



**2018/2079(INL)**

19.10.2018

# **AMENDMENTS**

## **1 - 78**

**Draft report**

**Tadeusz Zwiefka**

(PE627.896v02-00)

Expedited settlement of commercial disputes  
(2018/2079(INL))



**Amendment 1**  
**Emil Radev**

**Motion for a resolution**  
**Citation 6 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the European  
acquis in the area of civil justice co-  
operation,*

Or. bg

**Amendment 2**  
**Emil Radev**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

*Amendment*

A. whereas the right to a fair trial, as enshrined in Article 47 of the Charter and in Article 6 of the European Convention on Human Rights, constitutes one of the fundamental guarantees of the rule of law and of democracy;

A. whereas the right to a fair trial, as enshrined in Article 47 of the Charter and in Article 6 of the European Convention on Human Rights, constitutes one of the fundamental guarantees of the rule of law and of democracy *and is an intrinsic part of civil proceedings as a whole;*

Or. bg

**Amendment 3**  
**Daniel Buda**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

*Amendment*

A. whereas the right to a fair *trial*, as enshrined in Article 47 of the Charter and in Article 6 of the European Convention on Human Rights, constitutes one of the fundamental guarantees of the rule of law

A. whereas the right to a fair *and public hearing within a reasonable time*, as enshrined in Article 47 of the Charter and in Article 6 of the European Convention on Human Rights, constitutes

and of democracy;

one of the fundamental guarantees of the  
rule of law and of democracy;

Or. ro

**Amendment 4**

**Emil Radev**

**Motion for a resolution**

**Recital A a (new)**

*Motion for a resolution*

*Amendment*

***Aa. whereas the introduction of an accelerated European civil procedure 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 access to justice in the Union and helping to uphold the fundamental freedoms of the Union;***

Or. bg

**Amendment 5**

**Jiří Maštálka, Kostas Chrysogonos**

**Motion for a resolution**

**Recital A a (new)**

*Motion for a resolution*

*Amendment*

***Aa. Whereas the 2018 Justice Score board showed that the availability of legal aid and the level of court fees have a key impact on access to justice, in particular for citizens in poverty***

Or. en

**Amendment 6**

**Daniel Buda**

**Motion for a resolution**

**Recital B**

*Motion for a resolution*

B. whereas judicial cooperation has been supported by several procedural acts of secondary law of the Union, including the Small Claims Regulation<sup>2</sup>, the Legal Aid Directive<sup>3</sup>, the Regulation on taking of evidence, the Regulation on service of documents;

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<sup>2</sup> Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1).

<sup>3</sup> Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26, 31.1.2003, p. 41).

*Amendment*

B. whereas judicial cooperation has been ***promoted***, supported ***and encouraged*** by several procedural acts of secondary law of the Union, including the Small Claims Regulation<sup>2</sup>, the Legal Aid Directive<sup>3</sup>, the Regulation on taking of evidence, the Regulation on service of documents;

Or. ro

**Amendment 7**

**Sergio Gaetano Cofferati**

**Motion for a resolution**

**Recital C**

*Motion for a resolution*

C. whereas the ***main goal*** of judicial cooperation between Member States ***is*** to establish mutual trust in judiciary systems, which is the basis for further mutual recognition of judgments across the Union;

*Amendment*

C. whereas the ***goals*** of judicial cooperation between Member States ***are, inter alia, to ensure the full respect of the right to effective remedy and a fair trial in cross-border cases, to guarantee effective and smooth judicial procedures also in those situations and*** to establish mutual trust in judiciary systems, which is the

basis for further mutual recognition of judgments across the Union;

Or. en

**Amendment 8**  
**Emil Radev**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

D. whereas many issues with regard to procedural law in the area of civil justice are regulated at the national level, thus procedural law in this area differs from one Member State to another;

*Amendment*

D. whereas many issues with regard to procedural law in the area of civil justice are regulated at the national level, thus procedural law in this area differs from one Member State to another; ***whereas an accelerated procedure could lead to the necessary approximation of procedural regimes in the Union;***

Or. bg

**Amendment 9**  
**Jiří Maštálka, Kostas Chrysogonos**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

D. whereas many issues with regard to procedural law in the area of civil justice are regulated at the national level, thus procedural law in this area differs from one Member State to another;

*Amendment*

D. whereas many issues with regard to procedural law in the area of civil justice are regulated at the national level, thus procedural law in this area differs from one Member State to another, ***which is in line with principle of subsidiarity and proportionality;***

