



« Live from Bruxelles »

by Anne-Catherine de Bruchard, director of the Foundation's office in Brussels

July - September 2011

Foundation Contribution

The Fondation pour le droit continental has responded to public consultation opened by the "Enterprise and Industry" Directorate General of the European Commission on "a new partnership to help SMEs exploit global market opportunities," drawing attention to the need to grant a major role to information on the legal environment of foreign markets.

- [The contribution of the Foundation](#) (in french)
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Justice Reform in Romania and Bulgaria

The European Commission has published its annual progress assessment carried out by Romania and Bulgaria in the field of judicial reform and the fight against corruption and organized crime, for which it has recommended actions to be carried out.

Regarding Romania, it confirms an overall improvement in the efficiency of the judicial system, it demonstrates the persistence of difficulties in the fight against corruption, particularly regarding the slow pace of trials, too often canceled for exceeding the time limit, and requests taking urgent measures for the seizing of criminal proceeds, prosecutions for money laundering and protection against conflicts of interest in the management of public funds.

Regarding Bulgaria, it welcomes the strengthening of legislation on conflicts of interest, and the structural reorganization of law enforcement and the penal system, but regrets that the high levels of the judiciary still need to show a genuine desire to reform the law. It also insists that, in the fight against corruption and organized crime, accountability and the professional practice of the judges and investigative services are improved quickly and significantly.

- [The report on Romania and its annex](#)
 - [The report on Bulgaria and its annex](#)
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Assistance to Lebanese Justice

The European Union has long supported reform on the judicial system in Lebanon as part of its annual action programs for that country. It has just allocated 5 million euros to support actions to both the judiciary and civil society in order to promote the independence of the judicial system and improve its effectiveness.

- [Program details](#) (English)
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Small claims regulation

The European Consumer Center Network, a French-German organization based in Kehl, conducted field investigations on actual difficulties faced by consumers when they want to use "the European procedure for small claims" and/or "The European payment order."

It is clear that these two procedures, seemingly uncomplicated since they are based on an agreed statement of facts, do not work well, mainly because of insufficient information and being too theoretical, and due to communication problems that arise at all stages of the procedure resulting from language differences.

- [The study](#) (in French)
 - [The European Consumer Centers Network](#) (ECC -Net)
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Mediation in cross-border disputes

The European directive of 2008 on certain aspects of mediation came into force on May 21, 2011, but has not yet been applied by all Member States of the EU. However, as stated by European Commissioner Viviane Reding, "Access to justice is a cornerstone of the European area of justice." The European

Commission has therefore sent letters of formal notice to the 9 late countries, which must respond within two months: Cyprus, Spain, Finland, France, Luxembourg, Netherlands, the Czech Republic, the UK and Slovakia.

This directive allows the parties involved in a cross-border dispute to agree to an impartial mediator for its resolution. They may be conflicts between companies, between employers and employees, landlord and tenant, or within families.

Cross-border debt recovery

The European Commission notes that: *"it's up to national law to require a bank to pay the money from a client's bank account to a creditor. The current situation in the 27 Member States is legally complicated, time consuming and expensive. Around 1 million small businesses face problems with cross-border debts and up to €600 million a year in debt is unnecessarily written off because businesses find it too daunting to pursue expensive, confusing lawsuits in foreign countries."*

Accordingly, it proposes creating a "new Europe-wide preservation order on bank accounts," to ease the recovery of cross-border debts for both citizens and businesses, by allowing funds to be preserved, regardless of the EU country where they are until a court has ruled on the refund.

- [The proposed regulation](#)

Regulatory Capital (CRD IV)

The European Commission presented two proposals to strengthen EU legislation in the banking sector. This is to replace the current guidelines on regulatory capital (2006/48 and 2006/49) by a directive governing access to deposit-collecting activities, and a regulation establishing the prudential requirements that banks must comply with.

The Commission thus intends to *"strengthen and bring the national legal frameworks governing the sanctions and administrative measures closer together, by issuing dissuasive administrative sanctions for major violations of these two texts, an appropriate customization of these sanctions, their publication and the creation of incentive mechanisms to report offenses."*

Commissioner Michel Barnier believes that these proposals are essential to restore stability in the financial markets and translate *"the firm will of the Commission to learn from the crisis and fully implement the decisions taken by the G20."*

- [The proposed directive](#)
- [The proposed regulation](#)
- [Michel Barnier's speech](#)

Electronic public procurement

To stimulate the electronic public procurement in the EU and thus lead to the rationalization and acceleration of public procurement, the European Commission has taken three steps:

- Creating an informal group of experts in the fields of design and implementation of systems and electronic procurement strategies in this area, whose role will be to propose by the end of 2012, common solutions for the electronic submission of tenders. Interested experts can apply until September 30, 2011.
- A call for tenders for a study to develop relevant indicators to monitor the evolution of public electronic procurement and identify the most used or the most successful good practices in Europe. The deadline for bid submission is scheduled for September 30, 2011.
- Publishing a detailed summary of 77 responses to the consultation on the Green Paper on the development of electronic public procurement in the EU that it has received and which provide very detailed information.

- [The call for nominations for the experts panel](#)
 - [The tender for the study](#)
 - [The summary of responses to the Green Paper](#)
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Data privacy

The European Parliament adopted a resolution on the protection of personal data in the European Union (Voss report) in which it emphasizes, that *"the current differences in data protection legislation and enforcement are affecting the protection of fundamental rights and individual freedoms, legal security and clarity in contractual relations, the development of e-commerce and e-business, consumer trust in the system, cross-border transactions, the global economy and the single European market"*. It therefore invites the Commission *"to ensure that the current revision of EU data protection legislation will provide for: full harmonization at the highest level providing legal certainty and a uniform high level standard of protection of individuals in all circumstances."*

- [The European Parliament resolution](#)
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Energy advocacy

The European Commission is concerned that: *"Facing a possible supply shortage, Member States are under increasing pressure to accept regulatory concessions in their intergovernmental agreements with third countries which are incompatible with Union energy law."* To remedy the situation, and to strengthen the negotiating position of the Member States of the EU, to ensure security of the energy supply and to provide legal certainty needed for investment in this area, the Commission presented a proposed decision which establishes a mechanism for the mandatory exchange of information on intergovernmental energy agreements between EU Member States and third countries.

The Commission also approved a communication on energy supply security and international cooperation, which defines for the first time a comprehensive strategy for the EU's external relations in the energy field. It considers that: *"Work urgently needs to be stepped up on a comprehensive and coherent legal environment for EU energy relations with key suppliers and transit countries. This is crucial for further regulatory convergence with EU neighbors."*

- [The decision proposal](#)
 - [The communication](#)
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Proposed European Year of Citizens

The European Commission has proposed 2013 to be designated as 'The European Year of Citizens.'

European Commissioner Viviane Reding said that *"If Europeans do not know their rights, they cannot effectively exercise them. Today 48% of Europeans feel that they are not well informed about their rights. The European Year of Citizens will help us change this. It will be a good opportunity to remind people what the European Union can do for every one of us."*

If this proposal is approved by the European Parliament and the Council, a series of actions will be implemented this year to inform citizens on the rights they are entitled to within the European Union and to encourage their active participation in the development of EU policies. Numerous events, conferences and seminars would be organized at local, regional, national and European levels.