

**Application:** JUST/2014/JCOO/AG/CIVI 400007627

**Title:** Contractualised distress resolution in the shadow of the law: Effective judicial review and oversight of insolvency and preinsolvency proceedings

**Applicant:** University Of Florence

**Country:** Italy

**Requested Amount:** 638.670,17 EUR

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### **Summary:**

#### Objectives

Formulating harmonized guidelines for effective judicial review and oversight of fair and efficient insolvency and preinsolvency proceedings aimed at rescuing distressed but viable enterprises, with particular focus on proceedings with limited courtinvolvement ('semiformal proceedings')

Providing guidance on implementation of, and participation in, semiformal proceedings by debtors, practitioners, lenders and regulatory authorities

Creating an empirically rich resource to illuminate national and European policy and legislative debates on the strengthening and harmonization of semiformal proceedings

Facilitating rehabilitation, especially of small and medium enterprises ('SMEs'), so as to allow entrepreneurs to restart after failure, envisaged by the EU Parliament Resolution of 15112011 on insolvency proceedings (Recital M) and the Communication of 332010 entitled 'Europe 2020' (COM (2010) 2020, Par. 3.1)

Establishing a restructuring negotiation framework for banks and lenders in general, thereby facilitating efficient management of nonperforming loans

The project addresses several key issues highlighted in the Recommendation of 12 March 2014 on a new approach to business failure and insolvency (2014/135/EU) (Recital Nos. 1, 2, 4, 8, 1014, 1617, and 19)

#### Activities

Four workstreams are envisaged (plus, WS0):

Year 1: Data Collection and Analysis

WS1: Collection of data through (i) administration of questionnaires to professionals, (ii) interviews, and (iii) interrogation of publicly available data sources, and with due concern for confidentiality, those available to Associated and collaborating authorities

WS2: Analysis of data from WS1 and drafting of interim studies concerning national best practices; circulation among participants

## Year 2: Formulation and Dissemination of Guidelines

WS3: Consideration of WS2 results amongst network participants, public authorities, and professionals; formulation of harmonized guidelines

WS4: dissemination of WS3 results, through a seminar in each participating country, final conference in Brussels to bring together judges, regulators, and policymakers from across jurisdictions to facilitate crossborder dialogue; publication and broad distribution of the harmonized guidelines

### Type and number of persons benefiting from the project

- Judicial authorities
- National policymakers and legislators
- Insolvency regulators and supervisors
- Banks and bank supervisory authorities
- Practitioners
- Scholars

### Expected results; the project will:

- identify the main problems afflicting legal and institutional frameworks governing semiformal proceedings
- establish national best practices in semiformal proceedings and disseminate them across Europe
- promote convergence towards harmonized models of national procedures and practices governing such proceedings
- catalyse implementation of procedures conducive to preserving distressed enterprise values, reducing unnecessary employment losses and other resource misallocations, and expanding the availability and lowering the costs of credit, particularly for SMEs
- offer guidance to Member States on implementation of the Recommendation by using an empirically informed 'bottomup' approach; and
- contribute towards unifying "the internal market...and the competitiveness of the economy of the Union" (Recommend., Par. 36)

### Type and number of outputs to be produced

#### 1st year:

- creation of data sets relating to each jurisdiction;
- drafting of interim studies on main problems and best practices in each jurisdiction to be shared among participants;

#### 2nd year:

- drafting of final report comparing national practices on semiformal proceedings, identifying solutions deemed 'best practices', formulating harmonized guidelines to support players in such cases, as well as to offer policy recommendations;

- dissemination of results through seminars and conferences, websites, journals, and through publication of a final report

**Application:** JUST/2014/JCOO/AG/CIVI 400007693

**Title:** Save Comp.

Collection and development of best practices in cross border cases for the survival of distressed companies

**Applicant:** University Of Genoa

**Country:** Italy

**Requested Amount:** 149.060,00 EUR

**Contact details :** [ilaria.queirolo@unige.it](mailto:ilaria.queirolo@unige.it)

**Summary:**

Objectives

Following a practical comparativeinternational methodology, the goal of the Project is to collect and exchange best practices in the field of insolvency and preinsolvency crossborder proceedings, so to help office holders in insolvency proceedings tobetter coordinate and implement international cooperation, thus enhancing management of multiple proceedings, reorganization of companies and the protection of creditors and interests of stakeholders.

First of all, the Project aims at collecting best practices, rules of PIL and case law in insolvency and preinsolvency crossborder proceedings at the domestic level, so to disseminate these first results. Moreover, the Project aims to compare the domestic best practices (either already followed in the MSs involved in the research, or suggested by the Partners) so as to possibly develop and exchange best practices which might be of use in crossborderproceedings.

Activities

- 1) Identification of areas of insolvency and preinsolvency crossborder proceedings where best practices could enhance the possibility to save distressed companies, enhance protection of crossborder creditors and stakeholders.
- 2) Involvement of practitioners to help identify problematic issues and already developed best practices.
- 3) Collection of relevant domestic and supranational provisions and case law.
- 4) Collection of relevant domestic best practices.
- 5) Exchange of best practices.
- 6) Comparison of best practices and possible proposal of crossborder best practices.
- 7) Exchange of crossborder best practices.

Type andnumber of persons benefiting from the project

types: A) EU insolvency and preinsolvency office holders (accountants, lawyers, judges, notaries), who will directly benefit from the enhanced crossborder cooperation ; B) companies, who will benefit from the enhanced cooperation in terms of better reorganization, quicker recovery; C) creditors and stakeholders, who will benefit of the enhanced cooperation in terms of quicker recovery of their credit.

numbers: A) beneficiaries of the webpage and database are potentially all persons with an interest in crossborder insolvency; B) beneficiaries of domestic best practices exchange conferences, in total 80; C) beneficiaries of the international crossborder best practices exchange conference, 100 persons (notaries, lawyers, holders of insolvency offices, academics); D) beneficiaries of the guidelines, 100 persons receiving the hardcopy, whilst potentially all interested persons will be able to download the book.

