

# European Judicial Network in civil and commercial matters

2000/0240(CNS) - 22/09/2000 - Legislative proposal

**PURPOSE:** to present a Council Decision establishing a European Judicial Network in civil and commercial matters. **CONTENT:** this document has been slightly modified in that the COM document reference number has been changed. This concerns only the English version. By Article 2 of the Treaty on European Union, the Union set itself an objective of maintaining and developing the Union as an area of freedom, security and justice. Article 61(c) of the Treaty establishing the European Community provides that the Council shall adopt measures in the field of judicial cooperation in civil matters in order to establish progressively that area. This draft responds to the mandate given by three political instruments: - the Council and Commission Action Plan of 3 December 1998, presented to the Vienna Council of 11 and 12 December 1998, on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice; - the conclusions of the special European Council at Tampere in October 1999; - the Commission communication on the scoreboard to review progress on the creation of an area of "freedom, security and justice" in the European Union. Detailed discussions on the establishment and operation of a European Judicial Network in civil and commercial matters continued during the Portuguese Presidency. The effect is that the Commission can now present this proposal for a Council Decision. This proposal falls within this context. It seeks to ensure the sound operation of judicial procedures in civil and commercial matters with a cross-border impact. The ultimate aim of this draft is to simplify the life of Europe's citizens by improving judicial cooperation between the Member States in civil and commercial matters by giving them easier access to justice in a Member State other than their own. More specifically, the measure aims at networking the authorities of the Member States in an uniform manner throughout the European union. Since its purpose of improving cooperation between authorities of the Member States in litigation with a cross-border impact cannot be achieved by the Member States alone, action is needed at Community level. The proposed Decision pursues the objective of the coordinated and uniform Union-wide enhancement of judicial cooperation mechanisms and the provision of the public of practical information that might be useful to persons engaging in cross-border litigation. The proposal lays down only the minimum measures needed to attain the objectives pursued and does not go beyond what is necessary to that end. It is without prejudice to existing cooperation mechanisms and is based extensively on close cooperation between the Commission and the Member States.