

# European Judicial Network in civil and commercial matters

2008/0122(COD) - 16/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 575 votes to 43 with 4 abstentions, a legislative resolution under 1st reading of the codecision procedure, amending the proposal for a decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters. The report had been tabled for consideration in plenary by Ona **JUKNEVICIENE** (ALDE, LT) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

The amendments were the result of a compromise between Parliament and Council. A number of **new recitals** clarify the provisions of the legislation:

**Resources:** a new recital states that Member States should assess the resources which they need to make available to the contact points so that they can fully carry out their duties. The internal distribution of competences in the Member States concerning the financing of the activities of the national members of the Network should not be affected by this Decision.

**Electronic register:** the purpose of the electronic register is to provide information with a view to assessing the performance of the Network and the practical application of Community instruments. Therefore it should not include all the information exchanged between the contact points.

**Information:** to develop the Network's functions regarding access to justice, the contact points in the Member States should contribute towards providing the public with general information, using the most appropriate technological facilities and at least by providing, on the website of the Member States' ministries of justice, a link to the website of the Network and to the authorities responsible for the actual application of the instruments. This Decision should not be interpreted as imposing on the Member States an obligation to allow direct access by the public to the contact points.

**E-Justice:** when implementing the Decision, account should be taken of the gradual introduction of the European e-justice system which is intended, in particular, to facilitate judicial cooperation and citizens' access to justice.

In the **operative clauses**, the following amendments have been made:

- Member States shall ensure that the **contact point** has sufficient and appropriate facilities in terms of staff, resources and modern means of communication to adequately fulfil its tasks as a contact point. They shall determine the professional associations and they shall obtain the agreement of the professional associations concerned on their participation in the Network. Where there is more than one association representing a legal profession in a Member State, it shall be the responsibility of that Member State to provide for appropriate representation of that profession on the Network;

- the Network shall develop its activities for the following purposes, in particular, inter alia: the establishment, maintenance and promotion of an **information system** for the public on judicial cooperation in civil and commercial matters in the European Union, relevant Community and international instruments and the domestic law of the Member States, with particular reference to access to justice. The main source of information shall be the Network's website containing up to date information in all official languages of the institutions of the Union;

- contact points should ensure that local judicial authorities receive general information concerning the Community and international instruments relating to judicial cooperation in civil and commercial matters. In particular, they shall ensure that the Network, including the website of the Network, is better known to the local judicial authorities;

- in order to contribute to the accomplishment of their tasks, the contact points shall have appropriate contacts with the **professional associations**, in accordance with rules to be determined by each Member State. In particular, the contacts may include the following activities: (i) exchanges of experience and information as regards the effective and practical application of Community and international instruments; (ii) collaboration in the preparation and updating of the information sheets; (iii) participation in relevant meetings by the professional associations. Professional associations shall not request information from contact points relating to individual cases.

Each Member State shall ensure, in accordance with the procedures to be determined by it, that the contact point(s) and competent authorities have the means to meet on a regular basis. They should meet once every six months;

- on the processing of requests for judicial cooperation, the amended text states that the contact points shall respond to all requests submitted to them without delay and at the latest **within fifteen days of receipt** thereof. If a contact point cannot reply to a request within fifteen days of receipt, it shall inform the requester briefly of this fact, indicating how much time it considers it will need to reply but this period shall not, as a rule, not exceed thirty days;

- the **accession countries** and candidate countries may be invited to attend these meetings as observers. Third countries that are party to international agreements on judicial cooperation in civil and commercial matters concluded by the European Community may also be invited to attend certain Network meetings as observers;

- the Network shall maintain relations and share experiences and best practices with the other European networks that share its objectives, such as the European Judicial Network in criminal matters. The Network shall also maintain such relations with the **European Judicial Training Network** with a view to promoting, where appropriate and without prejudice to national practices, training sessions on judicial cooperation in civil and commercial matters for the benefit of the local judicial authorities of the Member States;

- on the **provision of general information to the public**, the Network shall contribute towards providing the public with general information, using the most appropriate technological facilities to inform it about the content and application of Community or international instruments on judicial cooperation in civil and commercial matters. To that end, the contact points shall promote the information system to the public;

- as regards **evaluation**, no later than three years after the application of this Decision, and every three years thereafter, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the activities of the Network. This report shall be accompanied, if need be, by proposals for adaptations and shall include the Network's activities to progress with the design, development and implementation of European e-Justice, particularly from the point of view of facilitating citizens' access to justice.