



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 February 2013

6838/13

**Interinstitutional File:
2011/0130 (COD)**

**JUSTCIV 41
COPEN 27
CODEC 424**

NOTE

from: Presidency
to: Council

No Cion prop.: 10613/11 JUSTCIV 143 COPEN 123 CODEC 889

Prev. doc. 6668/13 JUSTCIV 37 COPEN 24 CODEC 377

Subject: Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters
(First reading) (*Legislative deliberations*)
- Confirmation of the agreement reached with the European Parliament

I. INTRODUCTION

1. By letter of 20 May 2011 the Commission submitted to the Council and to the European Parliament a proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters.
2. The proposed Regulation is subject to the ordinary legislative procedure.
3. The United Kingdom and Ireland have made the notification provided for under Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and will therefore take part in the adoption and application of the proposed Regulation.

4. In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of the proposed Regulation and will not be bound by it or subject to its application.
5. The proposed Regulation is part of a legislative package which aims to strengthening the rights of victims in the European Union. Taking into account the different legal traditions in the Member States in this area, the proposed Regulation, which deals with protection measures in civil matters, is designed to complement Directive 2011/99/EU on the European protection order¹, which covers protection measures in criminal matters. A further element of this package is Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime².
6. At its meeting on 6 and 7 December 2012, the Council (Justice and Home Affairs) reached a General Approach on the compromise text of the Articles of the proposed Regulation and on some key recitals³.
7. Coreper, at its meeting on 24 January 2013, approved the text of the remaining recitals and gave a mandate to the Presidency to negotiate a first reading agreement with the European Parliament (EP).
8. At the trilogue on 19 February 2013, the rapporteurs of the JURI and the FEMM committee indicated that the European Parliament could agree to the compromise proposals presented by the Presidency as set out in the Annex to this note.

¹ OJ L 338, 21.12.2011, p. 2.

² OJ L 315, 14.11.2012, p. 57.

³ See document 17165/12 JUSTCIV 348 COPEN 265 CODEC 2900 + COR 2.

II. CONCLUSION

9. Council is therefore invited to confirm the compromise text of the draft Regulation as set out in the Annex to this note with a view to an agreement with the European Parliament at first reading.
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**REGULATION (EU) n .../2012 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

of ...

on mutual recognition of protection measures in civil matters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 81(2)(a), (e) and (f) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national *parliaments*,

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Acting in accordance with the ordinary legislative procedure¹.

¹ *Position of the European Parliament of ... (not yet published in the Official Journal) and
decision of the Council of*

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice *in which the free movement of persons is ensured and* access to justice *is facilitated*, in particular through the principle of mutual recognition of judicial and extra-judicial decisions in civil matters. *For the gradual establishment of* such an area, the Union *is to* adopt **■** measures relating to judicial cooperation in civil matters *having cross-border implications*, particularly when necessary for the proper functioning of the internal market.
- (2) **■** Article 81(1) of the Treaty on the *functioning* of the European Union (TFEU) *provides that judicial cooperation in civil matters in the Union shall be based on the principle of mutual recognition of judgements and of decisions in extrajudicial cases.*
- (3) *In a common area of justice without internal borders, provisions* to ensure rapid and simple recognition and, where applicable, enforcement *in another Member State* of protection measures *ordered in a Member State* are essential to ensure *that* the protection *provided to a natural person in one Member State is maintained and continued in any other Member State to which the person travels or moves.*

It should be ensured that the legitimate exercise by citizens of the Union of their right to move and reside freely within the territory of Member States, in accordance with Article 3(2) of the Treaty on European Union (TEU) and Article 21 TFEU, does not result in a loss of their protection.

(3a) Mutual trust in the administration of justice in the Union and the aim of ensuring quicker and less costly circulation of protection measures within the European Union justify the principle that such measures ordered in a Member State are recognised in all Member States without the need for any special procedures. As a result, a protection measure ordered in a Member State should be treated as if it had been taken in the Member State addressed.

- (4) In order to attain the objective of free movement of protection measures, it is necessary and appropriate that the rules governing ■ the recognition and, where applicable, enforcement of protection measures be governed by a legal instrument of the Union which is binding and directly applicable.
- (4a) *This Regulation should apply to protection measures ordered with a view to protecting a person when there exist serious grounds for considering that that person's life, physical or psychological integrity, personal liberty, security or sexual integrity is at risk, for example so as to prevent any form of gender-based violence and violence in close relationships, such as physical violence, harassment, sexual aggression, stalking, intimidation or other forms of indirect coercion. It is important to underline that this Regulation applies to all victims regardless of whether they are victims of gender-based violence.*
- (4b) *Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime² ensures that victims receive appropriate information and support.*

² OJ L 315, 14.11.2012, p. 57.