Or. en

**Amendment 10**

**Daniel Buda**

**Motion for a resolution**  
**Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas it is necessary to step up enhanced cooperation between the Member State authorities and judicial systems at EU level, with a view to removing any obstacles that might arise from incompatibilities between different judicial and administrative systems;***

Or. ro

**Amendment 11**  
**Daniel Buda**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

E. whereas the Brussels I Regulation sets basic rules on jurisdiction, recognition and enforcement of civil and commercial cross border matters in the European Union;

E. whereas the Brussels I Regulation sets basic rules on jurisdiction, recognition and enforcement of civil and commercial cross border matters in the European Union; ***whereas the amended version, which came into force in 2015, introduced a number of key adjustments for the resolution of EU cross-border disputes, saving time and money for businesses and individuals;***

Or. ro

**Amendment 12**  
**Daniel Buda**

**Motion for a resolution**  
**Recital F**

*Motion for a resolution*

*Amendment*

F. whereas the Rome I Regulation lays down rules on law applicable to *the* contractual *obligation*.

F. whereas the Rome I Regulation lays down rules on law applicable to *civil and commercial* contractual *obligations*;

Or. ro

**Amendment 13**  
**Sergio Gaetano Coffferati**

**Motion for a resolution**  
**Recital G**

*Motion for a resolution*

G. whereas *the question of formulation of* procedural rules *often involves striking a balance between* protection of the rights of the parties and speedy settlement of disputes;

*Amendment*

G. whereas procedural rules *should guarantee both* protection of the rights of the parties and speedy settlement of disputes;

Or. en

**Amendment 14**  
**Jiří Maštálka, Kostas Chrysogonos**

**Motion for a resolution**  
**Recital H**

*Motion for a resolution*

H. whereas settlement of commercial matters in public courts is, in general, slow in the Union, a fact that is accentuated by the introduction of the European small claims procedure, which has, by contrast, led to substantially faster settlement of consumer disputes;

*Amendment*

H. whereas settlement of commercial matters in public courts is, in general, slow in the Union, a fact that is accentuated by the introduction of the European small claims procedure, which has, by contrast, led to substantially faster settlement of consumer disputes; *and whereas proper use of ICT in courts contributes to speed up proceedings and to reduce costs.*

Or. en

**Amendment 15**



**Emil Radev**

**Motion for a resolution**

**Recital H**

*Motion for a resolution*

H. whereas settlement of commercial matters in public courts is, in general, slow ***in the Union***, a fact that is accentuated by the introduction of the European small claims procedure, which has, by contrast, led to substantially faster settlement of consumer disputes;

*Amendment*

H. whereas settlement of commercial matters in public courts ***in the Member States*** is, in general, slow ***and fails to meet the expectations of parties involved in commercial disputes***, a fact that is accentuated by the introduction of the European small claims procedure, which has, by contrast, led to substantially faster settlement of consumer disputes;

Or. bg

**Amendment 16**

**Daniel Buda**

**Motion for a resolution**

**Recital I**

*Motion for a resolution*

I. whereas the slow settlement of commercial disputes in the Union might lead the commercial parties to seek alternative dispute settlement, or dispute settlement in non-member States and choose to apply to contracts national law of a non-member State;

*Amendment*

I. whereas the slow settlement of commercial disputes in the Union might lead the commercial parties to seek alternative dispute settlement, or dispute settlement in non-member States and choose to apply to contracts national law of a non-member State, ***which could generate high costs***;

Or. ro

**Amendment 17**

**Daniel Buda**

**Motion for a resolution**

**Recital J**

*Motion for a resolution*

*Amendment*

J. whereas high quality settlement of commercial disputes depends on a high level of competence in these matters in courts, among judges and lawyers;

J. whereas high quality settlement of commercial disputes depends on a high level of competence *and experience* in these matters in courts, among judges and lawyers *and legal practitioners*;

Or. ro

**Amendment 18**  
**Daniel Buda**

**Motion for a resolution**  
**Recital K**

*Motion for a resolution*

K. whereas the availability of a fast-track procedure supported by highly competent judges and lawyers in the Member States would make a choice of national law of a Member State more likely and as a consequence enrich the competence in civil and commercial matters in the Member States;

*Amendment*

K. whereas the availability of a *rapid and cost-effective* fast-track procedure supported by highly *experienced and* competent judges and lawyers in the Member States would make a choice of national law of a Member State more likely and as a consequence enrich the competence in civil and commercial matters in the Member States;

