

Specific Programme Civil Justice:
Summaries of projects selected for funding
under the call for proposals
JUST/2013/JCIV/AG

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4562	University of Amsterdam	Netherlands	Access	Open laws.EU	Access	Analytical activities
JUST/2013/JCIV/AG/4620	Brunel University	United Kingdom	Insolvency	Consumer over-indebtedness, responsible lending, and the insolvency of natural persons: the need for a comprehensive reform to protect consumers in financial difficulty	Insolvency	Analytical activities
JUST/2013/JCIV/AG/4623	Bureau Européen des Unions de Consommateurs	Belgium	Other	Consumer Justice Enforcement Forum II (COJEF II)	Other	Mutual learning, exchange of good practices, cooperation

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4625	FEGAPEI (Fédération nationale des associations gestionnaires au service des personnes handicapées)	France	ACCESS	Access to Justice for Persons with Intellectual Disabilities	Access	Mutual learning, exchange of good practices, cooperation
JUST/2013/JCIV/AG/4627	The Hague Conference on Private law	Netherlands	Maintenance	iSupport (case management and communication system for the recovery abroad of maintenance)	Maintenance	Mutual learning, exchange of good practices, cooperation
JUST/2013/JCIV/AG/4628	Craiova Court of Appeal	Romania	Mediation	Judicial Intercultural Communication in Family Mediation	Mediation	Mutual learning, exchange of good practices, cooperation

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4631	University of Leeds	United Kingdom	Insolvency	Security Rights and the European Insolvency Regulation	insolvency	Analytical activities
JUST/2013/JCIV/AG/4634	Superior Council of Magistracy	Romania	Networks	Practical exercises in implementing the judicial cooperation instruments in civil and commercial matters	Networks	Mutual learning, exchange of good practices, cooperation
JUST/2013/JCIV/AG/4636	European Land Registry Association	Belgium	Other	IMOLA (Interoperability Model for Land Registers)	other	Analytical activities
JUST/2013/JCIV/AG/4640	Eurochambres AISBL	Belgium	Mediation	Mediation meets Judges	Mediation	Mutual learning, exchange good practicess, scope

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4642	Ministry of Justice of Slovenia	Slovenia	BRUSSEL SII	Training course on European Union Family Law	BRUSSELSII	Training activities
JUST/2013/JCIV/AG/4661	Globernance Institute for democratic governance	Spain	BRUSSEL SI	Business & Human Rights challenges for cross border litigation in the European Union	BRUSSELS I	Analytical activities
JUST/2013/JCIV/AG/4662	Ecole nationale de la Magistrature	France	Matrimonial	EU cross-border divorce proceedings: fostering mutual understanding and enhanced cooperation	Matrimonial	Training activities
JUST/2013/JCIV/AG/4663	Lappeenranta University of technology	Finland	Small claims	CFMnet : Towards European Caseflow Management development network - Identifying, developing and sharing best practices	Small claims	Mutual learning, exchange of good practices, cooperation

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4664	Institut européen de l'Expertise et de l'Expert	France	Evidence	European guide for legal expertise	Evidence	Mutual learning, exchange of good practices, cooperation
JUST/2013/JCIV/AG/4666	Universita degli Studi di Milano	Italy	Succession	Towards the Entry into Force of the Succession Regulation: Building Future Uniformity upon Past Divergencies	Succession	Awareness-raising, information and dissemination
JUST/2013/JCIV/AG/4667	Avvocatura per I Diritti LGBTI	Italy	Mediation	Litigious Love: Same-Sex Couples and Mediation in the Europe	Mediation	Training activities
JUST/2013/JCIV/AG/4669	Frank Bold Society	CZ	ACCESS	Civil Justice in the Context of Transnational Business Activities and Human Rights	Access	Awareness-raising, information and dissemination

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4674	Institute of Judicial training	Belgium	Insolvency	Cooperation between members of the judiciary and other actors dealing with cross-border insolvency proceedings	insolvency	Training activities
JUST/2013/JCIV/AG/4679	Max Planck Institute Foundation	Luxembourg	Insolvency	The Implementation of the New Insolvency Regulation – Improving Cooperation and Mutual Trust	insolvency	Analytical activities
JUST/2013/JCIV/AG/4680	Child Focus	Belgium	Enforcement	Mediation during enforcement struggles in cross-border family litigation	ENFORCEMENT	Training activities

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4684	Middlesex University Higher Education	United Kingdom	Mediation	Understanding Justice	Mediation	Analytical activities
JUST/2013/JCIV/AG/4686	ERA EUROPAISCHE RECHTSAKADEMIE	Germany	BRUSSELS I	Using EU Civil Justice Instruments: Development of training materials and organisation of test seminars	BRUSSELS I	Training
JUST/2013/JCIV/AG/4687	Ministry of Public Administration and Justice	Hungary	Mediation	Mediation in unlawful international child abduction cases	Mediation	Mutual learning, exchange good practices, scope
JUST/2013/JCIV/AG/4689	Universidad di Salamanca	Spain	Mediation	Online mediation in cross-border civil and commercial matters in the European union: EMEDEU	Mediation	Analytical activities

Grant N°	Project Coordinator	Member State	priority code	Project title	Main topic	Main Type of activities
JUST/2013/JCIV/AG/4691	Ministry of Justice of Latvia	Latvia	Other	The Court of Justice of the European Union and its case law in the area of civil justice	Other	Mutual learning, exchange of good practices, cooperation
JUST/2013/JCIV/AG/4710	La Sapienza	Italy	Succession	The Europeanization of Private International Law of Successions	Succession	analytical activities

JUST/2013/JCIV/AG/4562

COORDINATOR : Universiteit van Amsterdam

COUNTRY: NL

TITLE: OPENLAWS.EU

PRIORITY: ACCESS

CONTACT E-MAIL: info@openlaws.eu

Summary: OpenLaws.eu aims at opening access to existing legal information systems and proactively involving and integrating our target groups, i.e. communities of individuals and businesses, legal professionals and public bodies. Open innovation, mass customization, big data analysis, social features and social networks are already highly successful in other markets and we want to introduce them in the legal domain on a European scale. Based on open data, open source software and open innovation principles we are adding a “social layer” to the existing “institutional layer” of legal information systems.

The main objectives are:

- (i) To create a clear BOLD Vision 2020 about what Big Open Legal Data (BOLD) could do in the year 2020 and propose a roadmap to implement it.
- (ii) To build a BOLD ICT Platform, based on open source software, which will be the first step to combine legal content and the knowledge and feedback of the community.

The following activities are planned to fulfil our objectives:

- (i) We will do a comparative analysis of law, society and institutional developments towards the open access model, past developments and prognosis for the future (WS1).
- (ii) We will perform a socio-economic and technical analysis in order to propose a framework where different stakeholders can cooperate in an open access environment (WS2).
- (iii) We will develop and launch the BOLD ICT Platform for desktops, tablets and smartphones with open interfaces, interlinking open data (selected Member States and EU level), and add personalization and social web features to it, like highlighting, tagging, commenting, rating, sharing, publishing, etc. (WS3).
- (iv) We will engage the community so that they contribute to OpenLaws.eu and the BOLD ICT Platform by building social networks, sharing legal content, creating new content and metadata, etc. and we will disseminate our findings at conferences, in meetings, in scientific papers and in social media campaigns, and organize events in various EU Member States to raise awareness (WS4).

From the very beginning OpenLaws.eu will be open, so that even third parties from outside the partnership can participate. This open approach will also ensure cost-effectiveness.

The beneficiaries are an interdisciplinary group of highly qualified universities and SMEs from

leading e-government member states. The University of Amsterdam and the University of Sussex are specialized in legal informatics, comparative law and governance. The London School of Economics and Political Science will cover the socio-economic part, while the Salzburg University of Applied Science will provide the system architecture. The Italian software SME Alpenite srl and the Austrian BY WASS GmbH, who are building the Austrian mobile legal information system together, will be in charge of the implementation, the dissemination and the user community engagement.

Our endeavour will help Europe to innovate in the legal field, provide better access for individuals, businesses, legal experts and public bodies, and create a network between them. OpenLaws.eu is well in line with the call, the European e-Justice Action Plan and the Europe 2020 growth strategy, including the Digital Agenda and the Innovative Union.

COORDINATOR: BRUNEL UNIVERSITY

COUNTRY: UK

TITLE: CONSUMER OVER-INDEBTEDNESS, RESPONSIBLE

PRIORITY: INSOLVENCY

Summary:

Objectives: The aim of the study is to take a holistic approach to the problem of over-indebtedness of European consumers and establish a strong relationship with an envisaged EU regime of personal insolvency for debt solutions. It will show how current responsible lending policy and the law are inadequate to tackle the major causes of over-indebtedness, and that a dynamic and comprehensive approach incorporating the treatment of personal insolvency at EU level is necessary.

Departing from the current and proposed European framework for cross-border insolvency proceedings and mutual recognition, it explores the case for a common European legislation on personal insolvency to tackle consumer over-indebtedness and correct the shortcomings of current responsible lending and borrowing policies. To this end, personal insolvency legislation will be revisited to suggest that, unless reformed at EU level, it will be of little or no use to natural persons in financial difficulty (the vulnerable consumers) and to creditors alike.

Ultimately, the study purports to demonstrate that a fair and efficient legal regime at EU level should address all stages of financial difficulty. This could be achieved with a reform of the present position and the establishment of a common EU system of personal insolvency alongside responsible lending.

Beneficiaries: Research users include policy makers, practitioners, consumer associations, the credit industry, the general public, and academia.

Activities: The applicants plan to do research and field work to provide robust theoretical and policy frameworks which are empirically tested in practice. The study will approach from theoretical and comparative perspectives over-indebtedness, responsible lending, and personal insolvency to show current policy and legal shortcomings. Following, it will investigate empirically lending practices and insolvency proceedings in fact to provide further evidence for the need of reform. Qualitative research methods will be employed for this part of the research. The theoretical, comparative, and empirical parts will provide the bedrock for putting forward a proposal for reform.

Expected results, outputs and deliverables: The output from the research will be both policy oriented and academic. The main results will be published in a report in which the applicants will present the current state of affairs and its shortcomings to address the problems of household over-indebtedness. It will come up with a proposal of how the current legal framework in the EU needs to be changed in order to address more efficiently and comprehensively the integration of EU retail financial markets, consumer protection, responsible lending, and social and economic cohesion.

