

Expedited settlement of commercial disputes

2018/2079(INL) - 26/11/2018 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted a report by Tadeusz ZWIEFKA (EPP, PL) with recommendations to the Commission on the expedited settlement of commercial disputes.

Member noted that the settlement of commercial matters could be much faster than it is at present (on average three or four years). They contended that the adoption of a regulation similar to the European small claims procedure (ESCP), the **European Expedited Civil Procedure (EECP) applicable to cross-border commercial disputes** would be the best way to address the long waiting times for commercial disputes in the Union, possibly making great savings for European businesses and mobilising unused capital.

The Commission is invited to submit, **by 1 January 2020, a proposal for a legislative act** under Article 81(2) of the Treaty on a European Small Claims Procedure and a possible proposal to amend the [Rome I](#) and [Rome II](#) Regulations and the [Brussels Ia Regulation](#).

Members recommend introducing a voluntary **European Expedited Civil Procedure (EECP)** in order to provide European companies a possibility to reach a settlement of purely commercial business-to-business disputes of a cross-border nature within a reasonable time frame. Such a procedure could build on requirements for thorough preparations by the parties before the procedure is launched, strict deadlines, few possibilities to add facts or evidence during the process and no separate appeal to procedural decisions, thus achieving a fast-track procedure;

The EECP should be **voluntary** and should only apply:

- where the parties have agreed to make use of the procedure after the dispute has arisen, or
- where the defendant accepts to participate in the procedure after the claimant has brought an action under the EECP, provided that the defendant has enough time to adequately prepare before the start of the procedure;

The EECP should in any case be valid only where the parties have been **duly informed in advance** of the consequences of consenting to use such a procedure. Moreover, the costs of the EECP should not be excessive for the parties, in order to guarantee the respect of the right of access to justice.

The proposal on European Expedited Civil Procedure could be supported by a proposal to amend the Rome I and Rome II and Brussels Ia Regulations to achieve a stronger connection between the purpose and aim of agreements and the **law chosen** within the Union also to afford the parties to purely commercial contracts further autonomy while ensuring the protection of the weaker parties in business-to-business relations.

These legislative measures cannot address these issues alone, **practical measures to raise the expertise both of courts and of lawyers** are also necessary, such as improved training in commercial matters and better access to Union law and the national law of the Member States, in particular case law.