



CCBE RESPONSE TO THE EUROPEAN COMMISSION PROPOSAL FOR A REGULATION ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

CCBE Response to the European Commission Proposal for a Regulation on mutual recognition of protection measures in civil matters

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FOREWORD

The legislative package on victims' rights

On 18 May 2011, the European Commission presented a legislative proposal of a regulation on mutual recognition of protection measures taken in civil matters¹.

This proposal forms part of a legislative package which aims at strengthening the rights of victims in the EU and which also includes the following other elements: a communication on the strengthening of victims' rights in the EU² and a proposal for a directive establishing minimum standards on the rights, support and protection of victims of crime³.

The European Union has already acted on the rights of victims, however with reference to criminal proceedings only. This was accomplished through the Council Framework Decision 2001⁴, although to a varying degree. In September 2009, 12 Member States of the EU have therefore additionally put forward a proposal for a directive on the European protection order ensuring mutual recognition of protection measures taken in criminal matters, which came into effect in December 2011⁵.

In June 2011, the Council of the EU established a roadmap for strengthening the rights and protection of victims with the following measures:

Measure A: a directive replacing Council Framework Decision 2001

Measure B: a recommendation or recommendations on practical measures and best practices in relation to the directive set out in Measure A

Measure C: a regulation on mutual recognition of protection measures taken in civil matters

Measure D: a review of the Council Directive 2004/80/EC relating to compensation to crime victims

Measure E: specific needs of victims⁶

The present legislative proposal of a regulation on mutual recognition of protection measures taken in civil matters will thus constitute a complementary mechanism to that designated in the directive on mutual recognition of protection orders taken in criminal matters. The combined effect of these two legislative instruments will be to ensure that all protection orders taken in a Member State benefit from an efficient mechanism to ensure their free circulation throughout the EU.

The objectives of the Commission

The proposal follows the rationale of existing EU instruments on judicial cooperation in civil and commercial matters. Taking into account the steady increase of free movement of persons within the EU, the Commission considers it necessary that persons who have become victims of violence or whose physical or psychological integrity is at risk, and who benefit from a protection measure taken in one Member State, should benefit from the same level of protection in any other Member State to which they decide to move or travel, without having to go through intermediate, expensive and time-consuming procedures. This forms part of the broader objective to strengthen and protect victims of crime and, in the longer perspective, to make their position a central feature of the EU justice agenda.

As a next step, the Commission intends to review the directive on compensation of victims of crime and on the provision of legal aid. Further studies will also be carried out, in particular in relation to specific categories of victims, including victims of terrorism, organized crime and gender-based violence, with a view to improving the situation of victims. In addition, the Commission will implement a range of flanking measures to strengthen the position of victims of crime. This will include training and

1 Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters [COM(2011)0276] ([EN](#), [FR](#)).

2 Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Strengthening victims' rights in the EU [COM(2011)274] ([EN](#), [FR](#)).

3 Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime [COM(2011)0275] ([EN](#), [FR](#)).

4 Council Framework Decision on the standing of victims in criminal proceedings [2001/220/JHA] ([EN](#), [FR](#)).

5 Directive of the European Parliament and of the Council on the European protection order [2011/99/EU] ([EN](#), [FR](#)).

6 Resolution of the Council on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings [2011/C 187/01] ([EN](#), [FR](#)).

capacity building, exchange of good practices, prevention of crime and violence, data collection and research. Financial support under existing programmes promoting issues relevant to victims' rights will also be continued.

The procedure

The proposed regulation will ensure that a temporary protection provided in one Member State is recognised and, where applicable, enforced in another Member State. The procedure designated in the instrument provides for a standardised certificate, which contains all information relevant for the recognition and, where applicable, enforcement. A certificate will be issued by the competent authority of the first Member State, either *ex-officio* or on request of the protected person, who will then contact the competent authorities in the second Member State and provide them with the certificate. The competent authorities of the second Member State will notify the person causing the risk about the geographical extension of the foreign protection measure, the sanctions applicable in case of its violation and, where applicable, ensure its enforcement. The proposal provides for the abolition of intermediate procedures and no grounds for refusal have been proposed, except for the existence of an irreconcilable decision in the Member State of recognition.

