



The European Judicial Network: Making judicial cooperation more effective across Europe

What are the objectives and tasks?

The European Judicial Network in civil and commercial matters (EJN-civil) was set up by the Council under a Decision of 28 May 2001¹. It began operating on 1 December 2002. Denmark is not participating in the adoption of the Council Decision 2001/470/EC².

The Network is a **flexible, non-bureaucratic structure** operating in an **informal mode** with a view to **simplifying judicial cooperation** between the Member States. It gives informal support to the central authorities provided for in their instruments and facilitates relations between the different courts.

The aims of the Network are the **smooth operation of procedures having a cross-border impact** and the **facilitation of requests for judicial cooperation between Member States**, in particular when no Community or international instrument is applicable. The Network should remain available, even when Community or international instruments provide for **specific cooperation mechanisms between competent authorities** (e.g. Regulation (EC) No 2201/2003 on parental responsibility).

Who are the EJN members?

The Network is composed of the **contact points** designated by the Member States and also includes **bodies and central authorities, liaison magistrates and other judicial or administrative authorities** responsible for judicial cooperation in civil and commercial matters.

The **contact points** play a key role in the Network. They are available to other members and to local judicial authorities in their Member State. They are also at the disposal of authorities provided for in Community or international instruments relating to judicial cooperation in civil and commercial matters. The contact points also assist these authorities in all practicable ways. In general terms, they are in regular communication with the contact points in the other Member States.

The role of the EJN

The Network facilitates appropriate contacts between the authorities of the Member States. It organises periodic meetings of the contact points and the members of the Network (approximately six meetings per year).

The EJN meetings provide a **platform for discussing 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. They serve to **identify best**

¹ Council Decision 2001/470/EC of 28 May 2001, OJ L 174, 27.6.2001, p. 25.

² In accordance with the protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the network.



practices in judicial cooperation in civil and commercial matters and **ensure that relevant information is disseminated within the Network**. They provide a platform for the **exchange of data and views**, in particular on the structure, organisation and accessibility of the information on the Network's website.

An EJN information system for the public as well as for specialists is accessible on the Internet at the following address: <http://ec.europa.eu/civiljustice/>.

Strengthening the EJN operation: access by legal professions to the Network's activities

The main challenges and future perspectives for the EJN are linked to its new legal framework³ (which will apply from 1 January 2011). The new Decision will bring about **better operating conditions for the Network** in the Member States through national contact points and **will reinforce their role both within the Network and in relation to judges and legal professions**.

One of the major outcomes of the EJN reform is **access by legal professions to the Network's activities**. With the entry into application of Decision No 568/2009/EC **professional associations** representing at national level **legal practitioners** in the Member States *directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters* will be **members of the Network**. Moreover, there will be *appropriate communication between contact points and these professionals bodies* which may include: **exchange of experience and information** regarding the effective and practical application of European Community instruments and Conventions; **collaboration in the preparation and updating of the information sheets** available on the EJN website; and **participation in relevant EJN meetings** (namely the annual meeting of the EJN members). However, professional bodies may not ask the EJN contact points for information relating to individual cases.

It is for Member States to determine the professional associations which should become members of the EJN. To this end, Member States will obtain the agreement of the professional associations concerned as to their participation in the Network. The Member States will notify to the European Commission **by 1 July 2010** the names and full addresses of the professional associations representing the profession at the national level, specifying the communication facilities available, their knowledge of languages and, where appropriate, their specific functions in the Network.

Conclusion

The European Judicial Network is not a 'gadget'. The Network is bound to become an important, even essential instrument for the realisation of the European Judicial area in civil matters. Its role and functions will increase significantly because of the adoption of new instruments in the field of civil law. Therefore, having **notaries** working together with the EJN will certainly contribute to making judicial cooperation across Europe more effective.

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³ Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009, OJ L 168, 30.6.2009 p. 35.