#### Expected results

Following the data collection, its survey, and the exchange of crossborder good practices, the expected results are:

- 1) more efficient crossborder cooperation in insolvency and preinsolvency proceedings;
- 2) promotion of a sound administration of justice in crossborder proceedings;
- 3) enhanced possibility to save crossborder companies in distress;
- 4) enhanced protection of crossborder creditors and stakeholders of crossborder companies.

#### Type and number of outputs to be produced

- 1) internet web page to spread knowledge of the Project, its activities and disseminate its results (1)
- 2) questionnaire (1)
- 3) report on the questionnaire (1)
- 4) database of case law (1);
- 5) domestic best practices exchange conferences (5);
- 6) national reports collecting best practices (8);
- 7) international crossborder best practices exchange conference (1);
- 8) guidelines on crossborder best practices in insolvency and preinsolvency proceedings (ebook, available online n. 1, in English, and 100 hardcopies to be given to attendees of the international conference).

**Application:** JUST/2014/JCOO/AG/CIVI 400007706

**Title:** Brussels Ia and Transport (BRIaTra)

**Applicant:** University Of Genoa

**Country:** Italy

**Requested Amount:** 117.800,00 EUR

**Contact details :** [cieli@unige.it](mailto:cieli@unige.it)

### **Summary:**

#### 1. Objectives

The project's main objective is to shed light on the terms whereby the relationship between Brussels Ia and international transport conventions is to be handled pursuant to Article 71 of the Regulation, taking into account that:

- i) such Article doesnot provide for a list of the conventions falling within its scope of application;
- ii) the test so far consolidated by the ECJ forthe purposes of clarifying the reach of Article 71 apparently fails to comply with the principles of legal certainty and predictability which should underlie the implementation of the Regulation;
- iii) neither the jurisprudence not doctrinal writings have so far specifically dealt with the question as to how the Regulation should interact with transport conventions not covered by Article 71.

#### 2. Activities

- (a) creation of a database, collecting all relevant national caselaw;
- (b) analysis of the crucial issues related tothe application of the Brussels Ia Regulation to the transport sector and proposals of EU oriented solutions to the practical problems envisaged;
- (c) discussion of the said issues in an International Final Conference;
- (d) handbook containing the results of the research;
- (e) webpage of the project.

#### 3. Type and number of persons benefiting from the project

All legal practitioners, includingjudges, court judicial staff, lawyers and solicitors, mediators who mainly deal with cases falling within the scope of both the Regulation and transport conventions, but also scholars, phd students and students interested in the subject matter. Given that the handbook and all the project's outputs will be in English, the project may potentially benefit a wider range of persons than those operating in the 4 Countries involved.

#### 4. Expected results

Among the main results expected from the project are:

- (i) the establishment of clearcut criteria whereby to handle the relationship between the Brussels Ia Regulation and the transports conventions pursuant to Article 71;
- (ii) the adoption of a list of the transports conventions covered by Article 71;
- (iii) the adoption of a list of the transports conventions excluded therefrom and the assessment of the terms whereby their relationship with the Regulation is to be shaped;
- (iv) the analysis of the disconnection clauses embodied in the majority of the more recent transports conventions with a view to addressing the interpretative issues which they give rise to and proposing for EU oriented solutions capable of overcoming such problematic issues.

#### 5. Type and number of outputs of the project

The project's outputs are the following:

- (a) Meetings: organization of two meetings, one at the beginning of the project (first meeting) and one at the end (final meeting), aimed at ensuring a correct and punctual implementation of the project;
- (b) Reports: the partners are asked to draft reports aimed at managing the project's activities (such as the implementation plan, the final report) as well as to monitor their correct and punctual implementation (such as the interim and final monitor report). A report on the satisfaction questionnaire will be also made in order to evaluate the Final International Conference;
- (c) Database: the collection of the relevant national caselaw is a key element of the project, as it will highlight the crucial issues deriving from the application of Brussels Ia to the transport sector;
- (d) Webpage: the creation of a project dedicated webpage is instrumental in the coordination of the partners' activities as well as in the dissemination of the results;
- (e) Final International Conference: such Conference will be organized in order to present and discuss the results of the analysis and research activity;
- (f) Handbook: its purpose is that of collecting the results of the research and making them available to the target groups.

**Application:** JUST/2014/JCOO/AG/CIVI 400007722

**Title:** CrossBorder Proceedings in Family Law Matters before National Courts and CJEU

**Applicant:** T.m.c. Asser Instituut

**Country:** Netherlands

**Requested Amount:** 184.365,38 EUR

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## **Summary:**

### 1. Objectives

to contribute to the correct and consistent implementation of Regulation (EC) 2201/2003 (BIIaReg) concerning divorce and parental responsibilities matters (priority code: BRUSSELSIIa)

to identify difficulties in application of the Regulation experienced by national courts of the Member States

to identify best practices enhancing the efficiency and consistency in its application

to examine the possibilities of improving the functioning of BIIaReg by suggesting necessary amendments so as to appropriately deal with the difficulties encountered

to examine whether introducing a certain degree of party autonomy would be a suitable tool to remedy the existing shortcomings and to find the most appropriate approach in accommodating party autonomy in the BIIaReg

to examine to what extent the legal approaches applied in a number of other private international law instruments regulating family law issues may prove useful when revising the BIIaReg

to identify how to achieve a greater degree of consistency in the EU law making so as to achieve coherence amongst sources regulating private international law aspects in family law

to examine the relevance of the Regulation 606/2013 on mutual recognition of protection measures in civil matters applicable from 11 January 2015 with respect to measures requested in legal proceedings in family matters