Reasons for the CCBE's interest in victims' rights

The CCBE shares the view advocated by the Commission in its communication document accompanying the proposal for a regulation that in order to develop a consolidated area of freedom, security and justice at the EU level, an action must be taken to ensure that the need for protection, support and access to justice of victims of crime is sufficiently met EU-wide.

The EU has already adopted a directive dealing with the rights of victims in criminal proceedings. However, the mechanisms used in this instrument, based on Article 82 TFUE dealing with mutual recognition in criminal matters, is not compatible with the ambitious standard of mutual recognition in civil matters, covered by Article 81 TFUE. This creates a regulatory vacuum. The CCBE believes that the proposed package of proposals to introduce a mutual recognition mechanism in civil proceedings will ensure that victims of crime are given non-discriminatory minimum rights across the EU, irrespective of their nationality or country of residence.

The CCBE has already taken a proactive stance with regard to the proposed legislative package on victims' rights. On 21 October 2011, the CCBE adopted its position paper on the aforementioned proposal of the Commission for a directive establishing minimum standards on the rights, support and protection of victims of crime⁷. This position paper came as a follow-up to the CCBE response to the Commission consultation on victims' rights, 'Taking action on rights, support and protection of victims of crime and violence'⁸, in which the CCBE noted that:

The European protection order would be an adequate mechanism to provide recognition of the validity of orders issued by any competent authority within the EU. [...] Such an order is the only envisaged mechanism to grant protection to the integrity of the victim within the European Area as well as to grant the victims integrity when they are exercising their fundamental right of freedom of movement. This right could otherwise be endangered, compromised and limited.

The purpose of the CCBE is now to draw a position paper on the proposal of the Commission for a regulation on mutual recognition of protection measures in civil matters. This will constitute a continuation of the CCBE interest in the EU legislative package strengthening the rights of victims.

The involvement of the CCBE, the representative of the legal profession across Europe, demonstrates its strong commitment to aiding the Commission in its endeavours to develop a harmonised justice system in the EU. The CCBE is also convinced that the area under consideration will gain an increased momentum in the coming years, especially due to the growing movement of EU citizens across borders, and will thus implicate an extended range of agents, including defendants and suspects in criminal as well as civil proceedings.

7 CCBE response to the European Commission Proposal for a Directive establishing minimum standards on rights, support and protection of victims of crime ([EN](#)).

8 CCBE Response to the Commission Consultation on Victims' Rights ([EN](#)).

Taking this into account and considering the impact of the new regulation on the role of lawyers, the Victims' Rights Working Group has decided to prepare a position paper containing individual amendments to the articles as well as comments of general nature. In its Appendix, the position paper includes a comparative table presenting description of the functioning of various protection orders in 19 member countries of the CCBE.

REVIEW OF THE PROPOSAL FOR A REGULATION ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

Commission Proposal for a Regulation	Amendments submitted by the CCBE (in bold)
<p>CHAPTER I</p> <p>Scope, definitions and jurisdiction</p> <p>Article 1 – Scope</p> <p><i>This Regulation applies to protection measures taken in civil matters whatever the nature of the authority. It does not apply to protection measures covered by Regulation (EC) No 2201/2003.</i></p>	<p>CHAPTER I</p> <p>Scope, definitions and jurisdiction</p> <p>Article 1 – Scope</p> <p><i>This Regulation applies to protection measures taken in civil matters <u>in accordance with national law</u> whatever the nature of the authority. It does not apply to protection measures covered by Regulation (EC) No 2201/2003.</i></p>
<p>Article 2 – Definitions</p> <p><i>For the purposes of this Regulation:</i></p> <p><i>(a) 'protection measure' means any decision, whatever it may be called, of a preventive and temporary nature taken by an authority in a Member State in accordance with its national law with a view to protecting a person when serious reasons exist to consider the person's physical and/or psychological integrity or liberty to be at risk. It shall include measures ordered without the person causing the risk being summoned to appear.</i></p>	<p>Article 2 – Definitions</p> <p><i>For the purposes of this Regulation <u>the following definitions shall apply:</u></i></p> <p><i>(a) 'protection measure' means any decision <u>taken in civil matters,</u> whatever it may be called, of a preventive and temporary nature taken by an authority in a Member State in accordance with its national law <u>and procedures</u> with a view to protecting a person when serious reasons exist to consider the person's physical and/or psychological integrity, <u>dignity, personal liberty or sexual integrity</u> to be at risk. It shall include measures ordered without the person causing the risk being summoned to appear.</i></p>