Or. ro

**Amendment 19**  
**Jean-Marie Cavada, António Marinho e Pinto**

**Motion for a resolution**  
**Recital K a (new)**

*Motion for a resolution*

*Ka. whereas it seems necessary to find a suitable solution as regards the different language regimes which could consist of harmonised forms, available in all EU languages;*

*Amendment*

Or. en

**Amendment 20**  
**Jiří Maštálka, Kostas Chrysogonos**

**Motion for a resolution**  
**Recital L**

*Motion for a resolution*

L. whereas courts and chambers specialised in commercial matters will guarantee a higher level of competence in such matters and thereby attract such cases to the courts of the Member States;

*Amendment*

L. whereas courts and chambers specialised in commercial matters will guarantee a higher level of competence **and independence** in such matters and thereby attract such cases to the courts of the Member States;

Or. en

**Amendment 21**  
**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**  
**Recital L**

*Motion for a resolution*

L. whereas **courts and** chambers specialised in commercial matters will guarantee a higher level of competence in such matters and thereby attract such cases to the courts of the Member States;

*Amendment*

L. whereas chambers specialised in commercial matters **at national level** will guarantee a higher level of competence in such matters and thereby attract such cases to the courts of the Member States;

Or. fr

**Amendment 22**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Recital L a (new)**

*Motion for a resolution*

*Amendment*

***La. whereas changes to the Rome I and Rome II Regulations in order to better protect weaker parties in business-to-business relations and to strengthen the connection between the aim and object of***

*contracts and the law chosen would also contribute to increase Member States' competence in commercial matters;*

Or. en

**Amendment 23**  
**Daniel Buda**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Notes that the settlement of commercial matters is far slower than it could be and that this leads to substantial losses for business, and not only in economic terms but also as regards time **and energy** that could be diverted for other opportunities;

*Amendment*

1. Notes that the settlement of commercial matters is far slower than it could be, **taking on average between three and four years** and that this leads to substantial losses for business, and not only in economic terms but also as regards time, **energy and other resources** that could be diverted for other opportunities;

Or. ro

**Amendment 24**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Paragraph 1 a (new)**

*Motion for a resolution*

**1a. Stresses the need to ensure the full respect of the right of the parties to an effective remedy and to a fair trial, as established in the Charter of Fundamental Rights of the European Union, and to guarantee high quality of judicial proceedings in commercial matters;**

Or. en

**Amendment 25**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Paragraph 1 b (new)**

*Motion for a resolution*

*Amendment*

***1b. Considers that the best way forward to support a more equal distribution of commercial law competence across Member States and to promote quicker and high quality judicial proceedings in commercial matters would be to proceed with further harmonisation of provisions on these matters at European level, notwithstanding the political challenges;***

Or. en

**Amendment 26**  
**Daniel Buda**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

*Amendment*

2. Highlights the successful implementation of the European small claims procedure (ESCP), which provided a way of solving consumer and other disputes regarding small amounts within the Union in a swift and cost-effective way while upholding protection for the rights of the parties;

2. Highlights the successful implementation of the European small claims procedure (ESCP), which provided a way of solving consumer and other ***cross-border*** disputes regarding small amounts within the Union in a swift and cost-effective way while upholding protection for the rights of the parties;

Or. ro

**Amendment 27**  
**Emil Radev**

**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

**2a.** *Emphasises that mutual trust is a complex notion and that many factors play a role in building that trust, such as judicial education and upskilling, cross-border judicial cooperation and exchange of experience and best practices between judges;*

Or. bg

## **Amendment 28**

**Daniel Buda**

### **Motion for a resolution**

#### **Paragraph 4**

*Motion for a resolution*

4. Contends that the adoption of a regulation similar to the ESCP, the European Expedited Civil Procedure (EECP) applicable to cross border commercial disputes would be the best way to address the long waiting times for commercial disputes in the Union;

*Amendment*

4. Contends that the adoption of a regulation similar to the ESCP, the European Expedited Civil Procedure (EECP) applicable to cross border commercial disputes would be the best way to address the long waiting times for commercial disputes in the Union, ***possibly making great savings for European businesses and mobilising unused capital;***

Or. ro

## **Amendment 29**

**Sergio Gaetano Cofferati**

### **Motion for a resolution**

#### **Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

**4a.** *Believes that the EECP should be applicable just to business-to-business commercial disputes which do not have any implications for workers or consumers and which do not have any*

