



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate A: Civil and commercial justice
Unit A.1 : Civil justice

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
3. Issues related to the scope of the service of documents Regulation (EC) 1393/2007
 - 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