Civil and commercial law, private international law: approximation of the procedures. Green papers

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The committee adopted the own-initiative report drawn up by its chairman, Giuseppe GARGANI (EPP-ED, I), in response to the Commission's Green Papers. As regards the Green Paper on the conversion of the 1980 Rome Convention, MEPs welcomed the proposed approach and called on the Commission to bring all the relevant rules together in a single regulation. The committee's recommendations included: specifying what exactly is covered by the concept of 'mandatory rules' in the light of the Court of Justice case-law; as regards individual employment contracts, coordinating the measure with the Directive on posting of workers abroad (Directive 96/171/EC); ensuring that the provisions also apply to insurance contracts covering risks situated on the territory of one of Member States; and, as regards the law applicable to the form of contract in electronic commerce, ensuring that the frame of reference is provided by the law of the place of habitual residence of the purchaser or the recipient of the service. As regards the Green Paper on a European order for payment procedure and small claims litigation, MEPs welcomed the Commission's initiative and argued that a regulation was the best way forward, although they emphasised that it should apply only to cross-border cases. The report made a number of specific recommendations on these proposals, namely: a European order for payment should be directly enforceable in another Member State, provided that the State of origin has certified its origin and enforceability; the order for payment procedure should be allowed to take place in a single stage, although those Member States which lay down a two-stage procedure should be allowed to retain it; a debtor concerned by an order for payment should be informed of the possibility of objecting within a time limit which cannot be extended, on expiry of which the order will become final and enforceable; the small claims procedure should not only apply to cases relating to payment of a sum of money but should also be extended to cover "all other disputes concerning economic relationships falling under the heading of obligations"; and, lastly, alternative dispute resolution methods should be applied to the small claims procedure, the taking of evidence should be simplified and the right of appeal limited.