



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 1 February – 23 April 2020

## EU JUSTICE SUB-COMMITTEE

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PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL ON THE PROTECTION OF PERSONS REPORTING ON BREACHES OF  
UNION LAW (8713/18)

**Letter to the Chair from Paul Scully MP, Minister for Small Business Consumers and  
Labour Markets, Department for Business, Energy and Industrial Strategy**

I am writing further to my predecessors' letter to you of 4 October to confirm that the Directive was approved by the European Council on 23 October 2019 and published on 26 November 2019.

The Directive is now formally known as Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

The main provisions of the Directive have a transposition deadline of 17 December 2021, with additional provisions requiring implementation by 17 December 2023. As the transposition deadline is beyond the end of the transition period following the UK's departure from the EU, under the terms of the Withdrawal Agreement the UK is not obliged to transpose the Directive.

9 March 2020

PROPOSED REGULATION AMENDING COUNCIL REGULATION 1206/2001 ON  
COOPERATION BETWEEN THE COURTS OF THE MEMBER STATES IN THE TAKING  
OF EVIDENCE IN CIVIL AND COMMERCIAL MATTERS (9620/18)

PROPOSED REGULATION AMENDING REGULATION 1393/2007 ON THE SERVICE IN  
THE MEMBER STATES OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL  
AND COMMERCIAL PROCEEDINGS (SERVICE OF DOCUMENTS) (9622/18)

**Letter to the Chair from the Rt Honourable Robert Buckland QC MP, Lord Chancellor  
and Secretary of State for Justice, Ministry of Justice**

I wrote to you on 1 November in advance of both of these proposals being considered for a General Approach at the December JHA Council. You wrote back to me on 21 January confirming that both proposals had been cleared from scrutiny. While you did not expect a response to your letter I thought it might be helpful if I explained what has happened to these proposals. I can confirm that the General Approach on both was agreed. The UK abstained on the Service Regulation proposal as a result of the General Election. As you know, because of the decision not to opt in, the UK had no vote on the Taking of Evidence Regulation proposal.

During January the Croatian Presidency worked on drafting the standard forms that will be used under each Regulation. Once these have been agreed with member states the trilogue procedure with the European Parliament will begin. As at the date of the UK's exit from the EU it was not known when that procedure would start.

The texts of each General Approach can be found at the following links:

Service - <https://data.consilium.europa.eu/doc/document/ST-14599-2019-INIT/en/pdf>

Taking of Evidence - <https://data.consilium.europa.eu/doc/document/ST-14601-2019-INIT/en/pdf>

You will see that they say that each Regulation will apply 18 months after its entry into force. This is unlikely to change during the trilogue procedure. This will mean that even if adoption is before the end of the Transitional Period on 31 December 2020 they will not apply to the UK. In those circumstances no post-adoption opt in is envisaged for the Taking of Evidence Regulation proposal.

10 March 2020