

CEHJ news- letter

The Judicial Officers of the European Union



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Ivo GOEYENS

President of the CEHJ, President of the *Chambre des huissiers de justice de Belgique* (Chamber of bailiffs of Belgium)

Our European ambition

The involvement of legal professionals is essential for completing the construction of the European judicial area. Their involvement is essential in order to achieve a shared judicial culture and, ultimately, reconcile the law and access to the law. They work every day alongside each citizen and each company to strengthen procedural guarantees and to fully embed information and communication technologies in judicial use.

The specific objectives of this European outlook are to recognise and enforce judicial decisions and improve the way justice is administered. Judicial officers, as the guarantors of European citizens' rights and as agents of cross-border legal security, have their role to play within this political project.

The European institutions are encouraging the legal and judicial professions to organise themselves to provide this legal cross-border security, in compliance with national institutions and the legal culture of each Member State.

For several years, the need to implement an initiative to promote the activities of European judicial officers has been a major concern for European judicial officers themselves. There are several reasons behind this: experience from the implementation of the first European projects piloted by the profession, the increase of European instruments directly relating to the activities of Judicial officers and the need to embark upon collective reflection.

The European Union poses challenges specific to judicial officers.

The development of European Union law in the domain of civil and commercial judicial cooperation is a legitimate specificity vis-à-vis international matters. This situation means that a structure specific to the European Union and responses to these issues must be implemented as a matter of urgency, making judicial officers key actors in European justice, in the same way as the other judicial professions.

It was with the intention of organising this space for cooperation between European judicial officers that the *Chambre nationale des huissiers de justice de Belgique*, the *Chambre des huissiers de justice du Grand - Duché de Luxembourg*, the *Associazione Ufficiali Giudiziari in Europa* (Italy) and the *Chambre nationale des huissiers de justice de France* decided to establish the *Chambre européenne des huissiers de justice* (European Chamber of Judicial Officers), the "CEHJ", on 24 April 2012.

This *Newsletter* marks the start of this new exciting association.

Point of view

Carlos Calvo

Vice President of the CEHJ, President of the *Chambre des huissiers de justice du Grand Duché de Luxembourg* (Chamber of bailiffs of Luxembourg)

The CEHJ aims to welcome the national bodies representing the profession of judicial officer of the 27 EU Member States and we hope that many will join us in the next months.

■ The aims of the CEHJ

The aims of the CEHJ are to:

- promote and develop the activities of judicial officers, irrespective of their title in the member states and the differences in status and the roles assigned to them;
- express joint decisions of its Members to the European authorities, in an advisory capacity with a view to drafting European legislation;
- circulate best practices in the domain of European law enforcement by judicial officers;
- implement training for judicial officers to the European instruments;
- implement technical and IT tools to improve the efficiency of European instruments and boost the cooperation of judicial officers, in order to increase legal security for individuals and companies;
- circulate information on the activities of judicial officers to European citizens;
- strengthen professional links between its Members and harmonise their policies without prejudice to their respective national statutes;
- collect, process and transfer any information that may be of concern to or relate to judicial officers in the European sphere, help to check and assess the legal enforcement of normative civil and commercial instruments, understood as a coherent set of tools in pursuit of the same objective of building a European judicial area;
- perform study and research work for its Members and/or in partnership with them to enhance and improve the practice of European Judicial officers, protect and defend the interests of its Members and increase cooperation between them;
- promote its activities to international organisations or non-member States.

To implement these objectives, la CEHJ – which currently has four founding members (Belgium, Luxembourg, Italy and France) - will eventually be able to welcome the national representative bodies of the profession of judicial officers from other countries that are currently part of the European Union.

Lauching conference of the Chambre européenne des huissiers de justice (European Chamber of judicial officers)

The launch conference of the Chambre européenne des huissiers de justice will take place on Tuesday 25 September 2012, from 5pm to 7pm, at the European Parliament in Brussels.

