

COMMISSION IMPLEMENTING REGULATION (EU) No 939/2014**of 2 September 2014****establishing the certificates referred to in Articles 5 and 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters ⁽¹⁾, and in particular Article 19 thereof,

Whereas:

- (1) For proper application of Regulation (EU) No 606/2013 two certificates should be established.
- (2) The United Kingdom and Ireland are bound by Regulation (EU) No 606/2013 and are as a consequence bound by this Regulation.
- (3) Denmark is not bound by Regulation (EU) No 606/2013 nor by this Regulation.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Mutual Recognition of Protection Measures in Civil Matters established by Regulation (EU) No 606/2013,

HAS ADOPTED THIS REGULATION:

Article 1

1. The form to be used for the application of a certificate referred to in Article 5 of Regulation (EU) No 606/2013 shall be as set out in Annex I as Form I.
2. The form to be used for the application of a certificate referred to in Article 14 of Regulation (EU) No 606/2013 shall be as set out in Annex II as Form II.

Article 2

This Regulation shall enter into force on 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 Brussels, 2 September 2014.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 181, 29.6.2013, p. 4.

ANNEX I

FORM I

Certificate issued in accordance with Article 5 of the Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters ⁽¹⁾

1. **Date of ordering of the protection measure (dd/mm/yyyy):**

2. **Date on which the protection measure became enforceable if different [optional] (dd/mm/yyyy):**

3. **Reference number of the protection measure [optional]:**

4. **Authority which ordered the protection measure if different from the authority issuing the certificate [optional]**
 - 4.1. Official name:
 - 4.2. Full address
 - 4.2.1. Street and number/PO box:
 - 4.2.2. City:
 - 4.2.3. Postal code:
 - 4.2.4. Member State
 AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:
 - 4.3. Tel. No:
 - 4.4. Fax No [optional]:
 - 4.5. E-mail [optional]:
 - 4.6. Contact person [optional]
 - 4.6.1. Surname and given name(s):

5. **Date of issuing of the certificate (dd/mm/yyyy):**

⁽¹⁾ Further information on national protection measures in civil matters in the EU Member States as provided by the Member States within the framework of the European Judicial Network is available on the E-justice portal.

6. Reference number of the certificate:**7. Authority issuing the certificate**

7.1. Official name:

7.2. Full address

7.2.1. Street and number/PO box:

7.2.2. City:

7.2.3. Postal code:

7.2.4. Member State

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

7.3. Tel. No:

7.4. Fax No [optional]:

7.5. E-mail [optional]:

7.6. Contact person [optional]

7.6.1. Surname and given name(s):

7.6.2. Tel. No [optional]:

7.6.3. Fax No [optional]:

7.6.4. E-mail [optional]:

7.6.5. Please indicate the language(s) that may be used for any communication that may arise with the issuing authority in addition to the official languages required for transcription and translation of the certificate [optional]

- BG ES CS DE ET EL EN FR GA HR
 IT LV LT HU MT NL PL PT RO SK
 SL FI SV
 Other:

8. Information regarding the protected person

8.1. Surname and given name(s):

8.2. Date of birth (dd/mm/yyyy):

8.3. Place of birth [optional]:

8.4. Identity number [optional]:

8.5. Postal address for purposes of notification to the protected person. **Please be advised that this address may be disclosed to the person causing the risk.**

8.5.1. Street and number/PO box:

8.5.2. City:

8.5.3. Postal code:

8.5.4. Country

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

8.5.5. E-mail [optional]:

9. Information regarding the person causing the risk

9.1. Surname and given name(s):

9.2. Date of birth (dd/mm/yyyy) [optional]:

9.3. Place of birth [optional]:

9.4. Identity number [optional]:

9.5. Postal address for purposes of notification

9.5.1. Street and number/PO box:

9.5.2. City:

9.5.3. Postal code:

9.5.4. Country

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

9.5.5. E-mail [optional]:

10. Specification of the protection measure certified by the certificate

10.1. Which of the following obligations have been imposed on the person causing the risk by the protection measure? (The protection measure could contain several types of obligations).

10.1.1. **A prohibition or regulation on entering the place(s) where the protected person resides, works, or regularly visits or stays**

10.1.1.1. Please indicate the **address** of the place to which the prohibition or regulation applies if specific address is available [optional]

10.1.1.1.1. Full address

10.1.1.1.1.1. Street and number/PO box:

10.1.1.1.1.2. City:

10.1.1.1.1.3. Postal code:

10.1.1.1.1.4. Member State

- AT BE BG CY CZ DE EE EL ES FI
 HR HU IE IT LT LU LV MT NL PL
 PT RO SE SI SK UK
 Others

10.1.1.2. Please indicate what is the **function** of the place in question or the extent of the area covered by the protection measure

