Basic information

2015/2084(INL) INL - Legislative initiative procedure	Procedure completed
Common minimum standards of civil procedures **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	RADEV Emil (PPE)	30/06/2015
	Shadow rapporteur DELVAUX Mady (S&D) DZHAMBAZKI Angel (ECR) MARINHO E PINTO António (ALDE) CHRYSOGONOS Kostas (GUE/NGL) HAUTALA Heidi (Verts/ALE)	

European Commission

Commission DG	Commissioner
Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
30/04/2015	Committee referral announced in Parliament		
30/05/2017	Vote in committee		
07/06/2017	Committee report tabled for plenary	A8-0210/2017	Summary
04/07/2017	Decision by Parliament	T8-0282/2017	Summary
04/07/2017	Results of vote in Parliament		
04/07/2017	End of procedure in Parliament		

Technical information

Procedure reference	2015/2084(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/03329

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE593.974	10/02/2017	
Amendments tabled in committee		PE602.825	30/03/2017	
Committee report tabled for plenary, single reading		A8-0210/2017	07/06/2017	Summary
Text adopted by Parliament, single reading		T8-0282/2017	04/07/2017	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2017)539	16/10/2017	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Common minimum standards of civil procedures

2015/2084(INL) - 04/07/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 545 votes to 79, with 71 abstentions, a resolution with recommendations to the Commission on common minimum standards of civil procedure in the EU.

Area of Freedom, Security and Justice: the Union's objective is to develop an area of freedom, security and justice, in which the free movement of persons is ensured. It implies adopting measures relating to **judicial cooperation in civil matters having cross-border implications**, particularly when necessary for the proper functioning of the internal market.

Although the Member States are party to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), experience has shown that that alone **does not always provide a sufficient degree of trust** in the civil justice systems of other Member States.

In order to protect the fundamental rights and freedoms of the Union citizens, Parliament considered it necessary to adopt a directive further developing the minimum standards set out in the Charter and in the ECHR.

Legislative proposal requested: Parliament called on the Commission, pursuant to Article 225 TFEU, to submit a proposal for a legislative act by 30 June 2018 on the basis of Article 81 (2) of the TFEU, on **common minimum standards of civil procedure**.

The proposed directive is not aimed at substituting national civil procedure systems in their entirety. Its objective of this Directive is to **approximate civil procedure systems** so as to ensure full respect for the right to a fair trial as recognised in Article 47 of the Charter and in Article 6 of the ECHR, by laying down minimum standards concerning the commencement, conduct and conclusion of civil proceedings before Member States' courts or tribunal.

Common minimum standards should lead to **increased confidence** in the civil justice systems of all Member States, which, in turn, should lead to more efficient, faster and more flexible judicial cooperation in a climate of mutual trust.

Minimum standards: the proposed Directive shall apply in principle to **disputes having cross-border implications**, in civil and commercial matters and whatever the nature of the court or tribunal.

- the minimum standards for civil proceedings shall cover, *inter alia*:
- the general obligation for **effective judicial protection**: Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the rights conferred by Union civil law;
- the **fair conduct of the proceedings**: hearings may be conducted using any appropriate distance communication technology, such as videoconferencing or teleconference when the parties can not physically be present;
- the introduction of **provisional and protective measures**: these measures shall observe the rights of the defence and be proportionate to the characteristics and severity of the alleged violation;
- compliance by the courts with the **right to an effective remedy** and a fair trial, as well as respect for the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of obtaining evidence;
- the obligation for the courts to provide **reasoned decisions within a reasonable time** in order to enable parties to make effective use if any right to review a decision or lodge an appeal;
- **due diligence** by the courts actively managing the cases before them in order to ensure fair, efficient disposition of disputes at a reasonable speed and cost;
- the availability of means to present, obtain and preserve evidence having regard to the rights of defence and the need to protect confidential information;
- the possibility for courts to grant **legal aid** to a party;
- the use of service methods to ensure prompt and safe receipt of the served documents;
- the **right to a lawyer** of their choice for the parties to civil proceedings;
- providing citizens with **transparent and easily available information** regarding the commencement of various procedures, limitation or prescription periods, the competent courts to hear different disputes, and the necessary forms that need to be filled in for that purpose;
- the availability of **interpretation** during civil proceedings and a written translation of all essential documents essential to safeguard the fairness of the proceedings;

The proposal shall not have any financial implications on the EU budget.

Overall, Parliament stressed the need for **legislation to provide for a set of procedural standards applicable to civil proceedings** and called on the Commission to proceed with the delivery of its action plan for the implementation of the Stockholm programme adopted by the European Council in the area of freedom, security and justice.

Common minimum standards of civil procedures

2015/2084(INL) - 07/06/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted a report by Emil RADEV (EPP, BG) with recommendations to the Commission on common minimum standards of civil procedure in the EU (Initiative – Rule 46 of the Rules of Procedure).

Area of Freedom, Security and Justice: Members recalled that the Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is ensured. For the gradual establishment of such an area, the Union is to adopt measures relating to **judicial cooperation in civil matters having cross-border implications**, particularly when necessary for the proper functioning of the internal market.

Although the Member States are party to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), experience has shown that that alone **does not always provide a sufficient degree of trust in the civil justice systems of other Member States**. In order to protect the fundamental rights and freedoms of the Union citizens, Members considered it necessary to adopt a directive further developing the minimum standards set out in the Charter and in the ECHR.

Legislative proposal requested: Members called on the Commission, pursuant to Article 225 TFEU, to submit a proposal for a legislative act by 30 June 2018 on the basis of Article 81 (2) of the TFEU, on **common minimum standards of civil procedure**.

The objective of this Directive is to approximate civil procedure systems so as to ensure full respect for the right to a fair trial as recognised in Article 47 of the Charter and in Article 6 of the ECHR, by laying down minimum standards concerning the **commencement, conduct and conclusion of civil proceedings** before Member States' courts or tribunal.

Common minimum standards should lead to **increased confidence** in the civil justice systems of all Member States, which, in turn, should lead to more efficient, faster and more flexible judicial cooperation in a climate of mutual trust.

The Directive shall apply in principle to **disputes having cross-border implications**, in civil and commercial matters and whatever the nature of the court or tribunal.

The minimum standards for civil proceedings shall cover, *inter alia*:

- the general obligation for effective judicial protection: Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the rights conferred by Union civil law;
- the fair conduct of the proceedings: hearings may be conducted using any appropriate distance communication technology, such as videoconferencing or teleconference when the parties can not physically be present;
- the introduction of provisional and protective measures: these measures shall observe the rights of the defence and be proportionate to the characteristics and severity of the alleged violation;
- compliance by the courts with the right to an effective remedy and a fair trial, as well as respect for the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of obtaining evidence;
- the obligation for the courts to provide reasoned decisions within a reasonable time in order to enable parties to make effective use if any right to review a decision or lodge an appeal;
- due diligence by the courts actively managing the cases before them in order to ensure fair, efficient disposition of disputes at a reasonable speed and cost;
- the availability of means to present, obtain and preserve evidence having regard to the rights of defence and the need to protect confidential information;
- the possibility for courts to grant legal aid to a party;
- the use of service methods to ensure prompt and safe receipt of the served documents;
- the right to a lawyer of their choice for the parties to civil proceedings;
- providing citizens with transparent and easily available information regarding the commencement of various procedures, limitation or prescription periods, the competent courts to hear different disputes, and the necessary forms that need to be filled in for that purpose;
- the availability of interpretation during civil proceedings and a written translation of all essential documents essential to safeguard the fairness of the proceedings;

The proposal shall not have any financial implications on the EU budget.