**Amendment 30**

**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**

**Paragraph 6**

*Motion for a resolution*

6. Observes that such a procedure could build on requirements for thorough preparations by the parties before the procedure is launched, strict deadlines, *few possibilities to add facts or evidence during the process and no separate appeal to procedural decisions, thus achieving a fast-track* procedure;

*Amendment*

6. Observes that such a procedure could build on requirements for thorough preparations by the parties before the procedure is launched, *and* strict deadlines, *thus achieving a fast-track procedure; notes that it could be useful for such a procedure to be preceded by an attempt at conciliation in order to avoid a lengthy and costly adversarial* procedure;

**Amendment 31**

**Sergio Gaetano Cofferati**

**Motion for a resolution**

**Paragraph 7**

*Motion for a resolution*

7. Is of the opinion that such a strict procedural system is compatible with the protection of the rights of the parties on condition that the EECP should be voluntary and should only apply *either* where the parties have so agreed *or* where the defendant accepts the procedure after the claimant has brought action under the EECP;

*Amendment*

7. Is of the opinion that such a strict procedural system is compatible with the protection of the rights of the parties on condition that the EECP should be voluntary and should only apply:  
- where the parties have so agreed *after the dispute has arisen, or*  
- where the defendant accepts the procedure after the claimant has brought action under the EECP, *provided that the defendant has enough time to adequately prepare before the start of the procedure;*

**Amendment 32**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

**7a. Believes that the EECp should in any case be valid only where the parties have been duly informed in advance of the consequences of consenting to use such procedure; considers that the costs of the EECp should not be excessive for the parties, in order to guarantee the respect of the right of access to justice;**

Or. en

**Amendment 33**  
**Daniel Buda**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

*Amendment*

9. Observes that the aim to provide expedited settlement of commercial disputes in the Union cannot just be achieved by the introduction of a fast-track procedural system; to this aim, courts, judges **and lawyers** highly proficient in commercial law and private international law would be needed in order to make such a procedural system efficient;

9. Observes that the aim to provide expedited **and more cost-effective** settlement of commercial disputes in the Union cannot just be achieved by the introduction of a **harmonised** fast-track procedural system; to this aim, courts, judges, **lawyers and legal practitioners** highly proficient **and experienced** in commercial law and private international law would be needed in order to make such a procedural system efficient;

Or. ro

**Amendment 34**



Gilles Lebreton, Marie-Christine Boutonnet

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Observes that the aim to provide expedited settlement of commercial disputes in the Union cannot just be achieved by the introduction of a fast-track procedural system; to this aim, *courts*, judges and lawyers highly proficient in commercial law and private international law would be needed in order to make such a procedural system efficient;

*Amendment*

9. Observes that the aim to provide expedited settlement of commercial disputes in the Union cannot just be achieved by the introduction of a fast-track procedural system; to this aim, ***specialised chambers***, judges and lawyers highly proficient in commercial law and private international law would be needed in order to make such a procedural system efficient ***and high quality***;

Or. fr

**Amendment 35**

**Sergio Gaetano Cofferati**

**Motion for a resolution**

**Paragraph 10**

*Motion for a resolution*

10. Emphasises that the current distribution in choice of law in commercial contracts between the different European jurisdictions ***shows a slower build-up of competence in commercial matters in some Member States and in addition a less complete development of commercial law in those countries***;

*Amendment*

10. Emphasises that the current distribution in choice of law in commercial contracts between the different European jurisdictions ***is not equal across*** Member States;

Or. en

**Amendment 36**

**Daniel Buda**

**Motion for a resolution**

**Paragraph 10**

*Motion for a resolution*

10. Emphasises that the current distribution in choice of law in commercial contracts between the different European jurisdictions ***shows*** a slower build-up of competence in commercial matters in some Member States and in addition a less complete development of commercial law in those countries;

*Amendment*

10. Emphasises that the current distribution in choice of law in commercial contracts between the different European jurisdictions ***lacks uniformity, resulting in*** a slower build-up of competence ***and experience*** in commercial matters in some Member States and in addition a less complete development of commercial ***case*** law in those countries;

Or. ro

**Amendment 37**

**Jean-Marie Cavada, António Marinho e Pinto**

**Motion for a resolution**

**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

***11a. 11a. Understands that language barriers could be an additional obstacle and thus another reason for choosing one, and not another, law to be applicable;***

Or. en

**Amendment 38**

**Jean-Marie Cavada, António Marinho e Pinto**

**Motion for a resolution**

**Paragraph 11 b (new)**

*Motion for a resolution*

*Amendment*

***11b. Underlines that the availability of uniform standard forms, available in all EU languages, would facilitate access to the EECP;***

