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Sortér Sorter efter dato Nøgleord "alternativ tvistbilæggelse"

18 Resultat (er)

Oprettelsesdato : 19-04-2024

[Alternative dispute resolution](#)

Type af publikation Briefing

Dato 13-03-2024

Forfatter EVROUX CLEMENT THIERRY

Politikområde Forbrugerbeskyttelse

Nøgleord alternativ tvistbilæggelse | DEN EUROPÆISKE UNION | digitalt indhold | digitalt indre marked | elektronisk handel | EU-forslag | EU-lovgivning | europæisk integration | forbrug | forbrugerbeskyttelse | handelstvst | international handel | LOVBESTEMMELSER | markedsføring | PRODUKTION, TEKNOLOGI OG FORSKNING | retslig virksomhed | teknologi og tekniske bestemmelser | udførelse af tjenesteydelser | varer og tjenesteydelser | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé Alternative dispute resolution (ADR) is defined as a process allowing complaints to be settled out of court with the assistance of an impartial dispute resolution body. On 17 October 2023, the European Commission adopted proposals for a directive amending several directives pertaining to consumer rights and ADR, in which the notion of complaint relates to situations where a relation between a consumer and a trader gives rise to a complaint from the consumer. Through ADR, consumers are able to settle a complaint against a trader for breach of contract, outside court procedures, assisted by impartial, neutral dispute mediation, arbitration or conciliation. Since 2013, the share of e-commerce in the EU economy has increased significantly, up from 2 % to 4 % of EU GDP, increasing the relevance of ADR for consumers. Each year, circa 300 000 eligible disputes between consumers and traders are examined by ADR entities, with resolution rates between 17 % and 100 % across the Member States. The Commission proposal pursues three objectives, to: adapt the ADR legislative framework to digital markets; facilitate the use of ADR in cross-border disputes; and simplify ADR procedures. In the European Parliament, the file was referred to the Committee on Internal Market and Consumer Protection. The committee adopted its report unanimously on 22 February 2024. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. On 13 March 2024, Parliament adopted the report as its first reading position with 605 votes in favour, 7 votes against and 13 abstentions.

Briefing [EN](#)

[EU framework on alternative dispute resolution for consumers](#)

Type af publikation Briefing

Dato 01-02-2024

Forfatter TENHUNEN Susanna

Politikområde Forbrugerbeskyttelse

Nøgleord alternativ tvistbilæggelse | bilæggelse af tvister | borgerlige sager | civilret | civilret | DEN EUROPÆISKE UNION | direktiv (EU) | elektronisk handel | EU-forordning | EU-lovgivning | forbrug | forbrugerlov | handelspolitik | handelsret | handelstvst | international handel | international sikkerhed | INTERNATIONALE RELATIONER | LOVBESTEMMELSER | markedsføring | retslig virksomhed | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé Directive (2013/11/EU) on alternative dispute resolution for consumer disputes (the 'ADR Directive') provides an out-of-court solution for consumers to resolve disputes on goods and services purchased from traders established in the single market. Together with Regulation (EU) No 524/2013 on online dispute resolution for consumer disputes (the 'ODR Regulation'), the ADR Directive forms a horizontal EU-level framework for alternative dispute resolution. The significant increase of online sales, in particular during the COVID-19 pandemic, as well as contractual challenges exposed by the energy crisis, have highlighted the continued importance of an effective, low-cost and fair way to resolve disputes between consumers and traders. Typically, these disputes concern return of money, reparation of faulty products, or termination of a contract based on unfair terms. Although the ADR mechanisms are deemed a clear improvement for consumers, the digitalisation of the consumer market, the complexity of the procedures and lack of awareness challenge the existing ADR architecture adopted in 2013. Despite successive updates, the ODR platform has reportedly not achieved its objectives. On 17 October 2023, the European Commission therefore proposed to introduce targeted amendments to the ADR Directive and to repeal the ODR Regulation. It also put forward a new recommendation setting quality requirements for online marketplaces and EU trade associations providing dispute resolution systems. In addition to aiming for a modernised ADR framework, these proposals for revision contribute to the Better Regulation simplification and burden reduction targets. During the ninth legislature, the European Parliament has addressed ADR in the context of policies having consumer protection – including access to redress – at their core. These include, among other policies, automated decision-making. In addition, Parliament has dealt with several petitions from citizens relating to the implementation and application of the ADR mechanisms in practice. Preliminary rulings of the Court of Justice of the European Union (CJEU) have clarified the interpretation of certain provisions of the ADR Directive and thus facilitated legal certainty.

