



2015/2084(INL)

30.3.2017

AMENDMENTS

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Draft report

Emil Radev

(PE593.974v01-00)

with recommendations to the Commission on common minimum standards of
civil procedure in the EU
(2015/2084(INL))

Amendment 1
Daniel Buda

Motion for a resolution
Recital A

Motion for a resolution

A. whereas according to the CJEU's settled case-law on the principle of procedural autonomy, where there are no Union rules on the procedural aspects of a Union law related dispute, Member States are responsible for designating the courts having jurisdiction and for determining *the rules of procedure according to which Union rights will be protected*;

Amendment

A. whereas according to the CJEU's settled case-law on the principle of procedural autonomy, where there are no Union rules on the procedural aspects of a Union law related dispute, Member States are responsible for designating the courts having jurisdiction and for determining *the details regarding procedures to be followed in respect of actions initiated to ensure the protection of rights conferred by the European Union*;

Or. ro

Amendment 2
Kostas Chrysogonos

Motion for a resolution
Recital B a (new)

Motion for a resolution

Ba. whereas pursuant to Articles 4(1) and 5(1) TEU (principle of conferral) the Union may legislate in a given area only if it has explicit competence to do so and in so far as it complies with the principles of subsidiarity and proportionality;

Amendment

Or. en

Amendment 3
Daniel Buda

Motion for a resolution
Recital C

Motion for a resolution

C. whereas in the absence of Union provisions harmonising procedural rules, Member States' primacy to provide procedural rules for the enforcement of **Union** rights does not extend to the introduction of new remedies in national legal orders to ensure the applicability of Union law;¹⁰

¹⁰ See inter alia: judgment of 13 March 2007, Unibet (London) Ltd and Unibet (International) Ltd v Justitiekanslern, C-432/05, ECLI:EU:C:2007:163.

Amendment

C. whereas in the absence of Union provisions harmonising procedural rules, Member States' primacy to provide procedural rules for the enforcement of rights **conferred by the Union** does not extend to the introduction of new remedies in national legal orders to ensure the applicability of Union law;¹⁰

¹⁰ See inter alia: judgment of 13 March 2007, Unibet (London) Ltd and Unibet (International) Ltd v Justitiekanslern, C-432/05, ECLI:EU:C:2007:163.

Or. ro

Amendment 4
Daniel Buda

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas the body of case law established by the Court of Justice of the European Union is contributing to its cooperation with the Member State courts, while improving understanding of Union law on the part of the citizens and national courts of Member States;

Or. ro

Amendment 5
Daniel Buda

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

Cb. whereas implementation of, and compliance with, the principle of mutual recognition of judgments, coupled with the approximation of legislation, facilitates cooperation between the authorities and the legal protection of individual rights;

Or. ro

Amendment 6

Daniel Buda, Emil Radev

Motion for a resolution

Recital D

Motion for a resolution

D. whereas the right to a fair trial, as enshrined in Article 47 of the Charter and in Article 6 ECHR, constitutes one of the fundamental guarantees of the rule of law and of democracy;

Amendment

D. whereas the right to a fair trial ***and to an effective remedy***, as enshrined in Article 47 of the Charter ***of Fundamental Rights of the European Union*** and in Article 6 ECHR, constitutes one of the fundamental guarantees of the rule of law and of democracy, ***being inextricably linked to the civil procedure as a whole***;

Or. ro

Amendment 7

Kostas Chrysogonos

Motion for a resolution

Recital D

Motion for a resolution

D. whereas the right to a fair trial, as enshrined in Article 47 of the Charter and in Article 6 ECHR, constitutes one of the fundamental guarantees of the rule of law and ***of*** democracy;

Amendment

D. whereas the right to a fair trial, as enshrined in Article 47 of the Charter and in Article 6 ECHR, constitutes one of the fundamental guarantees ***for the respect*** of the rule of law and democracy;

Amendment 8
Daniel Buda, Emil Radev

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas European citizens, especially those who move across borders, are currently far more likely to come into contact with the civil procedure systems of another Member State;

Or. ro

Amendment 9
Gilles Lebreton, Marie-Christine Boutonnet

Motion for a resolution
Recital I

Motion for a resolution

Amendment

I. whereas the proposed directive is aimed at introducing a framework for civil justice adjudication by systematising existing Union rules of civil procedure and extending their scope of application to all matters falling within the scope of Union law;

deleted

Or. fr

Amendment 10
Daniel Buda, Emil Radev

Motion for a resolution
Recital I a (new)