Or. en

**Amendment 39**

**Jean-Marie Cavada, António Marinho e Pinto**

**Motion for a resolution**

**Paragraph 11 c (new)**

*Motion for a resolution*

*Amendment*

**11c. Suggests, that in order to ensure uniform standard forms, implementing powers should be conferred to the Commission, exercised in accordance with the Inter-institutional Agreement of 13 April 2016 on Better Law-Making;**

Or. en

**Amendment 40**

**Sergio Gaetano Cofferati**

**Motion for a resolution**

**Paragraph 12**

*Motion for a resolution*

*Amendment*

12. Contends that in this respect ***there might be a need*** to review the Rome I ***Regulation*** in order to strengthen the connection between the aim and object of contracts and the law chosen, ***while at the same time allowing, where appropriate, for more party autonomy in relation to the choice of law;***

12. Contends that in this respect ***it is necessary*** to review the Rome I ***and Rome II Regulations*** in order ***to ensure better protection of weaker parties in business-to-business relations and contracts and*** to strengthen the connection between the aim and object of contracts and the law chosen ***in those situations;***

Or. en

**Amendment 41**

**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**

**Paragraph 12**

*Motion for a resolution*

*Amendment*

12. Contends that in this respect *there might be a need to review the Rome I Regulation in order to strengthen the connection between the aim and object of contracts and the law chosen, while at the same time allowing, where appropriate, for more party autonomy in relation to the choice of law;*

12. Contends that in this respect, *in order to ensure and enhance legal certainty, the Commission's proposal should be based on the Rome I Regulation so as to enable the parties to determine the law applicable to the dispute in a simple and transparent manner;*

Or. fr

**Amendment 42**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

*12a. Calls on the Commission to assess the need to review the Brussels Ia Regulation in order to better protect the weaker parties in business-to-business relations and to consider in particular possible limitations to commercial parties' freedom of choice;*

Or. en

**Amendment 43**  
**Daniel Buda**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

*Amendment*

13. Emphasises that legislative measures cannot address these issues alone, practical measures to raise the competence both of courts and of lawyers are also necessary;

13. Emphasises that legislative measures cannot address these issues alone, practical measures to raise the competence both of courts and of lawyers are also necessary, *such as improved training in commercial matters and better access to EU law and the national law of the Member States, in particular case law;*

**Amendment 44**

**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**

**Paragraph 13**

*Motion for a resolution*

13. Emphasises that legislative measures cannot address these issues alone, practical measures to raise the competence both of *courts* and of lawyers are also necessary;

*Amendment*

13. Emphasises that legislative measures cannot address these issues alone, practical measures to raise the competence both of *specialised chambers* and of lawyers are also necessary;

Or. fr

**Amendment 45**

**Emil Radev**

**Motion for a resolution**

**Paragraph 13**

*Motion for a resolution*

13. Emphasises that legislative measures cannot address these issues alone, practical measures to raise the competence both of courts and of lawyers are also necessary;

*Amendment*

13. Emphasises that legislative measures cannot address these issues alone, practical measures to raise the competence both of courts and of *practising* lawyers are also necessary;

Or. bg

**Amendment 46**

**Sergio Gaetano Cofferati**

**Motion for a resolution**

**Paragraph 16**

*Motion for a resolution*

16. Stresses that also the quality of the law applicable to commercial matters *and*

*Amendment*

16. Stresses that also the quality of the law applicable to commercial matters is of

*how well it is adapted to the practices and development in the commercial area* is of great importance;

great importance;

Or. en

**Amendment 47**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

17. Pursuant to Article 225 TFEU, requests therefore the Commission to submit by 1 January 2020, on the basis of Article 81(2) TFEU, a proposal for a legislative act on a European Expedited Civil Procedure and *a proposal for amendments to the Rome I Regulation* according to recommendations set out in the Annex hereto;

*Amendment*

17. Pursuant to Article 225 TFEU, requests therefore the Commission to submit by 1 January 2020, on the basis of Article 81(2) TFEU, a proposal for a legislative act on a European Expedited Civil Procedure and, according to recommendations set out in the Annex hereto, *a proposal for amendments to the Rome I and Rome II Regulations and, where necessary, a proposal for amendments to the Brussels Ia Regulation*;

