



**CNUE position**

**on the**

**European Commission's proposal for a  
DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
amending Council Decision 2001/470/EC establishing a European  
Judicial Network in civil and commercial matters  
COM(2008) 380 of 23 June 2008**

The Council of the Notariats of the European Union (CNUE) would like to state its position on the abovementioned European Commission proposal.

The CNUE welcomes the opening, initiated by the European Commission, of the European Judicial Network in civil and commercial matters (EJN) to the legal professions. Indeed, the CNUE is in favour of the notariat being associated with and integrating the EJN and is ready for this.

Anxious to help build the European Legal Area in civil matters, in 2006 the CNUE implemented its own network, the European Notarial Network (ENN). The ENN is a tool for the civil law notaries of 22 European States as they handle cross-border cases. It is organised like the EJN and is composed of one or more interlocutors whose mission is to provide technical support for civil law notaries carrying out procedures that involve a foreign element. In this context, the CNUE would welcome more cooperation between the two networks (EJN and ENN).

In concrete terms, the CNUE would like to suggest the following amendments to the proposal for a Decision presented by the European Commission:

Recital 11

In order to improve mutual confidence between judges in the European Union and synergies between the European networks involved, the Network needs to be able to maintain ongoing relations with the other European networks that share its objectives, in particular the networks of judicial institutions, ~~and~~ judges and the legal professions.



**Article 12a**

**Relations with other networks and international organisations**

1. The Network shall maintain relations with the other European networks that share its objectives, in particular the European Judicial Network in criminal matters, ~~and~~ the European Judicial Training Network and the European Notarial Network.
2. The Network shall maintain relations with the European Consumer Centres Network (ECC Net). In particular, in order to supply any information necessary to facilitate consumer access to justice, the contact points of the European Judicial Network in civil and commercial matters shall be at the disposal of the contact points 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.

Justification of the proposed amendments

1. The existing networks of legal practitioners should have the opportunity to form links and maintain contacts with the EJM. Article 12a specifically provides for this possibility. This is why the CNUE is in favour of it. Better cooperation between legal practitioners ultimately enables citizens to have better access to the law.
2. The CNUE's proposal does not infringe upon competences reserved for national judicial authorities with regard to organising national EJM contact points. However, the CNUE would like the European Notarial Network (ENN) to be explicitly mentioned in the first paragraph of Article 12a.
3. The CNUE's proposal does not foresee if or to what extent the representatives of the legal professions will be integrated in the EJM contact points at national level. It is of course up to the judicial authorities to resolve this issue.
4. Finally, the CNUE established the ENN in 2007 with a view to integrating the EJM. The CNUE hopes that the notariat's efforts in this context will also be taken into account in the future EU legal instrument relating to the EJM.

*Council of the Notariats of the European Union  
Brussels, 29 August 2008*