

Common minimum standards of civil proceedings

Since 2015, Member States must accept most civil judgments from other EU countries without reviewing their content (abolition of *exequatur*). This has raised concerns about the need for ensuring that civil proceedings across the EU conform to common minimum standards. The European Parliament is due to vote in July on a report requesting the Commission table a proposal for a directive on such standards, which might be a first step towards a European Code of Civil Procedure.

Background

EU [competence](#) to regulate [civil procedure](#) appeared first in the Maastricht Treaty, and was strengthened in the Amsterdam Treaty. The latter entrusted the EU with the task of creating an area of freedom, security and justice, including the area of civil justice. The current constitutional set-up of the EU, enshrined in the Lisbon Treaty, allows the Union to facilitate access to justice, but only in cross-border cases (Article 81 of the Treaty on the Functioning of the European Union (TFEU)). The existing body of EU law on civil procedure includes [optional instruments](#) (European [Small Claims](#) Procedure, European [Order for Payment](#) Procedure, European [Account Preservation](#) Order, European Online Dispute Resolution ([ODR](#))); and a number of sectoral directives (on [injunctions](#) for consumers, on [consumer ADR](#), on [IPR enforcement](#) and on [antitrust damages](#)); as well as three acts addressing narrowly defined, but horizontal, aspects of civil procedure (directives on [legal aid](#) and [mediation](#), and the [recommendation](#) on collective redress).

Towards common minimum standards of civil procedure

Abolition of exequatur and free movement of judgments

The abolition of the [exequatur](#) procedure for most civil judgments from January 2015 by the [Brussels Ia Regulation](#) means that the EU is becoming a space with '[free movement of judgments](#)'. Judiciaries of the Member States are expected to accept judgments from other Member States without verifying whether they are fair and just. This raises the issue of common minimum standards of civil proceedings, which could provide the basis for [mutual trust](#) amongst EU judiciaries.

Academic initiatives and European Parliamentary research

Since May 2014, the European Law Institute (ELI) has been drafting [European Rules of Civil Procedure](#). The ELI has been maintaining close cooperation with the European Parliament's Committee on Legal Affairs (JURI).

The topic of common minimum standards of European civil procedure has been addressed in an [in-depth analysis](#) of the EPRS Members' Research Service in 2015, was the topic of a [workshop](#) of the JURI committee in June 2016, and was discussed in an [in-depth analysis](#) of Policy Department C for the JURI committee. Furthermore, the European Added Value Unit of EPRS presented a [study](#) on the topic in June 2016.

European Parliament position

On 30 May 2017, the JURI committee adopted its [report](#) requesting the Commission to submit a proposal for a directive on common minimum standards of civil procedure in the EU, based on Article 81(2) TFEU (judicial cooperation in civil matters). The report includes a fully fledged text for a draft directive. Its chapter II, containing substantive provisions, is divided into four sections, addressing: effective outcomes of civil proceedings; efficiency of civil proceedings; access to courts and justice; and fairness of proceedings. The draft text contains both broad principles (such as effectiveness, fairness, procedural efficiency, adversarial process), as well as more detailed rules on issues such as organising an oral hearing, appointing experts by the court, provisional and protective measures, court's duty to give reasons, right to a lawyer, right to legal aid, proportionality of fees, and service of documents.

Legislative-initiative report: [2015/2084\(INL\)](#). Committee responsible: JURI; Rapporteur: Emil Radev (EPP, Bulgaria).