- (4c) *The provisions of this Regulation should be a complement to Directive 2012/29/EU. The fact that a person is the object of a protection measure ordered in civil matters does not necessarily preclude that person from being defined as a 'victim' under that Directive.*
- (5) *The scope of this Regulation is within the field of judicial cooperation in civil matters within the meaning of Article 81 TFEU. This Regulation should apply to protection measures ordered in civil matters, and does not therefore cover protection measures adopted in criminal matters, which should be covered by Directive 2011/99/EU on the European Protection Order.*
- (5a) *The notion of civil matters should be interpreted autonomously, in accordance with the principles of Union law. The civil, administrative or criminal nature of the authority ordering a protection measure should not be determinative for the purpose of assessing the civil character of a protection measure.*

- (6) ***This Regulation should not interfere with the functioning of*** Regulation (EC) No 2201/2003 **■** concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 ***(Brussels IIa Regulation). Decisions taken under the Brussels IIa Regulation should continue to be recognised and enforced under that Regulation.***
- (6a) ***This Regulation takes account of the different legal traditions of the Member States, and does not interfere with the national systems for ordering protection measures. This Regulation does not oblige the Member States to modify their national laws so as to order protection measures in civil matters, nor does it create obligations on the Member States to introduce civil protection measures for the application of this Regulation.***
- (6b) ***In order to take account of the various types of authorities which issue protection measures in civil matters in the Member States, and unlike other areas of judicial cooperation, this Regulation should apply to decisions of both courts and administrative authorities provided that the latter offer guarantees with regard, in particular, to their impartiality and to the right of the parties to judicial review. In no event should police authorities be considered as issuing authorities within the meaning of this Regulation.***

(6c) Based on the principle of mutual recognition, protection measures ordered in civil matters in one Member State should be recognised in another Member State as civil measures in accordance with this Regulation.

(6d) In accordance with the principle of mutual recognition, the recognition should correspond to the duration of the protection measure.

However, in view of the diversity of protection measures available under the laws of the Member States as regards the duration of protection measures, and taking into account the fact that this Regulation should typically apply in urgent situations, the effects of recognition under this Regulation should by way of exception be limited to a period of 12 months from the issuing of the certificate, irrespective of whether the protection measure itself (whether provisional, time-limited or indefinite in nature) has a longer duration.

(6e) *In cases where the validity period of the protection measure goes beyond the 12 months laid down in this Regulation for the effects of the recognition, this time-limitation should be without prejudice to the right of the protected person to invoke the measure under any other available EU instrument providing for recognition or to apply for a national protection measure in the Member State addressed.*

(6f) *This limitation of the effects of recognition is exceptional because of the special nature of the subject matter of this Regulation and it should not serve as a precedent for other instruments in civil and commercial matters.*

(6g) *This Regulation deals only with the recognition of the obligation imposed by the protection measure. It does not regulate the procedures for implementation or enforcement of the measure, nor does it cover any potential sanctions that might be imposed if the obligation ordered by the protection measure is infringed in the Member State addressed. The actual enforcement and any possible sanctions are left to the law of that Member State. However, in accordance with the general principles of Union law and particularly the principle of mutual recognition, Member States have to ensure that protection measures recognised pursuant to this Regulation can take effect in the Member State addressed.*

(6h) *Protection measures covered by this Regulation should provide protection to a person at his or her place of residence, place of work or at another place which he or she visits on a regular basis, such as the residence of close relatives or the school or educational establishment attended by his or her child.*

Irrespective of whether this place or the extent of the area covered by the protection measure is described in the protection measure by one or more specific addresses or a certain perimeter which the person causing the risk may not enter (or a combination of these two criteria), the recognition of the obligation or regulation imposed by the protection measure relates to the purpose which this place serves for the protected person rather than to the specific address.