Motion for a resolution

Amendment

Ia. ***whereas the proposed directive will help achieve a more coordinated, coherent and systematic approach not limited by the borders, interests and resources of an individual country;***

Or. ro

Amendment 11
Kostas Chrysogonos

Motion for a resolution
Recital J

Motion for a resolution

J. whereas within the ***current*** Treaty framework, the legal basis for the harmonisation of civil procedure is provided for in Title V TFEU, in the Area of Freedom, Security and Justice;

Amendment

J. whereas within the ***existing*** Treaty framework, the ***main*** legal basis for the harmonisation of civil procedure is provided for in Title V TFEU, in the Area of Freedom, Security and Justice;

Or. en

Amendment 12
Kostas Chrysogonos

Motion for a resolution
Recital J a (new)

Motion for a resolution

J. whereas within the ***current*** Treaty framework, the legal basis for the harmonisation of civil procedure is provided for in Title V TFEU, in the Area of Freedom, Security and Justice;

Amendment

Ja. ***whereas the requirement of a cross-border element for Union competence to be established has been maintained under the Lisbon Treaty, with the result that Union action in the area of civil justice is only possible if there are connecting factors in a case (e.g. residence, place of performance, etc.) pointing to at least two different Member States;***

Amendment 13
Kostas Chrysogonos

Motion for a resolution
Recital J b (new)

Motion for a resolution

Amendment

Jb. whereas the general provision of Article 114 TFEU on the approximation of the internal market has been and is still being used as the legal basis for a variety of sector-specific measures of civil justice, such as for example the Intellectual Property Rights Enforcement Directive (IPRED) and the most recent Directive on Antitrust Damages, which is often described as 'proceduralisation through the back door';

Or. en

Amendment 14
Kostas Chrysogonos

Motion for a resolution
Recital L a (new)

Motion for a resolution

Amendment

La. whereas 'mutual trust' is understood in this context as the confidence that Member States should have in each other's legal systems and courts, which results in the prohibition to review what other States and their judiciaries are doing;

Or. en

Amendment 15
Daniel Buda

Motion for a resolution
Recital O

Motion for a resolution

O. whereas the existence of procedural guarantees for the efficiency and efficacy of civil proceedings and the equal treatment of the parties *is* desirable to ensure mutual trust;

Amendment

O. whereas the existence of, *and respect for*, procedural guarantees for the efficiency and efficacy of civil proceedings and the equal treatment of the parties *are* desirable *and indeed necessary* to ensure mutual trust;

Or. ro

Amendment 16
Daniel Buda

Motion for a resolution
Recital P

Motion for a resolution

P. whereas the enactment of such a system of common minimum standards would also set a minimum level of quality of civil proceedings across the Union, thus contributing not only to the reinforcement of mutual trust between judiciaries, but also to the smoother operation of the internal market, as it is estimated that the procedural differences among Member States may constitute disturbances to trade and can deter businesses or consumers from exercising their internal market rights;

Amendment

P. whereas the enactment of such a system of common minimum standards would also set a minimum level of quality of civil proceedings across the Union, thus contributing not only to the reinforcement of mutual trust between judiciaries, but also to the smoother operation of the internal market, as it is estimated that the procedural differences among Member States may, *inter alia*, constitute disturbances to trade and can deter businesses or consumers from exercising their internal market rights;

Or. ro

Amendment 17
Daniel Buda, Emil Radev

Motion for a resolution
Recital P a (new)

Motion for a resolution

Amendment

Pa. whereas minimum procedural standards at EU level could contribute to the modernisation of national proceedings, a level playing field for businesses, and increased economic growth thanks to effective and efficient judicial systems, while at the same time facilitating citizens' access to justice in the EU and helping to uphold its fundamental freedoms;

Or. ro

Amendment 18
Angel Dzhambazki

Motion for a resolution
Recital Q

Motion for a resolution

Amendment

Q. Whereas the approximation of procedural regimes in the Union is *necessary; whereas the proposed Directive is meant to be a first step in the process of further harmonisation and convergence of Member States' civil justice systems and of the creation of a Union Code of Civil Procedure in the longer-term;*

