



EUROPEAN COMMISSION

*Brussels, 11.12.2018
C(2018) 8393 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters {COM(2018) 378 final}.

The proposal will modernise and digitalise judicial cooperation concerning the taking of evidence for cross-border civil and commercial cases throughout the Union. It aims at making access to civil justice cheaper, more efficient and more accessible to citizens and businesses.

The updated rules will make it obligatory for courts to exchange documents electronically cross-border, promote the use of video-conferencing in the context of taking evidence and strengthen the procedural rights of the parties and access to justice.

The Commission welcomes the broad support of the Bundesrat for the aims of the proposal, but at the same time also notes its doubts relating in particular to the foreseen implementation period and the deletion of Article 17(2) of the Regulation. The Commission is pleased to have this opportunity to provide some clarifications regarding its proposal and trusts that these will allay the concerns of the Bundesrat.

Concerning the envisaged implementation period of 24 months, the Commission is aware that any such period must be limited but at the same time realistic and that therefore technical and financial considerations need to be taken into due account.

With regard to the proposed deletion of Article 17(2) of the Regulation, the Commission underlines that it understands the concerns of the Bundesrat and is aware that additional rules may be required to make such a deletion operational.

The Commission has also taken note that the Bundesrat considers that Member States should be involved to a larger extent in the monitoring and evaluation of the Regulation.

The Bundesrat's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators, the European Parliament and the Council.

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President of the Bundesrat
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The Commission hopes that this reply addresses the issues raised by the Bundesrat and looks forward to continue the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*