Brussels, 18/12/2017

EXPERT GROUP ON MODERNISATION OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS

(Revision of Regulation (EC) 1393/2007 on service of documents and Regulation (EC) 1206/2001 on taking of evidence)

AGENDA

Subject: Draft agenda of the 1st and 2nd meeting of the Expert Group, 8 and 9 January 2018, 9.30 - 17.00, rue du Luxembourg 46, meeting room Fortescue

1. Welcoming words by Salla Saastamoinen, Director of DG JUST

2. Adoption of the agenda

   a) Incorrect addresses, whereabouts unknown
   b) Room left for constructive service methods (the aftermath of C-325/11 Alder)
   c) Due diligence by courts before rendering a default judgment (see Art 19(1)-(2) of RSoD)
   d) Autonomous concept of "extrajudicial documents" under the Reg.
   e) What "cross-border" service of a document means in the context of electronic service?

4. Issues related to the scope of the taking of evidence Regulation (EC) 1206/2001
   a) Autonomous concept of "taking of evidence", types of judicial acts covered by the Reg.
   b) Autonomous concept of "court" under the Regulation
c) Other ways of domestic procedural laws at the disposal of the courts to access evidence situated abroad (the follow-up of the CJEU judgments on Lippens and ProRail). In this context specific attention should be devoted to:

- Discretionary power of judges under national law to determine the relevant means of evidence
- Hearing of a person (party, witness) with residence abroad: can hearing through VC prevail over summoning to the court room?
- Appointing an expert to carry out investigative measures abroad

5. Any other issues