### 2. Activities

comparative research to be carried out through analysis of legislation, case law and practice of national courts in 27 EU Member States, as well as of the CJEU, and legal writings related to BIIaReg

analytical research of relevant sources in international law, community law and the national law of the EU member states and international and national legal writing

consolidation and summary of 27 national reports in order to identify best practices

oneday conference presenting the results of the research carried out in this project



publication consisting of a Guide for application pointing to best practices and Recommendations for amending the BIIaReg

development and publication of an online database of case law

### 3. Type and number of persons benefiting from the project

legal practitioners : The Guide for application will prove useful for law judges and more generally legal practitioners when applying the BIIaReg

EU Legislators : The Recommendations on amendments that are needed in order to enhance the efficiency and consistency in application of the BIIaReg will be useful for the EU Legislators

academics : will benefit from both the Guide and the Recommendations.

### 4. Expected results

Guide for application of the BIIaReg containing:

best practices identified on the basis of the reports in 27 EU member states, case law of the CJEU, as well as legal writings on the international, community and national law; and

recommendations how to deal with difficulties in application and interpretation of the Regulation's provisions.

Recommendations on the amendments needed to enhance the efficiency of the BIIaReg, whereby:

a new approach in accommodating party autonomy is defined, and

it is suggested how to achieve greater consistency among various instruments that unify different aspects of private international law in family matters.

### 5. Type and numbers of outputs of the project

national reports: 27

publication consisting of best practices and recommendations in applying the BIIaReg (Guide) and Recommendations for amendments (Recommendations)

mapping of best practices in the EU: Guide for application of the BIIaReg

the Guide to be distributed to the Ministries of Justice and partners in all 27 EU member States

knowledge sharing among legal practitioners (family judges; central authorities; lawyers), legislators and academics

online publication of the results, including the Guide and Recommendations

mutual learning through sharing of experiences

dissemination of information through the online case database

**Application:** JUST/2014/JCOO/AG/CIVI 400007724

**Title:** Research on the implementation of Brussels IIa regulation in first instance courts of the EU

**Applicant:** French National School For The Judiciary

**Country:** France

**Requested Amount:** 281.094,41 EUR

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### **Summary:**

#### Objectives

The main objective that this project wishes to address is to improve European instruments' implementation by conducting field studies and by reinforcing the links between European practitioners in the civil domain.

The objective is to take stock of the implementation by first instance courts in 3 EUMS of regulation 2201/2003 concerning the jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, currently named "Brussels IIa", based on a bottomup analysis.

The specific objective is to trace back the problems of implementation of "Brussels IIa Regulation" in first instance courts and to find solutions to reduce them by identifying best practises and byevaluating practitioners' training needs.

#### Activities

For this purpose, a consortium made up of the judicial training institution and a University in each country will be in charge of collecting and analysing first instance judgments of one or two courts of their country.

This consortium will have a scientific committee composed of one researcher and one practitioner per country that will be in charge of developing a common methodology and a comparative analysis.

The results of this research will be presented during an International symposium and will serve as a base for developing training materials to strengthen judges and prosecutors' capacities in implementing Brussels IIa regulation.

#### Type and number of persons benefiting from the project

The number of persons benefiting from the project depends on the type of result:

The International symposium will directly benefit to an audience of 60 judges and prosecutors from EU countries (France, Italia, Romania, and additional countries through the European Judicial Training Network, EJTN).

The training needs that will be listed as one of the result of the research will be disseminated to all Judicial Training Institutes of the EJTN (ie 34 institutes).

The research study will indirectly benefit to a very large audience. As divorce proceedings between nationals from different EU countries concerns each year around 150 000 cases, the number of judges in charge of implementing EU Regulation is very high and can be estimated at around 10 % of the members of the judiciary in Europe, ie around 8,000 judges and 3,800 prosecutors and around 1,800 judges and 640 prosecutors if we consider the national diffusion that will be done in France, Italy and Romania.

#### Expected results

The expected results will be to extend the state of knowledge on the implementation of “Brussels IIa Regulation” by gathering feedback from practitioners.

It will be to facilitate harmonized procedures in implementing the regulation by identifying best practises.

It will be to raise stakeholders’ awareness of the difficulties encountered in jurisdictions in prospect of its forecast revision.

It will also be to list the training needs for family court judges and prosecutors in order to improve its implementation.

#### Type and number of outputs to be produced

The main output will be the comprehensive survey on the implementation of Brussels IIa by first instance courts in 3 EUMS (output 5) and the list of training needs (output 6).

A common methodology (output 1) will be developed and 3 articles (outputs 2; 3; 4) will be written in order to be published in national and international specialist publications. They will be the milestones of each of the four periods of four months that will be dedicated to the research activities. Webpages, a collaborative platform and meeting reports will also be developed throughout the project.

**Application:** JUST/2014/JCOO/AG/CIVI 400007729

**Title:** Planning the future of crossborder families: a path through coordination "EUFam's"

**Applicant:** University Of Milan

**Country:** Italy

**Requested Amount:** 463.909,50 EUR

**Contact details :** [eufams@unimi.it](mailto:eufams@unimi.it)

### **Summary:**

#### **1. Objectives**

Migratory movements within and across the EU and their impact on people's life led to setting up this Project aimed at

(i) assessing the effectiveness of the functioning 'in concreto', also with reference to the free movement of persons, of regulations (EU) No 2201/2003 and No 1259/2010, of Regulation No 4/2009 and the 2007 Hague Protocol and the 2007 Hague Recovery Conventions as well as of Regulation No 650/2012, and

(ii) identifying the paths that lead to further improvement of such effectiveness.