Policy makers, academics, and other stakeholders will be targeted by a conference where the results of the research will be presented. Even wider audience will be targeted by three journal articles to be published in leading European journals. Each article will cover core parts of the whole research. In

addition, an edited book will be produced to offer more targeted comparative perspective.

Finally, the general public and the media will be targeted by uploading a summary of results of the research on the websites of the researchers' organisations, and press releases will be issued for the media and the general public.

JUST/2013/JCIV/AG/4623

COORDINATOR: Bureau Européen des Unions de Consommateurs

COUNTRY: BE

TITLE: Consumer Justice Enforcement Forum II (COJEF II)

PRIORITY: OTHER

Summary: The COJEF II project aims to strengthen enforcement of EU and national consumer laws by enhancing networking and training among consumer organisations. Enabling these organisations to better use tools to effectively enforce consumer rights throughout the European Union is the central task of the project. This will be achieved by exchanging best practices, sharing experience and training consumer organisation lawyers to develop enforcement strategies which include problem analysis and solution mechanisms in both a national and European perspective while exploring and better exploiting cooperation between consumer organisations, public authorities and other actors. This project builds on the conclusions of the Consumer Justice Enforcement Forum (CoJEF) project (2011-2013) which received 'Civil Justice' programme funding, 2007-2013 (Grant Agreement JUST/2010/JCIV/AG/0017-30-CE-0422156/00-45).

Objectives

The objective of exchanging best practices and training consumer organisations to build enforcement strategies is key as unlawful practices often affect not only their own country, but the same or similar problems often exist in other countries or are a EU-wide practice. To counter this, the project will further foster and maintain a strong network of lawyers in national consumer associations across the EU. The second objective of the project is to assess the impact of the consumer specific rules of the Rome I Regulation on applicable law and the Brussels I Regulation on jurisdiction in cross-border enforcement of consumer rights. The third objective is to establish an online 'Knowledge Platform' to compile information which can serve as a valuable basis for improving enforcement of consumer law within Europe and across borders. The platform would provide access to standardised information from a range of countries on court judgments, amicable settlements or major ongoing consumer legal cases which consumer organisations could then use to evaluate consumer problems in a more pan-European perspective and decide the appropriate enforcement strategy.

Activities

The first CoJEF II activity would be to organise four training seminars within the two year project period, to exchange best practices and train consumer organisations. The seminars will centre on four subject areas, such as telecommunications; financial services; misleading claims; online markets. On a case-by-case basis, the seminars will be supported by academic research, analysing the grounds for a common European law approach and possible differences in national substantive or procedural laws which can influence an enforcement strategy. The second project activity will be a policy debate on how the Rome I and Brussels I Regulations apply to consumer protection cases. The policy debate will gather practicing consumer law experts, judges, private international law specialists and academics.

The third project activity will be to collect, prepare and publish material for the Knowledge Platform.

This will be carried out as a joint effort among all partners and academic advisors.

Results

The direct beneficiaries of the project will be one European and ten national consumer associations from across the European Union as well as the seminar participants (namely national consumer organisations from other European countries). The expected result is the increased ability of consumer organisations to contribute to the enforcement of consumer rights, thereby ensuring more coherence throughout the EU. Furthermore, there will be increased awareness and use of different possible synergies of cooperation with other enforcement actors. A more comprehensive understanding of private international law issues with regard to consumer cases will also increase the quality of consumer organisations' enforcement work.

JUST/2013/JCIV/AG/4625

COORDINATOR: Fédération Nationale des Associations Gestionnaires au service des personnes handicapées (FEGAPEI)

COUNTRY: FR

TITLE: Access to Justice for Persons with Intellectual Disabilities (AJuPID)

PRIORITY: ACCESS

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Summary: Overall objective: Implementation of the UNCRPD Art 12.3 and 13 by improving professional practice to foster access to justice for adults with intellectual disabilities under legal guardianship by reshaping the role of legal guardians from substituted decision-making to supporting the decision-making capacity of the Person with intellectual disability (PwID) through training and awareness-raising.

Specific objectives:

- Foster exchange amongst professional legal guardians working with Persons with Intellectual Disabilities (PwID) in five countries (Bulgaria, Finland, France, Hungary & Ireland) in Europe to improve their practice in supporting, accompanying and empowering PwID;
- To remodel the current role of legal guardians to move away from substitute decision-making towards supported decision-making by PwID in line with the requirements of Art 12.3 of the UNCRPD.
- Improve professional practice of legal guardians regarding the access to justice of PwID at national level to ensure the full participation of PwID in legal matters that concern them;
- Improve the knowledge about the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), European human rights law and the understanding of the functioning of the European Court of Justice, the European Ombudsman and the European Court of Human Rights amongst professional legal guardians to better represent PwID when their rights have been violated and to adequately communicate those rights to PwID, so that they may exercise their legal capacity;
- Sensitise professionals working in the judiciary to the needs of with PwID, their rights, as well as their capacities during judicial processes, to improve interaction between judicial staff and PwID and their access to justice.

Activities:

- Literature review of theory & practice in full and partial guardianship of PwID;
- Baseline study (qualitative survey) on the treatment & perception of PwID by judiciary staff;
- Identification of best practices in guardianship in 5 participating countries through study visits;
- Piloting of training of legal guardians on best practices of guardianship, supported decision-making and the role of European judicial institutions;

- Sensitisation and awareness raising campaign aimed at judicial staff, support personnel in the participating countries as well as the European judicial institutions to improve interaction with PwID and take their needs into account during court proceedings.

Monitoring:

A Scientific and Ethics Committee (SaEC), made up of Mental Disability Advocacy Center (MDAC), the Catholic University of Louvain (KUL), the National University of Ireland Galway (NUIG) and the EU Fundamental Rights Agency will survey the project to ensure that it is conducted in line with the UNCRPD.

Target group:- Legal guardians

- Judges and other legal practitioners in courts

Beneficiaries:- PwID under full or partial guardianship

Expected results

- Better practice of legal guardians working with PwID in participating countries, by moving away from practices which substitute the decision-making capacity of PwID to ones which enhance, to the maximum extent possible the decision-making capacities of PwID;

- Better understanding amongst legal professionals in courts of the needs of PwID during judiciary proceedings and their rights as citizens, based on improving the interaction between judicial staff, PwID & support personnel.

Outputs & Deliverables:

- Literature Review of theory & practice in guardianship of PwID;

- Baseline study (qualitative survey) on the perception of the court service and its staff by PwID;

- Study visits of good practices;

- Guide of good practices on legal capacity and supported decision-making, for legal professionals working with PwID;

- Pilot of trainings for legal guardians;

- Awareness-raising & sensitisation events in courts in participating countries and at EU level;

- Campaign materials in several languages: brochures, posters & a website

Duration: 1. April 2014 - 31. March 2016

JUST/2013/JCIV/AG/4627

COORDINATOR: The Hague Conference on Private Law

COUNTRY: NL

TITLE: iSupport (case management and communication system for the recovery abroad of maintenance)

PRIORITY: MAINTENANCE

The EU 2009 Maintenance Regulation and the 2007 Hague Maintenance Convention have the potential to benefit millions of children and adults in Europe and around the world by facilitating the effective cross-border recovery of maintenance obligations, while at the same time reducing State welfare and social security dependency. To ensure that these instruments are used to their full potential and facilitate the fast, efficient, easy, cost-effective and results-oriented international recovery of maintenance obligations, advances in e-government and Information and Communication Technology (ICT) must be exploited. The iSupport Electronic Case Management and Secure Communication System (ECMSCS) will provide States with the ICT needed to achieve these goals.

iSupport will address all major challenges raised by cross-border recovery of maintenance, such as:

- large volume and long duration of cases
- high volume of communication between authorities
- numerous repetitive actions, including electronic transfer of funds
- secure communications
- language barriers
- real time access to information across time zones

iSupport will overcome these challenges by providing an ICT bridge/platform between Central Authorities of different States to communicate and process data under both the 2009 Regulation and the 2007 Convention.

Once implemented, iSupport will:

- greatly facilitate communication between Central Authorities
- alleviate translation problems by operating in different languages and using the language and medium neutral forms developed under the 2009 Regulation and the 2007 Convention
- provide for electronic transfer of funds and their monitoring
- ensure consistent practices at both the European and global level
- allow States to implement paperless case management

By accomplishing the above objectives, States will provide effective access to justice to their citizens and realise considerable savings. The time and money saved through the operation of iSupport is expected to exceed rapidly the costs relating to its development and implementation.

iSupport will build on experiences with existing national electronic case management systems and ICT systems that provide for secure electronic cross-border transmission of dematerialised documents such as e-Codex (www.e-codex.eu).

Development of iSupport will be undertaken by Working Groups (WG) comprised of various subject matter experts, including maintenance Central Authority experts, government and private sector electronic secure communication and fund transfer experts, government data protection experts and government financial and public procurement experts. The Permanent Bureau (Secretariat) of the Hague Conference will coordinate the work of these groups with the assistance of a team of four highly qualified experts hired for the project.

The WG will develop a self-standing: (1) ECMSCS; and (2) electronic transfer of funds system. That means under both Stages (1) and (2) the development of front and back ends and database. iSupport will also include instructions and technical requirements for States that want to ensure interoperability / mapping / connectivity of iSupport with their existing electronic case management systems that they will continue to use. iSupport is based on a decentralised approach that will consist of an e-delivery platform, a gateway, ECMSCS and national connectors combined with national systems where they exist. A WG will be tasked with the identification of an integrator (ICT service provider) to provide a gateway to connect iSupport databases between participating jurisdictions and developing a related business model, including the possibility to provide these services on a fee recovery basis. iSupport's further capability to generate statistics and integrate the e-country profile developed under the 2007 Convention (completed in 2012) are not part of the present grant and will be implemented later (development stages (3) and (4)).