10.1.1.2.1. the place of residence of the protected person

10.1.1.2.2. the place of work of the protected person

10.1.1.2.3. the place that the protected person visits or stays on a regular basis

Please specify the **type of place**:

10.1.1.2.3.1. school/educational institution

10.1.1.2.3.2. place of residence of relatives or friends

10.1.1.2.3.3. place of worship

10.1.1.2.3.4. hospital or health institution

10.1.1.2.3.5. other:

10.1.1.3. Please indicate, whether the obligation imposed by the protection measure on the person causing the risk applies to a **circumscribed area**

10.1.1.3.1. No, the protection measure applies only to the specific address as indicated

10.1.1.3.2. Yes, the protection measure applies to approximate radius from the specific address of (meters):

- 10.1.1.4 If the protection measure contains only a **regulation on entering the place indicated above**, please specify the content of this regulation:

If you want to add another place, please fill a separate sheet of paper and attach it to this form

- 10.1.2. **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**

- 10.1.2.1. Please specify whether the protection measure contains a **regulation** of contact authorising the person causing the risk to contact the protected person

- 10.1.2.1.1. No, the protection measure contains a **comprehensive prohibition** covering all forms of contact

- 10.1.2.1.2. Yes, the protection measure allows for **contact in certain forms** (more than one box may be ticked)

- 10.1.2.1.2.1. Please specify what the **form** is:

- telephone
 post mail
 fax
 e-mail and other electronic means of communication
 third person
 other:

- Yes, the protection measure allows for **contact in certain circumstances**

- 10.1.2.1.2.2. Please specify these circumstances

- 10.1.2.1.2.2.1. Practical arrangements for exercise of rights of access with regard to the child(ren) of the protected person

- 10.1.2.1.2.2.2. Arrangements concerning of maintenance allowance to the protected person or its child(ren)

- 10.1.2.1.2.2.3. Other:

- 10.1.3. **A prohibition or regulation on approaching the protected person closer than a prescribed distance**

- 10.1.3.1. Please specify **the distance** which the person causing risk has to keep away from the protected person (meters):

- 10.1.3.2. If the protection measure contains only a **regulation on approaching the protected person**, please specify the **content** of this regulation:

10.2. **Other comments** related to information given above (optional):

11. **Duration of the protection measure**

Please indicate **the duration of the obligations(s)** imposed on the person causing the risk with regard to:

11.1. A prohibition or regulation on entering the place where the protected person resides, works, or regularly visits or stays

— Year(s):

— Month(s):

— Days:

— Other:

If you added other places under point 10.1.1, please indicate the duration of the protection measures for each place on a separate sheet of paper and attach it to this form

11.2. 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

— Year(s):

— Month(s):

— Days:

— Other:

11.3. A prohibition or regulation on approaching the protected person closer than a prescribed distance

— Year(s):

— Month(s):

— Days:

— Other:

12. **Duration of the effects of recognition ⁽²⁾**

Please indicate the date on which the effects of the recognition expire on the basis of the method provided for in Article 4(4) (12 months, starting from the date of the issuing of the certificate (see field 5) but not exceeding the duration of the original protection measure (see field 11)) (dd/mm/yyyy):

13. **Information on requirements for issuing the certificate laid down in Article 6 of the Regulation (EU) No 606/2013**

Please note that 13.1 and 13.2 cannot not be ticked together

13.1. The protection measure was ordered in **default of appearance**

13.1.1. Please declare whether the document instituting the proceedings or an equivalent document was served of the person causing the risk or he or she had been otherwise informed of the initiation of the proceeding, in sufficient time and in such a way as to enable him or her to arrange his or her defence

⁽²⁾ In case of extension of the duration of an initial protection measure limited in duration, a new certificate must be issued.

- 13.1.1.1. Yes
- 13.1.1.2. No (please be advised that the certificate cannot be issued)
- 13.2. The protection measure was ordered under a procedure that does not provide for prior notice to be given to the person causing the risk ('**ex-parte proceeding**')
- 13.2.1. Please indicate whether the person causing the risk had the right to challenge the protection measure
- 13.2.1.1. Yes
- 13.2.1.2. No (please be advised that the certificate cannot be issued)
- 13.3. The protection measure has been **brought to the notice of the person causing the risk**
- 13.3.1. Yes
- 13.3.2. No (please be advised that the certificate cannot be issued)

14. Information on the rights granted under art. 9 and 13 of the Regulation (EU) No 606/2013

- 14.1. Please be advised that, according to Article 9 of the Regulation, the protected person or the person causing the risk have the right to request to the issuing authority of the Member State of origin, the rectification of the certificate (where due to a clerical error there is a discrepancy between the protection measure and the certificate) or the withdrawal of the certificate (where it was clearly wrongly granted, having regard to the requirements laid down in Article 6 and the scope of this Regulation).

Such rectification and/or withdrawal may also be decided for the same reasons on the own initiative of the issuing authority of the Member State of origin.