#### **2. Activities**

The Project encompasses analytical activities, as well as mutual learning, exchange of good practices, and cooperation. Namely, it comprises:

the collection and analysis of practice data collected through the implementation of a database of national case law and a questionnaire;

the sharing of knowledge and experiences among judges, practitioners and academics during 4 national exchange seminars (in Germany, Italy, Spain and Croatia) and an international exchange seminar (at the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law);

the elaboration of specific tools to assist operators and end users in the application of the regulations;

the constant dissemination of the outcomes and deliverables through the Project Website and a Facebook page;

the presentation of the final outcomes in an International final conference;

the elaboration of a Final Study, providing the scientific support and the explanation of all the assessed difficulties, as well as of the proposed solution methods and tools.

monitoring and evaluation activities to ensure that the goals of the Project are achieved.

### 3. Type and number of persons benefitting from the project

The Project will benefit several individuals involved in various capacities (judges, practitioners, central authorities, notaries, administrators of successions) and roles (future spouses, spouses, former spouses, registered partners, applicants for maintenance, testators, heirs, and anyone else who may be touched upon by these relationships at some point) in cross-border family disputes.

At least 160 among academics, practitioners, judges, EU policy makers, state officers will be directly involved in the practice exchange activities, whereas at least 200 among the same will be involved in the International Final Conference.

Many more operators will be addressed through the Project Website, a Facebook page, and the creation and progressive enlargement of a network of judges, practitioners and academics involved in crossborder family law area, "EUFam's Network".

### 4. Expected results

The Project will

strengthen the aptitude towards dialogue between judges, practitioners and academics within each Member State involved,

improve knowledge of the methods to address practical difficulties in applying the regulations,

lead to an evolution in the mindset of national practitioners who commonly reason in terms of national legal categories,

increase the confidence of operators and endusers by means of planning tools such as choice of court and choice of law agreements,

reinforce and institutionalize a network of practitioners, judges and academics.

### 5. Type and number of outputs to be produced

- a Database collecting national case law,
- a Questionnaire on the application of the relevant regulations,
- a Report on national case law in a comparative perspective,
- 5 Reports on good practices exchanges,
- a Report on Ethical and Cross-Cultural Issues,
- a Report on the impact of the relevant regulations on the free movement of persons,
- Model Choice of Law and Choice of Court Clauses,
- a Model Protocol for the coordination among judges,
- Policy Guidelines to be proposed to the EU legislator,
- a Final Study,
- a Project website and a Facebook account.
- an Academic Advisory Board Evaluation Report,
- a Midterm Evaluation Report and a Final Evaluation Report by an external professional evaluator.

**Application:** JUST/2014/JCOO/AG/CIVI 400007730

**Title:** PRESOLVE (PREventing business failure and inSOLVEncy)

**Applicant:** Eurochambres

**Country:** Belgium

**Requested Amount:** 825.026,23 EUR

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### **Summary:**

#### Objectives

PreSolve is a large scale project implemented by Chambers of Commerce in 8 countries (BE, BG, CY, CZ, FR, IT, SP, RO) and under the coordination of their European association, EUROCHAMBRES. Its objective is to provide business intermediaries with tools to support natural or legal persons in difficulties with their business activities where there is a likelihood of insolvency, where insolvency proceedings are pending, or after insolvency proceeding (second chance).

The project aims in particular (through these business intermediaries) to give entrepreneurs in difficulties (a) access to a diagnosis about their business situation; (b) tailored support on different levels (financial, legal, strategic, marketing, psychological and dispute resolution management) if appropriate; (c) where the situation is taken too late and there is no viability of the enterprise possible, support on the exit strategy whether it has to go through a declaration of bankruptcy or not; (d) planning for a second chance business.

To provide data and policy recommendations from the project experience to feed policy development at national and European level.

#### Activities

Development of tools for business intermediaries (diagnosis, checklists, awareness raising guidelines...) paper or web based (WS1.1). The 6 tools to be developed within the framework of the project are: (1) a diagnosis tool and a follow up dashboard; (2) a psychological mapping and assistance methodology; (3) an administration monitoring platform; (4) a cost analysis tool; (5) a dispute resolution management tool and (6) a second chance business plan model. The tools are customised and translated in order to fit with regional requirements language, legislation, logistic... (WS1.2).

Training business intermediaries on the tools developed. The training focuses on the 6 tools and on EU insolvency regulation. The training is interactive and facilitates the exchange of experiences (WS2).

Providing support to companies (through thematic workshops and tailored guidance) on the basis of the developed tools (WS3).

Evaluation of the support phase and drafting of policy recommendations on the basis of the 2 years experience (WS4.1). Organisation of a highlevel policy conference (WS4.2).

Type and number of persons benefiting from the project

The 6 tools developed can be used by businesses directly but more often, they will be used by the business intermediaries advisors together with the entrepreneur. The entrepreneur and the advisor will go through the relevant tool together and determine objectives and monitoring systems.

Business intermediaries in 8 countries are given tools and training (15 business intermediaries, with 2 advisers per participating partner). The Bulgarian Chamber trains in turn 30 local Chambers of Commerce advisors.

1380 participants to the workshops (+/5 workshops with 20participants per partner) and 635 companies benefiting tailored guidance (+/ 40 companies per partner).

Expected results

Knowledge transfer and capacity building of the participating business intermediaries

Exchange of best practices on support to companieswith difficulties. The “Centre pour Enterprises en difficulté” (CEd) approach, run by Brussels Chamber since 2006, provides particular scope for a strong and value added multiplier effect. This was featured by the European Commission (DG Growth) as a good practicein the framework of the Small Business Act – database of good practices.