Or. en

**Amendment 48**  
**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

17. Pursuant to Article 225 TFEU, requests therefore the Commission to submit by 1 January 2020, on the basis of Article 81(2) TFEU, a proposal for a legislative act on a European Expedited Civil Procedure *and a proposal for amendments to the Rome I Regulation* according to recommendations set out in

*Amendment*

17. Pursuant to Article 225 TFEU, requests therefore the Commission to submit by 1 January 2020, on the basis of Article 81(2) TFEU, a proposal for a legislative act on a European Expedited Civil Procedure *in accordance with the Rome I Regulation* according to recommendations set out in the Annex

the Annex hereto;

hereto;

Or. fr

#### **Amendment 49**

**Emil Radev**

#### **Motion for a resolution**

##### **Paragraph 19**

###### *Motion for a resolution*

19. Confirms that the recommendations annexed to this motion for a resolution respect fundamental rights and the principles of subsidiarity and proportionality;

###### *Amendment*

19. Confirms that the recommendations annexed to this motion for a resolution respect fundamental rights, ***the principle of national procedural autonomy*** and the principles of subsidiarity and proportionality;

Or. bg

#### **Amendment 50**

**Gilles Lebreton, Marie-Christine Boutonnet**

#### **Motion for a resolution**

##### **Paragraph 20**

###### *Motion for a resolution*

20. Considers that any financial implications of the proposal, costs for procedures brought under the EECp, would be offset by equivalent savings as the EECp is likely to be substantially more cost-effective than the ordinary procedures of the Member States and as the disputes in question would not be brought under the general procedural system of the Member State in question;

###### *Amendment*

20. Considers that any financial implications of the proposal, costs for procedures brought under the EECp, would be offset by equivalent savings as the EECp is likely to be substantially more cost-effective than the ordinary procedures of the Member States, ***with the recommendation to attempt prior conciliation***, and as the disputes in question would not be brought under the general procedural system of the Member State in question;

Or. fr

**Amendment 51**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Paragraph 20 a (new)**

*Motion for a resolution*

*Amendment*

**20a. Emphasises that commercial law is only one of the areas where further actions at European level are needed to ensure better access to justice, higher quality of the proceedings, stronger safeguards for the parties and quicker settlement of disputes;**

Or. en

**Amendment 52**  
**Emil Radev**

**Motion for a resolution**  
**Annex I – part I – paragraph 1**

*Motion for a resolution*

*Amendment*

The main aim of the following proposal is to introduce a European Expedited Civil Procedure in order to provide European companies a possibility to reach a settlement of commercial disputes within a reasonable time frame.

The main aim of the following proposal is to introduce a European Expedited Civil Procedure in order to provide European companies a possibility to reach a settlement of **cross-border** commercial disputes within a reasonable time frame.

Or. bg

**Amendment 53**  
**Daniel Buda**

**Motion for a resolution**  
**Annex I – part I – paragraph 1**

*Motion for a resolution*

*Amendment*

The main aim of the following proposal is to introduce a European Expedited Civil Procedure in order to provide European

The main aim of the following proposal is to introduce a **voluntary** European Expedited Civil Procedure in order to



companies a possibility to reach a settlement of commercial disputes within a reasonable time frame.

provide European companies a possibility to reach a settlement of commercial disputes within a reasonable time frame.

Or. ro

**Amendment 54**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part I – paragraph 2 – point 1 a (new)**

*Motion for a resolution*

*Amendment*

***1a. It should apply only to business-to-business commercial disputes which do not have any implications for workers or consumers and which do not have any aspects related to environmental matters;***

Or. en

**Amendment 55**  
**Emil Radev**

**Motion for a resolution**  
**Annex I – part I – paragraph 2 – point 2**

*Motion for a resolution*

*Amendment*

2. It should apply if the parties so agree either before the dispute arises or if the claimant launches a claim under the procedure and the defendant accepts it;

2. It should apply if the parties so agree ***and sign an agreement to that effect***, either before the dispute arises or if the claimant launches a claim under the procedure and the defendant accepts it;

Or. bg

**Amendment 56**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part I – paragraph 2 – point 2**

*Motion for a resolution*

2. It should apply if the parties so agree ***either before*** the dispute arises or if the claimant launches a claim under the procedure and the defendant accepts it;

*Amendment*

2. It should apply if the parties so agree ***after*** the dispute arises or if the claimant launches a claim under the procedure and the defendant accepts it;

Or. en

**Amendment 57**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part I – paragraph 2 – point 2 a (new)**

*Motion for a resolution*

*Amendment*

***2a. It should apply only if the parties have been duly informed in advance of the consequences of consenting to use this procedure;***