(6i) *In the light of the foregoing and provided that the nature and the essential elements of the protection measure are maintained, the competent authority in the Member State addressed should be allowed to adjust the factual elements of the protection measure where such adjustment is necessary in order for the recognition of the protection measure to be effective in practical terms in the Member State addressed. Factual elements include the address or the general location or the minimum distance the person causing the risk must keep from the protected person, the address or the general location. However, the type and the civil nature of the protection measure may not be affected by such adjustment.*

- (6j) *In order to facilitate the adjustment of a protection measure, where necessary, it should be indicated in the certificate whether the address specified in the protection measure constitutes the place of residence, the place of work or a place that the protected person visits on a regular basis. Furthermore, if relevant, the perimeter (approximate radius from the specific address) to which the prohibition imposed by the protection measure on the person causing the risk applies, should also be indicated in the certificate.*

- (12) In order to facilitate free movement of protection measures within the European Union, this Regulation should introduce a uniform model of certificate and *provide a multilingual standard form for that purpose.*

The issuing authority should issue the certificate upon request of the protected person and, upon request, it should also assist that person in obtaining information on the authorities before which the protection measure is to be invoked or enforcement is to be sought in the Member State addressed.

- (12a) *Free text fields in the multilingual standard form for the certificate should be as limited as possible, so that translation or transliteration could be provided in most cases without imposing any cost on the protected person by using the standard form in the relevant/required language. Any costs for necessary translation that goes beyond the text of the multilingual standard form should be allocated as provided under the law of the Member State of origin.*

(12b) *Where a certificate contains free text, the competent authority of the Member State addressed should determine whether any translation/transliteration is required. This does not preclude the protected person or the issuing authority of the Member State of origin from providing a translation/transliteration of their own initiative.*

(12c) *To ensure that the rights of defence of the person causing the risk are respected, the certificate may only be issued if that person had the opportunity to arrange for his defence against the protection measure, where the protection measure was ordered in default of appearance or under a procedure that does not provide for the prior notice of that person ("ex-parte procedure").*

However, with a view to avoiding circumvention and taking into account the typical urgency of cases requiring protection measures it is not required that the period for raising such defence has expired before a certificate may be issued. The certificate should be issued as soon as the protection measure is enforceable in the Member State of origin.

(12d) *Having regard to the objectives of simplicity and speed, this Regulation provides for the application of simple and quick methods to be used for bringing procedural steps to the notice of the person causing the risk. These specific methods of notification should apply only for the purposes of this Regulation due to the special nature of its subject matter, but should not serve as a precedent for other instruments in civil and commercial matters and they should not affect any obligations of a Member State concerning the service abroad of judicial and extrajudicial documents in civil matters arising from a bilateral or multilateral convention concluded between that Member State and a third state.*

- (12e)** *When notifying the certificate to the person causing the risk and also when adjusting any factual elements of a protection measure in the Member State addressed, due regard should be paid to the interest of the protected person in not having his or her whereabouts or other contact details disclosed. Such details should not be disclosed to the person causing the risk unless it is necessary for compliance with or enforcement of the measure.*
- (13)** The certificate should not be subject to appeal. ■
- (13a)** *The certificate should be rectified where, due to an obvious error or inaccuracy, such as typing errors, errors of transcription or copying, the certificate does not correctly reflect the protection measure, or be withdrawn if the certificate was clearly wrongly granted, for example when it was used for a measure that falls outside the scope of this Regulation or when it was issued in breach of the criteria set out in Article 5a.*
- (13b)** *If the protection measure is suspended or withdrawn or the certificate is withdrawn in the Member State of origin, the competent authority of the Member State addressed should, on application by either party, suspend or withdraw the effects of recognition and, where applicable, the enforcement of the protection measure.*

- (13c) *The harmonious functioning of justice requires that irreconcilable decisions should not be pronounced in two Member States. To this end, this Regulation should provide for a ground for refusal of recognition and/or enforcement of the protection measure on application by the person causing the risk in case of irreconcilability with a judgment given or recognised in the Member State addressed.*
- (13d) *Considerations of public interest may, in exceptional circumstances, justify the courts of the Member States being allowed to refuse the recognition or enforcement of a protection measure where its application would be manifestly incompatible to public policy of that forum. However, the courts should not be able to apply the public-policy exception in order to refuse the recognition or enforcement of a protection measure when doing so would be contrary to the rights set out in the Charter of Fundamental Rights of the European Union, and in particular Art. 21 thereof.*
- (13e) *A protected person should have effective access to justice in another Member State. To ensure such effective access in procedures covered by this Regulation, legal aid should be provided in accordance with Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes³.*

³ *OJ L 26, 31.1.2003, p. 41 and corrigendum OJ L 32, 7.2.2003, p. 15.*

- (14) In order to ensure *uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with regard to the establishment and subsequent amendment of the forms provided for in this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*⁴.
- (14a) *The examination procedure should be used for the adoption of implementing acts establishing and subsequently amending the forms provided for in this Regulation in accordance with the procedure laid down in Article 5 of Regulation (EU) No 182/2011.*
- (14b) *In order to facilitate the application of this Regulation, provision should be made for an obligation requiring the Member States to communicate certain information regarding their legislation and procedures relating to protection measures in civil matters within the framework of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC*⁵. *Access to the information provided by the Member States should be made available through the European e-Justice Portal.*

⁴ OJ L 55, 28.2.2011, p. 13.