If you want to participate to that conference, please contact the CEHJ: cehj@cehj.eu

Final Conference for the EJE Project

Co-financed by the European Union for a period of two years, the EJE project, which brings together organisations representing the profession of judicial officer in Germany, Belgium, Scotland, France, Hungary, Italy, Luxembourg, the Netherlands and Poland, was launched in June 2010 with the aim to improve the enforcement of court decisions in Europe.

In the presence of delegates from the European institutions, including Fernando Paulino Pereira, head of the “Judicial cooperation on civil matters” unit in the General Secretariat of the Council of the European Union, and Saskia Kleine-Tebbe, responsible for e-justice questions within the European Commission, representatives of Ministries of Justice in partner States, including states taking part in the e-codex project, as well as magistrates, judicial officers and representatives of European consumer associations and chambers of commerce and industry, the partners of the EJE project met in Paris on 18 June 2012 to review the outcome of what had been undertaken and what had been achieved over the last two years.

As a reminder, the project had set as its the target to improve the enforcement of court decisions in Europe. On the one hand, this involved providing European citizens with the information required to enforce court decisions on the territory of other Member States to give better access to justice, and on the other hand, to give European judicial officers the tools they need to improve mutual trust, to achieve better cooperation in their role as enforcement agents. To achieve these objectives, the partners of the EJE project carried out various actions and provided the EJE project with a key tool: the EJE website – www.europe-eje.eu, which, most notably, provides a large number of information sheets about the right to enforcement and a European directory of judicial officers.

This conference was therefore a good opportunity to present the actions undertaken and the results achieved over the last two years in positioning judicial officers at the heart of the creation of a European enforcement area, thanks to their involvement as guarantors of legal security, at both the start and the end of the legal process, placing them at the heart of the decision-making process; in particular, looking at the question of creating a European attachment order for bank assets and presenting the various positions adopted by partners of the EJE project on this question; finally, placing them at the heart of the development of e-justice, so as to shed some light on their innovative and much-needed actions in this area.

The final conference for the eje project has been held in Paris on 19 June 2012.



Future developments for the EJE project

Following this final conference, and with all the partners of the EJE project except the Netherlands, the last steering committee meeting of the EJE project was held. As announced on the agenda, the partners of the EJE project were invited to take some decisions about the follow-up to be given to the EJE project, given the expiry of the European co-funding. It was decided unanimously by those present partners (Belgium, Italy, Luxembourg, Poland, Hungary, Scotland, Germany, France), to entrust the follow-up and future developments of the EJE project to the *Chambre européenne des huissiers de justice* (European Chamber of Judicial Officers).

As requested by the EJE project partners, the CEHJ has been entrusted with the task of continuing the development of the EJE project to roll it out to the 27 Member States of the European Union. To this end, the CEHJ will particularly focus on the production, jointly with the countries involved, of information sheets on the enforcement of court decisions in each of the Member States of the European Union, as well as the integration of national directories of these Member States into the EJE electronic European directory. As announced from the start, the EJE directory is intended to become the European directory of judicial officers, to cover the need for the “e-justice” portal in this regard. In this area, the CEHJ was also entrusted with the work of providing the e-justice portal with the tools developed for the EJE portal.

The CEHJ will keep you up to date on these developments.

Point of view

Jean-Daniel Lachkar

Vice-President of the *Chambre nationale des huissiers de justice de France* (National Chamber of French bailiffs)

The EJE project is and will continue to be, of definite interest in the daily life of the European public and in our professional practice, but it is not as simple as the tangible results presented today - it has had a much wider impact: it has deeply resonated with our feeling of belonging to a profession which, from now on, must act on the whole European stage - even giving us the feeling of being part of a European profession. In fact, in order to help individual citizens and companies, and to prevent the differences in various legislations from continuing to be the source of a mutual misunderstandings, the EJE project has, for the first time in history, got judicial officers from different European legal systems working together, as key actors in civil enforcement procedures, and therefore, major actors in the building of the European area of justice.