Or. en

**Amendment 58**  
**Emil Radev**

**Motion for a resolution**  
**Annex I – part I – paragraph 2 – point 3**

*Motion for a resolution*

*Amendment*

3. It should require the parties to prepare their claims to a high degree before going to court; paired with early preclusion of ***raising*** new facts or new evidence;

3. It should require the parties to prepare their claims to a high degree before going to court; paired with early preclusion of ***the possibility to raise*** new facts or new evidence ***in court***;

Or. bg

**Amendment 59**  
**Emil Radev**

**Motion for a resolution**

**Annex I – part I – paragraph 2 – point 5**

*Motion for a resolution*

5. It could in principle be a written procedure, allowing for oral hearings where the parties so request;

*Amendment*

5. It could in principle be a written procedure, allowing for oral hearings where ***at least one of*** the parties so request;

Or. bg

**Amendment 60**

**Emil Radev**

**Motion for a resolution**

**Annex I – part I – paragraph 2 – point 6**

*Motion for a resolution*

6. It should, as a starting point, apply very short deadlines to the procedure, allowing the parties ***to opt for*** longer deadlines in cases of higher complexity;

*Amendment*

6. It should, as a starting point, apply very short deadlines to the procedure, allowing the ***court, in agreement with the parties, to apply*** longer deadlines in cases of higher complexity;

Or. bg

**Amendment 61**

**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**

**Annex I – part I – paragraph 2 – point 7**

*Motion for a resolution*

7. Encourage in- and out-of-court amicable settlement of disputes, including by way of mediation;

*Amendment*

7. Encourage ***a prior attempt at*** in- and out-of-court amicable settlement of disputes, including by way of mediation ***or conciliation***;

Or. fr

## Amendment 62

Emil Radev

### Motion for a resolution

#### Annex I – part I – paragraph 2 – point 7

##### *Motion for a resolution*

7. Encourage in- and out-of-court amicable settlement of disputes, including by way of mediation;

##### *Amendment*

7. Encourage in- and out-of-court amicable settlement of ***cross-border commercial*** disputes, including by way of mediation;

Or. bg

## Amendment 63

Sergio Gaetano Cofferati

### Motion for a resolution

#### Annex I – part I – paragraph 2 – point 8 a (new)

##### *Motion for a resolution*

##### *Amendment*

***8a. The costs of the procedure should be limited, in order to guarantee the respect of the right of access to justice;***

Or. en

## Amendment 64

Gilles Lebreton, Marie-Christine Boutonnet

### Motion for a resolution

#### Annex I – part II

##### *Motion for a resolution*

##### *Amendment*

***II. Possible changes to Rome I Regulation***

***deleted***

***The proposal on European Expedited Civil Procedure could be supported by a proposal to amend the Rome I Regulation to achieve a stronger connection between the purpose and aim of agreements and the law chosen within the Union but also***

*to afford the parties to purely commercial contracts further autonomy.*

*Amendments to the Rome I Regulation could include:*

- 1. The possibility for parties to apply not only existing law of a Member State, but international conventions, model laws and principles or similar adopted by an intergovernmental organisation;*
- 2. Consideration of reinforcement of the connection between the law chosen and the content, aim and purpose of the contract and of the parties;*
- 3. Reconsideration of the rules applicable to the validity of a choice of law, this ought to be considered under the default law applicable to the contract.*

Or. fr

**Amendment 65**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part II – title**

*Motion for a resolution*

II. Possible changes to ***Rome I***  
Regulation

*Amendment*

II. ***Changes to Rome I and Rome II Regulations*** and possible changes to  
***Brussels Ia*** Regulation

Or. en

**Amendment 66**  
**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**  
**Annex I – part II – paragraph 1**

*Motion for a resolution*

***The proposal on European Expedited Civil Procedure could be supported by a***

***deleted***

*Amendment*

*proposal to amend the Rome I Regulation to achieve a stronger connection between the purpose and aim of agreements and the law chosen within the Union but also to afford the parties to purely commercial contracts further autonomy.*

Or. fr

**Amendment 67**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part II – paragraph 1**

*Motion for a resolution*

The proposal on European Expedited Civil Procedure *could* be supported by a proposal to amend the Rome I **Regulation** to achieve a stronger connection between the purpose and aim of agreements and the law chosen within the Union *but also to afford the parties to purely commercial contracts further autonomy.*

