

INFORMAL COMMISSION GUIDANCE ON CALCULATION OF DEADLINES LAID DOWN IN ARTICLE 10 AND 11(1) OF REGULATION (EU) 2023/1543

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Regulation (EEC, Euratom) 1182/71¹ applies to the calculation of the deadlines set out in Articles 10 and 11 of Regulation (EU) 2023/1543, which start upon receipt of the EPOC or EPOC-PR.

For the deadlines expressed in days under Articles 10 and 11(1), Article 3 of Regulation 1182/71 provides the following:

- Where a period expressed in days is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be considered as falling within the period in question (Article 3(1) of Regulation 1182/71);
- A period expressed in days shall start at the beginning of the first hour of the first day and shall end with the expiry of the last hour of the last day of the period (Article 3(2)(b) of Regulation 1182/71);
- The periods concerned shall include public holidays, Sundays and Saturdays (Article 3(3) of Regulation 1182/71);
- Where the last day of a period is a public holiday, Sunday or Saturday, the period shall end with the expiry of the last hour of the following working day (Article 3(4) of Regulation 1182/71).

This means that for an EPOC received at 3 pm on a certain day, the 10-day period will start running at midnight and will end at midnight 10 days later, the first day to be counted being the day after receipt. The day on which the EPOC or EPOC-PR is received is not counted. For example, if an

¹ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits.

EPOC subject to a ten-day deadline is received on 2 June, the deadline starts at 0:00 on 3 June and expires at 24:00 on 12 June. The 60-day preservation period under Article 11(1), and any additional 30-day extension, are calculated in the same way.

If the deadline for an EPOC ends at midnight of a Saturday, Sunday or public holiday, the deadline is extended until midnight of the following working day. E.g., if the deadline would normally end on midnight on Easter Sunday, the deadline is extended until midnight of the next working day, which would be the Tuesday thereafter if Easter Monday is a public holiday.

As far as public holidays are concerned, please note that the relevant Member State is the enforcing State, not the issuing one, as this is the place where the service provider and, if applicable, the Enforcing Authority, need to act.

For the eight-hour deadline under Article 10(4), the hour during which the EPOC is received is not counted (Article 3(1) of Regulation 1182/71). The deadline starts at the beginning of the following hour and expires eight hours later. For example, if the EPOC is received on Friday at 17:10, the deadline starts at 18:00 and expires on Saturday at 2:00. There is no derogating rule if the end of such an eight-hour deadline falls on a Saturday, Sunday, or public holiday.

It should be noted that the provisions of Regulation 1182/71 override any divergent indication in JUDEX. Currently, JUDEX issues alerts when deadlines end, but these alerts are indicative and may indicate an earlier deadline expiration when the deadline ends on a Saturday, Sunday or public holiday.