Briefing [EN](#)

[Alternative dispute resolution for consumers](#)

Type af publikation Briefing

Dato 31-01-2024

Forfatter ANGLMAYER Irmgard

Politikområde Det Indre Marked og Toldunionen | Forbrugerbeskyttelse | Forudgående Konsekvensanalyse

Nøgleord alternativ tvistbilæggelse | DEN EUROPÆISKE UNION | direktiv (EU) | EU-lovgivning | europæisk integration | forbrug | forbrugerlov | forbrugerpolitik | konkurrenceevne | LOVBESTEMMELSER | område for frihed, sikkerhed og retfærdighed | retslig virksomhed | VIRKSOMHEDER OG KONKURRENCE | virksomhedsorganisation | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé The impact assessment (IA) underpinning the revision of the alternative dispute resolution (ADR) framework presents a robust intervention logic. It puts forward four policy options (including a non-regulatory option) with varying degrees of ambition; however, the description of the different policy options would have benefited from more depth and detail. The IA assesses the policy options in terms of their economic, social and environmental impacts and their effects on fundamental rights. While large parts of the analysis are mainly qualitative, the section on economic impacts is also supported by quantitative data and estimations. Although the IA acknowledges that most businesses concerned are SMEs, the impact on SMEs is not further assessed. Similarly, more reflection on the impact of extending the directive's scope to third-country traders would have been warranted. The IA's evidence base appears solid: in addition to a comprehensive stakeholder consultation, it drew on an ex-post evaluation (conducted 'back to back' with the IA), Commission reports on the application of the current ADR/ODR framework, and several highly relevant and up-to-date studies. The legislative proposal appears to follow broadly the IA's preferred option, despite some clear differences.

Briefing [EN](#)

[The performance of the Package Travel Directive and broader consumer protection issues in the implementation of passenger rights \(At A Glance - Study In Focus\)](#)

Type af publikation Oversigt

Dato 13-10-2023

Ekstern forfatter Annette CERULLI-HARMS, Alessandra INNESTI, Nessa GORMAN, Pietro PALUMBO, Cristina PONCIBO' & Jelena VITIC.

Politikområde Det Indre Marked og Toldunionen | EP's og Rådets Vedtagelse af Lovgivning | Evaluering af Lovgivning og Politikker i Praksis | Forbrugerbeskyttelse

Nøgleord alternativ tvistbilæggelse | DEN EUROPÆISKE UNION | digital omstilling | direktiv (EU) | EU-lovgivning | forbrug | forbrugerbeskyttelse | LOVBESTEMMELSER | passagerers rettigheder | PRODUKTION, TEKNOLOGI OG FORSKNING | retslig virksomhed | SOCIALE SPØRGSMÅL | socialt liv | teknologi og tekniske bestemmelser | TRANSPORT | transportpolitik | turisme | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé This At A Glance - Study In Focus provides information on the implementation and enforcement of the Package Travel Directive (PTD) in the EU with a focus on ten EU Member States. It summarises areas for improvement, such as adapting the definition of package travel to accommodate evolving industry trends, addressing pre-contractual information gaps, improving payment practices, tackling challenges in the digital environment, enhancing enforcement mechanisms, promoting alternative dispute resolution, and increasing consumer awareness. This document was provided by the Policy Department for Economic, Scientific and Quality of Life Policies at the request of the committee on Internal Market and Consumer Protection (IMCO).