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The following are notably protection measures:

(i) an obligation not to enter certain localities, places or defined areas where the protected person resides, works or that he visits; or

(ii) an obligation not to enter into contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or

(iii) an obligation not to approach the protected person closer than a prescribed distance; or

(iv) a decision attributing the exclusive use of the common housing of two persons to the protected person.

(b) 'authority' shall include any authority designated by a Member State as having competence in the matters falling within the scope of this Regulation;

(c) 'Member State of origin' means the Member State in which the protection measure is taken;

(d) 'Member State of recognition' means the Member State in which the recognition and, if relevant, the enforcement of the

The following are notably protection measures:

(i) an obligation not to enter certain localities, places or defined areas where the protected person resides, works or that he visits; or

(ii) an obligation not to enter into contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or

(iii) an obligation not to approach the protected person closer than a prescribed distance; or

(iv) a decision attributing the exclusive use of the common housing of two persons to the protected person.

(b) 'protected person' means the natural person who is the object of the protection stemming from a protection measure adopted by the Member State of origin,

(c) 'person causing the risk' means the natural person on whom one or more of the obligations, referred to in Article 2(a)(i)-(iii), have been imposed,

(d) 'authority' shall include any *judicial or equivalent* authority, *except police forces*, designated by a Member State as having competence

<p><i>protection measure is sought;</i></p>	<p><i>in the matters falling within the scope of this Regulation;</i></p> <p><i><u>(e)</u> 'Member State of origin' means the Member State in which the protection measure is taken;</i></p> <p><i><u>(f)</u> 'Member State of recognition' means the Member State in which the recognition and, if relevant, the enforcement of the protection measure is sought;</i></p>
<p><i>Article 3 – Jurisdiction</i></p> <p><i>The authorities of the Member State where the person's physical and/or psychological integrity or liberty is at risk shall have jurisdiction.</i></p>	<p><i>Article 3 – Jurisdiction</i></p> <p><i>The authorities of the Member State where the person's physical and/or psychological integrity or liberty is at risk shall have jurisdiction.</i></p>
<p><i>CHAPTER II</i></p> <p><i>Recognition and enforcement of protection measures</i></p> <p><i>Article 4 – Recognition</i></p> <p><i>A protection measure taken in a Member State shall be recognised in the other Member States without any special procedure being required and without any possibility of opposing its recognition if the decision has been certified in the Member State of origin in accordance with Article 5.</i></p>	<p><i>CHAPTER II</i></p> <p><i>Recognition and enforcement of protection measures</i></p> <p><i>Article 4 – Recognition</i></p> <p><i><u>(a)</u> A protection measure taken in a Member State shall be recognised in the other Member States without any special procedure being required and without any possibility of opposing its recognition, <u>other than as mentioned in paragraph b of this Article</u>, if the decision has been certified in the Member State of origin in accordance with Article 5 <u>and subject to Article 10, relating to the protection of fundamental rights</u>.</i></p>

(b) The authority of the Member State of recognition may refuse to recognise a protection measure in the following circumstances:

(i) the protection measure is not complete or has not been completed within the time limit set by the authority of the Member State of recognition;

(ii) the requirements set out in Article 2 have not been met;

(iii) the protection measure relates to an act that does not constitute a civil offence under the law of the Member State of recognition;

(iv) the protection derives from the execution of a penalty or measure that, according to the law of the Member State of recognition, is covered by an amnesty and relates to an act or conduct which falls within its competence according to that law;

