

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

CHAPTER II

TRANSMISSION AND EXECUTION OF REQUESTS

Section 1

Transmission of the request

Article 4

Form and content of the request

1 The request shall be made using form A or, where appropriate, form I in the Annex. It shall contain the following details:

- a the requesting and, where appropriate, the requested court;
- b the names and addresses of the parties to the proceedings and their representatives, if any;
- c the nature and subject matter of the case and a brief statement of the facts;
- d a description of the taking of evidence to be performed;
- e where the request is for the examination of a person:
 - the name(s) and address(es) of the person(s) to be examined,
 - the questions to be put to the person(s) to be examined or a statement of the facts about which he is (they are) to be examined,
 - where appropriate, a reference to a right to refuse to testify under the law of the Member State of the requesting court,
 - any requirement that the examination is to be carried out under oath or affirmation in lieu thereof, and any special form to be used,
 - where appropriate, any other information that the requesting court deems necessary;
- f where the request is for any other form of taking of evidence, the documents or other objects to be inspected;
- g where appropriate, any request pursuant to Article 10(3) and (4), and Articles 11 and 12 and any information necessary for the application thereof.

2 The request and all documents accompanying the request shall be exempted from authentication or any equivalent formality.

3 Documents which the requesting court deems it necessary to enclose for the execution of the request shall be accompanied by a translation into the language in which the request was written.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 1206/2001. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 5

Language

The request and communications pursuant to this Regulation shall be drawn up in the official language of the requested Member State or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where the requested taking of evidence is to be performed, or in another language which the requested Member State has indicated it can accept. Each Member State shall indicate the official language or languages of the institutions of the European Community other than its own which is or are acceptable to it for completion of the forms.

Article 6

Transmission of requests and other communications

Requests and communications pursuant to this Regulation shall be transmitted by the swiftest possible means, which the requested Member State has indicated it can accept. The transmission may be carried out by any appropriate means, provided that the document received accurately reflects the content of the document forwarded and that all information in it is legible.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EC) No 1206/2001. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulation partial repeal by [EUR 2020/1783](#) Regulation
- Regulation repeal by [EUR 2020/1783](#) Regulation
- Regulation revoked by [S.I. 2018/1257](#) reg. 12