Basic information

2003/2087(INI) INI - Own-initiative procedure	Procedure completed
Civil and commercial law, private international law: approximation of the procedures. Green papers **Subject** 4.60.06 Consumers' economic and legal interests 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs and Internal Market	GARGANI Giuseppe (PPE-DE)	20/02/2003

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
20/12/2002	Non-legislative basic document published	COM(2002)0746	Summary
15/05/2003	Committee referral announced in Parliament		
27/01/2004	Vote in committee		Summary
27/01/2004	Committee report tabled for plenary	A5-0041/2004	
11/02/2004	Debate in Parliament		
12/02/2004	Decision by Parliament	T5-0097/2004	Summary
12/02/2004	End of procedure in Parliament		

Technical information

Procedure reference	2003/2087(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/19529

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0041/2004	27/01/2004	
Text adopted by Parliament, single reading		T5-0097/2004 OJ C 097 22.04.2004, p. 0579-0643 E	12/02/2004	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2002)0746	20/12/2002	Summary
Supplementary non-legislative basic document	COM(2002)0654	14/01/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0742/2003 OJ C 220 16.09.2003, p. 0005-0012	18/06/2003	

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

2003/2087(INI) - 12/02/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Giuseppe GARGANI (EPP-ED, Italy) on approximating civil procedural law in the EU. (Please see the summary of 27/01/04.) Parliament also made the following points: - when the parties choose the law of a non-member country, mandatory Community law rules must be enforced if all the elements of a contract, or the particularly significant elements, are situated on Union territory; - application of the international conventions to which a Member State is or will be party should not be affected; - when specifying which law should apply to the effects of assignment of a claim, reference should be made to the law of the place where the assignor is domiciled.

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

2003/2087(INI) - 14/01/2003 - Supplementary non-legislative basic document

The European Commission has adopted a Green Paper in order to launch a wide-ranging consultation of interested parties on a number of legal questions on the conversion of the Rome convention of 1980 on the law applicable to contractual obligations into a Community instrument and its modernisation. Expanding trade and travel entails an increasing risk that European citizens and companies established in a Member State may be involved in a dispute of which all the elements are not confined to the State where they have their habitual residence. Parties are often discouraged from asserting their rights in a foreign country by the incompatibility or complexity of national legal and administrative systems. This applies particularly to private individuals or small businesses, which generally do not have the financial resources to secure the services of an international network of lawyers. In the EU, however, there cannot be a genuine internal market, envisaging free movement of goods, persons, services and capital, without a common law enforcement area in which all citizens can assert their rights not only in their home country but also in other Member States. A European set of rules on the law applicable to contractual obligations exists already in the form of an international convention, the "Rome Convention of 1980". It contains rules for the determination of the applicable law to contracts with cross-border elements. However, a shortcoming of this Convention is the lack of a judicial body that assures its uniform interpretation in the various Member States. Thus the Commission now launches a discussion on whether a conversion of this Convention - the last remaining legal instrument of this kind in private international law at EU level - into a Community instrument is desirable. Such conversion would mean that the European Court of Justice in Luxembourg becomes competent to interpret the provisions of this piece of legislation, if asked for by national courts by virtue of a preliminary question. Such conversion could also be considered as an occasion to modernise the former convention of 1980. This may include issues such as a re-shaped consumer protection or the regime for employment contracts that have a cross-border element. Throughout this debate, the Commission is committed to a close contact to business and civil society. Interested parties are asked to send answers to the questions listed, as well as comments, to the European Commission before 15/09/03.

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

2003/2087(INI) - 20/12/2002 - Non-legislative basic document

PURPOSE : to re-launch the debate on a European order for payment procedure and on measures to simplify and speed up small claims litigation. CONTENT : this Green Paper launches a consultation with all interested parties on possible measures to be taken at Community level: - to create a European order for payment procedure, that is to say a specific speedy and costefficient procedure for claims that are presumed to remain uncontested available throughout all Member States. Currently, however, order for payment procedures are not available throughout all Member States, and where they exist they vary considerably and are sometimes legally inadmissible or practically unworkable in cases with cross-border implications. A harmonised European order for payment could go a long way towards improving easier access to efficient justice; - to simplify and speed up small claims litigation, an area in which it is particularly essential to streamline proceedings and to limit their costs in order to prevent the pursuit of these claims from becoming economically unreasonable. The paper is based on a comparative study of how Member States currently deal with the pertinent procedural issues. This presentation is intended to facilitate the identification of best practices that could serve as a source of inspiration for European instruments. The two major issues concerning the general approach to European legislation that both areas in question have in common (although the solutions need not necessarily be the same) are the following: - the applicability of a European instrument to cross-border cases only or to purely internal litigation; - the choice of the appropriate instrument to pursue the approximation of procedural law - regulation or directive? Interested parties are invited to send their comments before the 31 May 2003.