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**COUNCIL DECISION**

**of 28 May 2001**

**establishing a European Judicial Network in civil and commercial matters**

(2001/470/EC)

(OJ L 174, 27.6.2001, p. 25)

Amended by:

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**▼B****COUNCIL DECISION****of 28 May 2001****establishing a European Judicial Network in civil and commercial matters**

(2001/470/EC)

## TITLE I

**PRINCIPLES OF THE EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS***Article 1***Establishment**

1. A European Judicial Network in civil and commercial matters ('the Network') is hereby established among the Member States.
2. In this Decision, the term 'Member State' shall mean Member States with the exception of Denmark.

*Article 2***Composition**

1. The Network shall be composed of:
  - (a) contact points designated by the Member States, in accordance with paragraph 2;
  - (b) central bodies and central authorities provided for in Community instruments, instruments of international law to which the Member States are parties or rules of domestic law in the area of judicial cooperation in civil and commercial matters;

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- (c) the liaison magistrates to whom Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union<sup>(1)</sup> applies, where they have responsibilities in judicial cooperation in civil and commercial matters;

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- (d) any other appropriate judicial or administrative authority with responsibilities for judicial cooperation in civil and commercial matters whose membership of the Network is considered to be useful by the Member State to which it belongs;

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- (e) professional associations representing, at national level in the Member States, legal practitioners directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters.

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2. Each Member State shall designate a contact point. Each Member State may, however, designate a limited number of other contact points if they consider this necessary on the basis of the existence of separate legal systems, the domestic distribution of jurisdiction, the tasks to be entrusted to the contact points or in order to associate judicial bodies that frequently deal with cross-border litigation directly with the activities of the contact points.

<sup>(1)</sup> OJ L 105, 27.4.1996, p. 1.

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Where a Member State designates several contact points, it shall ensure that appropriate coordination mechanisms apply between them.

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If the contact point designated under this paragraph is not a judge, the Member State concerned shall provide for effective liaison with the national judiciary. To facilitate this, a Member State may designate a judge to support this function. This judge shall be a member of the Network.

2a. Member States shall ensure that the 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.

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3. The Member States shall identify the authorities mentioned at points (b) and (c) of paragraph 1.

4. The Member States shall designate the authorities mentioned at point (d) of paragraph 1.

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4a. Member States shall determine the professional associations referred to in paragraph 1(e). To that end, they shall obtain the agreement of the professional associations concerned on their participation in the Network.

Where there is more than one association representing a legal profession in a Member State, it shall be the responsibility of that Member State to provide for appropriate representation of that profession on the Network.

5. The Member States shall notify the Commission, in accordance with Article 20, of the names and full addresses of the authorities referred to in paragraphs 1 and 2 of this Article, specifying:

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(a) the communication facilities available to them;

(b) their knowledge of languages; and

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(c) where appropriate, their specific functions in the Network, including, where there is more than one contact point, their specific responsibilities.

**▼ B***Article 3***Tasks and activities of the Network**

1. The Network shall be responsible for:

(a) facilitating judicial cooperation between the Member States in civil and commercial matters, including devising, progressively establishing and updating an information system for the members of the Network;

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- (b) facilitating effective access to justice, through measures providing information on the working of Community and international instruments concerning judicial cooperation in civil and commercial matters.

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2. Without prejudice to other Community or international instruments relating to judicial cooperation in civil or commercial matters, the Network shall develop its activities for the following purposes in particular:

- (a) the smooth operation of procedures having a cross-border impact and the facilitation of requests for judicial cooperation between the Member States, in particular where no Community or international instrument is applicable;

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- (b) the effective and practical application of Community instruments or conventions in force between two or more Member States.

In particular where the law of another Member State is applicable, the courts or authorities responsible for the matter may apply to the Network for information on the content of that law;

- (c) the establishment, maintenance and promotion of an information system for the public on judicial cooperation in civil and commercial matters in the European Union, on relevant Community and international instruments and on the domestic law of the Member States, with particular reference to access to justice.

The main source of information shall be the Network's website containing up-to-date information in all the official languages of the institutions of the Union.

**▼ B***Article 4***Modus operandi of the Network**

The Network shall accomplish its tasks in particular by the following means:

1. it shall facilitate appropriate contacts between the authorities of the Member States mentioned in Article 2(1) for the accomplishment of the tasks provided for by Article 3;
2. it shall organise periodic meetings of the contact points and of the members of the Network in accordance with the rules laid down in Title II;
3. it shall draw up and keep updated the information on judicial cooperation in civil and commercial matters and the legal systems of the Member States referred to in Title III, in accordance with the rules laid down in that Title.

*Article 5***Contact points**

1. The contact points shall be at the disposal of the authorities referred to in Article 2(1)(b) to (d) for the accomplishment of the tasks provided for by Article 3.

