



The European Judicial Network in civil and commercial matters

# Need help in a cross-border case?

November 2015

## Building bridges between judicial systems

Business disputes, consumer disputes, employment disputes, divorce, custody of children, successions: in all these circumstances judicial authorities frequently deal with cross-border cases in the European Union which involve at least two Member States.

In this context, the European Judicial Network in civil and commercial matters (EJN-civil)<sup>1</sup> was set up to facilitate judicial and legal cooperation between Member States. It consists of national authorities responsible for assisting local courts and other authorities as well as the European Commission.

## The Network contact points are at your service

The contact points play a key role in the Network. They are in permanent touch with the contact points in the other Member States. Do not hesitate to contact them if you are dealing with a cross-border case and you need assistance in your contacts with foreign courts or if you have questions about European regulations, cooperation procedures, other Member States' laws or procedures which you cannot answer through the usual channels. Problems that arise can be solved in this context by making use of the Network's people-to-people contacts.

### *How does it work?*

***If you are a judge or other judicial or administrative authority dealing with judicial cooperation in civil and commercial matters and face a case involving cross-border matters within the EU and need practical assistance, you can approach your national network contact points<sup>2</sup>.***

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<sup>1</sup> Council Decision No 2001/470/EC of 28 May 2001 amended by Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009 establishing a European Judicial Network in civil and commercial matters

<sup>2</sup> The Commission is currently developing an application to facilitate access to the contact points. Soon you will be able to contact your contact point via the EJN-civil section of the European e-Justice Portal: <https://e-justice.europa.eu/ejncivil>

## What are the European Judicial Network's tasks?

- ↳ To make it easier to conduct cross-border cases and facilitate requests for judicial cooperation between Member States.
- ↳ To make it easier to ensure that Union legislation and conventions between Member States are properly applied in practice.

In other words, the European Judicial Network was set up to provide practical assistance in the implementation of the provisions for civil judicial cooperation in Union treaties and other instruments.

## Examples of assistance which can be provided to courts and other judicial authorities:

- ↳ Dealing with delays or other difficulties in requests for legal assistance to be carried out in another EU Member State;
- ↳ Providing answers to questions on the law of another EU Member State. In case of complex questions, requests can also be made under the European Convention on Information on Foreign Law<sup>3</sup> or expert opinions can be obtained.

If you would like to make use of the services offered by the contact points, get in touch by email. In most cases, enquiries can be answered quickly, although this depends on the complexity of the question.

Network members regularly meet to discuss and exchange information and experience on issues which have been brought to their attention.

## Who are the members of the Network?

- ↳ Contact points designated by the Member States;
- ↳ Central authorities, designated pursuant to specific Union instruments<sup>4</sup> and international agreements;
- ↳ Liaison magistrates;<sup>5</sup>
- ↳ Other judicial or administrative authorities with responsibilities for judicial cooperation in civil and commercial matters;
- ↳ Professional associations representing legal practitioners directly involved in the application of instruments in civil and commercial matters.

*NB: In accordance with protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the functioning of the European Union, Denmark is not taking part in the Network except as an observer in the Network's meetings.*

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<sup>3</sup> European Convention on Information on Foreign Law of 7.6.1968

<sup>4</sup> The following Union instruments provide for central authorities: Regulation (EC) 2201/2003 (the so-called "Brussels IIa Regulation"), Regulation (EC) 1393/2007 on service of documents and Regulation (EC) 4/2009 on maintenance obligations.

<sup>5</sup> The tasks of liaison magistrates normally include any activity designed to encourage and accelerate all forms of judicial cooperation in particular by establishing direct links with the relevant departments and judicial authorities in the host State.