Q. Whereas the approximation of procedural regimes in the Union is *desirable;*

Or. en

Amendment 19
Daniel Buda

Motion for a resolution
Recital R

Motion for a resolution

R. whereas the proposed Directive does not affect either the judicial organisation of the Member States or the principal characteristics of the manner in which civil litigation is conducted;

Amendment

R. whereas the proposed Directive does not affect either the judicial organisation of the Member States or the principal characteristics of the manner in which civil litigation is conducted **but facilitates more efficient national procedural rules**;

Or. ro

Amendment 20
Kostas Chrysogonos

Motion for a resolution
Recital S

Motion for a resolution

S. whereas it is therefore of the utmost importance to adopt legislation providing for the adoption of common minimum standards of civil procedure in the Union;

Amendment

S. whereas it is therefore of the utmost importance to adopt **and to properly implement** legislation providing for the adoption of common minimum standards of civil procedure in the Union;

Or. en

Amendment 21
Angel Dzhambazki

Motion for a resolution
Recital S

Motion for a resolution

S. whereas it is **therefore of the utmost importance to adopt** legislation providing for **the adoption of** common minimum standards of civil procedure in the Union;

Amendment

S. whereas it is **a step towards adopting** legislation providing for common minimum standards of civil procedure in the Union;

Or. en

Amendment 22
Kostas Chrysogonos

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls also on the Commission to assess whether further measures to consolidate and strengthen a **horizontal** approach to the private enforcement of rights granted under Union law should be proposed and whether the hereby-proposed common minimum standards of civil procedure could be seen as promoting and ensuring such a horizontal paradigm;

Amendment

6. Calls also on the Commission to assess whether further measures to consolidate and strengthen a **harmonised** approach to the private enforcement of rights granted under Union law should be proposed and whether the hereby-proposed common minimum standards of civil procedure could be seen as promoting and ensuring such a horizontal paradigm;

Or. en

Amendment 23
Daniel Buda, Emil Radev

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Observes that Article 114 TFEU has been used to adopt a number of Union acts with procedural implications; **notes, however, that Article 81 TFEU provides for the adoption of measures in the area of judicial cooperation in civil matters having cross-border implications, including measures for the approximation of the laws and regulations of the Member State, particularly when necessary for the proper functioning of the internal market; considers, therefore, that Article 81 TFEU constitutes the appropriate legal basis for the proposed legislative instrument;**

Amendment

9. Observes that Article 114 TFEU (**harmonisation of the internal market**) has been used to adopt a number of Union acts with procedural implications; **the approximation of the laws, regulations and administrative provisions of the Member States relating to the internal market has been and is still being used as the legal basis for a wide range of sector-specific civil justice measures such as, for example, the Directive on the enforcement of intellectual property rights (IPR);**

Or. ro

Amendment 24
Daniel Buda, Emil Radev

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Notes, however, that Article 81 TFEU provides for the adoption of measures in the area of judicial cooperation in civil matters having cross-border implications, including measures for the approximation of the laws and regulations of the Member State, particularly when necessary for the proper functioning of the internal market; considers, therefore, that Article 81 TFEU constitutes the appropriate legal basis for the proposed legislative instrument;

Or. ro

Amendment 25
Daniel Buda, Emil Radev

Motion for a resolution
Paragraph 14

Motion for a resolution

Amendment

14. ***Underlines*** that the free circulation of judgments has increased mutual trust between the national judiciaries;

14. ***Reiterates and underlines*** that the free circulation of judgments has increased mutual trust between the national judiciaries, ***thus increasing legal certainty and providing sufficient stability and predictability for citizens and businesses in the Union;***

Or. ro

Amendment 26
Daniel Buda, Emil Radev

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Points out therefore, that the elaboration of systematic, minimum standards of Union civil procedure in the form of an across-the-board horizontal directive, would lead to increasing mutual trust among Union judiciaries and ensure a common, Union-wide balancing of fundamental procedural rights for civil cases;

Amendment

18. Points out therefore, that the elaboration of systematic, minimum standards of Union civil procedure in the form of an across-the-board horizontal directive, would lead to increasing mutual trust among Union judiciaries and ensure a common, Union-wide balancing of fundamental procedural rights for civil cases, ***creating a more deeply rooted general feeling of justice, certainty and predictability throughout the Union;***

