



# The new Public Documents Regulation

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# EU dimension of public documents

- *sectorial EU instruments*
- *2016: first horizontal EU instrument*

# The principles

- 1. Free circulation of public documents based on free movement of persons in the EU*
- 2. Better cooperation between authorities*
- 3. (electronic) multilingual translation aid forms*

# What is relevant for registrars?

- 1. Check the Scope*
- 2. Check the type of public document*
- 3. No Apostille can be required*
- 4. Doubt on authenticity? => connect through IMI*
- 5. Issue multilingual translation aid forms*

# Scope (13 areas)

(a) birth;

(b) a person being alive;

(c) death;

(d) name;

(e) marriage, including capacity to marry and marital status;

(f) divorce, legal separation or marriage annulment;

(g) registered partnership, including capacity to enter into a registered partnership and registered partnership status;

(h) dissolution of a registered partnership, legal separation or annulment of a registered partnership;

(i) parenthood;

(j) adoption;

(k) domicile and/or residence;

(l) nationality

(m) absence of a criminal record, provided that public documents concerning this fact are issued for a citizen of the Union by the authorities of that citizen's Member State of nationality.

# Which documents?

(a) documents emanating from an authority or an official connected with the courts or tribunals of a Member State, including those emanating from a public prosecutor, a clerk of a court or a judicial officer ('huissier de justice');

(b) administrative documents;

(c) notarial acts;

(d) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures;

(e) documents drawn up by the diplomatic or consular agents of a Member State acting in the territory of any State in their official capacity, where such documents have to be presented in the territory of another Member State or to the diplomatic or consular agents of another Member State acting in the territory of a third State.

# Does not apply to third countries

*This Regulation does not apply to:*

*(a) public documents issued by the authorities of a third country;*

*(b) certified copies of documents referred to in point (a) made by the authorities of a Member State.*

# Certified copies

*- once issued by a Member State concerning an original issued by a Member State authority, they have to be accepted by all the Member States*



# Translations

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A translation shall not be required where:

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(a) the public document is in **the official language** of the Member State where the document is presented or, if that Member State has several official languages, in the official language or one of the official languages of the place where the document is presented or in **any other language that that Member State has expressly accepted**; or

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(b) a public document is **accompanied by a multilingual standard form**, provided that the authority to which the public document is presented considers that the information included in the multilingual standard form is sufficient for processing the public document.

# Certified translations

*- if carried out by a qualified person to do so under the law of a Member State, they **shall be accepted in all Member States***

# The e-multilingual standard forms

11 multilingual standard forms

Standard and country-specific part

Will be made available electronically in the European e-Justice Portal

Can be embedded/integrated in national IT-systems

Subject matters covered:

- Birth
- Life
- Death
- Marriage (incl. capacity to marry, marital status)
- Registered partnership (incl. capacity and status)
- Residence/Domicile
- Absence of a criminal record in the Member State of nationality of the person concerned

## ANNEX IV

<b>MARRIAGE</b>	
<b>MULTILINGUAL STANDARD FORM - TRANSLATION AID</b>	
Article 7 of Regulation (EU) 2016/... of the European Parliament and of the Council of ... on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 <sup>1</sup>	
<input type="checkbox"/> Belgium (BE) <input type="checkbox"/> Bulgaria (BG)	<input type="checkbox"/> Czech Republic (CZ)
<input type="checkbox"/> Denmark (DK) <input type="checkbox"/> Germany (DE)	<input type="checkbox"/> Estonia (EE) <input type="checkbox"/> Ireland (IE)
<input type="checkbox"/> Greece (EL) <input type="checkbox"/> Spain (ES)	<input type="checkbox"/> France (FR) <input type="checkbox"/> Croatia (HR)
<input type="checkbox"/> Italy (IT) <input type="checkbox"/> Cyprus (CY)	<input type="checkbox"/> Latvia (LV) <input type="checkbox"/> Lithuania (LT)
<input type="checkbox"/> Luxembourg (LU)	<input type="checkbox"/> Hungary (HU) <input type="checkbox"/> Malta (MT)
<input type="checkbox"/> Netherlands (NL) <input type="checkbox"/> Austria (AT)	<input type="checkbox"/> Poland (PL) <input type="checkbox"/> Portugal (PT)
<input type="checkbox"/> Romania (RO) <input type="checkbox"/> Slovenia (SI)	<input type="checkbox"/> Slovakia (SK) <input type="checkbox"/> Finland (FI)
<input type="checkbox"/> Sweden (SE) <input type="checkbox"/> United Kingdom (UK)	