⁵ OJ L 174, 27.6.2001, p. 25.

- (15) This Regulation respects the fundamental rights and observes the principles recognised in **■** the Charter of Fundamental Rights of the European Union. In particular, it seeks to ensure the rights of the defence and fair trial, as established in Article 47 thereof. This Regulation must be applied according to these rights and principles.
- (16) Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (*TEU*). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (17) In accordance with *Article ■ 3 ■* of Protocol *No 21* on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to *take part* in the adoption and application of this Regulation.
- (18) In accordance with Articles 1 and 2 of Protocol *No 22* on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is **■** not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION

CHAPTER I

Subject matter, scope and definitions

Article -1

Subject matter

The purpose of this Regulation is to establish rules for a simple and rapid mechanism for the recognition of protection measures ordered in a Member State in civil matters.

Article 1

Scope

- 1. This Regulation shall apply to protection measures in civil matters ordered by an authority as defined in point 4 of Article 2.*

2. *This Regulation shall apply to cross-border cases. For the purposes of this Regulation, a cross-border case is one in which the recognition of the protection measure in a Member State other than the Member State of origin is sought.*
3. *This Regulation shall not apply to protection measures falling within the scope of Regulation (EC) 2201/2003.*

Article 2
Definitions

For the purposes of this Regulation, ***the following definitions shall apply:***

(1) 'protection measure' means any decision, whatever it may be called, ***ordered by the issuing authority of the Member State of origin*** in accordance with its national law ***and imposing one or more of the following obligations on the person causing the risk*** with a view to protecting ***another*** person, when **█** the ***latter*** person's physical **█** or psychological integrity **█ *may be at risk* █** :

- (a) *a prohibition or regulation on entering the place*** where the protected person resides, works or **█** ***visits or stays regularly;*** **█**
- (b) *a prohibition or regulation of*** contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; **█**
- (c) *a prohibition or regulation on approaching*** the protected person closer than a prescribed distance; **█**

- (2) *'protected person' means a natural person who is the object of the protection resulting from a protection measure;*
- (3) *'person causing the risk' means a natural person on whom one or more obligations referred to in point 1 have been imposed;*
- (4) *'issuing authority' means any judicial authority or any other authority designated by a Member State as having competence in the matters falling within the scope of this Regulation, provided that such other authority offers guarantees to the parties with regard to impartiality and provided that decisions taken by such other authority in relation to the protection measure, under the law of the Member State in which they operate,*
- (a) *may be made subject to review by a judicial authority, and*
- (b) *have similar force and effects as a decision of a judicial authority on the same matter;*
- (5) *'Member State of origin' means the Member State in which the protection measure is ordered;*
- (6) *'Member State addressed' means the Member State in which the recognition and, where applicable, the enforcement of the protection measure is sought.*

■

CHAPTER II

Recognition and enforcement of protection measures

Article 4

Recognition and enforcement

- 1.** A protection measure *ordered* in a Member State shall be recognised in the other Member States without any special procedure being required and *be enforceable without a declaration of enforceability being required*.
- 1a.** *A protected person who wishes to invoke in a Member State a protection measure ordered in another Member State shall provide the competent authority of the Member State addressed with*
 - (a)** *a copy of the protection measure which satisfies the conditions necessary to establish its authenticity;*
 - (b)** *the certificate issued in the Member State of origin pursuant to Articles 5; and*

(c) where necessary, a transliteration and/or a translation of the certificate into the official language of the Member State addressed or into another official language of the European Union that that Member State has indicated it can accept.

1b. The certificate shall take effect only within the limits of the enforceability of the protection measure.

1c. Irrespective of any longer validity of the protection measure, the effects of recognition pursuant to paragraph 1 shall be limited to a duration of 12 months, starting from the date of the issuing of the certificate.

1d. The procedure for the enforcement of protection measures shall be governed by the law of the Member State addressed.

