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*(Acts whose publication is obligatory)*

# COUNCIL REGULATION (EC) No 743/2002

## of 25 April 2002

## establishing a general Community framework of activities to facilitate the implementation of judicial cooperation in civil matters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67(1) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas:

(1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. To that end, the Community must adopt, among others, measures in the field of judicial cooperation in civil matters necessary for the proper functioning of the internal market.

(2) On 3 December 1998, the Council adopted an action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice (hereinafter the 'Vienna action plan') [4].

(3) The European Council meeting in Tampere on 15 and 16 October 1999 adopted the conclusions entitled 'Towards a union of freedom, security and justice: the Tampere milestones'.

(4) On 30 November 2000, the Council adopted a joint programme of the Commission and the Council of measures for implementation of the principle of mutual recognition of decisions in civil and commercial matters [5].

(5) Joint Action 96/636/JHA [6] established, for the period 1996 to 2000, a programme of incentives and exchanges for legal practitioners (Grotius).

(6) By Regulation (EC) No 290/2001 [7], the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius civil) was extended for a one-year transition period only, pending the outcome of a thorough analysis of how Community actions and support should be focused in the future.

(7) Decision No 1496/98/EC of the European Parliament and of the Council [8] established an action programme to improve awareness of Community law within the legal professions (Robert Schuman project) for a period of three years.

(8) A flexible and effective general Community framework for activities in the area of civil law is necessary if the ambitious objectives set by the Treaty, the Vienna action plan and the Tampere conclusions are to be realised.

(9) The general Community framework for activities should provide for initiatives taken by the Commission, in compliance with the principle of subsidiarity, for actions in support of organisations promoting and facilitating judicial cooperation in civil matters, and for actions in support of specific projects.

(10) A number of actions will be required for the further development of judicial cooperation in civil matters and should therefore be undertaken in the framework of a Community programme for activities. The planning and implementation of those actions will benefit from being grouped together in a general Community framework for activities.

(11) The Commission's actions could include specific actions, such as studies, research, seminars, conferences, experts' meetings, publications, manuals, databases and/or websites, as well as measures to disseminate the results of projects co-financed under the general Community framework for activities.

[1] OJ C 213E, 31.7.2001, p. 271.
[2] Opinion delivered on 12 March 2002 (not yet published in the Official Journal).
[3] OJ C 36, 8.2.2002, p. 77.
[4] OJ C 19, 23.1.1999, p. 1.
[5] OJ C 12, 15.1.2001, p. 1.
[6] OJ L 287, 8.11.1996, p. 3.
[7] OJ L 43, 14.2.2001, p. 1.
[8] OJ L 196, 14.7.1998, p. 24.

(12) A general Community framework for activities to improve mutual understanding of the legal and judicial systems of the Member States will contribute to lowering the barriers to judicial cooperation in civil matters, which will improve the functioning of the internal market.

(13) Measures to ensure good use is made of Community instruments in the area of judicial cooperation in civil matters are necessary; they will be more effective if they are coordinated within a general Community framework for activities.

(14) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the European dimension necessary for achieving its objectives, the expected economies of scale and the cumulative effects of the actions envisaged, be better achieved by the Community, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(15) The participation in this general Community framework for activities of the candidate countries for accession to the European Union will provide a useful preparation for accession, in particular as regards these countries' ability to apply the Community *acquis*.

(16) Certain principles must be laid down concerning the sanctions to be imposed where irregularities are noted or where obligations under grant agreements between the Commission and beneficiaries are not respected.

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1].

(18) The annual work programme shall be adopted by the management committee procedure in order to ensure a measure of institutional balance, taking account in particular of the fact that the specific actions provided for in Article 3(1) are to be taken by the Commission.

(19) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to participate in the adoption and implementation of this Regulation.

(20) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, is not participating in the adoption of this Regulation, which is not binding on Denmark nor applicable to it,

HAS ADOPTED THIS REGULATION:

CHAPTER I

## OBJECTIVES AND ACTIVITIES

*Article 1*

### Subject matter

1. This Regulation establishes, for the period from 1 January 2002 to 31 December 2006, a general Community framework for activities to facilitate the implementation of judicial cooperation in civil matters (hereinafter referred to as the 'general framework').

2. This Regulation shall not apply to Denmark.

*Article 2*

### Objectives

The general framework for activities shall have the following objectives:

1. to promote judicial cooperation in civil matters, aiming in particular at:
   (a) ensuring legal certainty and improving access to justice;
   (b) promoting mutual recognition of judicial decisions and judgments;
   (c) promoting the necessary approximation of legislation; or
   (d) eliminating obstacles created by disparities in civil law and civil procedures;
2. to improve mutual knowledge of Member States' legal and judicial systems in civil matters;
3. to ensure the sound implementation and application of Community instruments in the area of judicial cooperation in civil matters; and
4. to improve information to the public on access to justice, judicial cooperation and the legal systems of the Member States in civil matters.

*Article 3*

### Types of activities

Activities given financial support or carried out under this general framework for activities shall meet at least one of the objectives in Article 2 and shall consist of:

1. specific actions taken by the Commission; or

[1] OJ L 184, 17.7.1999, p. 23.