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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**ON THE implementation of the FRAMEWORK PROGRAMME FOR JUDICIAL
COOPERATION IN CIVIL MATTERS (2002-2006)**

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1. INTRODUCTION

1.1. PURPOSE OF THE REPORT

Article 15(1) of Regulation (EC) No 743/2002 establishing a general Community framework for activities to facilitate judicial cooperation in civil matters¹ requires the Commission to submit an interim report on the implementation of the programme to the European Parliament and to the Council.

This report describes progress on the programme since its adoption in April 2002 until the 30th of June 2004. The first activities financed by the programme, whether Commission initiatives, specific co-financed projects or NGO schemes, began at the end of 2002, and only a few are already completed. Consequently, the report will essentially focus on the programme's structure and management.

1.2. OVERVIEW

The programme has four objectives:

- to promote judicial cooperation in civil matters, aiming in particular at ensuring legal certainty and improving access to justice, promoting mutual recognition of judicial decisions and judgments, and promoting the necessary approximation of legislation or eliminating obstacles created by disparities in civil law and civil procedures;
- to improve mutual knowledge of Member States' legal and judicial systems in civil matters;
- to ensure the sound use of Community instruments in the area of judicial cooperation in civil matters;
- to improve information to the public on access to justice, judicial cooperation and the legal systems of the Member States in civil matters.

To attain these objectives, the programme provides for three different types of activity:

- specific actions taken by the Commission,
- actions providing financial support for specific projects of Community interest (this second type of action essentially corresponds to the previous Grotius - civil programme 2001),²
- actions providing financial support for the activities of non-governmental organisations (NGOs).

With regard to the Commission actions, the programme has financed three major projects (the European Judicial Atlas, a case-law database and an information campaign targeting legal practitioners) besides conferences and research.

¹ OJ L 115, 1.5.2002, p.1.

² OJ L 43, 14.02.2001, p.1.

With regard to specific projects, the first three calls for proposals received 106 applications for co-financing, of which 51 were accepted (17 per year). The programme has also provided support for the activities of two NGOs.

Appropriations for commitments entered in the budget (budget heading 18 06 01 02) for the programme amounted to €3 000 000 in 2002 and 2003, and €3 750 000 in 2004. The budget for 2005 is also €3 750 000.

2. BACKGROUND

The current programme is a continuation of the former Grotius (1996 – 2000), Grotius civil (2001) and Schuman (1999 – 2001) programmes.

Its adoption in 2002 reflected the Commission's desire to ensure the correct application of European law in the field of civil justice. The proper application of common rules necessary to the smooth operation of the internal market requires them to be known, understood and applied in the same way as national rules.

3. COMMISSION INITIATIVES

3.1. EUROPEAN JUDICIAL ATLAS

The European Judicial Atlas is a database tool available in all the official European Union languages which has been on line since March 2004 at http://europa.eu.int/comm/justice_home/judicialatlascivil/html/index_en.htm. It enables professionals and the general public to easily identify which authorities to contact and is particularly useful for:

- finding the competent courts,
- serving documents,
- taking evidence,
- enforcing judgments,
- other issues.

The procedures involved will be made easier by giving users access to an internet tool based on forms that must be filled in for application of the different legal instruments.

The budget for this initiative is €483 331 for the first part (creation) and €182 340 for the second part (updating).

3.2. CASE-LAW DATABASE

A database designed to collate judgments and decisions delivered by Member States will be on line in 2005. The database relates to the application of the "Brussels I Regulation" (Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters), the Brussels Convention of 1968,

the Lugano Convention of 1988 and the “Brussels II Regulation” (Council Regulation (EC) No 2201/2003, which entered into force on 1 March 2003, repealing the previous “Brussels II Regulation”).

Analysis of the data collected will help evaluate the performance of these instruments. The database will also contribute to the uniform implementation of Community legislation by national courts.

It was launched at the start of 2002 and its scope was extended to the Brussels II Regulation in 2004.

