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NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Draft Conclusions on the Future of Civil Justice Cooperation
- Adoption

1. To continue the discussions launched under the Romanian Presidency and to orientate further discussions on future EU developments in the area of civil justice, the Finnish Presidency prepared a discussion paper on the topic, including questions addressed to the delegations (12857/19).
2. Replies to the questions posed in the discussion paper were received from 20 Member States and have been compiled in document 13539/19 (as well as ADD 1, ADD 2 and ADD 3). This document formed the basis for the discussion in the Working Party on Civil Law Matters (General Questions) on 4 November 2019.
3. Based on the substantive replies and the Working Party discussion, the Presidency produced the first draft Conclusions (14029/19), which were discussed in the Civil Law Counsellors meeting on 15 November 2019. For this purpose a brief summary (14071/19) of the replies and Working Party discussion was drafted.

4. On the basis of these discussions and rounds of consultations thereafter, the Presidency prepared the final draft Conclusions.
5. In the light of the above, COREPER is invited to agree on the draft Conclusions, as set out in the Annex to this note, and to submit them to the Council (Justice and Home Affairs),
 - to adopt the conclusions; and
 - to agree to publish these conclusions in the *Official Journal of the European Union*.

**DRAFT COUNCIL CONCLUSIONS ON
THE FUTURE OF CIVIL JUSTICE COOPERATION**

1. The Council underlines the importance of civil justice cooperation for citizens' and companies' everyday life and recalls the commitments taken with the Tampere conclusions and Stockholm Programme. The Council stresses that for carrying out the objectives of the Strategic Agenda 2019-2024 further reflection on the civil justice cooperation acquis is required. In terms of future action, the Council emphasises the need to prioritise effective implementation, enforcement, evaluation of application and functioning of existing EU instruments as well as digitalisation. The existing EU legal framework should be as user friendly as possible. Any new legislative initiatives must be based on evidence of clear added value and of practical needs of citizens and businesses. Where the initiatives aim at harmonising substantive civil law they shall not unnecessarily impede on well-functioning national legal frameworks already in place.
2. The Council recalls that, in order to ensure coherence and consistency of the civil justice cooperation acquis, legislative proposals in the civil law area should be properly coordinated and fragmentation should be avoided not only in the negotiation process but also later in the process of implementation.
3. The Council stresses the key role of the European Judicial Network in civil and commercial matters and the European e-Justice Portal in implementation and application of legislation and invites the Commission and Member States to use their best efforts to enhance the visibility and use of these tools amongst practitioners. Recalling the importance of e-CODEX, the Council invites the Commission to consider all options, legislative and non-legislative, to ensure its long-term sustainability and management.

4. The Council recalls that a multilateral approach is an essential element of international cooperation also in the field of civil justice. The Council expresses its support to the key multilateral organisations in the field: the Hague Conference on Private International Law, UNCITRAL and UNIDROIT. For particular cases where multilateral cooperation is not an option, the Council invites the Commission to present effective alternatives to cater for citizens' and companies' needs.
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