Or. ro

Amendment 27
Kostas Chrysogonos

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

18a. Notes that mutual trust may be fostered inter alia by non-legislative methods, such as judges cooperating within the European Judicial Network or participating in training;

Amendment

18a. Notes that mutual trust may be fostered inter alia by non-legislative methods, such as judges cooperating within the European Judicial Network or participating in training;

Or. en

Amendment 28
Mady Delvaux

Motion for a resolution
Paragraph 19 a (new)

19a. *Considers that the lack of clarity about limitation periods for citizens, consumers and companies in disputes having cross-border implications can hinder access to justice. Calls thus on the Commission and Member States to assess the feasibility and desirability of harmonising those limitation periods in civil proceedings;*

Or. en

Amendment 29
Angel Dzhambazki

Motion for a resolution
Annex I – Part A – paragraph 1

Motion for a resolution

1. In the Union, enforcement of law before courts remains largely the matter of national procedural rules and practice. **National courts are also Union courts.** It is therefore for the proceedings before them to ensure fairness, justice and efficiency as well as effective application of **Union** law.

Amendment

1. In the Union, enforcement of law before courts remains largely the matter of national procedural rules and practice. It is therefore for the proceedings before them to ensure fairness, justice and efficiency as well as effective application of **European** law.

Or. en

Amendment 30
Daniel Buda

Motion for a resolution
Annex I – Part A – paragraph 2

Motion for a resolution

2. The implementation of the principle of mutual recognition of judgments in civil matters has increased Member States' trust

Amendment

2. The implementation of the principle of mutual recognition of judgments in civil matters has increased Member States' trust

in each other's civil justice systems. The extent of mutual trust is very much dependent on a number of parameters, which include mechanisms for safeguarding the rights of the defendant while guaranteeing access to courts and justice.

in each other's civil justice systems, ***while the approximation of the laws, regulations and administrative provisions of the Member States can facilitate cooperation between the authorities and the judicial protection of individual rights.*** The extent of mutual trust is very much dependent on a number of parameters, which include, ***inter alia***, mechanisms for safeguarding the rights of ***the claimant or*** the defendant while guaranteeing access to courts and justice.

Or. ro

Amendment 31
Daniel Buda, Emil Radev

Motion for a resolution
Annex I – Part A – paragraph 4

Motion for a resolution

4. It is therefore necessary, in order to protect the fundamental rights and freedoms of the Union citizens, to adopt a directive further developing the minimum standards set out in the Charter and in the ECHR. The proper legal basis for such a proposal is Article 81(2) TFEU, which concerns measures in the field of civil justice cooperation. The directive is to be adopted via the ordinary legislative procedure.

Amendment

4. It is therefore necessary, in order to protect the fundamental rights and freedoms of the Union citizens, ***help modernize national procedures and ensure a level playing field for businesses and increased growth thanks to effective and efficient legal systems,*** to adopt a directive further developing the minimum standards set out in the Charter and in the ECHR. The proper legal basis for such a proposal is Article 81(2) TFEU, which concerns measures in the field of civil justice cooperation. The directive is to be adopted via the ordinary legislative procedure.

Or. ro

Amendment 32
Daniel Buda

Motion for a resolution
Annex I – Part A – paragraph 6

Motion for a resolution

6. Common minimum standards should lead to increased confidence in the civil justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation in a climate of mutual trust. Such common minimum rules should also remove obstacles to the free movement of citizens throughout the territory of the Member States.

Amendment

6. Common minimum standards should lead to increased confidence in the civil justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation in a climate of mutual trust. Such common minimum rules should also remove obstacles to the free movement of citizens throughout the territory of the Member States ***and ensure that those travelling abroad in particular will no longer feel reticent about contact with civil procedural systems in another Member State.***

Or. ro

Amendment 33
Kostas Chrysogonos

Motion for a resolution
Annex I – Part A – paragraph 6

Motion for a resolution

6. Common minimum standards should lead to increased confidence in the civil justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation in a climate of mutual trust. Such common minimum rules should also remove obstacles to the free movement of citizens throughout the territory of the Member States.