The budget for this initiative is €204 725 for the first part (creation) and a maximum of €1 000 000 over four years for the second part (preparation of files).

3.3. INFORMATION CAMPAIGNS

At its meeting in Tampere in October 1999, the European Council called on the Commission to launch an information campaign designed to make legal practitioners aware of judicial cooperation in civil matters in the European Community. Launched at the start of 2002, the campaign got underway in May 2004.

It includes the following initiatives:

- publication and distribution to practitioners of a pocket guide on Community instruments in the field of judicial cooperation in civil law,
- creation of a web portal accessible during the campaign at <http://www.eurocivil.info>,
- advertisements in the specialist press,
- media relations,
- promotion of conferences on civil justice in the Member States.

The budget for this initiative is €829 733.

A new information campaign aimed at legal practitioners in the new Member States will open in March 2005. The planned budget is €400 000.

3.4. CONFERENCES

The programme has funded the following conferences:

- “Towards Better Access to Justice”, jointly organised by the Commission and the Council of Europe and attended by some 200 people in Brussels in October 2002. The budget was €100 000.
- A conference on family law at Lecco, jointly organised with the Italian Presidency of the Council in October 2003. The budget was €200 000.

3.5. STUDIES

The programme has also financed different studies:

- Comparative study on the recovery of maintenance claims in the Member States (study completed in November 2003). The budget was €68 800.
- Study on compensation to victims (ongoing). The budget provided for is €89 510.

3.6. PROSPECTS

- A multilateral conference, organised in collaboration with the Council of Europe on best practices in civil proceedings in Europe, took place in October 2004.
- Study on the impact of EC legislation on insolvency.
- Feasibility study on the creation of a structure/network for increasing European research on international private law, civil law and civil procedure from a Community perspective.
- Launch of several new information campaigns on judicial cooperation in civil matters chiefly intended to inform the general public about how to exercise their rights.
- The European Day of Civil Justice will be used to increase the impact of these campaigns. A focus on the issue of parental child abduction will strengthen the dissuasive effect of Brussels II, which aims to prevent this phenomenon.
- A joint conference will be held with the Hague Conference on Private International Law on the recovery of maintenance claims at European and world level.
- Launch of an evaluation study on the implementation of the Brussels I Regulation.
- To reinforce the creation of a European area of justice, exploratory studies on civil judicial cooperation will be undertaken to throw light on existing barriers to the four freedoms of the internal market and the effective exercise by citizens and businesses of the rights conferred on them by Community legislation.

4. SPECIFIC PROJECTS

4.1. PROGRAMME CYCLE

The programme cycle follows a fixed timeframe, at least with regard to "specific projects", which run for three years. In the first year the cycle begins with an annual work schedule, followed by a call for proposals, project selection, contract signing and initial payments. Execution takes place in the second year. After 12 months of activity project leaders have 3 more months to present the final report and accounts.

SELECTED PROJECTS

- NUMBER

17 projects were selected each year, viz 51 projects over the lifetime of the programme. The number of proposals is declining not only year by year but also in comparison to previous programmes such as Grotius, Grotius civil and Schuman.

– OBJECTIVES

The vast majority of the projects selected focus primarily on two of the four objectives pursued by the programme, namely “promoting judicial cooperation in civil matters” and “ensuring the sound use of Community instruments in the area of judicial cooperation in civil works’ matters”.

– PROJECT TYPE

Most initiatives consist of one of the following types of activities, or a combination of two or more:

- studies and research
- training
- placements and exchanges
- conferences, seminars and meetings
- publications (written or internet sites)

4.3. GEOGRAPHICAL BREAKDOWN

The table in Annex 3 shows that organisations from 6 Member States (BE, DE, ES, FR, IT, UK) submitted 88% of the proposals and were awarded 90% of the projects. This trend had already been observed during previous programmes.

A more detailed analysis shows that in 2004 27 proposals for specific initiatives were received from 16 organisations based in 5 Member States. This contrasts with 35 proposals from 34 organisations in 9 Member States in 2003 and 44 proposals from 36 organisations in 11 Member States and a third country (Switzerland) in 2002. Thus, there is a decrease not only in the number of countries represented but also in the number of proposals and above all of candidates.

