



Représentant les avocats d'Europe
Representing Europe's lawyers

CCBE POSITION

ON THE OPENING OF THE EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS TO THE LEGAL PROFESSIONS

Conseil des barreaux européens – Council of Bars and Law Societies of Europe

association internationale sans but lucratif

Avenue de la Joyeuse Entrée 1-5 – B 1040 Brussels – Belgium – Tel.+32 (0)2 234 65 10 – Fax.+32 (0)2 234 65 11/12 – E-mail ccbe@ccbe.eu – www.ccbe.eu

CCBE POSITION ON THE OPENING OF THE EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS TO THE LEGAL PROFESSIONS

The Council of Bars and Law Societies of Europe (CCBE) represents more than 700,000 European lawyers through its member bars and law societies of the European Union and the European Economic Area. In addition to membership from EU bars, it has also associate and observer representatives from a further ten European countries' bars.

The CCBE considers that the European Judicial Network in civil and commercial matters (the Network) is of utmost importance for the construction of an area of freedom, security and justice in Europe¹.

The CCBE fully supports the Network's main objectives:

- improving and facilitating judicial cooperation in civil and commercial matters between the Member States in all fields;
- improving the effective and practical application of Community instruments and conventions in force between two or more Member States;
- promoting effective access to justice for the general public.

At present, the Network consists of representatives of the Member States' judicial and administrative authorities and meets several times each year to exchange information and experience and boost cooperation between the Member States as regards civil and commercial law.

Following its previous recommendations², the Commission proposes to open the Network to the legal professions and to add a new category of members, in Article 2 of decision 2001/470 i.e.:

“e) professional associations representing at national level in the Member States lawyers, notaries, bailiffs and other legal practitioners directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters.”

The CCBE supports the Commission's proposal to open the Network to the legal professions³.

The CCBE agrees that the Network should be open only to national professional organisations representing the legal professions in the Member States.

The involvement of Bars and Law Societies, at national and European level, would strengthen the Network. The CCBE therefore suggests, among other things, the appointment of a representative at European level, who would take part in the meetings of the contact points. The CCBE also proposes the appointment of “contact lawyers” at national level. The CCBE cannot agree at this stage to Bars and Law Societies being responsible for financial costs in relation to the Network.

¹ The Network was established by Council decision 2001/470/EC on May 2001

(http://ec.europa.eu/civiljustice/index_en.htm).

² Conclusions 10 and 11 in the Commission's report published in May 2006:

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0203:EN:NOT>)

³ Commission's proposal for a decision amending Council decision 2001/470/EC of 23 June 2008

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0380:FIN:EN:PDF>)