European judicial network in civil and commercial matters

Civil law at your fingertips

Welcome to our website, a new initiative to make access to justice easier for all Europe's citizens
Europe Direct is a service to help you find answers to your questions about the European Union

Freephone number (*)

00 800 6 7 8 9 10 11

(*) Certain mobile telephone operators do not allow access to 00 800 numbers or these calls may be billed.

European Commission
Civil law at your fingertips

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Whether we are getting married or divorced, signing a contract, buying or renting a house, starting a new job or going on holiday, civil law has an impact on our everyday life which we cannot afford to ignore.

But finding out exactly what our rights are – and having them enforced – is not always easy, especially when we are dealing with a foreign country. That is where our website can help.

Go to:

http://ec.europa.eu/civiljustice

for answers to (almost) all your civil justice questions.
Civil law at your fingertips

The website is managed by the European Commission, which works closely with the Member States of the European Union to update it regularly. It contains a wide range of useful information on European, national and international law.

Why we need a civil justice website

Trade in goods and services between the EU Member States has expanded in recent years and a growing number of ordinary people are holidaying, doing business, studying, marrying or simply going to live and work in another Member State.

The result is an increasing number of situations involving people living in different countries. That means greater potential for cross-border legal disputes.

So while you still need to be familiar with the law of the country you live in, it is worthwhile knowing something about the law of other countries too. What is more, European law, and even international law, have an increasing impact on our everyday lives. You might as well get to grips with these new international legal rules and regulations now.

A little history

In autumn 1999 the European Council met in the Finnish city of Tampere to start work on a European law-enforcement area. The Heads of State or Government stressed that ordinary
people and businesses should not be prevented or discouraged from demanding their rights just because the legal and administrative systems of the Member States were incompatible or too complex.

They called on the European Commission to put forward initiatives in several areas of civil law cooperation, including access to justice. In particular, the European Council recommended setting up a user-friendly information provider which would be administered and updated by a network of competent national authorities.

**The European judicial network in civil and commercial matters**

The European judicial network was set up in 2001 by decision of the Council of the European Union, on a proposal from the Commission. Its main objective is to help people involved in civil and commercial disputes with a cross-border dimension, that is, where more than one Member State is involved. So the network is mainly designed to promote and improve judicial cooperation between the legal systems in the Member States.

**A forum for the exchange of information and experience**

The network consists of representatives of EU Member States who meet several times a year to discuss aspects of judicial cooperation in civil law in Europe and exchange information/experience. For instance, they look at how European laws should be implemented in practice or how the authorities of different countries can resolve cross-border disputes efficiently.

The network’s members also swap information on their national legislation and legal procedures at meetings or informally. The Commission facilitates this by providing an electronic communications system.
An Internet site designed for the general public

The Council decision to set up the network also provided for the website to be created and indicated broadly how it should work. The website aims to provide an overview of national systems in the civil and commercial law field. However, it is certainly not a substitute for legal advice or the assistance of a lawyer.

Contents of the website

When the website first went online, it covered 18 civil and commercial law topics. Others will gradually be added. The 18 topics covered are as follows:

**LEGAL AID**

If you cannot afford legal advice before starting proceedings, or pay for a lawyer to represent you in court, you can apply for legal aid.

But the conditions attached to legal aid, and the forms it takes, often vary from one country to another. European law provides for a number of safeguards if you apply for legal aid in a Member State other than the one in which you live.

**DIVORCE**

Divorce dissolves the ties of a marriage which can lead to a range of legal problems. For that reason, certain procedures must be followed before a divorce can be granted. This section sets out the relevant national and European rules.

**PARENTAL RESPONSIBILITY**

When parents live together, they usually share responsibility for their children. But if they divorce or separate, decisions must be made on how this responsibility is to be exercised in future and, above all, on matters such as where children are to live and how they are to maintain contact with each parent.
**Maintenance Claims**

Family members are generally required by law to help each other: parents must look after their children; children must care for their parents if the need arises, and divorced people may be required to provide for their ex-spouse, usually in the form of maintenance payments, if he or she has custody of the children. Details of the various applicable rules are given in this section.

**Compensation to Crime Victims**

This section offers crime victims practical advice on how to get compensation for loss or injury.

**Bankruptcy**

Here we take a look at the national, European and international rules which are there to protect creditors when a company goes bankrupt.

**Alternative Dispute Resolution**

If you cannot settle out of court, obviously you could start legal proceedings, but equally you might look at alternative forms of conflict resolution such as mediation or conciliation.

**Jurisdiction of the Courts**

Before starting legal proceedings, you need to know which court is competent to hear your case. This is not always obvious and things become even more complicated if the dispute has an international dimension.

This section points you in the right direction.

**Organisation of Justice**

All Member States have a range of courts and tribunals, all with specific competences. Our website helps you understand how the justice system is organised in each Member State.

There are also European and international courts.

**Bringing a Case to Court**

This section explains how you bring a case to court. These procedural rules are designed to help you present your case to the court in a way that is clear and thorough and will enable the court to examine your case effectively.

