

English Translation of

Prot. N. 15760/2017

Vatican City, 23 February 2017

(omisis)

We respond to the letter of 11 January 2017, in which you have asked for clarification from this Pontifical Council regarding the correctness of the practice that came from among the officials of the ecclesiastical tribunals in _____, after the promulgation of the m.p. *Mitis Iudex Dominus Iesus*, to communicate with the citation to the respondent a "mémoire" together with the libellus.

After a careful examination of the matter, I would like to inform you of the following.

As you know, can. 1676 § 1 *MIDI* does not provide notification to the part of the respondent a "mémoire" together with the libellus. Moreover, according to §2 of the same canon, it is up to the Judicial Vicar to establish with own decree if the case will be handled based on the ordinary process or the shorter process, without the need to ask the respondent anything about it.

In the event that the judicial Vicar establishes that the case will be dealt with by the shorter process, he himself must proceed according to the norm of can. 1685, excluding cann. 1683 and 1684. Can. 1685 establishes the obligation of the judicial vicar to appoint the instructor and the assessor and to cite all those who must participate in the session, in the same decree that determines the form of doubt.

In light of the disposition of the aforementioned canons, it seems clear that m.p. *MIDI* does not determine for notification to the part of the respondent of the "mémoire" together with the libellus.

Therefore, this Pontifical Council considers that notifying the "mémoire" is one practice that goes beyond what is required by the norm of the code.

(omisis)