JUST/2013/JCIV/AG/4628

COORDINATOR: Craiova Court of Appeal

COUNTRY: RO

TITLE: Judicial Intercultural Communication in Family mediation

PRIORITY: MEDIATION

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Summary: The project aims at improving judicial cooperation in civil matters between national judges and overcome the difficulties arising in practice in relation to family mediation in cross-border proceedings, by organizing a series of workshops addressed to judges and other legal practitioners, that will provide the opportunity to identify the main common difficulties that legal practitioners encounter in practice and identify viable solutions for a better enforcement of the legal instruments adopted at European level.

One major objective of the project is to identify the specific problems arising from cultural and psychological differences, diversity of traditions and mentality between European citizens. As a result, the project will meet the need of magistrates and other legal practitioners to determine and to overcome the main issues and problems encountered in family cross-border mediation matters.

The partnership is formed of Craiova Court of Appeal, Romania (Co-ordinator), Cluj Court of Appeal, Romania (Co-beneficiary 1), Timisoara Court of Appeal, Romania (Co-beneficiary 2), County Court of Rijeka, Croatia (Co-beneficiary 3), Differenza Donna, Italy (Co-beneficiary 4), Regional Court of Sofia, Bulgaria (Associate partner) as partners.

The implementation period of the project is 12 months and it consists in:

- organizing 4 workshops, 1 in Romania, 1 in Bulgaria, 1 in Croatia and 1 in Italy, where judges will learn about mediation referred to in Directive 2008/52/EC and family mediation referred to in Regulation (EC) 2201/2003, concerning divorce and parental custody matters "Brussels IIa Regulation";
- creating a guidebook for magistrates and a brochure for promoting mediation among European citizens.

Each workshop lasts for 4 days, it will be conducted by international experts (one moderator and two speakers) and it will be divided into a theoretical module and an intensive practical one. The first module will focus on theoretical aspects of Directive 2008/52/EC, the Regulation (EC) 2201/2003 and their implementation into national legislation, difficulties, methods, solutions and proposals for improvements in the field. There will be presentations of statistic data on mediation in general and mediation in family disputes in particular, which will be analyzed by specialists: sociologists, judges, lawyers, mediators. The practical module will focus on: Mutual learning, exchange of good practices on the quality of mediation services, in general, and guarantee of fair procedures, recognition and enforcement of mediation agreements signed in a different state and of the court orders they are based on, in particular; Presentations and analysis of actual situations regarding the implementation and promotion of cross-border mediation; Presentations of specific situations based on the expertise of

sociologists, mediators, lawyers; Roll-plays on mediation in cross-border cases, simulated hearings with the purpose of recommending the parties to try mediation or going to an information session; debates; case studies; video presentations.

The target group is formed of approx. 100 judges and other legal practitioners (25 persons/workshop).

The topics discussed during the seminars and the results (outcomes) obtained from the training, special attention being held on the active participation of the beneficiaries, will be summarized in a "guidebook", which will be edited in 5 languages: Romanian, Italian, Bulgarian, Croatian and English, and distributed among the project partners and among other courts of justice from EU Member States. The guide will be published on the applicant's website and made available for download by specialists or any other interested person.

JUST/2013/JCIV/AG/4631

COORDINATOR: University of Leeds

COUNTRY: UK

TITLE: Security Rights and the European Insolvency Regulation

PRIORITY: INSOLVENCY

This project will critically analyse and evaluate the provisions governing rights in rem (security rights) and transactional avoidance in Regulation 1346/2000 and address whether there is scope for reform of the law. Security rights are essentially rights over property intended to secure payment of a debt or obligation. The project will

- (1) assess the extent of the protection given to security rights under the main EU legal traditions;
- (2) evaluate the policy reasons behind protection;
- (3) consider whether, and to what extent, this protection also applies in the context of insolvency proceedings affecting the debtor;
- (4) consider the strength of the case for divergence from general legal norms in insolvency;
- (5) assess the rationales for the invalidation of security rights in the interests of the general body of creditors;
- (6) assess whether, and under what conditions, security rights created prior to the institution of insolvency proceedings can be set aside in those proceedings;
- (7) evaluate the appropriateness of the description of rights in rem in Article 5 and whether this description is in conformity with the standard attributes of security rights under the main EU legal traditions;
- (8) assess the appropriateness of the protection given to rights under Article 5 in light of the Regulation's overriding objectives to facilitate the more effective administration of cross-border insolvency cases in Europe; to ensure the equitable treatment of creditors and to prevent the movement of assets from one jurisdiction to another so as to take advantage of a more favourable legal position (forum shopping);
- (9) to assess the compatibility with Article 5 of particular provisions of national law that may (a) impose temporary stays on the enforcement of security rights during the course of insolvency proceedings or (b) permit the paying off or writing down of secured debt contrary to the wishes of the secured creditor;
- (10) evaluate the reasons behind subjecting security rights over assets located in another EU State to the law of the State that opens the insolvency proceedings in respect of avoidance of pre-insolvency transactions;
- (11) evaluate whether the safe harbor protection from the effects of avoidance law given to rights in rem under Article 13 is in conformity with the general philosophy of the Regulation and reflects

policies that are common to the main EU legal traditions

(12) address whether reform of the law relating to security rights and the avoidance of transactions is appropriate and desirable.

Project partners are experts in the law of security rights, insolvency, private international law and the harmonisation of law. They will produce separate 100 page reports addressing objectives 1-6 from the following perspectives

Common Law

Roman legal systems

Germanic legal systems

Eastern European legal systems though recognising that the concept of an Eastern European legal family may be problematic

The project team will then come together and produce a report of around 200 pages that synthesises the separate reports and addresses objectives 7-12. This final report will also expound common themes and ideas and suggest possible law reform measures. An Expert Group will assist in the development of the research methodology and in the formulation and elaboration of the reports. Project conferences will afford the opportunity of presenting and disseminating preliminary and final research findings; testing research methodology and hypotheses; obtaining feedback from members of the Expert Group and project beneficiaries; and assisting in the formulation and elaboration of the final report. The project beneficiaries are EU institutions and citizens including legal and insolvency practitioners, academic and scientific personnel, and national authorities. The 'beneficiaries' are chosen because they will benefit from improvements in the law.

COORDINATOR: Superior Council of Magistracy

COUNTRY: RO

TITLE: Practical exercises in implementing the judicial cooperation instruments in civil and commercial matters

PRIORITY: NETWORKS

SUMMARY: The project has the general objective of improving judicial cooperation in civil matters by supporting Member States' judicial training institutions to provide the training framework where members of the national judicial cooperation networks and other judges can strengthen their professional cooperation in two specific fields: matrimonial matters and insolvency matters. Therefore, the project will promote the elimination of obstacles to the good functioning of cross-border civil proceedings in these specific fields, by helping European judges in their endeavour to learn and apply EU law. This proposal aims at the improvement of the functioning of the national networks of court coordinators in European Law and other similar networks from the six Member States that are partners in the project. Additionally, this will bring to judges a better understanding of the goals of such national networks, it will help them make better use of them and possibly become active members. The project entails the use of six task-oriented training groups meetings which allow us to bring together different professional and national experiences in a format that will include workshops on how to approach cases with EU law elements in the field of matrimonial regimes (4 task-oriented training groups meetings) and insolvency (2 task-oriented training groups meetings). Furthermore, the format will include the practical exercises focusing on the acquiring and the developing of the abilities to use on-line resources which are of the essence of communication on such proceedings. There will also be a linguistic training module focusing on the meaning and the use of the most frequently used terms in the interaction with courts from other Member States. Based on common methodology, each national judicial training institution will select with priority members of their similar networks of court coordinators in EU law, such EuRoQuod in Romania or Gaius in Italy, to participate in Romania at task-oriented training groups meetings (we foreseen the participation of around 30 judges - 10 Romanian and 4 judges from each of the other 5 partners). Two theme files (matrimonial issues and insolvency) will be developed in the framework of the project, to be further uploaded on the EuRoQuod website, in Romanian with a short description in English). The files will include: as a central feature, a step-by-step guide for the management of a file in the respective fields; it will be supported by national and European legislation of relevance; EU case law in these fields; and references to articles, notes on issues and other relevant materials. As a consequence, the EuRoQuod website will be improved and made friendly for all potential users. The final conference (with 80 European participants) on the dissemination of the theme files will be transmitted live to the benefit of all partners and the recording will be made available on the SCM and NIM websites and also to other partners on their request. The training materials and any other materials used in the project will be distributed in electronic version to our MS Partners, to be further used as training material for the development of similar modules within their own continuous training programmes. The impact and quality of the activities will be evaluated by means of a questionnaire, in order to measure the quality of the activities and end results, and of an evaluation report and debriefing meeting of the multinational team of trainers.

The Co-ordinator of the project will be the Romanian Superior Council of Magistracy and also the

National Institute of Magistracy and National School of Clerks on the Romanian side, and 5 MS/European judicial institutions from Belgium, Bulgaria, Italy, Poland, Spain and ERA.

JUST/2013/JCIV/AG/4636

COORDINATOR: European Land Registry Association

COUNTRY: UK

TITLE: IMOLA (Interoperability Model for Land Registers)

PRIORITY: OTHER

SUMMARY: There is a need for a standard means of accessing basic land registry information within the EU, but explanatory material and training to improve understanding of foreign legal systems will be required to make best use of it. IMOLA aims to produce a model for standardised land registry output, connected to explanatory material, and to provide training to improve understanding of the different legal systems involved. It will use the resources of ELRA's European Land Registry Network (ELRN) and build on the experience gained from EULIS's Project LINE. Varied legislation and practices of Land Registers hamper the exchange of information between Land Registries in general and more specific registration of cross border documents. Any standard model has to take into account fundamental differences in national organisation. However, common points offer the possibility of defining a structure of key information shared by the majority of Land Registry systems. IMOLA will perform in-depth research on these common key points and develop interoperability solutions that will make the differences comprehensible for lawyers and other participants in real estate transactions and facilitate cooperation with other Networks. As an initial stage, different types of property rights and registration methods will be compared. Based on this comparative research, an analysis will take place and EU placeholder descriptions will be developed that could help to connect equivalent rights. The research will also involve the conditions of access to the information of each country, particularly data protection policy, and the electronic means of access to be developed. The outcome should be a draft of an interoperability framework, which will be discussed in three conferences. Part of this framework will describe an XML for Land Registers and a template for a European Land Registry Document (ELRD). At the first and second conference the draft will be presented to registrars, legal scientists and other key players. Based on the comments received, the model will be updated and established definitively at a closing conference. The European Law Institute (ELI) proposes a research project called LARESDA about the uses spatial data in Land Registries. IMOLA will maintain the dialogue with this project, so as to ensure the results of both projects are compatible so far as possible. IMOLA will also aim to support this work by improving the knowledge and understanding of registrars about foreign legal systems and exchanging best practice. Training will comprise national land registry law as well as EU law. Participating registrars in the seminars will disseminate information to colleagues in their home countries. The following specific actions are planned:

1. Train EU registrars in EU instruments and foreign national land registry law and support them in disseminating this information to other registrars and land registry employees in their country. The objective is that all EU registrars and staff should have sufficient understanding and knowledge of the new tools for collecting information about foreign legislation that is needed for reliable processing of foreign documents for example, the European Certificate of Succession.