Oversigt [EN](#)

[Multilateral Investment Court: Overview of the reform proposals and prospects](#)

Type af publikation Briefing

Dato 28-01-2020

Forfatter HALLAK ISSAM

Politikområde International Handel

Nøgleord alternativ tvistbilæggelse | FINANSER | handelstvst | international handel | international handelsret | international investering | international ret | international sikkerhed | international voldgift | INTERNATIONALE RELATIONER | investering og finansiering | investeringspolitik | LOVBESTEMMELSER | retslig virksomhed | retsvæsen | voldgift | voldgiftsdomstol | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé The Council of the European Union has authorised the European Commission to represent the EU and its Member States at the intergovernmental talks at the United Nations Commission on International Trade Law (UNCITRAL), with a view to reforming the existing investor-state dispute settlement (ISDS) system. The latter provides a procedural framework for disputes between international investors and hosting states, and relies on arbitration procedures. However, there have been growing concerns among states and stakeholders about the system's reliance on arbitrators, given its lack of transparency, issues over the predictability and consistency of their decisions, and the excessive costs involved. UNCITRAL talks aim to address these concerns by reforming the system. The EU and its Member States support the establishment of a multilateral investment court (MIC), composed of a first instance and an appellate tribunal staffed by full-time adjudicators. UNCITRAL talks on ISDS reform started in 2017. In April 2019, the working group finalised the list of concerns regarding the current ISDS system and agreed that it was desirable to work on reforms. The states then tabled reform proposals that provided the framework for the discussions that started in October 2019. The proposals range from introducing binding rules for arbitrators to setting up formal investment courts comprised of first instance and appellate tribunals. All in all, the proposals reflect two distinct approaches. Some states back the creation of tools – such as a code of conduct and/or an advisory body for smaller economies and small and medium-sized enterprises – to complement the current system. Others favour fundamental changes through the creation of a two-court system with appointed members. The latest round of talks took place in January 2020, and another is scheduled for March/April 2020. Although states are eager to reform the ISDS system, the complexity of the issue is likely to require additional sessions before agreement can be reached.

Briefing [EN](#)

Plenary round-up – Strasbourg, December 2018

Type af publikation Oversigt

Dato 14-12-2018

Forfatter FERGUSON CLARE | SOCHACKA KATARZYNA

Politikområde EU's Demokrati, Institutionelle og Parlamentariske Forhold

Nøgleord alternativ tvistbilæggelse | ARBEJDE OG BESKÆFTIGELSE | arbejdsorganisation og -betingelser | arbejdssikkerhed | Asien - Oceanien | beskatning af den digitale økonomi | DEN EUROPÆISKE UNION | EU's almindelige budget | EU-finanser | EU-institutioner og EU-forvaltning | Europa | Europa-Parlamentet | FINANSER | GEOGRAFI | Japan | landbrugsfødevareindustri | landbrugsfødevareindustri | LANDBRUGSVAREINDUSTRI | LOVBESTEMMELSER | meningsfrihed | organ (EU) | parlamentarisk arbejde | parlamentssession | POLITIK | politisk geografi | politisk liv og offentlig sikkerhed | retslig virksomhed | rettigheder og friheder | skatteforhold | terrorisme | Ukraine | økonomisk geografi

Resumé The December plenary session was marked by the terrorist attack that took place in Strasbourg on 11 December. Members had that very day debated the report of Parliament's Special Committee on Terrorism, concluding its year's work. The December plenary session also featured debates on the preparations for the same week's European Council and Euro Summit meetings, as well as on the future of Europe, with Nicos Anastasiades, President of Cyprus. Parliament awarded the 2018 Sakharov Prize for freedom of thought to the imprisoned Ukrainian filmmaker, Oleg Sentsov, and adopted a report on the implementation of the EU-Ukraine Association Agreement. Parliament adopted the EU's 2019 budget, and held debates and voted on proposals on a digital services tax; risk assessment in the food chain; risks related to exposure to carcinogens or mutagens at work; revision of the statutes of three EU agencies; as well as an own initiative legislative report on expedited settlement of commercial disputes. Finally, Parliament adopted positions on seven of the three dozen proposed funding programmes for the 2021-2027 period, enabling negotiations with the Council to be launched.

