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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

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To: Delegations

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Subject: European Judicial Network in civil and commercial matters
- Council conclusions adopted on 8 December 2016

Delegations will find in the Annex the Council conclusions on the European Judicial Network in civil and commercial matters, adopted by the Council (Justice and Home Affairs) at its 3508th meeting on 8 December 2016.

Council Conclusions

on the European Judicial Network in civil and commercial matters

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING,

The report from the Commission to the European Parliament, the Council and the European Economic and Social Committee of 10 March 2016 on the activities of the European Judicial Network in civil and commercial matters;¹

Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters, as amended by Decision No 568/2009/EC of the European Parliament and of the Council;²

The Commission communication of 11 March 2014 on the EU Justice Agenda for 2020;³

The strategic guidelines of the European Council of 26 and 27 June 2014 on legislative and operational planning for the coming years in the area of freedom, security and justice;⁴

The strategy on European e-justice 2014-2018⁵ and the multiannual European e-justice action plan 2014-2018;⁶

¹ Doc. 7039/16 JUSTCIV 37 EJUSTICE 51.

² Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009 amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters, OJ L 168, 30.6.2009, p. 35.

³ Doc. 7838/14 JAI 170 JAIEX 20 JUSTCIV 68 CATS 44 DROIPEN 43 COPEN 90 COSI 22 ASIM 25 MIGR 34 VISA 77 FRONT 65 ENFOPOL 85 PROCIV 23 DAPIX 47 CRIMORG 30 EUROJUST 61 GENVAL 18 EJUSTICE 28 ENFOCUSTOM 38 FREMP 45.

⁴ EUCO 79/14, point 3.

⁵ OJ C 376, 21.12.2013, p. 7.

⁶ OJ C 182, 14.6.2014, p. 2.

UNDERLINES that;

- the European Judicial Network in civil and commercial matters ('the Network') is an important and successful tool for civil judicial cooperation which contributes to the development of mutual trust by building bridges between the different justice systems of the Member States;
- the success of the Network results largely from the dedication of the contact points, which perform a central role in the functioning of the Network;
- the Council Decision establishing the Network requires the Member States to ensure that the Network's contact points have sufficient and appropriate facilities in terms of staff, resources and modern means of communication to adequately fulfil their tasks as contact points;

ACKNOWLEDGES that;

- the Network has been instrumental in creating informal and effective cross-border cooperation between the national contact points and between other members of the Network, such as central authorities; it has thereby enhanced the effective application of EU and other international instruments relating to cross-border judicial cooperation in civil and commercial matters;
- the Network has played and continues to play a key role in the facilitation of cross-border access to justice by providing information to the public and to practitioners in the form of information sheets and other publications, which are now also available on the European e-Justice Portal;
- the Network is an invaluable resource for the evaluation and sharing of experiences in the operation of specific EU instruments in civil and commercial matters;
- the tasks and activities of the Network have developed and expanded since its inception through the sharing of best practices and in the light of additional responsibilities arising from recent EU instruments in civil and commercial matters;
- according to the report of the European Commission, any further improvements in the operation of the Network could be made within the existing legal framework;

CALLS ON THE MEMBER STATES to;

- promote even closer involvement of judges and other judicial authorities in the work of the Network, while respecting the principle of independence of the judiciary and differences in governmental organisation;
- promote the use of the expertise of other legal practitioners by involving relevant professional associations more closely in the Network's activities;
- encourage interaction at national level to share knowledge and gather information on the practical application of the EU instruments in civil and commercial matters; to that end, consider establishing, where appropriate, national networks bringing together the national contact points, Network members and other legal practitioners;
- enhance the visibility of the Network and their national networks domestically by appropriate and effective means, such as by increasing the Network's presence on the national websites of the organisations to which Network members belong and by disseminating information, for instance at training events or on social media;
- ensure that their contact points are enabled to effectively carry out their tasks;

INVITES THE NETWORK to;

- pursue the ongoing exploration of the development of a new, or adaptation of an existing, electronic exchange tool for secure registration and exchange of requests and replies between the contact points, with a view to facilitating the tasks of and cooperation within the Network while minimising the administrative burden and retaining the necessary flexibility for direct contact between the contact points;
- cooperate with the Commission to
 - identify data, including statistical data, which would be practical and relevant for the evaluation of the operation and application of specific EU legal instruments in the area of civil and commercial matters;
 - examine if and how such data could be gathered, based on national data collection mechanisms and best practices, while taking into account the need to limit the extent of the administrative burden on national authorities;

having due regard to the Interinstitutional Agreement on Better Law-Making;⁷

⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

INVITES THE COMMISSION to;

- allocate the necessary resources to ensure that the content concerning the Network on the European e-Justice Portal, in particular the information sheets submitted by Member States, is made available, as a matter of priority, in all official and working languages of the institutions of the Union;
- ensure even greater visibility for the Network and related information available on the European e-Justice Portal and further explore the use of social media and other modern communication channels for the swift dissemination of up-to-date information;
- promote, in close cooperation with the Network, the synergies of the Network with other European networks pursuing similar objectives, such as the European Judicial Training Network (EJTN) and the European Judicial Network in criminal matters, while bearing in mind the particular purpose of the Network to facilitate cooperation between judicial and other relevant authorities in civil and commercial matters.