Amendment

6. Common minimum standards should lead to increased confidence in the civil justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation ***as well as to faster, cheaper and more flexible judicial procedures*** in a climate of mutual trust. Such common minimum rules should also remove obstacles to the free movement of citizens throughout the territory of the Member States.

Or. en

Amendment 34
Angel Dzhambazki

Motion for a resolution
Annex I – Part A – paragraph 7

Motion for a resolution

7. The proposed directive is not aimed at substituting national procedural regimes *in their entirety*, but while respecting national specificities, it is aimed at establishing common minimum standards regarding the function and conduct of civil proceedings for all matters falling within the scope of Union law. *It is also aimed at providing a basis for the gradual deepening of the approximation of civil procedural regimes of Member States.*

Amendment

7. The proposed directive is not aimed at substituting national procedural regimes, but while respecting national specificities, it is aimed at establishing common minimum standards regarding the function and conduct of civil proceedings for all matters falling within the scope of Union law.

Or. en

Amendment 35
Kostas Chrysogonos

Motion for a resolution
Annex I – Part A – paragraph 7

Motion for a resolution

7. The proposed directive is not aimed at substituting national procedural regimes in their entirety, but while respecting national specificities, it is aimed at establishing common minimum standards regarding the function and conduct of civil proceedings for all matters falling within the scope of Union law. It is also aimed at providing a basis for the gradual deepening of the approximation of civil procedural regimes of Member States.

Amendment

7. The proposed directive is not aimed at substituting national procedural regimes in their entirety, but while respecting national specificities, *as well as the fundamental right to an effective remedy and to a fair trial which ensures effective access to justice*, it is aimed at establishing common minimum standards regarding the function and conduct of civil proceedings for all matters falling within the scope of Union law. It is also aimed at providing a basis for the gradual deepening of the approximation of civil procedural regimes of Member States.

Or. en

Amendment 36
Daniel Buda

Motion for a resolution
Annex I – Part A – paragraph 7

Motion for a resolution

7. The proposed directive is not aimed at substituting national procedural regimes in their entirety, but while respecting national specificities, it is aimed at establishing common minimum standards regarding the function and conduct of civil proceedings for all matters falling within the scope of Union law. It is also aimed at providing a basis for the gradual deepening of the approximation of civil procedural regimes of Member States.

Amendment

7. The proposed directive is not aimed at substituting national procedural regimes in their entirety, but while respecting national specificities, it is aimed at establishing common minimum standards regarding the function and conduct of civil proceedings for all matters falling within the scope of Union law, ***while at the same time leading to more efficient national procedural rules***. It is also aimed at providing a basis for the gradual deepening of the approximation of civil procedural regimes of Member States.

Or. ro

Amendment 37
Daniel Buda, Emil Radev

Motion for a resolution
Annex I – Part B – Recital 5

Motion for a resolution

(5) By establishing minimum rules on the protection of procedural rights of litigants, this Directive should strengthen the trust of Member States in civil justice systems of other Member States and can thus help promote a fundamental rights culture in the Union.

Amendment

(5) By establishing minimum rules on the protection of procedural rights of litigants, ***and ensuring citizens easier access to justice***, this Directive should strengthen the trust of Member States in civil justice systems of other Member States and can thus help promote a fundamental rights culture in the Union, ***as well as a more efficient internal market, while upholding its fundamental freedoms by developing a deeper general sense of justice, certainty and predictability throughout its territory***.

Or. ro

Amendment 38
Angel Dzhambazki

Motion for a resolution
Annex I – Part B – Recital 11

Motion for a resolution

(11) Member States' courts should be able to rely on experts' opinions for technical, legal or other evidentiary issues. Save where coercive measures are needed and in accordance with the freedom to provide services and the case-law of the Court of Justice, judges in one Member State should be able to appoint experts to conduct investigations in another Member State ***without any prior authorisation being necessary for their conduct***. To facilitate judicial expertise and taking into account limitations in appointing sufficiently qualified experts in one Member State's jurisdiction, for instance due to the technical sophistication of the case or the existence of direct or indirect links between the expert and the parties, a European directory of all national lists of experts should be created and kept up to date as part of the European e-justice portal.