2. Define concepts and placeholders of LR information to fill the ELRD form;

3. Design an electronic and interoperable European Land Registry IT tool based on XML that will allow the easy provision of standardized information in a Document (ELRD). This document should help conveyancers and other legal specialists to produce documents that are fit for smooth processing of Land Registry information;

4. Debate and research the realization of the above mentioned three objectives with other professionals (judges, academics, solicitors, notaries and other lawyers) in three conferences.

COORDINATOR: EUROCHAMBRES AISBL

COUNTRY: BE

TITLE: Mediation meets Judges

PRIORITY: MEDIATION

SUMMARY: Mediation meets Judges (MmJ) is a project implemented by EUROCHAMBRES, 9 Chambers of Commerce and mediation centres and the European Association of Judges for Mediation (Gemme), in 7 European Countries. The aim of the project is to foster the use of mediation in civil and commercial disputes and to increase judicial referral of disputes to mediation, by providing judges with a “direct” knowledge about mediation and a practical toolkit. The project will generate court annexed mediation pilot schemes in (at minimum) 13 European regions: Andalucia, Barcelona, Bordeaux, Brussels, Dublin, Madrid, Marseille, Milan, Monza, Nicosia, Paris, Rennes, Sofia. In most countries judges are empowered to discuss with/ recommend/ order parties to mediation (judicial proceedings pending) but few do it either by lack of understanding of what mediation is or by lack of scheme. The project foresees the organisation of 41 workshops between judges and mediation practitioners, the creation of an information package with a genuine check list of how to refer a case to mediation, information for the parties involved in the dispute case, the set up of mediator permanences in Court and mediator “on call list”. While a strong coherency is ensured by the project coordinator, each partner customises the activities to adapt to regional specificities (language, law, fee scheme, mediators phone numbers...). A major conference attracting judges and mediation centers from all around Europe ensures at early stage a dissemination of the project objectives and the promotion of mediation in the judge communities.

The project objectives are reached through:

- Creation of an ad hoc information and toolkit:

Paper based and online information accessible to judges about mediation pros and cons, relevant mediation centres, fee scheme, helpdesk number, list of mediators on call... A 3 minutes mediation animation is created to be disseminated through viral means.

- Set-up of pilot schemes:

Project partners meet judges to develop pilot schemes that are intended to be a first step of a lasting and self-sustainable collaboration between judges and mediation centres/mediators to boost mediation.

- Establishment of mediation permanence in Courts and mediators on call services:

A mediation permanence in the court house or a system of mediators on call give access to mediation information to the parties. Should the parties be favourable to mediation, the judge is able to rely on a scheme to start the mediation on the fly/in the week.

- Organization of an event to disseminate information about the Mediation Directive state of the art and to involve judges in the dissemination of mediation in Courts:

Judges from all Europe, Chambers of Commerce and mediators exchange experience on the mediation

Directive implementation and on best practices to bring mediation in the Court system. Preliminarily to the submission of the current proposal, each partner has received a declaration of interest from a court or an association of judges with regard to their willingness to meet concerned mediation centres and to explore the possibility to promote mediation within their jurisdiction. Gemme as project partner promotes the project tools beyond the 13 European regions targeted by the partners. MmJ partners aim at building new opportunities for improving networking between judges and mediation practitioners in a long-lasting way and at creating a virtuous circle that, by means of exchange of information and experiences, will develop stable and sustainable results.

JUST/2013/JCIV/AG/4642

COORDINATOR: Ministry of Justice of Slovenia

COUNTRY: SL

TITLE: Training course on European Union Family Law

PRIORITY: BRUSSELS IIa

SUMMARY The project's aim is to provide judicial training on European Union Family law which will cover the current issues and topics in EU Family law – Council Regulation (EC) 2201/2003 and Council Regulation (EC) No4/2009 (new Brussels II Regulation and Maintenance obligations).

The course is addressed to the civil and family judges, whose theoretical and practical knowledge of the subject is basic. The number of participants – family judges foreseen is 30 participants from the hosting country and 10 participants from the associate partner's countries.

Besides the applicant, the Slovene Ministry of Justice, there are two associate partners, Croatian Judicial Academy and the Ministry of Justice of the Republic of Austria. Five seminars of the course will last for two days and take place in Slovenia.

Optional one seminar may take place in Croatia and another one in Austria. The first seminar will take place in Slovenia, in Brdo near Kranj, during the first semester of 2014. A date of the others will be agreed upon among the partner institutions. Optional all the seminars will take place in Slovenia.

The course will be taught by judicial experts (each seminar by 4 to 8 experts, some of them will participate in more than one seminar) in family law and civil law from Slovenia, Austria and Croatia. Mrs Vesna Bergant Rakočević, PhD, High Court judge and a trainer, will be Slovenian leading expert.

The teaching methodology will combine lectures with parallel workshops and the use of videoconferencing for the purpose of the hearings simulations with max.15 participants. For each module a group of cases will be selected for discussion in the workshops. The workshops will be organized to favor the debate among the audience and to open a wider dialogue on the proposed issues. The outcomes of the discussion will be reported to the plenary. The course will be structured in 5 modules. Working languages will be English and Slovene with simultaneous translation.

The project aims at developing some teaching materials that can be used in future training for the Judiciary in the EU. The Slovene Ministry of Justice (applicant) proposes together with entities from other Member States – Austria and Croatia (associate partners) to execute this project on providing judicial training on EU Family law and implementing true to-life videoconferencing in judicial proceedings. Added value will be achieved either by the dissemination of a wider knowledge, the exchange of best practices in EU family law and installing videoconferencing equipment, improving its use or share best practices.

JUST/2013/JCIV/AG/4661

COORDINATOR: Globernance Institute for democratic governance

COUNTRY: ES

TITLE: Business & Human Rights challenges for cross border litigation in the European Union

PRIORITY: BRUSSELS I

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SUMMARY: Last April, more than one thousand workers died in Bangladesh, after the collapse of the shabby factory complex where they worked. This tragedy has shocked many in the EU and some transnational corporations, as well as the EU itself, have pledged to improve security and labour conditions of those working for corporations and corporation suppliers.

Taking preventive steps is important. However, once the damage caused by the corporation is done, victims are entitled to redress. In practice, it is often difficult to obtain justice in the countries where the damage occurs. Therefore, attention is increasingly turning to other, possibly more effective avenues for redress, such as

- (i) litigation in countries where corporations are based and
- (ii) extra-judicial mechanisms.

Nevertheless, litigation and mediation face countless legal and practical difficulties: jurisdiction, applicable law, evidence, costs, standards of care, etc.

Our project aims at

- (a) researching and resolving some of these problems in the EU context,
- (b) training stakeholders (judges, lawyers, activists, business men and victims) to use the mechanisms which provide the necessary access to justice in the EU and
- (c) disseminating the results of the research done so that stakeholders and the public in general become aware of the obstacles preventing access to justice for victims of environmental and human rights (HRs) abuses committed by corporations in third countries and of possible solutions.

It is difficult to think of a more timely project than this, in the sphere of civil justice.

In 2011, the UN endorsed the Guiding Principles on Business and Human Rights, whose third pillar is devoted to remedies such as the abovementioned ones. The European Commission has called upon all Member States to implement the UN Guiding Principles, including the provisions on access to justice, through National Action Plans.

In 2011, the European Commission also launched a new strategy for Corporate Social Responsibility which, likewise, envisaged litigation and mediation as possible ways to find redress for violations of

HRs and environmental duties.

Finally, Regulation 44/2001 –Brussels I- was amended last December and there is urgent need for analysis on how these new amendments may affect HRs litigation.

The first workstream of this project would be research in the area of European judicial and extrajudicial mechanisms for redress in case of violations of HRs committed by EU companies abroad, with a view to drafting several reports showing how well the existing EU norms are adapted to HRs litigation, both in the area of jurisdiction (basically governed by Brussels I) and applicable law (basically governed by Regulation 864/2007 –Rome II-). These reports would then be submitted to European and national institutions with the purpose of lobbying legislators into improving those rules and norms. Research would also be oriented towards creating standards of behaviour for corporations which can be used by courts in civil litigation and by corporations themselves, in due diligence processes. The research methodology would be a comparative analysis of jurisdiction, procedural and substantive rules as well as case law from the countries of origin of most transnational corporations and those corporations whose line of business makes them particularly dangerous (extractive industries, etc). We will also pay special attention to recent litigation developments in the US, the country which has attracted most cases against corporations for alleged HRs abuses.

The second workstream would be training of stakeholders (judges, NGOs, victims, etc) in the studied mechanisms. We would organise training seminars and workshops in several parts of the EU. Finally, we would like to disseminate all this information among a broader public using the internet. We are thinking of making brief podcasts where we can show what the HRs in the field of Business are and how they are to be protected.

COORDINATOR: Ecole Nationale de la magistrature

COUNTRY: FR

TITLE: EU cross-border divorce proceedings: fostering mutual understanding and enhanced cooperation

PRIORITY: MATRIMONIAL

SUMMARY: Marriages between nationals from different EU countries, and/or couples crossing borders to settle in another EU country, have become a reality for an increasing number of EU citizens. According to the most recent EC's statistics, 13% of the marriages pronounced in the EU in 2007 were international, and the same percentage of divorces had an international dimension. Because many of these international couples have assets in several countries, EU legal practitioners should be provided with the relevant knowledge, skills and networks of contacts to better handle the financial dimension of those cases.