## IMPORTANT NOTICE

The sole purpose of this multilingual standard form is to facilitate the translation of the public document to which it is attached. This form shall not be circulated as an autonomous document between Member States.

This form reflects the content of the public document to which it is attached. However, the authority to which the public document is presented may require, when necessary for the purpose of processing the public document, a translation or transliteration of the information included in the form.

## Issuing the forms (languages)

- *Issuance upon citizen's request*
- *the official language(s) of the issuing Member State*
- *Entry-headings in languages of the issuing and the receiving Member State*

## Fees for the forms

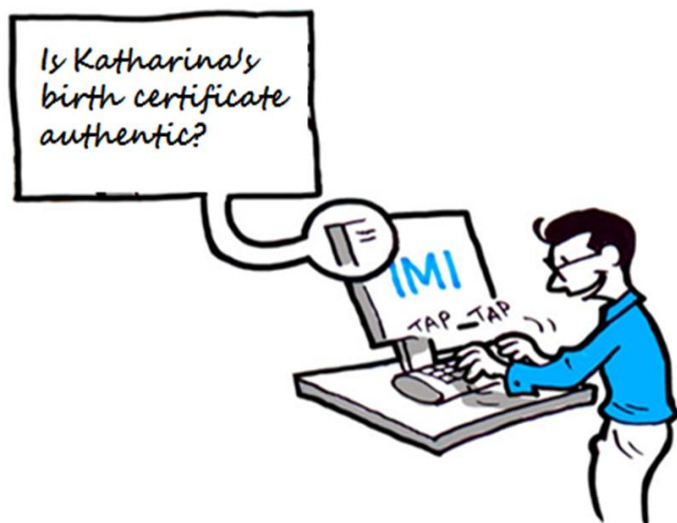
*- shall not exceed the production cost of the form or the public document to which the form is attached, whichever is lower.*

# The forms' legal nature

*They shall be attached to the public documents, shall be used as a translation aid and shall have no autonomous legal value.*

# Administrative cooperation: the IMI

*In case of doubt, checks of documents' **authenticity** will be possible electronically via the Internal Market Information System (IMI)*



# IMI workflow for requests

(a) check the available models of documents in the repository of IMI;

(b) if a doubt remains, submit a request for information through IMI:

(i) to the authority that issued the public document or, where applicable, to the authority that made the certified copy, or to both; or

(ii) to the relevant central authority.



# Reasonable doubt – possible criteria

*- No systematic checks!*

*(a) the authenticity of the signature,*

*(b) the capacity in which the person signing the document acted,*

*(c) the identity of the seal or stamp,*

*(d) the document having been forged or tampered with.*

# Informing the public

*The Commission and the Member States shall make information in relation to the content of this Regulation available **through appropriate means**, including through the European e-Justice Portal and the websites of Member States' authorities.*

# The Regulation on public documents

- *will facilitate the circulation of public documents in the EU (including notarial acts)*
- *will strengthen the administrative cooperation between authorities*
- *will help save cost and time*
- ***will apply as of end 2018/beginning 2019***

# Going further: the e-workflow

*Building on the future Public Documents Regulation, priority should be given to **mapping and promoting the cross-border use of electronic public documents** within the Union.*

*Elements:*

- *achieving a **Digital Single Market***
- *the **once only** principle in eGovernment*
- *the **ISA<sup>2</sup>**-project*
- *the role and functioning of the European **e-Justice Portal***
- ***workflow** of using electronic public documents in different Member States*



**Thank you!**

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