(v) there is immunity conferred under the law of the Member State of recognition on the person causing the risk, which makes it impossible to adopt measures on the basis of a protection measure;

(vi) civil prosecution, against the person causing the risk, for the act or the conduct in relation to which the protection measure has been adopted is statute-barred under the law of the Member State of recognition, when the act or the conduct falls within its

competence under its national law;

(vii) recognition of the protection measure would contravene the ne bis in idem principle;

(viii) under the law of the Member State of recognition, the person causing the risk cannot, because of that person's age, be held responsible for the act or the conduct in relation to which the protection measure has been adopted;

(ix) the protection measure relates to a civil offence which, under the law of the Member State of recognition, is regarded as having been committed, wholly or for a major or essential part, within its territory;

(c) Where the authority of the Member State of recognition refuses to recognise a protection measure in application of one of the grounds referred to in subparagraph b above, it shall:

(i) without undue delay, inform the Member State of origin and the protected person of this refusal and of the grounds relating thereto;

(ii) where appropriate, inform the protected person about the possibility of requesting the adoption of a protection measure in accordance with its national law;

(iii) inform the protected person of any applicable legal remedies

	<u><i>that are available under its national law against such a decision.</i></u>
<p><i>Article 5 – Certificate</i></p> <p><i>1. A party who wishes to invoke in another Member State a protection order recognised pursuant to this Article shall provide the competent authorities of the Member State of recognition with the certificate issued in accordance with this Article.</i></p> <p><i>2. The competent authorities of the Member State of origin shall issue the certificate using the standard form set out in the Annex, containing, inter alia, a description of the measure which shall be formulated in such a way as to facilitate the recognition and, where applicable, the enforcement in the second Member State.</i></p> <p><i>3. The certificate shall be issued:</i></p> <p><i>(i) ex-officio in case of involvement of cross-border situations at the time of the adoption of the protection measure; for the purpose of this Regulation, a matter has cross-border implications except where the risk for the person's physical and/or psychological integrity or liberty is located exclusively in the Member State of origin;</i></p> <p><i>(ii) at the request of the protected person in any other case; when adopting a protection measure, the competent authority of the Member State of origin shall inform the protected person of the possibility of requesting a certificate as established by this Regulation.</i></p>	<p><i>Article 5 – Certificate</i></p> <p><i>1. A party who wishes to invoke in another Member State a protection order recognised pursuant to this Article shall provide the competent authorities of the Member State of recognition with the certificate issued in accordance with this Article.</i></p> <p><i>2. The competent authorities of the Member State of origin shall issue the certificate using the standard form set out in the Annex, containing, inter alia, a description of the measure which shall be formulated in such a way as to facilitate the recognition and, where applicable, the enforcement in the second Member State.</i></p> <p><i>3. The certificate shall be issued:</i></p> <p><i>(i) ex-officio in case of involvement of cross-border situations at the time of the adoption of the protection measure; for the purpose of this Regulation, a matter has cross-border implications except where the risk for the person's physical and/or psychological integrity or liberty is located exclusively in the Member State of origin;</i></p> <p><i>(ii) at the request of the protected person in any other case; when adopting a protection measure, the competent authority of the Member State of origin shall inform the protected person of the possibility of requesting a certificate as established by this Regulation.</i></p>

