (Agenzia delle Entrate), Finland, Spain, Portugal.

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- **The second question was intended to expand on the basic answer to the first question, so as to enable the presentation of interesting procedural solutions in detail.**

- **For example, for Luxemburg, CP – Ms Sarah Holtermann states that:**

"For mortgages registration duties (droits d'inscription) and property transfers registration duties (droits de transcription) levied by the land registry, a specific tax procedure legislation applies, including a specific statute of limitation, possibility of an amicable administrative appeal at a first stage, powers exceeding those available under ordinary civil law for enforcement actions etc."

Questionnaire - Service of Documents in Land Registry system of ELRN countries

- **For Croatia, CP – Ms Marija Kraljević states:**

“Land registration proceedings are governed by the specific procedural rules set out in the Land Registry Act (No. 63/19, 128/22, 155/23 and 127/24). The Act provides a special procedural framework for land registration matters, with the rules of non-contentious proceedings and, where appropriate, the Civil Procedure Act applying subsidiarily, unless otherwise provided by the Land Registry Act. The same general procedural framework applies throughout the proceedings; however, specific rules may differ depending on the stage and type of procedure, such as the submission and examination of registration applications, the entry of rights in the Land Register, the lodging and examination of appeals, and special procedures for the establishment or renewal of land registers”.

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- **For Portugal, CP – Ms Maria Luis Marinho states:**

"The applicable framework is a special land registration procedure. The rules applicable to a particular procedural step depend on the type of proceedings and the matter concerned. The Land Registration Code governs proceedings before the land registry, including registration applications. Civil procedural rules are applied and also, it is applicable EU law and international instruments.".

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- The third question was the core one to get answer about applying directly the Recast Service Regulation (SoD) used to serve documents, such as notices of registration or summonses in cross - border cases, where the involving applicants or other parties come from other European Union Member States.
- Next slide, you'll see the various answers we received:

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- 5 countries use the SoD mechanism: Austria, Poland, Italy (Trentino), Croatia, Portugal (Portuguese registrars have been designated as transmitting agencies under the Regulation – the only country!)
- 9 countries definitely not use the SoD mechanism but only domestic law: Estonia, Romania, the Netherlands, Hungary, Italy (Agenzia delle Entrate), Malta, Finland, Spain, Cyprus
- 2 countries use SoD procedure only in exceptional cases: Luxemburg, Belgium (summonses and service of documents)
- 3 others: Sweden, Slovakia, Bulgaria

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- **The fourth question was to develop the third question by specifying which methods are mostly used - direct service, service through a receiving agency (the JUDEX system) or other methods**

- Direct service: Austria
- Electronic service: Romania, Spain (at first place)
- Transmitting agencies: Spain (at second place)
- All means specified by SoD: Poland, Estonia, Bulgaria, Croatia (lack of consolidated data)
- No applicable: Hungary, Belgium
- No answer: Sweden, Malta, Portugal (lack of data), Cyprus

Questionnaire - Service of Documents in Land Registry system of ELRN countries

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- **The fifth question was about out of EU countries for cross-border land registration proceedings involving applicants or other parties from other then European Union Member States. It was about the methods of service which are used: bilateral or multilateral agreements, the Hague Convention or others.**

- Both, Haque Convention 1965&Bilateral agreements – 7 countries: Austria, Estonia, Slovakia, Hungary(?), Croatia, Belgium (interesting example), Cyprus

- Others – 5 countries: Bulgaria (based on national rules), Hungary, Italy (Trentino), Netherlands, Spain (no)

- No answer – 6 countries: Sweden, Poland, Luxemburg (no data), Romania, Finland, Portugal

Questionnaire - Service of Documents in Land Registry system of ELRN countries - Summary

Q1. Half of the examined countries uses civil procedure in land registry (50%), what means that they will fall under Article 1 of the SoD and should be included in the description of the SoD Guide. We will highlight this in the work of the EJN Working Group on the SoD Practical Guide.

Q2: The given examples show that procedure can be mixed with tax regulations or specific regulations of land registry law + civil procedural law, what still should make them under scope of art. 1 SoD.

Q3: Most of the EU countries, according to the survey, do not use SoD Regulation - apr, 50% and only 5 countries use it regularly. Two countries use it only exceptionally and 3 use it in another way (however here I found difficult to interpreted answers).

Q4: ELRN Contact Points provided the least detailed answers to this question, probably mainly due to a lack of data. It can be assumed that this is linked to the very short period during which SoD has been in practical use**. None of the contact points mention the use of the JUDEX system, which is the most preferable (safest & fastest).**

Q5. It was the most complex question, which, as can be seen, posed difficulties for the ELRN Contact Points. We can presume, that in practice such situations are very rare and have not been encountered very often. If they do arise, they are usually dealt with under the Hague Convention or a bilateral agreement. **This part of research need to be revised!**

Round table discussion - Questions

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1. **Countries that have not completed the questionnaire**
   - Opportunity to share their answers during the round table.

2. **Countries that have already completed the questionnaire**
   - Opportunity to supplement or elaborate on their previous answers.



THANK YOU FOR YOUR ATTENTION & ENGAGEMENT!

European Land Registry Association (ELRA)

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