Amendment

(11) Member States' courts should be able to rely on experts' opinions for technical, legal or other evidentiary issues. Save where coercive measures are needed and in accordance with the freedom to provide services and the case-law of the Court of Justice, judges in one Member State should be able to appoint experts to conduct investigations in another Member State. To facilitate judicial expertise and taking into account limitations in appointing sufficiently qualified experts in one Member State's jurisdiction, for instance due to the technical sophistication of the case or the existence of direct or indirect links between the expert and the parties, a European directory of all national lists of experts should be created and kept up to date as part of the European e-justice portal.

Or. en

Amendment 39
Kostas Chrysogonos

Motion for a resolution
Annex I – Part B – Recital 15

Motion for a resolution

(15) The objective of securing better access to justice and mutual trust, as part of the policy of the European Union to establish an area of freedom, security and

Amendment

(15) The objective of securing ***a fair trial, a*** better access to justice and mutual trust, as part of the policy of the European Union to establish an area of freedom,

justice, should encompass access to judicial as well as extrajudicial dispute resolution methods. In order to encourage parties to use mediation, Member States should ensure that their rules on limitation and prescription periods do not prevent the parties from going to court or to arbitration if their mediation attempt fails.

security and justice, should encompass access to judicial as well as extrajudicial dispute resolution methods. In order to encourage parties to use mediation, Member States should ensure that their rules on limitation and prescription periods do not prevent the parties from going to court or to arbitration if their mediation attempt fails.

Or. en

Amendment 40 **Angel Dzhambazki**

Motion for a resolution **Annex I – Part B – Recital 16**

Motion for a resolution

(16) Due to differences between Member States' rules of civil procedure and especially those governing the service of documents, it is necessary to define the minimum standards that should apply to civil proceedings falling within the scope of Union law. In particular, service methods that ensure prompt and safe receipt of the served documents, confirmed by a proof of delivery, should be prioritised. Modern communication technologies should therefore be widely **used**. For documents that need to be served on the parties, electronic service should be on an equal footing with postal service. The available electronic means should ensure that the content of the documents and other written communications received is true and faithful to that of the documents and other written communications sent, and that the method used for the acknowledgment of receipt provides confirmation of the receipt by the addressee and of the date of receipt.

Amendment

(16) Due to differences between Member States' rules of civil procedure and especially those governing the service of documents, it is necessary to define the minimum standards that should apply to civil proceedings falling within the scope of Union law. In particular, service methods that ensure prompt and safe receipt of the served documents, confirmed by a proof of delivery, should be prioritised. **The use of** modern communication technologies should therefore be widely **encouraged**. For documents that need to be served on the parties, electronic service should be on an equal footing with postal service. The available electronic means should ensure that the content of the documents and other written communications received is true and faithful to that of the documents and other written communications sent, and that the method used for the acknowledgment of receipt provides confirmation of the receipt by the addressee and of the date of receipt.

Or. en

Amendment 41
Daniel Buda

Motion for a resolution
Annex I – Part B – Recital 20

Motion for a resolution

(20) The creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area. Judicial training is a crucial element in this process as it enhances mutual confidence between Member States, practitioners and citizens.

Amendment

(20) The creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area. Judicial training is a crucial element in this process as it enhances mutual confidence between Member States, practitioners and citizens. ***In this regard, Member States must cooperate and provide support for vocational training and exchanges of best practice among those working in the legal field.***

Or. ro

Amendment 42
Kostas Chrysogonos

Motion for a resolution
Annex I – Part B – Recital 20

Motion for a resolution

(20) The creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area. Judicial training is a crucial element in this process as it enhances mutual confidence between Member States, practitioners and citizens.

Amendment

(20) The creation of a European judicial culture that fully respects subsidiarity, ***proportionality*** and judicial independence is central to the efficient functioning of a European judicial area. Judicial training is a crucial element in this process as it enhances mutual confidence between Member States, practitioners and citizens.

Or. en

Amendment 43
Angel Dzhambazki

Motion for a resolution
Annex I – Part B – Recital 20

Motion for a resolution

(20) *The creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area. **Judicial training is a crucial element in this process as it enhances mutual confidence between Member States, practitioners and citizens.***

Amendment

(20) ***Judicial training is a crucial element in the process of mutual confidence between Member States, practitioners and citizens, contributing to the efficient functioning of a European judicial area, respecting the principles of subsidiarity, proportionality and judicial independence.***

Or. en

Amendment 44
Daniel Buda, Emil Radev

Motion for a resolution
Annex I – Part B – Article 1

Motion for a resolution

The objective of this Directive is to approximate procedural systems so as to ensure full respect of for the right to a fair trial as recognised in Article 47 of the Charter, by laying down minimum standards concerning the commencement, conduct and conclusion of civil proceedings before Member States' courts or tribunals.