With well informed and trained EU legal professionals, this aspect of cross-border divorce proceedings would ultimately be facilitated, and some of the obstacles to the good functioning of cross-border civil proceedings in the Member States removed.

To do so, key national judicial training institutions and legal professionals from different EU Member States (EU MS) decided to build on a previous experience implemented in 2013 - a high level conference held in Paris focusing on the patrimonial effects of transnational divorce - and to develop a new project with enlarged perspectives that would deepen its European added value and enhance the multiplier effect of its outcomes, notably through innovative dematerialised training tools.

The present project entitled 'EU cross-border divorce proceedings: fostering mutual understanding and enhanced cooperation' is led by the Ecole Nationale de la Magistrature (ENM) and is implemented in partnership with: the Polish National School of Judiciary and Public Prosecution (KSSIP), two additional national judicial training institutions from Spain (Escuela Judicial del Consejo General del Poder Judicial) and Romania (Institutul National al Magistraturii), two national Bar Associations (the French Conseil National des Barreaux and the Spanish Consejo General de la Abogacia Espanola), the European Judicial Training Network (EJTN), and the French operator Justice Coopération Internationale (JCI).

Within priority 2.2.2. of the call, promoting 'the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States', the project aims at fostering mutual understanding between EU legal practitioners on matrimonial regimes, on EU cross-border divorce proceedings and on their financial implications, and at enhancing cooperation in this legal field.

The project pursues 3 specific objectives:

- 1) the training of up to 140 EU legal professionals (mostly judges and barristers) at the occasion of two European seminars to take place in Cracow and Paris;
- 2) the production of scientific material on the project topic to be used during the training seminars and then published, when relevant, on the project's website;

3) the set up of a virtual platform to disseminate practical and scientific information on the project's activities and themes, and ensure the sustainability of the project's outcomes beyond its end date.

Participants to the training seminars will be selected through calls for application to be disseminated by the national project partners in their respective countries, and through the EJTN at European level. The scientific and training material will be produced by the project's scientific committee composed of legal practitioners from different EU MS.

COORDINATOR: Lappeenranta University of technology

COUNTRY: FI

TITLE: CFMnet : Towards European Caseflow Management development network - Identifying, developing and sharing best practices

PRIORITY: SMALLCLAIMS

SUMMARY: Delays and process inefficiencies are problems that undermine the functioning of court systems around the world. However, their implications and possible solutions are not very widely understood and agreed upon. The process improvement work in courts, concentrating on reducing delays, has produced a research field surrounding the concept called a Caseflow Management (CFM).

Various countries in Europe have designed and implemented many promising solutions to improve CFM. However, there have not been any systematic efforts to create collaborative approaches to sharing, developing and applying CFM solutions across national borders in Europe. It is obvious that more networks for co-operation and information sharing between different countries and different professional fields are needed in order to design innovative CFM solutions to be utilized and applied across Europe.

The overall objective of the project is to start creating procedures for European co-operation in developing and sharing good CFM practices. The goal is to find methods where expertise across countries and different professional fields can be utilized in this development work. Specific attention will also be paid to the role and the competencies of technical experts in assisting judges in CFM. The first aim is to create a systematic collection of CFM tools, methods and practices – a "European Caseflow Management handbook". The handbook will cover all important areas of CFM (e.g. improvement needs, tools and innovations) and offer suggestions and guidelines concerning the implementation of practical improvement work in courts.

The second aim is to utilize the handbook and develop a permanent platform for exchanging good CFM practices at the European level – "Caseflow Management improvement platform". The aim of this web-based platform is to be a starting point for a wider CFM co-operation network in Europe by fostering, cultivating and developing the connections and relationships among the target group members. The objective of the platform is to facilitate continuous information exchange between countries and interest groups, as well as to promote co-operation in the development and evaluation of CFM solutions and ideas. The idea is to provide the practitioners and researchers responsible for court improvements with concrete solution proposals to be applied and ideas to be studied and developed further.

The tools and procedures designed in the project will help to improve the functioning of different judicial cooperation networks and also in facilitating e-justice communication possibilities through online data exchange. The results will also contribute by providing concrete advice on how to proceed in CFM improvement efforts. The results can be used e.g. in planning and developing new information systems, in preparation of CFM training programs for judges, and to serve as a tool for drafting procedural codes and providing practical examples, with a particular attention to cross-border procedures. The establishment of the CFM websites will provide an opportunity to update good

practices and benchmarking opportunities.

The main methodological approach is to collect good CFM practices from different European countries through workshops, interviews, visitations and literature reviews and to report them in an easily applicable manner. Different information and contact channels will be used to invite users and contributors to the platform. A compact, cross-disciplinary project team will collect the information and prepare the handbook and build the platform. A wide representation of target group representatives will participate and contribute to the project results through key actions and platform. Feedback concerning the handbook and platform will be collected systematically with an evaluation survey during the project. This feedback and possible improvement proposals will be used to improve the usability and content of the handbook and the platform.

COORDINATOR: EUROPEAN EXPERTISE AND EXPERT INSTITUTE (EEEI)

COUNTRY: FR

TITLE: European guide for legal expertise

PRIORITY: EVIDENCE

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SUMMARY: L'IEEE propose d'élaborer un guide de bonnes pratiques de l'expertise judiciaire civile en Europe, destiné à permettre un rapprochement des pratiques de l'expertise judiciaire civile dans les différents Etats membres.

Conscient qu'une harmonisation des règles de procédure civile des 27 Etats membres se heurte à des disparités juridiques, institutionnelles, culturelles et politiques, l'IEEE estime néanmoins qu'une amélioration des pratiques est possible au vu des pistes de convergence définies dans le projet Eurexpertise mené en 2011-2012 et indispensable d'une part, pour aider les professionnels de la justice, de façon pragmatique, à rendre des décisions justes, raisonnables en termes de coût et de délais et au plus près des besoins des justiciables, d'autre part pour renforcer la confiance des acteurs économiques et sociaux dans le processus judiciaire, qui est un outil reconnu de la croissance et de la libre circulation des personnes et des biens au sein de l'Union.

Eprouvée dans des domaines scientifiques variés, la méthode de la Conférence de consensus qui s'appuie sur les compétences et la coopération des professionnels des Etats membres et la confrontation des expériences paraît la plus adaptée pour faire émerger une pratique commune directement inspirée des règles du procès équitable posées par la législation européenne et largement mises en oeuvre par les juridictions européennes.

La rédaction dans ce cadre, par des professionnels des différents Etats membres, d'un Guide de bonnes pratiques de l'expertise judiciaire civile en Europe et sa large diffusion aux acteurs de la justice et de l'expertise judiciaire en Europe contribueront très directement à la résolution des problèmes qui marquent encore les procédures civiles trans-frontières et qui tiennent aux différences d'approche des Etats membres dans le recueil et l'exploitation des preuves en matière civile.

Elles contribueront d'une part à améliorer la qualité de la justice civile en Europe, d'autre part à créer un espace judiciaire unique en garantissant le même traitement à tout justiciable de l'Union confronté à la nécessité de réunir les preuves par la voie de l'expertise quelque soit l'Etat dont dépend la juridiction saisie du litige.

Le format de ce recueil, un Guide rédigé en deux langues (anglais - français) qui pourra être ultérieurement traduit dans toutes les langues de l'Union permettra aux praticiens du droit de rapprocher leurs pratiques dans la perspective d'une harmonisation législative européenne.

JUST/2013/JCIV/AG/4666

Coordinator: Università degli Studi di Milano

COUNTRY: IT

TITLE: Towards the Entry into Force of the Succession Regulation: Building Future Uniformity upon Past Divergencies

PRIORITY: SUCCESSION

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Project manager email: abianca@notariato.it (Alessandra Bianca, Fondazione Italiana del Notariato – co-beneficiary)

SUMMARY: The project is devoted to Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (Succession Regulation).

On the basis of a comparative approach, the activity will focus on the future impact of the Regulation on national legal systems and the related national and European case law with the aim of assessing the changes that the Regulation will introduce to legal practice, arising awareness within the legal professionals (notaries, lawyers and court judges), providing training and disseminating information in order to promote future uniformity in the application of its provisions.

In particular, the activity will consist of

- (i) the study of the domestic legislation of some selected Member States concerning successions;
- (ii) the collection and analysis of national case-law applying domestic private international law rules;
- (iii) the analysis of the Regulation's provisions on jurisdiction, applicable law and recognition and enforcement of decisions;
- (iv) the interaction of the above rules and case-law with the provisions regulating connected issues such as matrimonial property regimes and donations;
- (v) the evaluation of the requisites, content and effects of the European Certificate of Succession in the Member States;
- (vi) the preparation of case studies and training materials based upon prior national case-law but adapted to the Regulation's provisions to be used in seminars directed to the legal professions in various Member States;
- (vii) the preparation, under the responsibility of the University of Genoa, of questionnaires to be distributed to practitioners in the involved Member States;
- (viii) the editing by the University of Milan of a volume providing a commentary of the Regulation ("the Study"), that will offer a comprehensive – academic and practical – analysis of its provisions and

possible application;

(ix) the preparation by the Italian Foundation for Notaries of a "practice paper" based on the outcome of the discussion of selected case-law during the conferences and seminars, as well as during the sessions dedicated to the best practices exchange, and, as main focus,

(x) the organization, under the responsibility of various partners, of two conferences and three seminars.

(xi) A best practices exchange session will follow each of the seminars under (x).

Specific focus will be devoted to the monitoring and the evaluation of the project, mainly through, as to the internal point of view, the Project Management Guidelines and the Small Evaluation Report on questionnaires distributed at the end of all training sessions, while, as to the external evaluation, through mid-term and final evaluation reports elaborated by the partner EIPA.

The project will take advantage of a network of academics and practitioners (lawyers and notaries), based in various Member States bound by the Regulation, to be coordinated by the University of Milan, with the support of the Italian Foundation of Notaries, as well as of the Universities of Genoa and Munich. In particular, the Italian Foundation will guarantee the constant interaction with the Spanish Consejo General del Notariado and the Romanian Notarial Institute, both partners of the project, as well as with further points of contact in other EU countries (Belgium, France, The Netherlands, Germany), who will contribute the domestic law and case-law input and cooperate in the organization of the seminars during the training and dissemination phase.