Oversigt [EN](#)

Expedited settlement of commercial disputes in the European Union

Type af publikation Studie

Dato 05-12-2018

Forfatter EVAS Tatjana

Politikområde Aftaleret, Erhvervsret og Selskabsret | Det Indre Marked og Toldunionen | International privatret og civilretligt samarbejde

Nøgleord alternativ tvistbilæggelse | handelstvst | harmonisering af normer | international handel | international handelsvoldgift | LOVBESTEMMELSER | PRODUKTION, TEKNOLOGI OG FORSKNING | retslig virksomhed | retspleje | søgsmålsret | teknologi og tekniske bestemmelser | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé The EU legal services market is the second largest in the world. Commercial, business to business (B2B) litigation is one of the largest segments of the legal services market. The EU measures on choice of law, choice of forum and enforcement proved to be successful in supporting EU competitiveness. However, to enhance competitiveness of the EU litigation market and ensure further growth, a set of EU measures to simplify and expedite settlement of commercial disputes is needed. The EU measures should focus on the enhancement of procedural efficiency, among other things, by taking action to reduce length of procedure. The 2018 European Added Value Assessment (EAVA) suggests that the EU actions to expedite settlement of commercial disputes could generate European added value for the EU economy and businesses in the range of 4.6 to 5.7 billion EUR annually. The European added value can be created through increase in direct contribution of litigation services revenues to the EU economy and through reduction of opportunity costs to business associated with length of judicial proceedings.

Studie [EN](#)

Mediation Directive 2008/52/EC

Type af publikation Oversigt

Dato 15-11-2018

Forfatter REMAC Milan

Politikområde Aftaleret, Erhvervsret og Selskabsret | Gennemførelse og Anvendelse af Lovgivning | International privatret og civilretligt samarbejde | Socialpolitik

Nøgleord alternativ tvistbilæggelse | andragende | bevidstgørelse af offentligheden | civilret | civilret | DEN EUROPÆISKE UNION | direktiv (EU) | dokumentation | EF-direktiv | EU's retspraksis | EU-forordning | EU-lovgivning | handelspolitik | handelsret | LOVBESTEMMELSER | national gennemførelsesforanstaltning | parlament | POLITIK | politisk liv og offentlig sikkerhed | rapport | retslig virksomhed | tilnærmelse af lovgivning | UDDANNELSE OG KOMMUNIKATION | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé Mediation Directive 2008/52/EC defines the procedure of environmental impact assessment. It intends to facilitate access to alternative dispute resolution mechanisms and to promote the amicable settlement of disputes, while encouraging the use of mediation. The directive applies to cross-border disputes in civil, including family law, and commercial matters. This note provides a brief overview of its implementation.

Oversigt [EN](#)

COLLECTIVE REDRESS IN THE MEMBER STATES OF THE EUROPEAN UNION

Type af publikation Studie

Dato 03-10-2018

Ekstern forfatter Rafael AMARO, Associate Professor at the University Paris-Descartes, France
Maria José AZAR-BAUD, Associate Professor at Paris-Sud University, France
Sabine CORNELOUP, Professor at the University Paris II Panthéon-Assas, France
Bénédicte FAUVARQUE-COSSON, Professor at the University Paris II Panthéon-Assas, France
Fabienne JAULT-SESEKE, Professor at the University of Versailles-Saint-Quentin-en-Yvelines, France

Politikområde International privatret og civilretligt samarbejde

Nøgleord alternativ tvistbilæggelse | bilæggelse af tvister | EU-medlemsstat | GEOGRAFI | handelstvst | harmonisering af normer | international handel | international sikkerhed | INTERNATIONALE RELATIONER | kollektiv interesse | kommunikation | LOVBESTEMMELSER | PRODUKTION, TEKNOLOGI OG FORSKNING | retslig virksomhed | søgsmål | søgsmålsret | teknologi og tekniske bestemmelser | UDDANNELSE OG KOMMUNIKATION | åben høring | økonomisk geografi | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Legal Affairs, aims to assess the current state of play of collective redress at national and European levels, evaluate the opportunity of a European intervention in the matter and provide the European Parliament with concrete recommendations. Both the assessment and the recommendations have been drafted keeping in mind the essential issue raised by collective redress: access to justice. This principle, which is essential in a Union enforcing the rule of law, is currently challenged by the existing divergences. As such the creation of harmonised collective redress mechanism is becoming an increasingly pressing matter.