Amendment

The objective of this Directive is to approximate procedural systems so as to ensure full respect of for the right to a fair trial as recognised in Article 47 of the Charter, by laying down minimum standards concerning the commencement, conduct and conclusion of civil proceedings before Member States' courts or tribunals ***and the recognition and enforcement of judgments, facilitating at the same time, access to justice in the Union.***

Or. ro

Amendment 45
Kostas Chrysogonos

Motion for a resolution
Annex I – Part B – Article 1

Motion for a resolution

The objective of this Directive is to approximate procedural systems so as to ensure full respect of for the right to a fair trial as recognised in Article 47 of the Charter, by laying down minimum standards concerning the commencement, conduct and conclusion of civil proceedings before Member States' courts or tribunals.

Amendment

The objective of this Directive is to approximate procedural systems so as to ensure full respect of for the right to a fair trial as recognised in Article 47 of the Charter **and in Article 6 of the ECHR**, by laying down minimum standards concerning the commencement, conduct and conclusion of civil proceedings before Member States' courts or tribunals.

Or. en

Amendment 46
Kostas Chrysogonos

Motion for a resolution
Annex I – Part B – Article 4 – first subparagraph

Motion for a resolution

Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the rights conferred by Union civil law. Those measures, procedures and remedies shall be fair and equitable and shall not be unnecessarily complicated or costly, or entail unreasonable time limits or unwarranted delays.

Amendment

Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the rights conferred by Union civil law. Those measures, procedures and remedies shall be fair and equitable and shall not be unnecessarily complicated or costly, or entail unreasonable time limits or unwarranted delays, **while respecting national specificities and fundamental rights**.

Or. en

Amendment 47
Mady Delvaux

Motion for a resolution
Annex I – Part B – Article 5 – paragraph 1

Motion for a resolution

1. Member States shall ensure that oral hearings be held by making use of any appropriate distance communication technology, such as videoconference or teleconference, available to the court or tribunal, ***unless the use of such technology, on account of the particular circumstances of the case, is not appropriate for the fair conduct of the proceedings.***

Amendment

1. ***Where it is not possible for the parties to be physically present***, Member States shall ensure that oral hearings ***can*** be held by making use of any appropriate distance communication technology, such as videoconference or teleconference, available to the court or tribunal.

Or. en

Amendment 48
Kostas Chrysogonos

Motion for a resolution
Annex I – Part B – Article 7 – paragraph 1

Motion for a resolution

1. Member States' courts or tribunals shall respect the right to a fair trial and the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of taking evidence and the extent to which evidence is to be taken.

Amendment

1. Member States' courts or tribunals shall respect the right to ***an effective remedy and a fair trial which ensures effective access to justice*** and the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of taking evidence and the extent to which evidence is to be taken.

Or. en

Amendment 49
Kostas Chrysogonos

Motion for a resolution
Annex I – Part B – Article 9 – paragraph 1

Motion for a resolution

1. Member States' courts shall ensure

Amendment

1. Member States' courts shall ensure

that courts actively manage the cases before them in order to ensure fair, efficient and at reasonable speed disposition of disputes, without impairing the freedom of the parties to determine the subject-matter of, and the supporting evidence for, their case.

that courts actively manage the cases before them in order to ensure fair, efficient and at reasonable speed **and costs** disposition of disputes, without impairing the freedom of the parties to determine the subject-matter of, and the supporting evidence for, their case.

Or. en

Amendment 50
Mady Delvaux

Motion for a resolution
Annex I – Part B – Article 13 – paragraph 1 a (new)

Motion for a resolution

Amendment

1a. The court fees charged in Member States for civil disputes shall not discourage citizens from bringing a case before a court or hinder in any way access to justice.

Or. en

Amendment 51
Daniel Buda

Motion for a resolution
Annex I – Part B – Article 13 – paragraph 2

Motion for a resolution

Amendment

2. The parties shall be able to pay the court fees by means of distance payment methods, including from a Member State other than the Member State in which the court or tribunal is situated, via bank transfer or via credit or debit card payment.