- 14.2. Please be advised that the person causing the risk can exercise the right granted under Article 13 of the Regulation: **right to apply for the refusal of recognition or enforcement of the protection measure** in cases when recognition or enforcement is (a) manifestly contrary to public policy in the Member State addressed; or (b) irreconcilable with a judgment given or recognised in the Member State addressed. Law of the addressed Member State applies. The refusal cannot be based on the ground that the law of the Member State addressed does not allow for such a measure based on the same facts.

15. Other

- 15.1. Indicate whether the protected person has received a **legal aid** in the issuing Member State 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 disputes [optional].
- 15.1.1. Yes
- 15.1.2. No

Done at:

For the purpose of recognition, the certificate must be accompanied by the copy of the protection measure which satisfies the conditions necessary to establish its authenticity (Article 4(2) a).

Please print the form in the official language(s) which the Member State addressed has indicated it can accept and stamp or authenticate it otherwise.

ANNEX II

FORM II

Certificate issued in accordance with Article 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters

1. **Date of issuing of the certificate (dd/mm/yyyy):**

2. **Reference number of the certificate:**

3. **Applicant**
 - 3.1. Please indicate whether the applicant is:
 - 3.1.1. The protected person
 - 3.1.2. The person causing the risk
 - 3.2. Surname and given name(s)/name:
 - 3.3. Identity number [optional]:
 - 3.4. Date of birth (dd/mm/yyyy):
 - 3.5. Place of birth [optional]:

4. **Authority which suspended or withdrew the protection measure, suspended or limited its enforceability or withdrew the certificate in accordance with point (b) of Article 9(1) of the Regulation (EU) No 606/2013 (if different from the authority issuing this certificate) [optional]**
 - 4.1. Official name:
 - 4.2. Full address
 - 4.2.1. Street and number/PO box:
 - 4.2.2. City:
 - 4.2.3. Postal code:
 - 4.2.4. Member State
 AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:
 - 4.3. Tel. No:
 - 4.4. Fax No [optional]:

4.5. E-mail [optional]:

4.6. Contact person [optional]

4.6.1. Surname and given name(s):

5. **Authority which issued this certificate**

5.1 Official name:

5.2 Full address

5.2.1 Street and number/PO box:

5.2.2 City:

5.2.3 Postal code:

5.2.4. Member State

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

5.3. Tel. No:

5.4. Fax No:

5.5. E-mail [optional]:

5.6. Contact person [optional]

5.6.1. Surname and given name(s):

5.6.2. Please indicate the language(s) that may be used for any communication that may arise with the issuing authority in addition to the official languages required for transcription and translation of the certificate [optional]

- BG ES CS DE ET EL EN FR GA HR
 IT LV LT HU MT NL PL PT RO SK
 SL FI SV
 Other:

6. **Information about decision regarding the suspension, limitation or withdrawal of recognition or enforcement certified by this certificate**

6.1. Date of the decision (dd/mm/yyyy):

6.2. Reference number of the decision:

- 6.3. Specification of the nature of the decision regarding the suspension, limitation or withdrawal of recognition or enforcement (more than one box may be ticked and additional information may be provided under point (7):
- 6.3.1. Suspension of the protection measure
- 6.3.2. Withdrawal of the protection measure
- 6.3.3. Suspension of the enforceability of the protection measure
- 6.3.4. Limitation of the enforceability of the protection measure
- 6.3.5. Withdrawal of the certificate where it was clearly wrongly granted, having regard to the requirements laid down in Article 6 and the scope of the Regulation (EU) No 606/2013
- 6.3.5.1. Please indicate which of the following circumstances has occurred (more than one box may be ticked)
- 6.3.5.1.1 the certificate was issued in regard to protection measure falling outside the scope of the Regulation (EU) No 606/2013
- 6.3.5.1.2 the protection measure has not been brought to the notice of the person causing the risk
- 6.3.5.1.3 the protection measure was ordered under a procedure that does not provide for prior notice to be given to the person causing the risk ('ex-parte proceeding') and the person causing the risk had not the right to challenge the protection measure
- 6.3.5.1.4 the protection measure was ordered in default of appearance of the person causing the risk and the document instituting the proceedings or an equivalent document was not served to the person causing the risk or he or she has not been otherwise informed of the initiation of the proceeding, in sufficient time and in such a way as to enable him or her to arrange his or her defence
- 6.4 If the present certificate applies to only some of the protection measures contained in the certificate foreseen under Article 5 of Regulation (EU) No 606/2013, please indicate to which ones:

7. Other comments related to information given above [optional]:

Done at:

This certificate shall be accompanied by a copy of the certificate foreseen under Article 5 of the Regulation (EU) No 606/2013 on the mutual recognition of protection measures in civil matters.

Please print the form in the official language(s) which the Member State addressed has indicated it can accept and stamp or authenticate it otherwise.