<p>4. The competent authorities of the Member State of recognition may, where necessary, request a transliteration or a translation of the content of the certificate, in accordance with Article 15.</p>	<p>4. The competent authorities of the Member State of recognition may, where necessary, request a transliteration or a translation of the content of the certificate, in accordance with Article 15.</p>
<p>Article 6 – Effects of the certificate</p> <p>The certificate shall take effect only within the limits of the enforceability of the decision.</p>	<p>Article 6 – Effects of the certificate</p> <p>The certificate shall take effect only within the limits of the enforceability of the decision.</p>
<p>Article 7 – Rectification of the certificate</p> <p>1. The law of the Member State of origin shall be applicable to any rectification of the certificate.</p> <p>2. No appeal shall lie against the issuing of a certificate.</p>	<p>Article 7 – Rectification of the certificate</p> <p>1. The law of the Member State of origin shall be applicable to any rectification of the certificate, <u>and shall be subject to compliance with the fundamental rights safeguards contained in Article 10 of this Regulation.</u></p> <p>2. No appeal shall lie against the <u>issuing</u> of a certificate.</p>
<p>Article 8 – Adaptation of the foreign protection measure</p> <p>If a protection measure is not known in the Member State of recognition, the competent authority in that Member State shall, to the extent possible, adapt the protection measure to one known under its own law which has equivalent effects attached to it and pursues similar aims and interests.</p>	<p>Article 8 – Adaptation of the foreign protection measure</p> <p><u>(a)</u> If a protection measure is not known in the Member State of recognition, the competent authority, <u>as specified in Article 2(b) of this Regulation,</u> in that Member State shall, to the extent possible, adapt the protection measure to one known under its own law which has equivalent effects attached to it and pursues similar aims and interests.</p>

	<p><u>(b) In such a case, the person causing the risk has the right to be heard, to be assisted by a lawyer and to challenge such adaptation in accordance with the law of the state of recognition.</u></p>
<p><i>Article 9 – Enforcement of certain protection measures</i></p> <p>1. <i>To the extent that a protection measure taken in one Member State requires under the law of another Member State an intervention by the competent authorities of that Member State in order to give effect to the protection measure, it shall be enforced in that other Member State without the need for a declaration of enforceability.</i></p> <p>2. <i>The procedure for the enforcement of protection measures taken in another Member State shall be governed by the law of the Member State of recognition, including the appeal against the adaptation of the protection measure taken in accordance with Article 8.</i></p>	<p><i>Article 9 – Enforcement of certain protection measures</i></p> <p>1. <i>To the extent that a protection measure taken in one Member State requires under the law of another Member State an intervention by the competent authorities of that Member State in order to give effect to the protection measure, it shall be enforced in that other Member State without the need for a declaration of enforceability.</i></p> <p>2. <i>The procedure for the enforcement of protection measures taken in another Member State shall be governed by the law of the Member State of recognition, including the appeal against the adaptation of the protection measure taken in accordance with Article 8.</i></p>
<p><i>Article 10 – Fundamental rights safeguard</i></p> <p>1. <i>The authorities of the Member State of origin shall issue the certificate referred to in Article 5 only if the fundamental rights safeguards set out in this Article have been respected.</i></p> <p>2. <i>A person causing the risk who did not enter an appearance in the Member State of origin shall have the right to apply for a</i></p>	<p><i>Article 10 – Fundamental rights safeguard</i></p> <p>1. <i>The authorities of the Member State of origin shall issue the certificate referred to in Article 5 only if the fundamental rights safeguards set out in this Article have been respected. <u>Due regard shall be paid to the relevant provisions of the EU Charter of Fundamental Rights and the European Convention on Human Rights, particularly the right to legal aid.</u></i></p> <p>2. <i>A person causing the risk who did not enter an appearance in the Member State of origin shall have the right to apply for a review of the</i></p>