Article 5
Certificate

█

2. *The issuing authority* of the Member State of origin shall, *upon request of the protected person*, issue the certificate using the *multilingual standard form established in accordance with Article 18 and containing the information provided in Article 5c*.

█

2a. *No appeal shall lie against the issuing of a certificate.*

4. *Upon request of the protected person, the issuing authority* of the Member State of *origin shall provide the protected person with* a transliteration *and/or* a translation █ of the certificate *by making use of the multilingual standard form.*

Article 5a

Requirements for the issuing the certificate

- 1. The certificate may only be issued if the protection measure was brought to the notice of the person causing the risk in accordance with the law of the Member State of origin.***
- 2. Where the protection measure was ordered in default of appearance, the certificate may only be issued if the person causing the risk had been served with the document which instituted the procedure or an equivalent document or, where relevant, had been otherwise informed of the initiation of the procedure in accordance with national law in sufficient time and in such a way as to enable that person to arrange for his or her defence.***

3. *Where the protection measure was ordered under a procedure that does not provide for the prior notice of the person causing the risk ("ex -parte proceeding") the certificate may only be issued if the person causing the risk had the right to challenge the protection measure under the law of the Member State of origin.*

Article 5b

Notification of the certificate to the person causing the risk

1. *The issuing authority of the Member State of origin shall bring to the notice of the person causing the risk the certificate and the fact that the issuing of the certificate results in the recognition and, where applicable, the enforceability of the protection measure in all Member States pursuant to paragraph 1c of Article 4.*
2. *Where the person causing the risk resides in the Member State of origin, the notification shall be effected in accordance with the law of that Member State. Where the person causing the risk resides in a Member State other than the Member State of origin or in a third State, this notification shall be effected by registered letter with acknowledgment of receipt or equivalent.*

Situations in which the address of the person causing the risk is not known or in which that person refuses to accept the receipt of the notification are governed by the law of the Member State of origin.

3. *In the notification of the certificate to the person causing the risk, due regard shall be paid to the interest of the protected person in not having his or her whereabouts or other contact details disclosed to the person causing the risk. Such details shall not be disclosed to the person causing the risk unless they are necessary for compliance with or the enforcement of the protection measure.*

Article 5c
Contents of the certificate

The certificate shall contain the following information:

- (a) the name and address/contact details of the issuing authority;*
- (b) the reference number of the file;*
- (c) the date of issue of the certificate;*
- (d) details of the protected person: name, date and place of birth, where available, and an address to be used for notification purposes, followed by a conspicuous warning that this address may be disclosed to the person causing the risk;*
- (e) details of the person causing the risk: name, date and place of birth, where available, address to be used for notification purposes;*
- (f) all information necessary for enforcement of the protection measure, including, where applicable, the type of the measure and the obligation imposed by it on the person causing the risk and specifying the function of the place and/or the perimeter which that person is prohibited from approaching or entering;*

- (g) duration of the protection measure;*
- (h) duration of the effects of recognition in accordance with paragraph 1c of Article 4;*
- (i) a declaration that the requirements prescribed by Article 5a have been met;*
- (j) an information on the rights granted by Articles 7 and 12 to the person causing the risk;*
- (k) for ease of reference, a notion of the full title of this Regulation.*

Article 7

Rectification or withdrawal of the certificate

1. *Without prejudice to Article 5(2a) and upon request by either party to the issuing authority of the Member State of origin or on that authority's own initiative, the certificate shall be*
 - (a) *rectified where, due to a clerical error, there is a discrepancy between the protection measure and the certificate; or*
 - (b) *withdrawn where it was clearly wrongly granted, having regard to the requirements provided in Article 5a and the scope of this Regulation.*
2. *The procedure for the rectification or withdrawal of the certificate, including any appeal on the rectification or withdrawal, shall be governed by the law of the Member State of origin.*

Article 7a

Assistance to the protected person

Upon request of the protected person, the issuing authority of the Member State of origin shall assist the protected person in obtaining information, as made available pursuant to Articles 21 and 22, on the authorities before which the protection measure is to be invoked or enforcement is to be sought in the Member State addressed.