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The contact points shall also be at the disposal of the local judicial authorities in their own Member State for the same purposes, in accordance with rules to be determined by each Member State.

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2. In particular, the contact points shall:
  - (a) ensure that the local judicial authorities receive general information concerning the Community and international instruments relating to judicial cooperation in civil and commercial matters. In particular, they shall ensure that the Network, including the website of the Network, is better known to the local judicial authorities;
  - (b) supply the other contact points, the authorities mentioned in Article 2(1)(b) to (d) and the local judicial authorities in their own Member State with all the information needed for sound judicial cooperation between the Member States in accordance with Article 3, in order to assist them in preparing operable requests for judicial cooperation and in establishing the most appropriate direct contacts;
  - (c) supply any information to facilitate the application of the law of another Member State that is applicable under a Community or international instrument. To this end, the contact point to which such a request is addressed may draw on the support of any of the other authorities in its Member State referred to in Article 2 in order to supply the information requested. The information contained in the reply shall not be binding on the contact point, the authorities consulted or the authority which made the request;
  - (d) seek solutions to difficulties arising on the occasion of a request for judicial cooperation, without prejudice to paragraph 4 of this Article and to Article 6;
  - (e) facilitate coordination of the processing of requests for judicial cooperation in the relevant Member State, in particular where several requests from the judicial authorities in that Member State fall to be executed in another Member State;
  - (f) contribute to generally informing the public, through the Network's website, on judicial cooperation in civil and commercial matters in the European Union, on relevant Community and international instruments and on the domestic law of the Member States, with particular reference to access to justice;
  - (g) collaborate in the organisation of, and participate in, the meetings referred to in Article 9;
  - (h) assist with the preparation and updating of the information referred to in Title III, and in particular with the information system for the public, in accordance with the rules laid down in that Title;
  - (i) ensure coordination between members of the Network at national level;
  - (j) draw up a two-yearly report on their activities, including, where appropriate, best practice in the Network, submit it at a meeting of the members of the Network, and draw specific attention to possible improvements in the Network.

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3. Where a contact point receives a request for information from another member of the Network to which it is unable to respond, it shall forward it to the contact point or the member of the Network which is best able to respond to it. The contact point shall remain available for any such assistance as may be useful for subsequent contacts.

4. In areas where Community or international instruments governing judicial cooperation already provide for the designation of authorities responsible for facilitating judicial cooperation, contact points shall address requesters to such authorities.

**▼ M1***Article 5a***Professional associations**

1. In order to contribute to the accomplishment of the tasks provided for by Article 3, the contact points shall have appropriate contacts with the professional associations mentioned in Article 2(1)(e), in accordance with rules to be determined by each Member State.

2. In particular, the contacts referred to in paragraph 1 may include the following activities:

- (a) exchange of experience and information as regards the effective and practical application of Community and international instruments;
- (b) collaboration in the preparation and updating of the information sheets referred to in Article 15;
- (c) participation of the professional associations in relevant meetings.

3. Professional associations shall not request information relating to individual cases from contact points.

**▼ B***Article 6***Relevant authorities for the purposes of Community or international instruments relating to judicial cooperation in civil and commercial matters**

1. The involvement of relevant authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters in the Network shall be without prejudice to the powers conferred on them by the instrument providing for their designation.

Contacts within the Network shall be without prejudice to regular or occasional contacts between these authorities.

2. In each Member State the authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters and the contact points of the Network shall engage in regular exchanges of views and contacts to ensure that their respective experience is disseminated as widely as possible.

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To this end, each Member State shall ensure, in accordance with the procedures to be determined by it, that the contact point(s) and competent authorities have the means to meet on a regular basis.

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3. The contact points of the Network shall be at the disposal of the authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters and shall assist them in all practicable ways.

*Article 7***Language knowledge of the contact points****▼ M1**

To facilitate the practical operation of the Network, each Member State shall ensure that the contact points have adequate knowledge of an official language of the institutions of the Union other than their own, given that they need to be able to communicate with the contact points in other Member States.

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Member States shall facilitate and encourage specialised language training for contact point staff and promote exchanges of staff between contact points in the Member States.

**▼ M1***Article 8***Processing of requests for judicial cooperation**

1. The contact points shall respond to all requests submitted to them without delay and at the latest within fifteen days of receipt thereof. If a contact point cannot reply to a request within that time limit, it shall inform the maker of the request briefly of this fact, indicating how much time it considers that it will need to reply, but this period shall not, as a rule, exceed thirty days.

2. In order to respond as efficiently and rapidly as possible to the requests referred to in paragraph 1, the contact points shall use the most appropriate technological facilities made available to them by the Member States.