**Legal Professions**

If you are involved in a dispute with another person and one of you decides to bring the case to court, you will have to deal with various members of the legal professions, such as judges, public prosecutors, lawyers, clerks of court, enforcement officers, etc.

The part played by these professions in the legal process often varies signifi-
cantly from one country to another. Here we explain what this means in practice.

**Simplified and Accelerated Procedures**

All Member States are trying to set up specific procedures to simplify and speed up the legal process. Undisputed debts or debts involving small amounts are examples where fast-track procedures apply.

**Service of Documents**

To commence and during a court case, parties are required to send each other judicial documents. You need to follow the correct procedure right from the start. Our website can help.

**Taking of Evidence and Mode of Proof**

In legal proceedings, where matters of fact are disputed, the parties are normally required to provide evidence to support their case. All the Member States have rules on the taking of evidence which are designed to help the judge determine the facts of a case as accurately as possible. Details are provided in this section.

**Interim Measures and Precautionary Measures**

You want to be sure that, by the time the case is over, the other party has not had himself declared bankrupt or moved his assets while the case was going on.

To prevent this from happening, you may wish to ask the court to take precautionary measures.

**Enforcement of Judgments**

You have won your case but the other party is refusing to comply with the ruling. In this case you can have the judgment enforced, which usually entails having your debtor’s capital or real estate seized. Here too, procedures vary from one Member State to another.
**APPLICABLE LAW**

Judges do not always apply the law of their own country. Where more than one set of national laws might apply in a given situation because several countries are involved, the matter is resolved by the choice of law rules, which are not necessarily the same everywhere.

**LEGAL ORDER**

This section deals with the various 'sources of law', i.e. what are the legal instruments underpinning the law, which authorities adopt laws and regulations, and whether one rule of law takes precedence over another, etc.
There are 27 different pages for each of the topics mentioned previously:

**A general information page on the chosen topic**

This page provides a brief explanation of the legal concept in question.

**A Community law page**

Here you’ll find details of the European Union’s main achievements in this area, be it legislation already in force, current initiatives or drafts.

**An international law page**

This page refers you to relevant international agreements.

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*The above pages are designed and updated by the European Commission.*

**The pages of the Member States**

The pages of the participating Member States (i.e. all except Denmark) contain useful information on national law and procedures.

They are prepared by the Member States on the basis of a common plan agreed at network meetings.

Where national pages have not yet been completed, you can access interim pages which will redirect you to relevant national sites.

There are also homepages which do not deal with a specific legal topic.
Network homepage

You go to this page when you click on your language. It explains how to navigate the website and provides some general information on the network.

You can always go back to the homepage by clicking on the network logo at the top left of each page.

Community law homepage

Here we list the legislation adopted by the European Union in the civil justice field as well as the European Commission’s proposals and initiatives. We suggest you bookmark this page.

International law homepage

This page lists the main international organisations active in the civil justice field.

Member States’ homepages

Here you can find general information on the Member States.

Furthermore, this is available in all the European Union’s official languages!

Our website is also a portal

This means we offer various hyperlinks on every page. Just by clicking on the hyperlink you can consult:

- the full texts of all regulations, directives, proposals, green papers, international agreements, national laws, etc. indicated on our webpages;
- the official sites of a whole range of European, international or national institutions;
- other reference material.
Navigating the website

Our website is designed to be as user-friendly as possible.

For instance:

You are a Swedish woman living in England with your Portuguese husband and your children.

You decide to go back to Sweden and live with your parents.

After a few months' separation, you decide to apply for a divorce. Obviously, this entails certain legal consequences and there will be a number of questions you want to ask. We can help.

Go to the site and click on the Swedish logo. This will take you to the Swedish homepage.

Select 'divorce' from the list of topics. The 'divorce' general information page states that a European regulation determines which court is competent to hear your application.

You want to have your case heard in the English courts and are entitled to do so under the regulation. But which court? Click on the 'Jurisdiction of the courts' logo then on the little British flag to find out.

You also want to know which national law the English judge will apply. Click on 'Applicable law'.

Since you are on a tight budget, you will need to apply for legal aid before starting proceedings. Click on 'Legal aid' to find out how this works in England.

A quick glance at the 'Legal aid – general information' page tells you that you are covered by a European directive providing minimum guarantees because yours is a cross-border case (since you live in Sweden and your husband lives in England). Click on the little European flag for further details.
The website also has information on custody, maintenance payments, the rules governing recognition of rulings by foreign courts, etc.

The site also features a hyperlink to the European Judicial Atlas in civil matters. This is an IT tool which you can use to identify easily the court competent to hear a particular case. The atlas can also be used to find and print a variety of forms online.
Looking to the future

The European judicial network’s website is updated regularly by the European Commission, working closely with the Member States.

Following the enlargement of the European Union by 10 new Member States on 1 May 2004, the website will be expanded to include these countries’ pages, and information will be made available in their languages too.

In time, the list of topics will also be added to.