<p><i>review of the protection measure before the competent authorities of that Member State where</i></p> <p><i>(a) he was not served with the document instituting the proceedings or an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence; or</i></p> <p><i>(b) he was prevented from contesting the protection measure by reason of force majeure or due to extraordinary circumstances without any fault on his part; unless he failed to challenge the protection measure when it was possible for him to do so.</i></p> <p><i>2. Where the protection measure is taken without the person causing the risk being summoned to appear and is intended to be recognised and/or enforced without prior service of that person, that person has the right to challenge the measure under the law of the Member State of origin.</i></p>	<p><i>protection measure before the competent authorities of that Member State where</i></p> <p><i>(a) he was not served with the document instituting the proceedings or an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence; or</i></p> <p><i>(b) he was prevented from contesting the protection measure by reason of force majeure or due to extraordinary circumstances without any fault on his part; unless he failed to challenge the protection measure when it was possible for him to do so.</i></p> <p><i>3. Where the protection measure is taken without the person causing the risk being summoned to appear and is intended to be recognised and/or enforced without prior service of that person, that person has the right to challenge the measure under the law of the Member State of origin.</i></p>
<p><i>Article 11 – No review as to substance</i></p> <p><i>Under no circumstances may a protection measure taken in a Member State be reviewed as to its substance in the Member State in which recognition and/or enforcement is sought.</i></p>	<p><i>Article 11 – No review as to substance</i></p> <p><i>Under no circumstances may a protection measure taken in a Member State be reviewed as to its substance in the Member State in which recognition and/or enforcement is sought.</i></p>
<p><i>Article 12 – Refusal, suspension or withdrawal of recognition or enforcement</i></p> <p><i>1. The competent authority in the Member State of recognition may, on application by the person causing the risk, refuse the</i></p>	<p><i>Article 12 – Refusal, suspension or <u>withdrawal</u> of recognition or enforcement</i></p> <p><i>1. The competent authority in the Member State of recognition may, on application by the person causing the risk, refuse the recognition of the</i></p>

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recognition of the protection measure taken by the court of origin if it is irreconcilable with a decision taken in the Member State of recognition.

2. If the protection measure is suspended or withdrawn in the Member State of origin, the competent authority of the Member State of recognition shall, on application by the person causing the risk, suspend or withdraw the recognition and, when applied, the enforcement of the protection measure. The application shall be submitted using the form set out in Annex II.

4. The recognition of a protection measure may not be refused because the law of the Member State of recognition does not allow for such a measure based on the same facts.

Article 13 – Notice

1. The competent authorities of the Member State of origin shall, without delay and according to the law of that Member State, bring to the notice of the person causing the risk and to the protected person:

protection measure taken by the court of origin if it is irreconcilable with a decision taken in the Member State of recognition **or other grounds listed in Article 4(b) are present.**

2. Within eight days following the decision of the Member State of recognition, the person causing the risk may submit the decision to the authority of the Member State of origin to obtain consideration of such decision and the possible revision of the protective measure taken by the Member State of origin.

3. If the protection measure is suspended or withdrawn in the Member State of origin, the competent authority of the Member State of recognition shall, on application by the person causing the risk, suspend or withdraw the recognition and, when applied, the enforcement of the protection measure. The application shall be submitted using the form set out in Annex II.

4. The recognition of a protection measure may not be refused because the law of the Member State of recognition does not allow for such a measure based on the same facts.

Article 13 – Notice

1. The competent authorities of the Member State of origin shall, without delay and according to the law of that Member State, bring to the notice of the person causing the risk and to the protected person:

<p><i>(i) the issuing of a protection measure;</i></p> <p><i>(ii) if applicable, the correspondent measures of enforcement;</i></p> <p><i>(iii) if applicable, the sanctions in case of violation of the protection measure</i></p> <p><i>(iv) any suspension or withdrawal of the protection measure.</i></p> <p><i>2. Upon reception of the certificate pursuant to Article 5 provided by the protected person, the competent authorities of the Member State of recognition shall, without delay and where necessary according to the rules of Regulation (EC) No 1393/200716, bring to the notice of the person causing the risk and to the protected person:</i></p> <p><i>(i) the recognition of the protection measure;</i></p> <p><i>(ii) if applicable, the correspondent measures of enforcement;</i></p> <p><i>(iii) if applicable, the sanctions in case of violation of the protection measure;</i></p> <p><i>(iv) any suspension or withdrawal of the protection measure.</i></p>	<p><i>(i) the issuing of a protection measure;</i></p> <p><i>(ii) if applicable, the correspondent measures of enforcement;</i></p> <p><i>(iii) if applicable, the sanctions in case of violation of the protection measure</i></p> <p><i>(iv) any suspension or withdrawal of the protection measure.</i></p> <p><i>2. Upon reception of the certificate pursuant to Article 5 provided by the protected person, the competent authorities of the Member State of recognition shall, without delay and where necessary according to the rules of Regulation (EC) No 1393/200716, bring to the notice of the person causing the risk and to the protected person:</i></p> <p><i>(i) the recognition of the protection measure;</i></p> <p><i>(ii) if applicable, the correspondent measures of enforcement;</i></p> <p><i>(iii) if applicable, the sanctions in case of violation of the protection measure;</i></p> <p><i>(iv) any suspension or withdrawal of the protection measure.</i></p>
<p>CHAPTER III</p>	<p>CHAPTER III</p>