3. The Commission shall keep a secure, limited-access electronic register of the requests for judicial cooperation and replies referred to in Article 5(2)(b), (c), (d) and (e). The contact points shall ensure that the information necessary for the establishment and operation of this register is supplied regularly to the Commission.

4. The Commission shall supply the contact points with information on the statistics relating to the judicial cooperation requests and replies referred to in paragraph 3 at least once every six months.

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## TITLE II

**MEETINGS WITHIN THE NETWORK****▼M1***Article 9***Meetings of the contact points**

1. The contact points of the Network shall meet at least once every six months, in accordance with Article 12.
2. Each Member State shall be represented at those meetings by one or more contact points, who may be accompanied by other members of the Network, but there shall be no more than six representatives per Member State.

**▼B***Article 10***Purpose of periodic meetings of contact points**

1. The purpose of the periodic meetings of contact points shall be to:
  - (a) enable the contact points to get to know each other and exchange experience, in particular as regards the operation of the Network;
  - (b) provide a platform for discussion of practical and legal problems encountered by the Member States in the course of judicial cooperation, with particular reference to the application of measures adopted by the European Community;
  - (c) identify best practices in judicial cooperation in civil and commercial matters and ensure that relevant information is disseminated within the Network;
  - (d) exchange data and views, in particular on the structure, organisation and content of and access to the available information mentioned in Title III;
  - (e) draw up guidelines for progressively establishing the practical information sheets provided for by Article 15, in particular as regards the subject matter to be covered and the form of such information sheets;
  - (f) identify specific initiatives other than those referred to in Title III which pursue comparable objectives.
2. The Member States shall ensure that experience in the operation of specific cooperation mechanisms provided for by Community or international instruments is shared at meetings of the contact points.

*Article 11***Meetings of members of the Network**

1. Meetings open to all members of the Network shall be held to enable them to get to know each other and exchange experience, to provide a platform for discussion of practical and legal problems met and to deal with specific questions.

Meetings can also be held on specific issues.



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2. Meetings shall be convened, where appropriate, in accordance with Article 12.
3. The Commission, in close cooperation with the Presidency of the Council and with the Member States, shall fix for each meeting the maximum number of participants.

**▼M1***Article 11a***Participation of observers in Network meetings**

1. Without prejudice to Article 1(2), Denmark may be represented at the meetings referred to in Articles 9 and 11.
2. Accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party to international agreements on judicial cooperation in civil and commercial matters concluded by the Community may also be invited to attend certain Network meetings as observers.
3. Each observer State may be represented at the meetings by one or more persons, but under no circumstances may there be more than three representatives per State.

**▼B***Article 12***Organisation and proceedings of meetings of the Network**

1. The Commission, in close cooperation with the Presidency of the Council and with the Member States, shall convene the meetings provided for by Articles 9 and 11. It shall chair them and provide secretarial services.
2. Before each meeting the Commission shall prepare the draft agenda in agreement with the Presidency of the Council and in consultation with the Member States via their respective contact points.
3. The contact points shall be notified of the agenda prior to the meeting. They may ask for changes to be made or for additional items to be entered.
4. After each meeting the Commission shall prepare a record, which shall be notified to the contact points.
5. Meetings of the contact points and of members of the Network may take place in any Member State.

**▼M1***Article 12a***Relations with other networks and international organisations**

1. The Network shall maintain relations and share experience and best practice with the other European networks that share its objectives, such as the European Judicial Network in criminal matters. The Network shall also maintain relations with the European Judicial Training Network with a view to promoting, where appropriate and without prejudice to national practices, training sessions on judicial cooperation in civil and commercial matters for the benefit of the local judicial authorities of the Member States.

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2. The Network shall maintain relations with the European Consumer Centres Network (ECC-Net). In particular, in order to supply any general information on the working of Community and international instruments to facilitate consumer access to justice, the contact points of the Network shall be at the disposal of the members of ECC-Net.

3. In order to meet its responsibilities under Article 3 concerning international instruments on judicial cooperation in civil and commercial matters, the Network shall maintain contact and exchanges of experience with the other judicial cooperation networks established between third countries and with international organisations that promote international judicial cooperation.

4. The Commission, in close cooperation with the Presidency of the Council and the Member States, shall be responsible for implementing the provisions of this Article.

## TITLE III

**INFORMATION AVAILABLE WITHIN THE NETWORK AND INFORMATION PROVIDED TO THE PUBLIC****▼ B***Article 13***Information disseminated within the Network**

1. The information disseminated within the network shall include:
  - (a) the information referred to in Article 2(5);
  - (b) any further information deemed useful by the contact points for the proper functioning of the Network;

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- (c) the information referred to in Article 8.

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2. For the purpose of paragraph 1, the Commission shall progressively establish a secure limited-access electronic information exchange-system in consultation with the contact points.