Type and number of outputs to be produced

- Set of 6 tools– multiplied by 8 national customised versions. Tools are Excel based document but one wich is Word based.
- 1 training for the business intermediaries at European level and 1 training by the Bulgarian Chamber to its network of local Chambers of Commerce
- 69 workshops.
- 635 tailored guidance
- 1 final policy conference and 1 policy recommendation paper

**Application:** JUST/2014/JCOO/AG/CIVI 400007736

**Title:** unalex – multilingual information for the uniform interpretation of the instruments of judicial cooperation in civil matters

**Applicant:** Universtity Of Innsbruck

**Country:** Austria

**Requested Amount:** 344.400,00 EUR

**Contact details : not released**

### **Summary:**

#### 1. Objectives

The project will create solid multilingual information for the European legal practice in the Member States in regard of the application of the European legal instruments of judicial cooperation in civil matters. The availability of such information will assist the uniform practice of the European legal instruments in all Member States and provide the European legal discussion with an important focus of genuinely European legal literature.

An important part of the project will consist in the systematic dissemination of information on the availability of such solid European information to the European legal practice in the Member States. The project will develop separate dissemination strategies for judges, lawyers and notaries. Judges will be addressed through the courts in which they work, lawyers and notaries through the bars.

Dissemination will go along with systematic raising of awareness of the European nature of the legal instruments and of the relevance of consideration of the legal practice in all EU Member States where these apply.

With the setting up of the European Network of Authors, the project will promote the development of techniques of joint legal publishing with the objective of creating forms of multilingual legal literature for readers in the entire European Union. The Network shall in particular promote the development of systematic multilingual commentaries on all European legal instruments of judicial cooperation in civil matters.

#### 2. Activities

The project will focus on three main activities, which are closely interrelated:

- The expansion of the unalex international case collection and Compendia to coverage of all European legal instruments of judicial cooperation in civil matters will create a comprehensive pool of specialised legal information at European level.
- This will provide the grounds on which legal literature evaluating the European practice of the legal instruments can be based; the project will promote the development of such literature through the setting up of the Network of Authors.



– Dissemination and awareness raising will bring the free availability of the unalex case collection to the attention of judges, lawyers, and notaries in all Member States and request them to make use of it when applying the instruments of judicial cooperation in civil matters.

### 3. Persons benefiting from the project

The project seeks to improve the level of specialised information of high standards on the application of the European legal instruments for the legal practice in all Member States. Legal practitioners in general will take profit from the availability of such information.

### 4. Expected results

The project will produce extensive qualified information on the practice of the legal instruments of judicial cooperation in civil matters and awareness of its availability among judges, lawyers, and notaries in the Member States. In particular the unalex international case collection will be available for free consultation by practitioners in all Member States whenever called to apply the European legal instruments.

### 5. Outputs of the project will consist in

– expansion of the unalex case collection; it will be measured in the number of additional cases and of new case headnotes on each legal instrument added to the collection, and furthermore in new Compendia and the updating of existing Compendia. The number of additional language versions of case headnotes will also be established, distinguished by the project languages en, de, fr, it, and es;

– multiuser registration of courts to the unalex case collection, and of firms of lawyers and notaries that will request free registration (numbers will be provided).

– The number of experts who will accept to contribute as authors to the multilingual online Commentary on the legal instruments of judicial cooperation in civil matters will mark a further important output of the project.

**Application:** JUST/2014/JCOO/AG/CIVI 400007742

**Title:** Empowering European Families

Towards more party autonomy in European family and succession law

**Applicant:** University Of Vienna

**Country:** Austria

**Requested Amount:** 332.098,00 EUR

**Contact details :** [eef@univie.ac.at](mailto:eef@univie.ac.at)

**Summary:**

1. Objectives

Improving the implementation of existing EU instruments on conflict of laws, in particular of Regulation (EU) No 2201/2003 ('Brussels IIa Regulation'), Council Regulation (EU) No 4/2009 ('Maintenance Regulation'), 2007 Hague Protocol on the Law Applicable to Maintenance Obligations, Council Regulation (EU) No 1259/2010 ('Rome III Regulation'), Regulation (EU) No 650/2012 ('Succession Regulation'), and of the potential future Regulations on matrimonial property relations and the property consequences of registered partnerships

Reducing obstacles faced by international families (i.e. families, where at least one of the partners is not living in his or her country of origin) in the EU

Facilitating free movement of citizens by providing better certainty and predictability of results and reducing the costs of litigation in matters of family and succession law

Promoting the use of family mediation in the EU

2. Activities

Analytical research

Questionnaires sent to national correspondents in all EU countries

Discussion within the Working Group (8 members) and with the Advisory Committee (15 members)

Public workshops and publications

3. Type and number of persons benefiting from the project

Approximately 16 million international families in the EU

4. Expected results

International families within the EU are faced with a number of problems, e.g. forum shopping; loss of rights and creation of new obligations as a result of moving to another jurisdiction; and a

patchwork of forums and applicable laws even in standard crossborder divorce cases, undermining predictability of results and increasing the costs of litigation

Problems could largely be avoided by way of early choice of court and of law under existing EU instruments (plus ideally a recast Brussels IIa Regulation and future Regulations on property law), and by agreements on substantive law issues (as far as enforceable in the forum state)

Reasons why so few international couples make use of these options include: insufficient awareness; difficulties to raise the issue in a relationship; costs and efforts connected with seeking high level expert advice

A set of model dispositions concerning choice of court and of law as well as submission to family mediation, which parties must be made aware of whenever a marriage or registered partnership is concluded, a crossborder change of residence is registered, and in similar situations, could help overcome these difficulties; they would offer to the parties a limited set of 'onestop shop packages' (i.e. as far as possible and appropriate one single forum and applicable law)

A set of model agreements concerning the mutual rights and obligations of spouses, registered partners and cohabiting partners, which would be enforceable in as many Member States as possible, would greatly enhance certainty and predictability and help overcome the difficulties described.