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<p><i>Other provisions</i></p> <p><i>Article 14 – Legalisation and other similar formalities</i></p> <p><i>No legalisation or other similar formality shall be required in the context of this Regulation.</i></p>	<p><i>Other provisions</i></p> <p><i>Article 14 – Legalisation and other similar formalities</i></p> <p><i>No legalisation or other similar formality shall be required in the context of this Regulation.</i></p>
<p><i>Article 15 – Transliteration or translation</i></p> <p><i>When a transliteration or translation is required under this Regulation, such transliteration or translation shall be into the official language or one of the official languages of the Member State of recognition or any other language that the Member State of recognition has indicated it can accept. Any translation made under this Regulation shall be done by a person qualified to do translations in one of the Member States.</i></p>	<p><i>Article 15 – Transliteration or translation</i></p> <p><i>When a transliteration or translation is required under this Regulation, such transliteration or translation shall be into the official language or one of the official languages of the Member State of recognition or any other language that the Member State of recognition has indicated it can accept. <u>Any translation, transliteration and/or interpretation made under this Regulation shall be done by independent translators and interpreters who are appropriately qualified to do translations, transliteration and/or interpretation in one of the Member States and, if applicable, appear on national registers of independent translators and interpreters, as specified in Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings.</u></i></p>
<p><i>Article 16 – Right to legal aid</i></p> <p><i>An applicant who, in the Member State of origin, has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in any proceeding relating to the enforceability of the protection measure, to benefit from the most favourable legal aid or the most extensive exemption from costs</i></p>	<p><i>Article 16 – Right to legal aid</i></p> <p><i>An applicant who, in the Member State of origin, has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in any proceeding relating to the <u>enforceability</u> of the protection measure, to benefit from the <u>same</u> legal aid or the <u>same</u> exemption from costs or expenses provided for by the law of the</i></p>

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<i>or expenses provided for by the law of the Member State of recognition.</i>	<i>Member State of recognition.</i>
<i>CHAPTER IV</i> <i>General and final provisions</i> <i>Article 17 – Transitional provisions</i> <i>This Regulation shall apply to protection measures taken as of the day of entry into application therefor, even if the application for these protection measures was lodged before that date.</i>	<i>CHAPTER IV</i> <i>General and final provisions</i> <i>Article 17 – Transitional provisions</i> <i>This Regulation shall apply to protection measures taken as of the day of entry into application therefor, even if the application for these protection measures was lodged before that date.</i>
<i>Article 18 – Amendments to the form</i> <i>The Commission shall be empowered to adopt delegated acts in accordance with Article 19 concerning any amendment to the forms set out in the Annexes.</i>	<i>Article 18 – Amendments to the form</i> <i>The Commission shall be empowered to adopt delegated acts in accordance with Article 19 concerning any amendment to the forms set out in the Annexes.</i>
<i>Article 19 – Exercise of delegation</i> <i>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i> <i>2. The delegation of power referred to in Article 18 shall be conferred for an indeterminate period of time from the [Date of entry into force of this Regulation].</i>	<i>Article 19 – Exercise of delegation</i> <i>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i> <i>2. The delegation of power referred to in Article 18 shall be conferred for an indeterminate period of time from the [Date of entry into force of this Regulation].</i>