**▼ M1***Article 13a***Provision of general information to the public**

The Network shall contribute towards providing the public with general information, using the most appropriate technological facilities to inform it about the content and working of Community or international instruments on judicial cooperation in civil and commercial matters.

To that end, and without prejudice to the provisions of Article 18, the contact points shall promote to the public the information system referred to in Article 14.

**▼B***Article 14***Information system for the public**

1. An Internet-based information system for the public, including the dedicated website for the Network, shall be progressively established in accordance with Articles 17 and 18.
2. The information system shall comprise the following elements:
  - (a) Community instruments in force or in preparation relating to judicial cooperation in civil and commercial matters;
  - (b) national measures for the domestic implementation of the instruments in force referred to in point (a);
  - (c) international instruments in force relating to judicial cooperation in civil and commercial matters to which the Member States are parties, and declarations and reservations made in connection with such instruments;
  - (d) the relevant elements of Community case-law in the area of judicial cooperation in civil and commercial matters;
  - (e) the information sheets provided for by Article 15.
3. For the purposes of access to the information mentioned in paragraph 2(a) to (d), the Network should, where appropriate, in its site, make use of links to other sites where the original information is to be found.
4. The site dedicated to the Network shall likewise facilitate access to comparable public information initiatives in related matters and to sites containing information relating to the legal systems of the Member States.

*Article 15***Information sheets**

1. The information sheets shall be devoted by way of priority to questions relating to access to justice in the Member States and shall include information on the procedures for bringing cases in the courts and for obtaining legal aid, without prejudice to other Community initiatives, to which the Network shall have the fullest regard.
2. Information sheets shall be of a practical and concise nature. They shall be written in easily comprehensible language and contain practical information for the public. They shall progressively be produced on at least the following subjects:
  - (a) principles of the legal system and judicial organisation of the Member States;
  - (b) procedures for bringing cases to court, with particular reference to small claims, and subsequent court procedures, including appeal possibilities and procedures;
  - (c) conditions and procedures for obtaining legal aid, including descriptions of the tasks of non-governmental organisations active in this field, account being taken of work already done in the Dialogue with Citizens;

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- (d) national rules governing the service of documents;
- (e) rules and procedures for the enforcement of judgments given in other Member States;
- (f) possibilities and procedures for obtaining interim relief measures, with particular reference to seizures of assets for the purposes of enforcement;
- (g) alternative dispute-settlement possibilities, with an indication of the national information and advice centres of the Community-wide Network for the Extra-Judicial Settlement of Consumer Disputes;
- (h) organisation and operation of the legal professions.

► C1 3. ◀ The information sheets shall, where appropriate, include elements of the relevant case-law of the Member States.

► C1 4. ◀ The information sheets may provide more detailed information for the specialists.

*Article 16***Updating of information**

All information distributed within the Network and to the public under Articles 13 to 15 shall be updated regularly.

*Article 17***Role of the Commission in the public information system**

The Commission shall:

1. be responsible for managing the information system for the public;
2. construct, in consultation with the contact points, a dedicated website for the Network on its Internet site;
3. provide information on relevant aspects of Community law and procedures, including Community case-law, in accordance with Article 14;
4. (a) ensure that the format of the information sheets is consistent and that they include all information considered necessary by the Network;

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- (b) arrange for the translations into the official languages of the institutions of the Union of information on the relevant aspects of Community law and procedures, including Community case-law, and of the information system's general pages and the information sheets referred to in Article 15, and install them on the Network's dedicated website.

**▼ B***Article 18***Role of contact points in the public information system**

Contact points shall ensure that

1. the appropriate information needed to create and operate the information system is supplied to the Commission;

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2. the information installed in the system is accurate;
3. the Commission is notified forthwith of any updates as soon as an item of information requires changing;
4. the information sheets relating to their respective Member States are ►**M1** ————— ◀ established, according to the guidelines referred to in Article 10(1)(e);
5. the broadest possible dissemination of the information sheets installed on the site dedicated to the Network is arranged in their Member State.

## TITLE IV

## FINAL PROVISIONS

**▼M1***Article 19***Reporting**

No later than 1 January 2014, and every three years thereafter, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the activities of the Network. This report shall be accompanied, if appropriate, by proposals aimed at adapting this Decision and shall include information on the Network's activities aimed at making progress with the design, development and implementation of European e-justice, particularly from the point of view of facilitating access to justice.

*Article 20***Notification**

No later than 1 July 2010, the Member States shall notify the Commission of the information referred to in Article 2(5).

**▼B***Article 21***Date of application**

This Decision shall apply from 1 December 2002, except for Articles 2 and 20 which shall apply from the date of notification of the Decision to the Member States to which it is addressed.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.