The consortium further plans to conduct research and some field work employing some quantitative research methods.

COORDINATOR: Avvocatura per i Diritti LGBTI

COUNTRY: IT

TITLE: Litigious Love: Same-Sex Couples and Mediation in the Europe

PRIORITY: MEDIATION

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The present project aims at broaden the mutual understanding among judges, lawyers and mediators in the area of dispute resolution mechanisms involving same-sex couples in selected jurisdictions of the European Union, and attempts to answer the following three questions:

To what extent is mediation used by same-sex couples to resolve intra-family disputes?

Which are the main differences between mediation involving opposite-sex partners and disputes between same-sex partners?

Which are the restrictions to trans-national enforcement of judgments, and mediation agreements involving intra-family disputes in same-sex couples?

In order to answer these questions the project has four main objectives.

First, the project will look at manner in which intra-family disputes, including cross-border disputes, are resolved through mediation paying attention to the manner in which judges encourage the use of mediation, and on the techniques used by the mediators. In this case, through the analysis of selected issues such as legal provisions of family mediation; compulsory mediation; power imbalances between the disputants during mediation; style and role of family mediators, and involvement of children, particular emphasis is posed on investigating whether there are differences between same-sex and opposite-sex couples.

Secondly, the project will consider to what extent and in what ways differences in the legal recognition of same-sex unions affect the transnational recognition and enforcement of judgments and mediated agreements regarding dissolution and family disputes insame-sex couples.

Third concern is given to disputes on sexual orientation between opposite-sex couples and the manner in which such disputes are resolved.

Final purpose is sharing knowledge and expertise on mediation techniques, and issues related to intra-family disputes in same-sex couples.

The methodology of the project is based on a participatory approach applied through research. The project will produce the following outputs:

- one comparative research analyzing issues regarding mediation adopted by same-sex couples to resolve intra-family disputes, and related domestic, and trans-national enforcement of mediated agreements;

- one international training for legal professionals and mediators on intra-family disputes based on

sexual orientation and related resolution;

- three national trainings for judges, practitioners, and mediators related to mediation techniques in the area of intra-family disputes involving same-sex partners;

- one final conference.

As far as deliverables are concerned the project will produce:

- a book on the issues addressed by the research;

- one handbook for legal practitioners, and mediators on mediation and same-sex couples;

- conference proceedings.

The dissemination strategy will pay attention to the publications, e-mailing, and trainings.

The beneficiaries of the project are mainly legal professionals, mediators, and same-sex couples in EU.

Based on both Brussels IIA Regulations, and Directive2008/52 the project breaks new empirical and conceptual grounds, and proves significant as:

- a) the first comparative socio-legal study of the use of mediation in intra-family disputes, and related issues, between same-sex partners in the European Union;

- b) development and promotion of trainings for judges, lawyers, and mediators on issues related to intra-family disputes and dispute resolution mechanisms involving same-sex couples;

- c) endorsement of exchange of information, best practices and networking within the EU in the area of family mediation, including cross-border cases;

- e) the first comparative analysis of conflict of law with specific regard to the transnational enforcement of judgments and mediated agreements in cases of intra-family disputes in same-sex couples.

COORDINATOR: Frank Bold Society

COUNTRY: CZ

TITLE: Civil Justice in the Context of Transnational Business Activities and Human Rights

PRIORITY: ACCESS

SUMMARY: The project aims to improve access to civil justice in the EU for victims of human rights abuses related to activities of European multinational enterprises in developing countries. The project focuses on disseminating information on access to civil justice in this context and building EU and national expertise for implementation of the UN Guiding Principles of Business and Human Rights and enhancement of the European area of civil justice.

Victims of such abuses often find that access to justice in their country is limited due to corruption, low standards of legal protection, lengthy trials, or lack of enforcement. According to the Brussels I Regulation on jurisdiction and the recognition and enforcement of judgments in civil matters, civil claims can be brought in EU Member States against any legal person domiciled in their territory. However, many practical and legal issues persist and litigants face difficulties in accessing justice in the EU. The EU and its Member States are committed to implementing the UN Guiding Principles on Business and Human Rights that were unanimously endorsed by the UN Human Rights Council in June 2011. They affirm that States should ensure the effectiveness of their judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.

The objectives of the project include:

1. Disseminating the findings of the report " The third pillar : access to judicial remedies for human rights violation by transnational business" and allowing an exchange of expertise and best practices amongst legal practitioners, NGOs, and policy-makers from the EU and Member States.
2. Advancing relevant legal professionals', NGOs', and policy-makers' knowledge and understanding of legal and institutional frameworks in Europe pertaining to civil justice in the context of business and human rights.
3. Catalysing a high level debate in the EU and its Member States about the desired actions to implement the third pillar of the UN Guiding Principles on access to remedy in the European area of civil justice.

The project will achieve these objectives by organising a series of high-level roundtable conferences gathering relevant legal professionals, NGOs, and policy-makers in the UK, France, Germany, and at the EU level. These events will disseminate the results of an on-going research project coordinated by the applicant that explores EU and domestic legal and institutional frameworks, including opportunities and obstacles, pertaining to access to judicial remedy in the business and human rights context. Participants will discuss tangible activities to support EU and domestic policy-makers' efforts to implement the access to remedy pillar of the UN Guiding Principles on Business and Human Rights. The final output will be a recommended action plan, which will explore activities relating to reform or clarification of desired applications of existing EU and domestic law, in particular in area of

private international law and civil procedure, and capacity building. In addition, the conferences' conclusions will be discussed with target groups at smaller meetings in a number of other EU countries. Information dissemination will take place through collaboration with the UN Working Group on Business and Human Rights, the Business and Human Rights Resource Center, and civil society organisations.

Partner organisations include Association Sherpa, the European Center for Constitutional and Human Rights, the Corporate Responsibility Coalition, and the European Coalition for Corporate Justice. Key experts are Olivier de Schutter, Professor at the University of Louvain and at the College of Europe, and UN Special Rapporteur on the right to food, and Robert Gordon McCorquodale, Director of the British Institute of International and Comparative Law and Professor of International Law and Human Rights at the University of Nottingham.

COORDINATOR : Institute of Judicial training

COUNTRY: BE

TITLE: Cooperation between members of the judiciary and other actors dealing with cross-border insolvency proceedings

PRIORITY: INSOLVENCY

SUMMARY: This project is conceived for judges (both professional and lay judges), prosecutors, liquidators and lawyers from the EU Member States. It aims at improving mutual understanding and exchange of information and practices among these legal professions and their practitioners. It will also strengthen the cooperation and mutual trust between stakeholders of cross-border proceedings, and therefore support economic recovery and prevent redundancy.

The specific objectives are

- (1) to provide or update essential knowledge about international and EU legislation and the instruments available to deal with insolvency proceedings;
- (2) to exchange experiences and good practices in seeking to deal efficiently and effectively with insolvency proceedings;
- (3) to identify problems and to find tentative solutions;
- (4) to provide practical information about deployment of the latest legal instruments for cooperation in the context of dealing with insolvency proceedings, and
- (5) to engage in reflection on the pattern of improvement of cooperation between members of the judiciary and other actors dealing with insolvency proceedings.

The project comprises in particular the organization of two training seminars (the first one in Belgium, the second one in France) and the creation of a project's website.

Although focusing on the major commercial partners of Belgium and France, members of the judiciary and other actors in cross-border insolvency proceedings from all EU Member States will have the possibility to take part in the training activities and have access to the project's website.

This project will train about 200 legal professionals from EU Member States in the field of cross-border insolvency proceedings. It will improve their confidence and cooperation skills, at the national and EU levels.

At the middle of this project, the conference and its workshops will give the participants the opportunity to better understand each other's legislation, to identify best practices in EU Member States and to learn how they can communicate with each other in the most appropriate way.

Both France and Germany have adopted in 2012 new legislation on insolvency proceedings, and Belgium is preparing the introduction of an electronic dossier for the handling of insolvency proceedings. It will be very interesting to compare the recent legal initiatives and experiences of

several EU Member States, in particular how electronic declarations are made and dealt with.

A project's website will be created ahead of the conference to share training material (including major legal texts, relevant case law and practical cases) with the participants. The website will be accessible to all participants during the project's implementation phase. After the training activities, it will be shared at the EJTN level and on the IGO website after completion of the project to ensure the sustainability of the project's results. At that moment, it will be accessible to all members of the judiciary and other actors dealing with cross-border proceedings. This training can lay the foundation stone of a network between EU stakeholders in charge of the insolvency proceedings of multi-national companies and build the capacity of the existing network of liquidators in the EU.

COORDINATOR: Max Planck Institute Foundation

COUNTRY: LU

TITLE: The Implementation of the New Insolvency Regulation – Improving Cooperation and Mutual Trust

PRIORITY: INSOLVENCY

SUMMARY: The project shall address the interwoven issues of cross-border insolvency proceedings under the reformed EIR, ranging from pre-insolvency proceedings to closely coordinated main and secondary proceedings and to the coordination of parallel insolvency proceedings within a group of companies.

The proposed amendments of the EIR will considerably change the general framework of cross-border insolvencies in the EU, as the restructuring of struggling businesses will be a major objective, along with the improved coordination of parallel proceedings (involving either a single debtor or companies within a group). Accordingly, the proposed three research areas are closely interrelated:

The extension of the scope of the EIR allows for the coordination of parallel proceedings at an early stage of the insolvency;

the improved coordination of main and secondary proceedings is used as a template for the coordination of insolvencies within groups of companies.

The proposed project shall comprehensively address the main changes of the EIR by providing for a dialogue between the main stakeholders involved in the process of its implementation.

1. Cross-border insolvency proceedings require the efficient administration of the debtor's assets located in different jurisdictions. Under the EIR, secondary proceedings may be opened with the aim to protect local creditors. The new Regulation will foster the cooperation between main and secondary proceedings, nevertheless, national insolvency laws will still apply to each individual proceeding, so that coordination may prove difficult. The project will explore how the new EIR will affect cooperation between main and secondary proceedings.

The new rules will further integrate the proceedings in different Member States, but the outcome of complex liquidations or restructurings will crucially depend on the effective adoption of new devices such as protocols and synthetic proceedings. The research will identify the key determinants, including best practices that practitioner may adopt, for a successful coordination between liquidators and courts.