*Amendment*

The proposal on European Expedited Civil Procedure *should* be supported by a proposal to amend the Rome I *and Rome II Regulations* to achieve a stronger connection between the purpose and aim of agreements and the law chosen within the Union *and to better protect the weaker parties in business-to-business relations.*

Or. en

**Amendment 68**  
**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**  
**Annex I – part II – paragraph 2**

*Motion for a resolution*

*Amendments to the Rome I Regulation could include:*

- 1. The possibility for parties to apply not only existing law of a Member State, but international conventions, model laws and principles or similar adopted by an intergovernmental organisation;*
- 2. Consideration of reinforcement of the*

*Amendment*

*deleted*

*connection between the law chosen and the content, aim and purpose of the contract and of the parties;*

**3. Reconsideration of the rules applicable to the validity of a choice of law, this ought to be considered under the default law applicable to the contract.**

Or. fr

**Amendment 69**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part II – paragraph 2 – introductory part**

*Motion for a resolution*

*Amendment*

Amendments to the Rome I Regulation *could* include:

Amendments to the Rome I Regulation *should in particular* include:

Or. en

**Amendment 70**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**  
**Annex I – part II – paragraph 2 – point 1**

*Motion for a resolution*

*Amendment*

**1. The possibility for parties to apply not only existing law of a Member State, but international conventions, model laws and principles or similar adopted by an intergovernmental organisation;** *deleted*

Or. en

**Amendment 71**  
**Sergio Gaetano Cofferati**

**Motion for a resolution**

## Annex I – part II – paragraph 2 – point 2

### *Motion for a resolution*

2. **Consideration of** reinforcement of the connection between the law chosen and the content, aim and purpose of the contract and of the parties;

### *Amendment*

2. **the** reinforcement of the connection between the law chosen and the content, aim and purpose of the contract and of the parties **and measures to better protect the weaker parties in business-to-business relations, in particular where they are SMEs;**

Or. en

## Amendment 72

Sergio Gaetano Cofferati

### Motion for a resolution

Annex I – part II – paragraph 2 a (new)

### *Motion for a resolution*

### *Amendment*

***The Commission should at the same time assess the need to review the Brussels Ia Regulation in order to better protect the weaker parties in business-to-business relations, in particular by considering the possibility to limit parties' freedom of choice.***

Or. en

## Amendment 73

Daniel Buda

### Motion for a resolution

Annex I – part III – point 1 – point a

### *Motion for a resolution*

### *Amendment*

a) training of judges and lawyers in commercial matters;

a) training of judges and lawyers **and legal practitioners** in commercial matters;

Or. ro



**Amendment 74**

**Emil Radev**

**Motion for a resolution**

**Annex I – part III – point 1 – point a**

*Motion for a resolution*

**a)** training of judges and lawyers in commercial matters;

*Amendment*

**(a)** training of judges and *practising* lawyers in commercial matters;

Or. bg

**Amendment 75**

**Emil Radev**

**Motion for a resolution**

**Annex I – part III – point 1 – point d a (new)**

*Motion for a resolution*

*Amendment*

**(da)** *the mastering of a foreign language and its legal terminology;*

Or. bg

**Amendment 76**

**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**

**Annex I – part III – point 3**

*Motion for a resolution*

*Amendment*

**3.** *In addition, the Commission is invited to further study the possibility to establish a European Commercial Court to supplement the courts of the Member States and offer litigants an additional, international forum specialised in settlement of commercial disputes.*

*deleted*

Or. fr

**Amendment 77**

**Gilles Lebreton, Marie-Christine Boutonnet**

**Motion for a resolution**

**Annex I – part III – point 4**

*Motion for a resolution*

**4. As a final measure, Member States are invited to consider reviewing their laws applicable to commercial matters, as one of the more important factors for choice of law is how well the commercial law of a country has adapted to practices and developments in commercial areas.**

*deleted*

*Amendment*

Or. fr

**Amendment 78**

**Sergio Gaetano Cofferati**

**Motion for a resolution**

**Annex I – part III – point 4**

*Motion for a resolution*

**4. As a final measure, Member States are invited to consider reviewing their laws applicable to commercial matters, as one of the *more* important factors for choice of law is *how well* the commercial law of a country *has adapted to practices and developments in commercial areas*.**

*Amendment*

**4. As a final measure, Member States are invited to consider reviewing their laws applicable to commercial matters *in business-to-business situations*, as one of the *most* important factors for choice of law is *the effectiveness and the quality of* the commercial law of a country.**

Or. en