Studie [EN](#)

Kort resumé [DE](#), [FR](#)

International Agreements in Progress - EU-Japan trade agreement: a driver for closer cooperation beyond trade

Type af publikation Briefing

Dato 09-07-2018

Forfatter BINDER Krisztina

Politikområde International Handel | Udenrigsanliggender

Nøgleord alternativ tvistbilæggelse | Asien - Oceanien | databeskyttelse | datamatik og databehandling | DEN EUROPÆISKE UNION | EU-handelsaftale | europæisk integration | FINANSER | forhandling om EU-aftale | GEOGRAFI | ikketoldmæssig handelshindring | information og informationsbehandling | international handel | international handel | investering og finansiering | Japan | LOVBESTEMMELSER | retslig virksomhed | toldforhandling | toldpolitik | UDDANNELSE OG KOMMUNIKATION | udenlandsk investering | ØKONOMI | økonomisk analyse | økonomisk analyse | økonomisk geografi | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé Negotiations on an EU-Japan trade agreement were officially launched in March 2013. Following the political agreement in principle reached in July 2017, a final accord on the EU-Japan Economic Partnership Agreement (EPA) was announced in December 2017. On 18 April 2018, the European Commission proposed to the Council of the European Union to sign and conclude the agreement. The Commission expects that the EU-Japan EPA can be signed in July 2018, and aims to have the agreement come into effect before the end of its mandate in 2019, following approval by the Council and the European Parliament. The EU-Japan EPA will establish a free trade area with a combined market of around 640 million consumers that accounts for roughly a third of the world's gross domestic product (GDP). The 2016 Trade Sustainability Impact Assessment (Trade SIA) of the agreement indicated that EU exports to Japan could rise by up to 34 %, and according to a more recent Commission estimate, European companies would save up to €1 billion in customs duties per year as a result of the EU-Japan EPA. In addition to exploiting the untapped potential of bilateral trade, the agreement is also of strategic importance, conveying a strong message of the parties' commitment to promoting a free and fair trading system based on rules, and to reject trade protectionism. [Second] edition. The 'International Agreements in Progress' briefings are updated at key stages throughout the process, from initial discussions through to ratification. To view earlier editions of this briefing, please see: PE 589.828, 7 october 2016.

Briefing [EN](#)

Trade and sustainable development chapters in CETA

Type af publikation Briefing

Dato 20-01-2017

Forfatter BINDER Krisztina | PUCCIO Laura

Politikområde International Handel | Udenrigsanliggender | Økonomiske og Monetære Anliggender

Nøgleord alternativ tvistbilæggelse | Amerika | ARBEJDE OG BESKÆFTIGELSE | arbejdsmarkedsrelationer og arbejdsret | arbejdsret | Canada | civilsamfund | Den Internationale Arbejdsorganisation | FINANSER | Forenede Nationer | forsigtighedsprincip | forskning og intellektuel ejendomsret | frihandelsaftale | GEOGRAFI | international handel | international handel | international handelsvoldgift | international politik | INTERNATIONALE ORGANISATIONER | INTERNATIONALE RELATIONER | investering og finansiering | LOVBESTEMMELSER | menneskerettigheder | POLITIK | politisk geografi | politisk liv og offentlig sikkerhed | PRODUKTION, TEKNOLOGI OG FORSKNING | ratificering af aftale | retslig virksomhed | rettigheder og friheder | udenlandsk investering | varig udvikling | ØKONOMI | økonomisk geografi | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM | økonomisk politik