2. The proposed applicability of the EIR on types of proceedings which provide for the restructuring of an estate or leave the existing management in place (pre-insolvency and hybrid proceedings) requires an assessment of the impact of such an extension on the functioning of the overall system of the EIR becomes of relevance in order to verify whether it meets the needs of mutual confidence among Member States in this matter.

A survey of the pre-insolvency and hybrid proceedings under the domestic insolvency laws and an analysis of their functioning in cross-border cases become necessary in order to face the challenges they involve in respect of the relevant grounds of jurisdiction, the coordination of insolvency

proceedings and the recognition of judgments opening the proceedings, as well as of any further judgment.

3. The new provisions on the insolvencies of international groups of companies will result in an intensified international cooperation in the liquidation or reorganization of companies belonging to such groups. As a consequence, issues of national company law will become even more important in EIR practice.

It is therefore highly important to develop a better understanding of the differences and common principles of national laws in this respect. The focus will be on conflicts of laws issues (delineation between the applicable corporate law and the *lex fori concursus*), corporate governance in insolvency situations (in particular with respect to restructuring plans) and liability issues (distribution of proceeds between creditors of different group companies, claims of one group company's liquidator against another etc.).

NAME: Child Focus

COUNTRY: BE

TITLE: Mediation during enforcement struggles in cross-border family litigation

PRIORITY: ENFORCEMENT

SUMMARY:

1. History: In 2010 Child Focus, MiKK, KULeuven and Centrum IKO set up a partnership to create a Training in International Family Mediation for European mediators. Two training sessions were organized in 2011 and 2012. In June 2012, the EU-NIM network was launched.

More information on this Network on the EU-NIM website: www.crossbordermediator.eu. The Network is currently envisaging the creation of an independent legal structure. Furthermore, the Network wants to set up a European communication strategy.

2. Objective: This project proposal has two main objectives:

1) To offer concrete solutions for problematic enforcement of judicial decisions in cross-border family conflicts by creating a specific mediation method and by training mediators in our existing Network (EU-NIM)

2) To raise awareness amongst professionals dealing with enforcement problems in cross-border family court decisions (judges, lawyers, law enforcement officers, central authorities, solicitors, bailiffs and other legal practitioners) for this mediation method and to encourage them to use mediation in these concrete cases.

3. Priorities: The EU commissioner for Justice, Viviane Reding, when recently presenting the EU Justice Scoreboard, stated that enforceable justice decisions have a key impact in making a country an attractive location. Furthermore, enforcement is withheld as one of the priorities in several areas of this action grant call. This clearly proves the need for measures and concrete solutions in this specific stage of the family conflict. Enforcement of decisions is of vital importance in the creation of a genuine European area of justice in civil matters. EU-NIM believes that mediation can play an important role in assisting law enforcement officers and legal practitioners to assure enforcement of judicial decisions. Mrs Vivian Reding supports this viewpoint by choosing mediation as one of the three priorities in the first EU Justice Scoreboard. Lastly, one of the priority areas of this call is the improvement of contacts, exchange of information, best practices and networking between legal, judicial and administrative authorities and the legal professions. This project proposal has the aim of bringing together all these professional groups by organizing training and information exchange in the specific area of problematic enforcement of court decisions in cross-border family conflicts.

4. Activities: Creation of the mediation method

-defining the problem

-defining legal and other problems related to the issue of cross-border enforcement problems in family

matters

-steering committee meeting with experts from our target group (mediators, judges, lawyers, prosecutors, bailiffs, Central Authorities)

-literature study

-development of the mediation method and training concept.

-steering committee meeting: evaluating the mediation method and training concept

Training for mediators

-2 Training sessions for the mediators of the existing EU-NIM network

Awareness raising

-Seminar organized for the intermediary target group of legal professionals to inform, exchange information and best practices and to encourage networking between the target group and the mediators.

5.Partnership

-Applicant: Child Focus

-Partner: MiKK

Associate partners:

-Asociación Madrilená de Mediadores – Spain

-Family Mediation Centre – Greece

6.Project duration

This project will be realized in 12 months:

Month 1-6: development of the mediation method

Month 7: training for mediators

Month 8-12: awareness raising seminar

JUST/2013/JCIV/AG/4684

NAME: Middlesex University Higher Education

COUNTRY: GB

TITLE: Understanding Justice

PRIORITY: MEDIATION

Contact email : b.townslay@mdx.ac.uk

SUMMARY: The overarching objectives of the project are:

- to adapt the existing corpus of knowledge and practical recommendations for Legal Interpreting and Translation (LIT) in the Criminal Justice domain to the delivery of LIT in the Civil Justice domain

- to create and disseminate knowledge to judicial staff and practitioners, interpreters practising in the Criminal Justice domain and EU citizens about best practices in interpreting and translation in civil justice proceedings. This will include investigation of the role of bilingual judicial professionals.

The project will carry out the following actions:

i.) Evaluation of the EU acquis and other legislation relevant to the provision of interpreting and translation in Civil Justice proceedings.

Beneficiaries: EU policy makers, judges, prosecutors and lawyers.

Outputs: a descriptive analysis of legislation at EU level relevant to LIT in the Civil Justice domain, contained in a chapter in the project publication.

Methodology: research and evaluation by an EU law expert.

ii) Evaluation of how the corpus of work completed in successive DG Justice funded projects (Aequitas, Aequalitas, Status Quaestionis, Building Mutual Trust 1 and 2, Avidicus 1 and 2, EULITA, ImPli, TRAFUT, Qualitas and Quaetra) on LIT in Criminal Justice can be adapted for Civil Justice proceedings.

Beneficiaries: as above (i).

Outputs: evaluation results and recommendations contained in a chapter in the final project report.

Methodology: research and evaluation by key players in the Criminal Justice projects outlined above.

iii) Development of a methodology for qualified LITs in the Criminal Justice sector to self-assess their competencies against the requirements of interpreting in the Civil Justice sector.

Beneficiaries: qualified LITs with experience of the Criminal Justice domain

Outputs:

I. guidelines on the principles behind self-assessment, including how to undertake a self-assessment

exercise, interpreting its findings and using findings to inform CPD planning

ii. self-assessment materials including ‘can-do’ statements, questionnaires and checklists

iii. website and video recorded online materials for the above

Methodology: preparation of the guidelines and materials by an expert in self-assessment methodologies, design and preparation of the online video materials.

iv) research into the provision of interpreting in mediation and alternative dispute resolution and the use of bilingual mediators. The linguistic and communicative landscape of mediation is different from that in other judicial domains. This work stream will examine the particularities of interpretation in mediation encounters. It will also examine the implications and possibilities for the use of bilingual professional mediators when working across language and culture in mediation encounters.

Beneficiaries: Alternative Dispute Resolution practitioners, LITs

Outputs: research results and recommendations contained in a chapter in the final project report

Methodology: interviews with mediation practitioners and interpreters, presentation of findings and recommendations

COORDINATOR: ERA

COUNTRY: DE

TITLE: Using EU Civil Justice Instruments: Development of training materials and organisation of test seminars

PRIORITY: BRUSSELS I

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SUMMARY: The Academy of European Law (ERA) – together with 16 national judicial training bodies and bar associations (hereinafter “Partners”) – proposes implementing a project regarding European legislative instruments for cross-border cooperation in civil matters. The main objective is to develop training materials to aid legal practitioners to actively apply the EU acquis in the area of Civil Justice.

The training materials will cover the following topics (hereinafter "Topic" or "Topics"):

- “Cross-border civil litigation”: Brussels I Regulation and the legislative instruments facilitating the handling of cross-border cases, such as taking of evidence and service of document
- “European cross-border procedures”: Brussels I, European Payment Order, European Small Claims Procedure, European Enforcement Order
- “Conflict of laws”: Rome I and Rome II Regulations.

The training materials will consist of comprehensive case studies. 3 case studies per Topic (i.e. 9 case studies for the whole project) will be drafted by renowned EU experts (hereinafter “EU Experts”). Each case study will encompass the case scenario, the suggested solution and some methodological advice for using the case. The case studies will be available in English, French and German from the beginning. The 3 case studies developed per Topic will be conceived in a way to be used in the context of a 1.5-day seminar.

Once developed by the EU Experts, the materials will be presented and discussed with national experts/judicial trainers – appointed by the Partners in light of their expertise in the EU civil justice instruments (hereinafter “National Experts”) – in the framework of a 2.5-day coordinating meeting in Trier. The objectives of the coordinating meeting are to familiarise the National Experts with the content of the materials, to conduct a first evaluation of the developed case studies and to equip the National Experts with a framework for the organisation of future national training in the areas covered by the project.

Testing, evaluating and improving the training materials in real conditions will be ensured in the next phase of the project: the organisation of a series of test seminars. 23 interactive 1.5-day test seminars aimed at up to 30 participants each will be organised throughout Europe. In order to ensure a widespread reach and use of the materials, the tests seminars will be twofold:

- 20 national test seminars – they will be organised by the Partners under the supervision of their National Expert(s) and with the support of ERA. They will be held in the language of the hosting

Partner. They will on the one hand allow for testing the materials with judges/lawyers at a purely national level and on the other hand enrich the training materials by adding translations in 11 official EU languages.

- 3 pan-European test seminars – they will be organised in Trier at the ERA premises and be open to all legal professions from all over Europe. They will offer the opportunity to implement the training materials in a genuine European context.

All in all, the test seminars will offer ca. 650 legal practitioners from all over Europe innovative and in-depth training of some of the main topics in the area of EU civil justice. At the same time the seminars' evaluation, which will be conducted by the participants, the National Experts and the ERA team, will ensure the continuous review and improvement of the training materials.

All available language versions of the materials will be uploaded on the project's webpage. This webpage will also include an online platform which will function as a discussion forum for the exchange of experiences from the implementation of the test seminars available to all National Experts. The training materials will also be disseminated to all interested training institutions for future use through EJTN, thus increasing the circle of beneficiaries and ensuring the sustainability of the project.

COORDINATOR: Ministry of Public Administration and Justice

COUNTRY: HU

TITLE: Mediation in unlawful international child abduction cases

PRIORITY: MEDIATION

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SUMMARY: The Department of Private International Law of the Ministry of Public Administration and Justice of Hungary elaborated the basic concept concerning the introduction of mediation to be applied in unlawful international child abduction cases in 2012 which was the year of child-friendly justice in the activities of the Ministry.

