Civil and commercial law: access to justice, alternative dispute resolution ADRs. Green paper

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The committee unanimously adopted the report by Diana WALLIS (ELDR, UK) welcoming the Commission's Green Paper. It gave broad backing to alternative dispute resolution (ADR) in civil and commercial law as a potentially cheaper, quicker and less stressful option for litigants than traditional legal services. The committee therefore felt that ADRs should be encouraged as a non-binding option, although the Member States should retain the right to propose ADR to both parties as a preliminary option to access to courts, whilst not undermining parties· rights to take action through the courts if necessary. The committee nevertheless warned the Commission that it should be cautious and undertake in-depth analysis and wide-ranging consultations before it considered proposing any legislative initiatives, given that the Member States did not have detailed framework legislation on ADRs and that their legal systems differed greatly in this area. The Commission was therefore asked to prepare a follow-up Green Paper concentrating on building capacity in ADR, developing standards for ADR and improving quality and benchmarking so as to achieve both coherence and consumer confidence in the use of ADR. Moreover, MEPs pointed out that the follow-up Green Paper should consider a future Europe-wide model code guaranteeing at least that the use of ADR in cross-border disputes should not prejudice access to justice in any way and that both parties, in particular when they come from different Member States, should recognise the dispute-settlement procedure. It added that formalities should be kept to a minimum and legal jargon eschewed. The Commission and the Member States were urged to raise public awareness and promote the use of ADR through information campaigns and by involving consumer organisations. Lastly, the report called on the Commission to improve and reinforce the European Extra-Judicial Network (EEJ-Net) to encourage Member States to make proper provision for good quality ADR and fill the gaps in existing ADR provision.