## 5. Type and number of outputs to be produced

### First report including

- comparative analysis of conflict rules at European and national level;
- a set of model dispositions concerning choice of court, choice of applicable law and submission to family mediation;
- accompanying standard information sheets, which take due account of cases involving third countries or Member States not participating in the Rome III scheme;
- a strategy for awareness raising and dissemination of information

### Second report including

- a set of model prenuptial and postnuptial agreements on substantive law issues for spouses and registered partners;
- comparative notes;
- explanations, including information concerning what would be enforceable in which Member States;
- a strategy for awareness raising and dissemination

### Third report including

- a set of model cohabitation agreements;
- comparative notes;
- explanations, including information concerning what would be enforceable in which Member States;

- a strategy for awarenessraising and dissemination

**Application:** JUST/2014/JCOO/AG/CIVI 400007747

**Title:** Etude comparative sur l'application du règlement Bruxelles I (refonte)

**Applicant:** European chamber of bailiffs/judicial officers

**Country:** Belgium

**Requested Amount:** 161.195,50 EUR

**Contact details : not released**

**Summary:**

L'objectif du projet est de conduire une étude comparative, d'une durée de 18 mois, sur l'application du règlement européen 1215/2012 du 12 décembre 2012 concernant la compétence judiciaire, la reconnaissance et l'exécution des décisions en matière civile et commerciale (dit "Bruxelles I") au sein des Etats membres suivants:

- Allemagne
- Belgique
- Espagne
- France
- Hongrie
- Italie
- Luxembourg
- Pologne
- Portugal

L'étude s'intéressera à la mise en œuvre du règlement Bruxelles I par les notaires et les huissiers de justice et aux modalités de transposition de cet instrument en droit national.

Plus précisément, les thématiques suivantes seront abordées :

La circulation des actes authentiques en Europe

Conformément aux articles 58 et suivants du règlement Bruxelles I, l'étude portera sur les modalités d'obtention (i) d'un acte authentique dans les Etats membres visés par l'étude et (ii) du certificat contenant le résumé de l'obligation exécutoire consignée dans l'acte authentique (autorités compétentes, traductions requises, modalités de circulation de l'acte).

L'exécution des actes authentiques/titres exécutoires en Europe

a/ Signification/notification du titre exécutoire, avant la première mesure d'exécution, à la personne contre laquelle l'exécution est demandée (cf. art.43 Bruxelles I):

L'étude permettra d'identifier, dans chacun des Etats membres du projet, (i) la personne chargée de solliciter la signification/notification du titre exécutoire (créancier, tribunal), (ii) l'agent de signification/notification compétent (huissier de justice, greffier du tribunal), (iii) la méthode de

signification/notification du titre exécutoire (par courrier recommandé, remise à personne, par voie électronique...), le délai et les coûts, (iv) la responsabilité de l'agent de signification/notification.

b/L'exécution des actes authentiques/titres exécutoires (cf. art. 58 Bruxelles I, renvoyant au chapitre III):

L'étude permettra d'identifier, dans chacun des Etats membres du projet, (i) l'agent de signification/notification compétent (huissier de justice, greffier du tribunal), (ii) les modalités d'exécution (accès aux informations sur le patrimoine du défendeur, les saisies pratiquées en droit national....), (iii) le délai et les coûts, (iv) la responsabilité de l'agent d'exécution/huissier de justice.

L'articulation du règlement Bruxelles I avec le règlement portant création d'un titre exécutoire européen (champ d'application des deux règlements, critères de choix entre les deux procédures: usages, délais, coûts, efficacité...).

La transmission des actes authentiques/titres exécutoires aux huissiers de justice/agents d'exécution

L'étude permettra de consulter les huissiers de justice des Etats membres du projet pour savoir s'ils disposent (i) d'une authentification sécurisée, (ii) d'une signature électronique, (iii) d'un annuaire électronique et si les citoyens de leur Etat membre disposent d'une identité numérique (carte d'identité numérique ou équivalent).

L'idée étant de permettre au demandeur, en application des 42 et 43 Bruxelles I, d'adresser par voie électronique sécurisée la copie du titre exécutoire et le certificat à l'huissier de justice compétent dans l'Etat membre d'exécution. Pour ce faire, le demandeur identifiera l'huissier de justice compétent grâce à l'annuaire européen des huissiers de justice puis lui communiquera, dans un coffrefort sécurisé, les actes à signifier ou à exécuter.

Le rapport final fournira (i) une synthèse de l'étude comparative et des fiches pratiques par Etat membre (législation en vigueur, jurisprudence nationale, usages/pratiques en matière d'acte authentique et de procédures d'exécution), (ii) des recommandations visant à renforcer la coopération entre les notaires et les huissiers de justice dans le cadre de la circulation des actes en Europe, (iii) les conditions d'accès à un coffrefort de stockage des titres exécutoires européens.

**Application:** JUST/2014/JCOO/AG/CIVI 400007749

**Title:** Remedies concerning Enforcement of Foreign Titles according to Brussels I Recast

**Applicant:** University Of Maribor

**Country:** Slovenia

**Requested Amount:** 424.255,88 EUR

**Contact details : not released**

## Summary:

### 1. Objectives

- contribution to the consistent implementation of the Brussels I Recast with the focus on different ways of posteriori redress in direct enforcement concerning foreign enforcement titles
- identification of critical points in implementation of Brussels I Recast regarding the procedures with legal remedies in the Member States
- evaluation of the efficiency of parties' rights protection
- analysis of the obstacles in crossborder enforcement
- comparative analysis of 15 representative legal systems
- analysis of different legal remedies against foreign judgement and other enforcement titles (e.g. notary act) in the state of enforcement after abolishment of exequatur
- analysis of different types of procedure
- analysis of relation between the Brussels I Recast and Regulation No. 655/2014
- analysis of provisional measures and speed intervention to enable timely protection of rights
- functional analysis of ground for refusal of foreign titles under Brussels I Recast
- analysis of application of procedural and substantive public policy in different Member States
- identification of possible improvements in further unification instruments