Resumé The EU-Canada Comprehensive Economic and Trade Agreement (CETA), signed in October 2016, is currently at the ratification stage. This agreement, concluded between like-minded trade partners, represents the new generation of EU free trade agreements (FTAs), and contains chapters covering sustainable development. The inclusion by the EU of sustainable development chapters in FTAs concluded with its partners plays a role in ensuring that trade and investment liberalisation does not lead to a deterioration in environmental and labour conditions. In keeping with this trade policy practice, developed over the years, trade-related sustainability provisions, including labour and environmental considerations, are grouped in three chapters (Chapters 22 to 24) within CETA. CETA has only partially exceeded the dialogue-only approach contained in earlier EU trade agreements and has maintained the exclusion of trade and sustainable development (TSD) chapters from the scope of the state-to-state dispute settlement (SSDS) procedure. It also maintains an ad hoc two-stage dispute resolution mechanism already found in the EU-South Korea FTA. However, this mechanism does not include sanctions and focuses on mutually agreed solutions to problems. This choice by the EU is due to the still strongly cooperative nature of the TSD chapters. On CETA please refer also to the 'International Agreements in Progress' briefing on the Comprehensive Economic and Trade Agreement with Canada by Wilhelm Schöllmann.

Briefing [EN](#)

New EU-wide online dispute resolution platform

Type af publikation Oversigt

Dato 16-02-2016

Forfatter VALANT Jana

Politikområde Det Indre Marked og Toldunionen | Forbrugerbeskyttelse

Nøgleord alternativ tvistbilæggelse | DEN EUROPÆISKE UNION | elektronisk handel | etik i erhvervslivet | europæisk integration | forbrug | forbrugerbeskyttelse | indre marked | internetsted | kommunikation | LOVBESTEMMELSER | markedsføring | retslig virksomhed | UDDANNELSE OG KOMMUNIKATION | VIRKSOMHEDER OG KONKURRENCE | virksomhedsorganisation | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé A new web-based platform, which became available on 15 February 2016 in all EU languages, will provide an easy, fast and inexpensive way to assist in resolving disputes between online buyers and traders. The platform is managed by the European Commission. Please click here for the full publication in PDF format

Oversigt [EN](#)

Europeanisation of civil procedure: Towards common minimum standards?

Type af publikation Indgående analyse

Dato 11-06-2015

Forfatter MAŃKO Rafał

Politikområde EU-lovgivning: Retssystem og Retsakter | Folketret | Gennemførelse og Anvendelse af Lovgivning | International privatret og civilretligt samarbejde | Menneskerettigheder | Området med Frihed, Sikkerhed og Retfærdighed

Nøgleord adgang til retsvæsenet | alternativ tvistbilæggelse | borgerlig retspleje | civilret | civilret | DEN EUROPÆISKE UNION | Den Europæiske Unions charter om grundlæggende rettigheder | EU's civilretlige samarbejde | EU's kompetence | EU-lovgivning | europæisk integration | europæisk retsområde | forbrug | forbrugerbeskyttelse | forsvarsrettigheder | fuldbyrdelse af dom | handelspolitik | handelsret | INTERNATIONALE RELATIONER | LOVBESTEMMELSER | retslig virksomhed | samarbejdspolitik | udarbejdelse af EU-ret | udbygning af EU | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé The free movement of judgments in the European Area of Justice presupposes a high level of mutual trust between the judiciaries of the Member States. From the citizens' perspective, the key issue is the balancing of the fundamental rights of claimants and defendants, i.e. the right of access to justice (to pursue a claim) and the rights of the defence. Mutual trust in judiciaries can be built in various ways. First of all, through the creation of uniform European procedures in the form of optional instruments, which lead to the pronouncement of judgments on the basis of common rules of procedure. Secondly, sector-specific harmonisation of procedural law is possible, addressing civil procedure in the context of other policy areas, such as intellectual property, competition law or consumer protection. Thirdly, horizontal harmonisation of civil procedure by way of directives is also possible. Up to now, only selected and rather narrow areas of civil procedure have been addressed in this manner. However, a more ambitious project has been launched by the European Law Institute (ELI) in collaboration with the International Institute for the Unification of Private Law (Unidroit), aimed at elaborating European rules of civil procedure. These rules, once finalised, could be the basis of a future directive on minimum standards of civil procedure in the EU.