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<p>3. The delegation of powers referred to in Article 18 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 18 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [2 months] at the initiative of the European Parliament or the Council.</p>	<p>3. The delegation of powers referred to in Article 18 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 18 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [2 months] at the initiative of the European Parliament or the Council.</p>
<p>Article 20 – Review clause</p> <p>By [five years from the date of application in Article 23] at the latest, the Commission shall submit a report to the European Parliament, the Council and the European Economic and Social Committee on the application of this Regulation. If necessary, the report shall be accompanied by proposals for adaptation.</p>	<p>Article 20 – Review clause</p> <p>By [five years from the date of application in Article 23] at the latest, the Commission shall submit a report to the European Parliament, the Council and the European Economic and Social Committee on the application of this Regulation. If necessary, the report shall be accompanied by proposals for adaptation.</p>

<p><i>Article 21 – Information made available to the public</i></p> <p><i>Within the framework of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC17, the Member States shall provide a description of the national rules and procedures concerning protection measures, including authorities competent for recognition and/or enforcement with a view to making it available to the public.</i></p> <p><i>Member States shall keep that information permanently updated.</i></p>	<p><i>Article 21 – Information made available to the public</i></p> <p><u>Member States shall provide a description of the national rules and procedures concerning protection measures, including authorities competent for recognition and/or enforcement, exclusively within the framework of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC17, with a view to making such information available to the public.</u></p> <p><i>Member States shall keep that information permanently updated.</i></p>
<p><i>Article 22 – Communication by the Member States</i></p> <p><i>By [1 year before the entry into force of this Regulation], the Member State shall communicate to the Commission</i></p> <p><i>(a) the authorities having competence in the matters falling within the scope of this Regulation;</i></p> <p><i>(b) the languages accepted for translations of the of the certificate as referred to in Article 15.</i></p> <p><i>The Commission shall make the information publicly available through any appropriate means, in particular through the European Judicial Network in civil and commercial matters established by Decision 2001/470.</i></p>	<p><i>Article 22 – Communication by the Member States</i></p> <p><i>By [1 year before the entry into force of this Regulation], the Member State shall communicate to the Commission</i></p> <p><i>(a) the authorities having competence in the matters falling within the scope of this Regulation;</i></p> <p><i>(b) the languages accepted for translations of the of the certificate as referred to in Article 15.</i></p> <p><i>The Commission shall make the information publicly available through any appropriate means, in particular through the European Judicial Network in civil and commercial matters established by Decision 2001/470.</i></p>

<p>ANNEX I - Certificate mentioned under Article 5</p> <p>Footnote 18:</p> <p><i>The description of the protection measure must be formulated in such a way as to allow the competent authorities of the second Member State to recognise it and, where applicable, enforce it under the national law of that Member State. Therefore, neither specific reference to the national law, i.e. Article X of Code Y instead of the explication of the measure, nor to local places, i.e. a specific address instead of a general reference to the place of work or domicile, must be included. Hence, a general description of the measure must be provided, e.g. obligation not to enter the place where the protected person works, instead of obligation not to approach Street X or of protection measure adopted according to Art. X of Law Y. In case the protection measure is not known or is regulated slight differently in the second Member State, the authority of that Member State will, to the extent possible, adapt the measure to one known under its law which has similar effects and pursues the same aims.</i></p>	<p>ANNEX I - Certificate mentioned under Article 5</p> <p>Footnote 18:</p> <p><i>The description of the protection measure must be formulated in such a way as to allow the competent authorities of the second Member State to recognise it and, where applicable, enforce it under the national law of that Member State. Therefore, neither specific reference to the national law, i.e. Article X of Code Y instead of the explication of the measure, nor to local places, i.e. a specific address instead of a general reference to the place of work or domicile, must be included. Hence, a general description of the measure must be provided, e.g. obligation not to enter the place where the protected person works, instead of obligation not to approach Street X or of protection measure adopted according to Art. X of Law Y. In case the protection measure is not known or is regulated slight differently in the second Member State, the authority of that Member State will, to the extent possible, adapt the measure to one known under its law which has similar effects and pursues the same aims.</i></p>
<p>ANNEX II - Application for suspension or withdrawal of recognition or enforcement under Article 12</p>	<p>ANNEX II - Application for suspension or <u>withdrawal</u> of recognition or enforcement under Article 12</p>