### 2. Activities

- Conference in Maribor: 2 days
- Conference in Portoroz: 2 days
- Kick off meeting – Brussels
- Expert meeting Graz
- Expert meeting Maribor
- Expert meeting London
- Expert meeting Rijeka
- Expert meeting Porto
- Expert meeting Stockholm
- Project management and coordination of partnership
- Project accounting
- Project assistant
- Active monitoring of intermediate results and iterative prototype refinement

- Active involvement and support of empirical testing using developed cloudbased SaaS

### 3. Type and number of persons benefiting from the project

- academics, researchers, expert, national reporters
- practitioners (judiciary, lawyers, notary, business entities)
- policy makers (national and EU)
- everyone involved in crossborder proceedings

### 4. Expected results

- extensive overview of relevant national legislations regarding the implementation of Brussels I Recast with special emphasis on remedies
- comparative study with conceptual and functional analysis of B I R implementation in selected Member States
- collected, published and commented relevant case law (national and EU)
- review of good and bad practices in the implementation process
- intensifying mutual learning, exchange of good practices, cooperation

### 5. Type and number of outputs to be produced

- Monograph
- National reports
- Conference proceedings (Conference in Maribor)
- Conference proceedings (Conference in Portorož)
- Questionnaire
- Website
- SaaS Tool



**Application:** JUST/2014/JCOO/AG/CIVI 400007752

**Title:** Ensuring the wellbeing of children in judicial cooperation in cases of international child abduction

**Applicant:** Found.for Missing And Sexually Expl

**Country:** Belgium

**Requested Amount:** 473.341,35 EUR

**Contact details :** [info@childfocus.be](mailto:info@childfocus.be)

**Summary:**

Objectives

General objective:

Enhancing the wellbeing of children in judicial cases of international child abduction

Specific objectives:

- determining the psychological effects of an international child abduction on children and the most important components that affect this wellbeing;
- determining the best interest of the child in an international child abduction and formulating recommendations;
- raising awareness on the above mentioned themes amongst legal & other professionals as well as amongst decisionmakers;
- creating good practices and judicial cooperation to enhance the wellbeing of abducted children.

Activities

- Conducting a quantitative research study to define the variables that influence the wellbeing of children who become the victim of an international child abduction;
- Conducting focus groups with youngsters who were the victim of an international child abduction.
- Conducting research study to assess how the voice of the child is heard in return proceedings under the Brussels IIa Regulation in the different EU Member States;
- Creating recommendations for legal professionals on the basis of the findings of the previous activities, in cooperation with a steering committee composed of expert stakeholders and legal professionals;
- Organizing an awareness raising conference for legal professionals and decisionmakers on European level, including workshops on the realization of good practices on judicial cooperation between Member States with the aim of enhancing the wellbeing of the children involved.
- Disseminating training materials on EU scale.

Type and number of persons benefiting from the project

Final beneficiaries: children who become the victim of an international child abduction (1823 requests for help of international child abduction dealt with by 116000 hotlines in 2013 / app. 130 000 international couples file for divorce each year in the EU)

Direct beneficiaries: legal professionals (judges, lawyers, Central Authorities) involved in cases of international child abduction in Europe. In the last analysis of the application of the 1980 Hague Child Abduction Convention made by N. Lowe, we saw that in the year 2008, 985 return applications were received by Brussels IIa States. This was 50% of all applications made under this Hague Convention worldwide. 706 of these cases (72%) were made by fellow Brussels IIa States.

#### Expected results

- A better and more consistent implementation of the Brussels IIa Regulation through judicial cooperation based on a better knowledge and understanding of the factors that influence the wellbeing of abducted children.
- the accomplishment of a research study to determine the best interest of the child in cases of child abduction by examining the psychological effects of an international child abduction on children.
- the ultimate result of this project is to create real improvement towards childfriendly justice.

#### Type and number of outputs to be produced

- 1) preliminary research study (1);
- 2) quantitative survey in 3 different EU countries to measure the (lack of) wellbeing of abducted children (3) and its variables;
- 3) assessment of the views and opinions of children involved in international child abduction cases or crossborder family disputes in 3 different EU countries and determining the variables that influence this wellbeing(3);
- 4) overview study on the wellbeing of abducted children bringing together the results of the quantitative survey and qualitative assessment in the distinct countries involved (1);
- 5) overview study of the legislation and case law in different Member States related to the hearing of children in BLX IIa cases (1);
- 6) Publication of recommendations and good practices for legal professionals to ensure the wellbeing of abducted children (min. 100 hard copies);
- 7) Awareness raising conference for legal professionals across Europe (min 200 participants).

**Application:** JUST/2014/JCOO/AG/CIVI 400007754

**Title:** The application of Brussels 1 (recast) in the legal practice of EU Member States

**Applicant:** T.m.c. Asser Instituut

**Country:** Netherlands

**Requested Amount:** 96.168,18 EUR

**Contact details :** [projects@asser.nl](mailto:projects@asser.nl)

### **Summary:**

#### Objectives

Assessing the application of Regulation 1215/2012 (Brussels I recast), in particular the rules that have been amended compared to Regulation 44/2001, in view of the objectives of the Regulation. The focus will be on the functioning of the jurisdiction rules visàvis third country defendants (in particular consumer and employment contracts), the choice of forum and lis pendens rules and the new enforcement rules abolishing exequatur, including judgments granting provisional and protective measures.