Indgående analyse [DE](#), [EN](#), [FR](#)

Reform of the European Small Claims Procedure

Type af publikation Briefing

Dato 20-05-2015

Forfatter MANKO Rafal

Politikområde Aftaleret, Erhvervsret og Selskabsret | EP's og Rådets Vedtagelse af Lovgivning

Nøgleord alternativ tvistbilæggelse | ARBEJDE OG BESKÆFTIGELSE | arbejdskonflikt | arbejdsmarkedsrelationer og arbejdsret | beskyttelse af privatlivet | borgerlig retspleje | borgerlige sager | civilret | DEN EUROPÆISKE UNION | EU's civile retlige samarbejde | EU-forslag | EU-lovgivning | europæisk integration | forbrug | forbrugerbeskyttelse | fordring | kommunikation | LOVBESTEMMELSER | retslig virksomhed | retsvæsen | rettigheder og friheder | saglig kompetence | sagsomkostninger | UDDANNELSE OG KOMMUNIKATION | videokommunikation | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé The European Small Claims Procedure (ESCP) became operational on 1 January 2009, as a special, EU-wide procedure available both to consumers and traders for pursuing cross-border claims within the Internal Market of a value not exceeding €2 000. During the first five years of its existence, however, the ESCP has been used only rarely. In 2013, the Commission proposed to amend the ESCP Regulation, to raise the ceiling for claims to €10 000, expand the definition of a 'cross-border case', increase the use of electronic communication, introduce a ceiling on court fees (10% of the claim's value) and oblige Member States to accept payment of court fees in electronic form. In April 2015, Parliament's Legal Affairs Committee adopted its report. It proposes to rename the procedure the 'European Simplified Procedure' and raise the ceiling for claims to €5 000 against natural persons, and €10 000 against legal persons. It is against weakening the cross-border requirement, but would allow claims under labour law and privacy law to be included in the regulation. The Committee would also lower the ceiling for court fees from 10% to 5% of the claim's value.

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<http://www.europarl.europa.eu/thinktank/en/home.html>

Briefing [EN](#)

Cross-Border Activities in the EU - Making Life Easier for Citizens

Type af publikation Studie

Dato 16-02-2015

Ekstern forfatter Giesela Rühl (Jena University), Jan von Hein (Freiburg University), Pierre Callé (Paris Sud University, Paris XI), Michael P. Clancy (The Society of Scotland, UK), Christiane Wendehorst (Vienna University), Kurt Lechner (Notary Chamber of Palatinate, Germany), Eva Pötter (Estonian Chamber of Notaries), Paul Lagarde (Université Paris I, Panthéon-Sorbonne), Harm Schepel (Brussels School of International studies), Pablo Cortés (University of Leicester), Giuseppe De Palo (ADR Center Srl) and Gottfried Musger (Austrian Supreme Court - OGH)

Politikområde EU-lovgivning: Retssystem og Retsakter

Nøgleord administrative formaliteter | alternativ tvistbilæggelse | arveret | borgernes Europa | civilret | DEN EUROPÆISKE UNION | EU's civile retlige samarbejde | europæisk integration | europæisk privatret | familie | familieret | forbrug | forbrugerbeskyttelse | fri bevægelighed for personer | international privatret | international ret | kompetencestrid mellem domstole | LOVBESTEMMELSER | POLITIK | retskilder og retsområder | retslig virksomhed | retsvæsen | SOCIALE SPØRGSMÅL | udøvende magt og offentlig forvaltning | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé Compendium of notes distributed on the workshop on "Civil law and justice forum", held on 26 February 2015 in Brussels.