■ Initial presentation of the CEHJ to the European institutions

Even before the conference to officially present the CEHJ to be held in Brussels, in the European Parliament building on 25th of October, the members of the Presidency met various leading actors on the European political scene, in order to inform them that from now on, judicial officers will be represented at European level through a single body: the *Chambre européenne des huissiers de justice* (European Chamber of Judicial Officers).

Invited to meet the representatives of the European Parliament including Christine Verger (Director of the Directorate for Relations with National Parliaments at the Directorate-General for the Presidency of the European Parliament) and Antoine Cahen (Head of Unit at Committee on Civil Liberties, Justice and Home Affairs), but also Olivier Guersent (Head of Michel Bernier's Cabinet, European Commissioner for Internal Market and Services) and Françoise Le Bail (European Commission, Director General for Justice) as well as Fernando Paulino Pereira (Head of the "Judicial cooperation on civil matters" Unit within the General Secretariat of the Council of the European Union), Ivo Goeyens (President of the CEHJ) and Jean-Daniel Lachkar (Vice-president of the CEHJ) were delighted to note the general enthusiasm showed for this new structure.

Christine Verger congratulated us for creating this structure aiming to be the common voice of judicial officers on the European scene while wondering about the lateness of such creation.

Françoise Le Bail stressed, in particular, the importance for her services of having contact with representatives of the professions who were able to disseminate relevant information, without having to contact every individual national organisation, and to input their experience and their opinions on draft legislative initiatives. Françoise Le Bail added that the contribution from European organisations representing the legal professions was also an essential factor for the development of e-justice, which needs hands-on, closed and specific collaboration between the European institutions and the European bodies representing the legal professions. Françoise Le Bail emphasised that these European organisations are an important link on the European scene and that the European Union would always be in favour of these actors being structured.

Finally, the various people we spoke to underlined the importance of continuing our involvement in the development of e-justice and the training of members of the legal professions - two aims which CEHJ fully supports. The training of members of the legal professions is, in fact, a key factor in increasing mutual trust which is the keystone of mutual recognition and that is the cornerstone for building a European area of justice.

European legislative news

The proposal for regulation creating a European account preservation order (OESC) in order to facilitate cross-border debt recovery in civil and commercial matters (COM(2011) 445 final), published by the European Commission on 25th of July 2011, was sent to the Council of the European Union and the European Parliament.

As regards the Council of the European Union, the United Kingdom asserted its right to opt out, unlike Ireland, which announced that it was opting in. The «Civil Law» Working Group started studying the proposal and the negotiations have begun.

At the European Parliament, MEP Raffaele Baldassare was appointed rapporteur for the Committee on Legal Affairs – hearing the case – while Elena Basescu was appointed rapporteur for the Economic and Monetary Affairs Committee - called upon to give its opinion. Voting by the Committee on Legal Affairs was announced for November 2011 and will be closely monitored by a plenary session vote.

Approached in accordance with the Treaty on the functioning of the European Union, the European data protection supervisor and the European Economic and Social Committee gave their opinions, which are available at the following addresses:

- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:373:0004:0007:EN:PDF>
- <http://www.eesc.europa.eu/?i=portal.en.int-opinions&itemCode=19924>

The EJE partners presented their comments on the proposed regulation to create a European account preservation order; they are available at the following address - http://www.europe-eje.eu/sites/default/files/pj/actualite/eje_-_position_paper_-_european_account_preservation_order_.pdf

The European Chamber will take over this position and closely monitor future developments, particularly within the European Parliament and the Council, to assert the importance of judicial officer involvement in such a procedure, and to defend the interests of European litigants, whose rights must be protected.

Judicial officers' work is only beginning!

Point of view


Arcangelo D'Aurora

Treasurer of the CEHJ, President of the Associazione Ufficiali Giudiziari in Europa (Bailiffs Association in Europe) (Italy)

The European directory of judicial officers, developed within the project EJE and which aims to be extended to all Member States of the European Union, will be a keystone in the implementation of the procedure European attachment of bank accounts.



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