But the temptation to give a “nationality” to the projects should be avoided because they are frequently proposed by organisations operating internationally and involving different countries.

Consequently in 2004, although project leaders came from only five Member States, seven others (AT, DK, FI, NL, PT, SE, UK) as well as three accession countries (HU, LV, PL), one candidate country (RO) and one third country (US) were “concerned” in terms of the work programme by one or more of the proposals.

4.4. SUBJECT BREAKDOWN

The statistics on the breakdown of co-financed projects by civil law subject area are not very meaningful because many projects not only cover several themes and Community instruments at the same time but also embrace judicial cooperation in general, and many should be classified under “other”.

The complete list of specific projects selected in 2002, 2003 and 2004 can be found in Annex 4.

4.5. PUBLICATION OF RESULTS

The attention given to publishing the results of co-financed activities is one of the main innovations of this programme when compared to its predecessors.

The main ways of disseminating the results of the initiatives are as follows: sending or distributing the record of proceedings to conference participants, sending or distributing the record of proceedings to conference participants and to third parties, on-line publication of results and/or expert reports on internet sites which can be accessed by the general public, or publication of books and brochures.

The results of initiatives are generally published on the web to ensure widespread circulation. This is particularly true of conference-based projects. Moreover, in the case of training seminars there is also a multiplier effect in that participants can share experience and knowledge gained during training with their colleagues.

4.6. MONITORING AND SUPERVISION

Project supervision is carried out at several stages:

During the selection process, the Commission's financial services verify that budgets are eligible and correctly presented. Failing this, project leaders are contacted so that they can correct errors, and grant agreements are concluded only when all the budgetary conditions have been met.

During the project execution stage, Commission officials frequently participate in activities such as conferences and seminars. That said there is no provision for interim reports or visits from experts.

At the end of the project, payment of the balance is made only after the Commission has approved the final report, as regards both matters of substance and finance.

Documentary evidence such as invoices, supplied with the report, is examined by the financial services on a sample basis.

5. GRANTS TO NGOS

Financial support may be granted to fund activities included in the annual programmes of non-governmental organisations.

Participation in this part of the framework programme is low, with only 5 applications for co-financing submitted in 2 years, of which 3 were accepted. Two associations have received grants in this way:

- PEOPIIL (Pan-European Organisation of Personal Injury Lawyers) in 2003 and 2004; its objectives are to develop cooperation and liaison between lawyers dealing with personal injury claims in Europe and to promote access to justice for citizens who have personal injury claims.
- CEFL (Commission on European Family Law) in 2004 ; its goal is to establish principles in the area of family law with a view to future harmonisation.

6. CONCLUSIONS: PROGRAMME IMPACT AND RESULTS

The framework programme came into being little more than two years ago and few of the initiatives that have benefited from financing are completed. It is still too early to make an in-depth analysis of the programme's impact and results. This will be the objective of an assessment to be made next year with a view to renewal of the programme; the results will be communicated to Parliament and the Council.

The principal Commission actions already underway seek to inform legal practitioners and the general public about recent developments in European law on civil matters - which is in the throes of major change - using a range of different but complementary methods. Particular emphasis is put on practical and relevant information that can be accessed using modern communication technologies.

The project selection for 2002, 2003 and 2004 shows that there is keen interest in projects meeting current priorities in the area of civil law. Although the first three calls for proposals received only a limited number of applications (106 proposals, of which 51 were accepted), it was still possible to choose interesting projects designed to familiarise legal practitioners with new Community instruments and allow them to meet and exchange views. The virtual absence of projects providing for the exchange of judges or for information initiatives is unfortunate.

With its more limited share of the budget, the co-financing of NGOs attracted very few applications for the first two years.

In conclusion, the programme has had an auspicious start; it already plays a crucial role in the Commission's civil justice policy and contributes significantly to the practical administration of Community instruments.