Studie [DE](#), [EN](#), [FR](#)

'Rebooting' the Mediation Directive: Assessing the Limited Impact of its Implementation and Proposing Measures to Increase the Number of Mediations in the EU

Type af publikation Studie

Dato 15-01-2014

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Politikområde EU-lovgivning: Retssystem og Retsakter

Nøgleord alternativ tvistbilæggelse | anvendelse af EU-retten | DEN EUROPÆISKE UNION | dokumentation | EF-direktiv | EU-lovgivning | EU-medlemsstat | EU-ret - national ret | fortrolighed | GEOGRAFI | information og informationsbehandling | LOVBESTEMMELSER | retslig virksomhed | sammenlignende undersøgelse | UDDANNELSE OG KOMMUNIKATION | voldgift | økonomisk geografi

Resumé Five and a half years since its adoption, the Mediation Directive (2008/52/EC) has not yet solved the 'EU Mediation Paradox'. Despite its proven and multiple benefits, mediation in civil and commercial matters is still used in less than 1% of the cases in the EU. This study, which solicited the views of up to 816 experts from all over Europe, clearly shows that this disappointing performance results from weak promediation policies, whether legislative or promotional, in almost all of the 28 Member States. The experts strongly supported a number of proposed nonlegislative measures that could promote mediation development. But more fundamentally, the majority view of these experts suggests that introducing a 'mitigated' form of mandatory mediation may be the only way to make mediation eventually happens in the EU. The study therefore proposes two ways to "reboot" the Mediation Directive: amend it, or, based on the current wording of its Article 1, request that each Member State commit to, and reach, a simple "balanced relationship target number" between civil litigation and mediation.

Studie [EN](#)

Single Market Act: 12 priorities

Type af publikation Oversigt

Dato 21-10-2011

Forfatter NEEDHAM Christopher

Politikområde Beskæftigelse | Det Indre Marked og Toldunionen | Industri | Økonomiske og Monetære Anliggender

Nøgleord alternativ tvistbilæggelse | anerkendelse af eksamensbeviser | anerkendelse af faglige kvalifikationer | ARBEJDE OG BESKÆFTIGELSE | beskæftigelse | DEN EUROPÆISKE UNION | EU-lovgivning | europæisk integration | europæisk norm | europæisk patent | FINANSER | forskning og intellektuel ejendomsret | fri kapitalbevægelighed | handelspolitik | indre marked | LOVBESTEMMELSER | offentlig kontrakt | princippet om gensidig anerkendelse | PRODUKTION, TEKNOLOGI OG FORSKNING | regnskabsforvaltning | regnskabsforvaltning | retslig virksomhed | risikovillig kapital | teknologi og tekniske bestemmelser | uddannelse | UDDANNELSE OG KOMMUNIKATION | VIRKSOMHEDER OG KONKURRENCE | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé New impetus for the EU single market has come via the twelve priority projects contained in the European Commission's April 2011 Single Market Act communication. The intention is that the EP and Council will have adopted the legislation by the end of 2012.

Oversigt [EN](#)

Collective redress in the EU

Type af publikation Briefing

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Forfatter COPELAND Nicholas

Politikområde Aftaleret, Erhvervsret og Selskabsret | Forbrugerbeskyttelse

Nøgleord alternativ tvistbilæggelse | borgerlige sager | DEN EUROPÆISKE UNION | domstolskompetence | EU-lovgivning | forbrug | forbrugerbeskyttelse | kollektiv interesse | LOVBESTEMMELSER | retslig virksomhed | retsvæsen | søgsmålsret | tilnærmelse af lovgivning | ØKONOMISK OG HANDELSMÆSSIGT SAMKVEM

Resumé The EU has been discussing improving enforcement of EU law and the means of properly compensating victims for over 20 years. Throughout these discussions, collective redress, already in existence in a number of Member States (MS), has been suggested as a possible solution. However, despite numerous studies and public consultations, as well as Green and White Papers, the Commission is yet to produce a concrete proposal.

Briefing [EN](#)