Mapping the problems national legal orders face when applying new EU legislation on private international law (PIL), in particular the Brussels I recast. Can lessons be drawn from close scrutiny of the experience of one Member State (the Netherlands) that are of use to the EU legislator and to other Member States? Are there common experiences? Can something be said about steps the EU legislator and/or EU or national policy makers can take to ensure swift implementation of new EU instruments such as the Brussels I recast.

Identification of any obstacles to swift correct and consistent implementation of Brussels I recast.

#### Activities

Data collection with respect to the application of Brussels I recast in the Netherlands, both in respect of application by the courts and – as far as the enforcement is concerned – application by legal practitioners (judicial officers). Data collected on incidence of application, subject matter, applied provision(s) of the regulation, and type (judgment, enforcement).

Data collection on the basis of case law of other EU Member States reported in publicly accessible databases in other EU jurisdictions.

Setting up discussion platforms that enable practitioners in the Netherlands and in the EU to signal and discuss problems they encounter in the early stage of application of Brussels I recast

Web surveys (through questionnaires) on the application of Brussels I recast in the Netherlands (in Dutch) and in the other EU Member States (in English). Directed at legal practitioners.

Conducting interviews with legal professionals from selected Member States. Aimed at gaining further insight as to the implementation in the national legal order of the Member State concerned.

Organizing a conference on Brussels I (recast) involving selected legal professionals (or representatives of associations of legal professionals) from the EU. Sharing experiences, discussing preliminary findings.

Factual assessment and legal analysis of problems encountered in the new rules of the Brussels I recast.

Synthesis report bringing together the findings of the data collection, the surveys, the interviews and the conference.

Draw up recommendations for those involved in the implementation and creation of EU legislation in the area of civil judicial cooperation, in particular the Brussels I recast.

Type and number of persons benefiting from the project

Typical direct beneficiaries are the EU legislator, EU and national policy makers and legal practitioners (courts, legal professionals, judicial officers (huissiers de justice, bailiffs)).

Expected results

Identification of obstacles encountered in the Brussels I recast Regulation.

Identification of typical obstacles to correct and consistent application of recent EU legislation in the area of civil judicial cooperation, and in particular with regard to rules of international jurisdiction and the enforcement of judgments.

Identification of practices that enable national legal orders to cope with the ever increasing dynamics of EU legislation and deal with implementing it correctly, consistently and swiftly.

Crossfertilization of legal practice within the Netherlands and between Member States, thus contributing to good practices.

Type and number of outputs to be produced

Data collection;

Web survey;

Online discussion platform;

Sharing experiences;

Analysis and recommendations (final report)

**Application:** JUST/2014/JCOO/AG/CIVI 400007757

**Title:** ProCODEX: Connecting legal practitioners national applications with eCODEX infrastructure

**Applicant:** Research Institute On Judicial Systems

**Country:** Italy

**Requested Amount:** 314.806,84 EUR

**Contact details :** [irsig@irsig.cnr.it](mailto:irsig@irsig.cnr.it)

## Summary:

### 1. Objectives

- The main goal of this project is to investigate the possibilities and create conditions to support the development of the technological components required to make interoperable eCODEX and the applications used by legal professionals (lawyers and notaries) at national level.
- The project aims to research feasible options and develop running pilots in a limited number of countries to ease the use of eCODEX infrastructure and to increase the number of users among the different legal professions.

### 2. Activities

- In depth study of the current situation to connect the legal practitioners information systems to eCODEX in participating countries.
- Tuning and finalisation of the national strategies based on national opportunities and constraints.
- Development of semantic and software components which may be missing.
- Development of national DOMIBUS connector components to interface eCODEX with national legal practitioners applications.
- Training and assistance to the service providers who will be involved in the project.
- Training and assistance to practitioners organisations (BARs, Notaries org.) who will be involved in the project.
- Assessment of the results and identification of best practices.
- Dissemination of the results for benefits of other member states: website with public deliverables, participation to eJustice and eGov meetings.

### 3. Type and number of persons benefiting from the project

- Legal professionals of the ProCODEX piloting countries will directly benefit from access to eJustice Tools to support crossborder procedures.
- Legal professionals of other EU countries will benefit from the experience gained by the first wave of ProCODEX piloting countries.
- eCODEX users (courts, public prosecutor offices, parties in crossborder judicial proceedings etc.) will benefit from having the possibility to communicate with ProCODEX piloting countries legal professionals through eCODEX infrastructure.

- Service providers of legal professionals will have the opportunity to benefit from the experience of ProCODEX piloting countries developers and eCODEX infrastructure improvements deriving from ProCODEX inputs.
- The general public will be serviced better and quicker in cross border judicial proceedings.
- The general public will indirectly benefit from the overall improved crossborder cooperation in the domain of Justice.

#### 4. Expected results

- Assessment report on the current situation to connect the legal practitioners to eCODEX in participating countries.
- Assessment report on the possibility to connect Bartolus platform (the CNUE European Platform for Notaries Digital Signature and Role Verification) to eCODEX infrastructure.
- Strategy comparative report for national legal professionals.
- Missing semantic analysis and components [if needed].
- Software eCODEX Domibus missing components [if needed].
- Training and assistance materials for service providers.
- Training and assistance materials and guidelines for legal professionals.
- Report on the assessment of the results and identification of best practices in the field.
- Website with public deliverables, reports, training material and guidelines.
- Legal practitioners piloting service providers upgrade to manage use cases procedures.
- National systems ProCODEX components development and set up in piloting countries.
- ProCODEX use cases live piloting (real cases).
- Consistently increase the practical use of eCODEX infrastructure.
- Project Sustainability report.

#### 5. Type and number of outputs to be produced

- 4 reports (see expected results)
- Piloting of at least 1 use case (to specify in a further stage based on the projects partners)
- systems development in 2 Member states
- live piloting
- 1 Website

*Note: The requested amount may be in some cases different from the maximum amount of EU grant awarded (i.e. it may be lower than the amount requested).*