## Union, international and national law and procedures in your language

The Network establishes and updates universally accessible and free of charge information sheets on Union, international and national law and procedures. The collection of these factsheets is available at the European e-Justice Portal (under the EJN-civil section): <https://e-justice.europa.eu/ejncivil>



Factsheets are available on a number of topics, including<sup>6</sup>:

|   |                                      |                                       |
|---|--------------------------------------|---------------------------------------|
| • Jurisdiction  | • Bringing a case to court           | • Order for payment procedures        |
| • Small claims  | • Divorce                            | • Procedures for enforcing a judgment |
| • Taking of evidence                                      | • Interim and precautionary measures | • Procedural time limits              |
| • Use of information technologies in judicial proceedings | • Lawful removal of the child        | • Maintenance claims                  |
| • Parental responsibility                                 | • Insolvency                         | • Successions                         |
| • Family mediation  | • Service of documents               | • Applicable law                      |

These factsheets are a valuable way to help understand the judicial concepts of other Member States. They are regularly updated by the national competent authorities coordinated by the national Network's contact points.

## Guides on Union law instruments

To strengthen the efficient application of Union instruments, the Network has also produced a wide range of citizens' and practitioners' guides<sup>7</sup>. In these guides available in Union languages you will find useful information which can be downloaded at the EJN-civil section of the European e-Justice Portal: [https://e-justice.europa.eu/content\\_ejn\\_publications-287-en.do](https://e-justice.europa.eu/content_ejn_publications-287-en.do) or at the EU Bookshop: <https://bookshop.europa.eu> (for those published as of 2014). Guides might also be available in printed form from your national contact point. Here are examples of the types of guides which are available:

| Citizens Guides                                       | Practitioners Guides  |
|---|---|
| • Cross-border civil litigation in the European Union | • Judicial cooperation in civil matters in the European Union |
| • European Small Claims Procedure                     | • Application of the Brussels IIa Regulation                  |
|   | • Application of the European Small Claims Procedure          |

<sup>6</sup> Factsheets as available on 15 October 2015. The EJN-civil is constantly working on extending these factsheets to additional areas of Union law in civil and commercial matters.

<sup>7</sup> Guides as available on 15 October 2015. The EJN-civil is constantly working on extending these guides to additional areas of Union law in civil and commercial matters.

|  |   |
|--|---|
|  | • Application of the Regulation on the European Order for Payment                               |
|  | • Application of the Regulation on the European Enforcement Order                               |
|  | • Application of the Regulation on the Taking of Evidence                                       |
|  | • Practical guide on using videoconferencing to obtain evidence in civil and commercial matters |

## The European e-Justice Portal: a toolbox designed for your needs

The European e-Justice Portal provides not only the tools developed by the Network mentioned above, but also a wide range of other highly practical functions which can facilitate the day-to-day application of EU law.

For example, it can help you locate and complete forms that are required by specific EU instruments. In particular, the so-called electronic **dynamic forms**<sup>8</sup> facilitate the use of the forms that are essential when using the EU instruments in the area of civil judicial cooperation.

If you are looking for competent courts and judicial authorities in other Member States or interested in information about how specific cross-border instruments are implemented in the other Member States the Portal's **European Judicial Atlas in Civil Matters**<sup>9</sup> can facilitate your search.

*The European Judicial Network in civil and commercial matters was established by Council Decision No 2001/470/EC of 28 May 2001. It began operating on 1 December 2002. The European Commission provides administrative support. In performing its tasks, the Network provides a practical response to the objectives relating to access to justice and judicial cooperation of the European Union in civil and commercial matters.*

Further information at the European e-Justice Portal (EJN-civil section):

<https://e-justice.europa.eu/ejncivil>

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<sup>8</sup> Link to dynamic forms: [https://e-justice.europa.eu/content\\_dynamic\\_forms-155-en.do](https://e-justice.europa.eu/content_dynamic_forms-155-en.do)

<sup>9</sup> Link to the European Judicial Atlas in Civil Matters: [https://e-justice.europa.eu/content\\_atlas-321-en.do](https://e-justice.europa.eu/content_atlas-321-en.do)