2. The parties shall be able to pay the court fees by means of distance payment methods, including from a Member State other than the Member State in which the court or tribunal is situated, via bank transfer or via credit or debit card payment, **submitting authenticated proof of payment for entry in the case file by any means of communication.**

Or. ro

Amendment 52

Daniel Buda

Motion for a resolution

Annex I – Part B – Article 15 – paragraph 1

Motion for a resolution

1. In order to ensure effective access to justice, Member States shall ensure that courts *may* grant legal aid to a party.

Amendment

1. In order to ensure effective access to justice, Member States shall ensure that courts grant legal aid to a party.

Or. ro

Amendment 53

Daniel Buda

Motion for a resolution

Annex I – Part B – Article 15 – paragraph 2 – point a

Motion for a resolution

(a) court fees;

Amendment

(a) court fees, *through total or partial discounts or rescheduling*;

Or. ro

Amendment 54

Daniel Buda

Motion for a resolution

Annex I – Part B – Article 15 – paragraph 4 a (new)

Motion for a resolution

Amendment

(4a) Member States shall make certain that European citizens and legal persons are informed of the procedure for seeking legal assistance under paragraphs (1) - (4), with a view to making it effective and accessible.

Or. ro

Amendment 55
Daniel Buda

Motion for a resolution

Annex I – Part B – Article 17 – paragraph 3 – second subparagraph – point a

Motion for a resolution

(a) a document signed by the competent person who effected the service, indicating: (i) the method of service used; **and (ii)** the date of service; **and (iii)** where the served documents have been served on a person other than the defendant, the name of that person and his relation to the defendant; or

Amendment

(a) a document signed by the competent person who effected the service, indicating ***all of the following***: (i) ***the full name of the person who served the notification or communication***; (ii) the method of service used; (iii) the date of service; (iv) where the served documents have been served on a person other than the defendant, the name of that person and his relation to the defendant; **and (v) *other compulsory indications under national law***.

Or. ro

Amendment 56
Daniel Buda

Motion for a resolution

Annex I – Part B – Article 19

Motion for a resolution

Member States shall endeavour to provide citizens with transparent and easily available information regarding the commencement of various procedures, the competent courts to hear different disputes, and the necessary forms that need to be filled in for that purpose. Nothing in this Article requires the Member States to provide legal assistance in the form of a legal assessment of a specific case.

Amendment

Member States shall endeavour to provide citizens with transparent and easily available information regarding the commencement of various procedures, ***limitation or prescription periods***, the competent courts to hear different disputes, and the necessary forms that need to be filled in for that purpose. Nothing in this Article requires the Member States to provide legal assistance in the form of a legal assessment of a specific case.

Or. ro

Amendment 57
Mady Delvaux

Motion for a resolution
Annex I – Part B – Article 19 a (new)

Motion for a resolution

Amendment

Article 19a

Right to interpretation and translation

Member States shall ensure that all concerned parties have full understanding of the proceedings. This objective includes the right to have the assistance of an interpreter free of charge and the access to all the documents in a language that is intelligible for the party if that party cannot understand or speak the language used in court.

Or. en

Amendment 58
Daniel Buda

Motion for a resolution
Annex I – Part B – Article 25

Motion for a resolution

Amendment

The Commission shall, not later than 31 December 2025, and every five years thereafter, submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Directive on the basis of both qualitative and quantitative information. In this context, the Commission shall in particular evaluate its impact on access to justice, on the cooperation in civil matters and on the functioning of the single market, on SMEs, the competitiveness of the economy of the European Union and consumer trust. If necessary, the report shall be accompanied

The Commission shall, not later than 31 December 2025, and every five years thereafter, submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Directive on the basis of both qualitative and quantitative information. In this context, the Commission shall in particular evaluate its impact on access to justice, ***on the fundamental right to a fair trial and to an effective remedy***, on the cooperation in civil matters and on the functioning of the single market, on SMEs, the competitiveness of the economy of the

by legislative proposals to adapt and strengthen this Directive.

European Union and consumer trust. If necessary, the report shall be accompanied by legislative proposals to adapt and strengthen this Directive.

Or. ro