During this work, we acquired information on the mediation systems used in several EU Member States.

While elaborating our concept, we came to the conclusion that a cross-border EU call for proposals published by the Commission would provide for the possibility for justice experts and experts of EU Member States participating in the project to get to know the already existing good practice of mediation applicable in unlawful child abduction cases and to draw up a document, on the basis of these good practice they got to know, that would create a single basis in a wider circle, in several Member States for the introduction of mediation applicable in unlawful child abduction cases and for the establishment of the framework of services.

It is well known that the Hague Conference on Private International Law published its Guide to Good Practice on mediation under the Hague convention of 25 October 1980 on the Civil Aspects of International Child Abduction in 2012. This Guide recommends that States take all appropriate measures so that mediation may be implemented in such cases. The same requirement was formulated by the European Commission when it established a working group on mediation within the European Judicial Network. The Ministry of Public Administration and Justice of Hungary wishes to contribute to this work through the project it drew up.

In the past few years, Hungary had to face a tremendous year-by-year increase of unlawful child abduction cases and recognized the need for introducing alternative dispute resolution beside the mechanisms already in place. That is what the clients addressing us, and most importantly, also the children concerned being the most vulnerable require.

At this point, it is important to mention that during contacts with experts, we were presented an overall view on mediation as a method of dispute settlement. One can reasonably inquire to what extent respecting mediated agreements between the parties is relevant. According to the experience of experts, 85-90 per cent of mediated agreements are respected by the parties and an inadequate implementation of an agreement only occurs in 10 per cent of the cases.

The experts of all EU Member States will be invited to the opening and closing conference/seminar of the project (1-1 expert per opening and closing conference) in order to provide appropriate occasions at EU level to share the information on their national legislation, experiences and best practices.

One of the most important goals of the project is to elaborate a training material (manual) during the project which will represent a clear added value allowing those working in this area or planning to work in the future to acquire appropriate knowledge and practical methods on the basis of best practices of the Member States.

COORDINATOR: Universidad di Salamanca

COUNTRY: ES

TITLE: Online mediation in cross-border civil and commercial matters in the European union:
EMEDEU

PRIORITY: MEDIATION

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SUMMARY: The central idea behind EMEDEU project is the development of a prelegislative proposal for the improvement of the effective electronic mediation in cross-border civil and commercial matters at European level, laying the groundwork for future real application of the European rules about ODR and legal study and design of the “European Code of Conduct for electronic mediators”.

Directive of the Mediation does not develop the procedural aspects of electronic mediation, since today Directive ADR and ODR Regulation applies only to consumption. For this reason, the main objective of the project aims to establish the legal basis for cross-border electronic mediation, from legal, organic and structural perspective in order to serve to complement the future EU regulation about Alternative Dispute Resolution Online (ODR), which is scheduled in 2015 (expected end-date of EMEDEU project). This way thus provide an effective and accessible, fast, lower cost and timeless option that the judicial process, and will directly benefit the governments, the administration of justice, citizens and businesses; without weakening the guarantees of access to justice.

EMEDEU project will take place through different cross-cutting activities:

- a) Approach and analysis on the feasibility of electronic mediation in the legal context of the EU to resolve cross-border disputes in civil and commercial matters (each of the Universities and research centers involved in the project)
- b) Kick-off, Progress and Final Meetings: in which will be established the work plan, follow-up of the project and presenting the results obtained through the research of its members. At these events will be invited to participate outside experts to submit their proposals and reviews about the results of the project.

EMEDEU project is highly relevant to public authorities of Member States of the European Union, as well as for businesses and citizens, because involves offering a faster and less expensive out-of-courts cross-border dispute resolution system than currently available and as in a perfect new approach to the development of new technologies

EMEDEU project will provide (as expected results):

- 1) Concrete effective and achievable proposals involving the establishment of cross-border electronic mediation in civil and commercial as an EFFECTIVE out-of-court conflict resolution system in the field of administration of justice in the European Union, with full legal and procedural safeguards.
- 2) Development of a legal model about the future ODR European legislation as solvent and accessible

resource for dispute resolution, thanks to DEVELOPING A PRELEGISLATIVE PROPOSAL aimed at optimizing the electronic mediation procedures at European level, reporting immense BENEFITS to ADMINISTRATION OF JUSTICE at the European level; as envisaged in the ADR Directive.

3) Design of “European Code of Conduct for electronic mediators” (e-mediator), which establishes the rules and performance requirements of electronic mediator’s and mediation institutions’ in cross-border cases, as well as their skills, rights, obligations and responsibilities.

EMEDEU project will formalize a number of public documents in the form of scientific publications and public reports containing the results of research carried out by consortium’s members in the end of the project.

The consortium integrates FIRST LEVEL SCIENTIFIC EXPERTS from Universities of different Member States of the EU (Spain, Portugal, UK, France and Italy) that came from countries with different levels of development in the application of mediation as an ADR in private law, and even with different legal systems, to try to bring together the different sensitivities of the various legal traditions of the European Union Member States and thus provide a best comprehensive picture of the problem as possible.

JUST/2013/JCIV/AG/4691

COORDINATOR: Ministry of Justice of Latvia

COUNTRY: LV

TITLE: The Court of Justice of the European Union and its case law in the area of civil justice

PRIORITY: OTHER

SUMMARY:The Project is aimed to remove the obstacles of genuine EU civil justice area by analysing implementation and adaption of EU legislation in civil justice area in national legislation and promoting the relevance and application of the case law of the CJEU in national judgements and legislation. Additionally the goal is to improve the contacts, exchange of information and best practices between judicial and administrative authorities focusing on practical training of application of case law of the CJEU in civil justice area.

The project will address all legislative instruments in civil justice area. Three sets of activities planned within the Project will involve study visits and mutual learning, a research and a conference with practical training of representatives from national judicial authorities. During the Project teams of experts and researchers will produce two extensive documents - guidelines/recommendations and a research aimed to fulfil the goals of the Project. The first document would be produced after study visits to national administrative and judicial authorities and will contain guidelines and recommendations on the most effective methods of implementation and adaption of EU legislation in national legislation. The research will focus on influence and application of the CJEU judgements in civil justice area in national judgements, national legislation and work of national judicial and administrative authorities.

The conference that is planned as the third activity will be three days long event with a busy agenda including presentations of relevant developments of CJEU case law in civil justice area, presentations of both documents mentioned before and complicated case studies.

Overall the results of the Project will be useful to everyone involved in interpretation, implementation, adoption and application of the EU legislation and case law of the CJEU in civil justice area.

The Applicant of the Project is the Ministry of Justice of the Republic of Latvia. The Project will be implemented in partnership with the Ministry of Public Administration and Justice of Hungary as a Co-beneficiary partner, the Ministry of Justice of the United Kingdom, the Federal Ministry of Justice of the Republic of Austria, the National Office for the Judiciary of Hungary and the University of Latvia as Associate Partners.

The beneficiaries of the Project are national judges, academic and scientific personnel, national authorities and citizens of the EU.

The result of Project will provide information on current situation in civil justice area, guidelines and practical training; therefore the outcomes would be useful to everyone involved in interpretation, implementation, adoption and application of the EU legislation and case law of the CJEU in civil justice area.

COORDINATOR: La Sapienza

COUNTRY: IT

TITLE: The Europeanization of Private International Law of Successions

PRIORITY: SUCCESSION

SUMMARY: The project aims to provide an in-depth analysis of the advantages and challenges inherent in the Europeanization of private international law in the field of successions.

The subject has recently formed the subject of EU Regulation No. 650 of 4 July 2012 concerning jurisdiction, applicable law and the recognition and enforcement of decisions and the acceptance and enforcement of authentic instruments in matters of succession, as well as the establishment of a European Certificate of Succession.

The said Regulation, though formally in force since the usual delay of twenty days from its publication in the Official Journal of the European Union, will apply, according to the general rule posed by its Article 83, par. 1, to the succession of persons deceased from the 17th August 2015 onwards.

Accordingly, the project proposes to provide the prospective users of the new private international law regime introduced by the Regulation, and among those namely notaries, judges, holders of public records and lawyers in private practice, with a timely guide in respect of the most significant and problematic aspects of the rules as embodied in the Regulation, taken of their own and in coordination with other applicable legal rules, as contained either in other Regulations or different instruments adopted by the EU institutions or in international conventions of which any of the Member States are parties.

The project is based on a partnership involving five organizations, consisting of the Law Departments of five major Universities located in IT, DE and ES, featuring academic staff highly specialized in the field of Private international law, each of them proposing to study an aspect of the rules embodied in the Regulation.

The relevant aspects can be broadly identified as those concerning jurisdiction and the enforcement of judgments in succession matters, to be dealt with by the research unit located at the University of Macerata, those concerning the applicable law, to be dealt with by the research unit located at the University "Carlos III" of Madrid as well as by the Coordinator at the University of Rome "La Sapienza", and those concerning the circulation of official documents as among the Member States as well as the creation of a European Certificate of Succession, to be dealt with by the research units located at the University of Bologna and at the University of Koeln respectively.

"La Sapienza", acting as Coordinator organization, will provide through its academic staff guiding the project the overall guidance of the research activity and organize periodical meetings with the staff of the Partner organizations participating in the project in order to organize the collection of data and provide for an exchange of views among the participants in order to ensure proper coordination and provide reciprocal input in the elaboration of the collected data.

Due account will be taken, in the collection of data, of the results achieved in previous studies and projects, such as the study provided by the German Notary Institute in 2004 and, more recently, by the

"Europe for Notaries" project, financed under Call for proposals JUST/2011-2012/JCIV/AG.

The studies carried out by the various organizations participating in the project will lead to the publication of a comprehensive commentary of the Regulation, intended to provide a thorough analysis of the rules contained in it, conceived both for a scientific and a professional environment and published in English with a leading publisher in the field.

An international conference will be convened to present the Commentary and discuss publicly the issues addressed during the work leading to its publication, in order to ensure adequate dissemination of the results achieved.

Ideally, the publication of the Commentary and the Conference should take place shortly before the Regulation will become applicable, by end July 2015 at the latest.