Article 7b

Adjustment of the protection measure

- 1. The competent authority of the Member State addressed shall, where and to the extent necessary, adjust the factual elements of the protection measure in order to give effect to the protection measure in the Member State addressed.*
- 2. The procedure for the adjustment of the protection measure, shall be governed by the law of the Member State addressed.*
- 3. The decision adjusting the protection measure shall be brought to the notice of the person causing the risk.*

4. *Where the person causing the risk resides in the Member State addressed, the notification shall be effected in accordance with the law of that Member State. Where the person causing the risk resides in a Member State other than the Member State addressed or in a third State, this notification shall be effected by registered letter with acknowledgment of receipt or equivalent.*

Situations in which the address of the person causing the risk is not known or in which that person refuses to accept the receipt of the notification are governed by the law of the Member State addressed.

5. *The adjustment may be appealed by either party. The procedure for the appeal shall be governed by the law of the Member State addressed. However, any appeal shall not have suspensive effect.*

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Article 11

No review as to substance

Under no circumstances may a protection measure **ordered** in a Member State be reviewed as to its substance in the Member State **addressed**.

Article 12

Refusal ■ of recognition or enforcement

1. The recognition **and, where applicable, the enforcement of a protection measure shall be refused, upon** application by the person causing the risk, **to the extent such recognition:**

(a) is manifestly contrary to public policy in the Member State addressed; or

(b) is irreconcilable with a judgment given or recognised in the Member State addressed.

1a. The application for refusal of recognition or enforcement shall be submitted to the court of the Member State addressed as communicated by that Member State to the Commission in accordance with point (a) (iv) of Article 22(1).

■

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

Article 12a

Suspension or withdrawal of recognition or enforcement

- 1. If the protection measure is suspended or withdrawn in the Member State of origin or its enforceability is suspended or limited or if the certificate is withdrawn in accordance with point b of Article 7(1), the issuing authority of the Member State of origin shall, upon request by either party, issue a certificate indicating this modification or withdrawal using the multilingual standard form established in accordance with Article 18.*
- 2. Upon submission of the certificate pursuant to paragraph 1 by either party, the competent authority of the Member State addressed shall suspend or withdraw the effects of the recognition and, where applicable, the enforcement of the protection measure.*

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CHAPTER III

Other provisions

Article 14

Legalisation and other similar formalities

No legalisation or other similar formality shall be required **for documents issued in a Member State** in the context of this Regulation.

Article 15

Transliteration or translation

- 1.** *Any* transliteration or translation required under this Regulation shall be into the official language or one of the official languages of the Member State **addressed** or **into** any other language that **that** Member State has indicated it can accept.
- 2.** *Without prejudice to Article 5(4), any* translation **■** under this Regulation shall be **made** by a person qualified to do translations in one of the Member States.

■

CHAPTER IV

General and final provisions

Article 17

Transitional provisions

This Regulation shall apply to protection measures **ordered after** the day of **its application irrespective of when proceedings have been instituted**.

Article 18

Establishment and subsequent amendments to the form

The Commission shall *adopt implementing acts establishing and subsequently amending the forms referred to in Articles 5 and 12a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18a.*

Article 18a

Committee procedure

- 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

█

Article 20

Review ■

By [five years from the date of application in Article 23] ■ the Commission shall submit to the European Parliament, the Council and the European Economic and Social Committee **a report** on the application of this Regulation. If necessary, the report shall be accompanied by proposals for **amendments**.

Article 21

Information made available to the public

The Member States shall provide, within the framework of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC⁶ ■ **with a view to making the information available to the public**, a description of the national rules and procedures concerning protection measures **in civil matters**, including **information on the type of** authorities competent for recognition and/or enforcement.

The Member States shall keep this information up to date.

⁶ OJ L 174, 27.6.2001, p. 25.

Article 22

Communication by the Member States

1. By [*six months* before the entry into *application* of this Regulation], ■ Member *States* shall communicate to the Commission:
- (a) the *type of* authorities *which have* competence in the matters falling within the scope of this Regulation, *specifying, where applicable,*
 - (i) *the authorities which are competent to order protection measures and to issue the certificate in accordance with Article 5;*
 - (ii) *the authorities before which a protection measure ordered in another Member States is to be invoked and/or which are competent to enforce such a measure;*
 - (iii) *the authorities which are competent for the adjustment of the protection measure in accordance with Article 7b(1);*
 - (iv) *the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 12;*
 - (b) the *language or* languages accepted for translations ■ as referred to in *point (c) of Article 4(1a) and Article 15(1).*

2. The Commission shall make the *above* information publicly available through any appropriate means, in particular through the *website of the* European Judicial Network in civil and commercial matters ■.

Article 23

Entry into force ■

The Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from [*11 January 2015*].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the *Treaties*.

Done at [...]

■