

EESC Opinion on the Brussels I Review published yesterday

The Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters' was published yesterday (OJ, C, 218). Though the Committee warmly welcomes the Commission's proposal and supports it, it nevertheless criticises the following aspects:

- .- the exclusion of collective proceedings when abolishing the exequatur (art. 37)
- .- the extent of the defamation exception (art. 37)
- .- the drafting of the new mechanism for legal cooperation (art. 31)
- .- the vagueness of the requirement that 'coordination' should be ensured between the court with jurisdiction on the substance and the court in another Member State which is seised with an application for provisional measures.
- .- the insufficiency of the new rule on the recognition of arbitration agreements

According to the EESC, the Commission should also

- .- consider amending Article 6 of Regulation 44/2001 in order to allow actions brought by different claimants to be dealt with collectively
- .- keep a particularly close eye on the conduct of courts in the Member States, to ensure that the principle of mutual recognition of judgments is implemented correctly whenever decisions are made on jurisdiction for reasons of public policy
- .- promote the development of a communication or guide on how to interpret Article 5 of the proposal
- .- review the wording of Art. 24, in order to strengthen the legal position of consumers and employees and ensure that the same procedure is followed, regardless of which court has jurisdiction.