

CALL FOR EVIDENCE

FOR AN EVALUATION AND IMPACT ASSESSMENT RUN IN PARALLEL

This document aims to inform the public and stakeholders about the Commissions work so they can provide feedback on the intended initiative and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions, and to give us any relevant information they may have, including on the possible impacts of the different options.

 You should **finalise this document at the earliest stages of the evaluation / impact assessment process**, so that best use can be made of feedback from stakeholders.

TITLE OF THE INITIATIVE	Review of EU rules on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
LEAD DG – RESPONSIBLE UNIT	DG JUST (Unit A2)
LIKELY TYPE OF INITIATIVE	Legislative proposal amending Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)
INDICATIVE PLANNING	Q4-2027
ADDITIONAL INFORMATION	European Judicial Network in civil and commercial matters European e-Justice Portal

A. Political context, evaluation, problem definition & subsidiarity check

Political context

Regulation (EU) No 1215/2012¹ ('the Brussels Ia Regulation' or 'the Regulation') is a key instrument of EU private international law and a crucial component of a well-functioning single market, as it ensures a stable and predictable framework for businesses and consumers in cross-border commercial disputes by clarifying jurisdiction and simplifying the recognition and enforcement of judgments across Member States. A set of predictable and appropriate rules helps businesses to plan and compete effectively in multiple jurisdictions and contributes to creating an environment where they can do business across Member States, invest and grow. Conversely, legal uncertainty is an impediment to growth and trade. In this context, the Regulation is a key enabler for the EU's single market, including by creating an attractive business environment, and for the EU's competitiveness, as recognised most recently in the Commission's Communication towards a 28th regime for EU companies (COM(2026) 320 final).

[The Report on the application of the Brussels Ia Regulation](#) (the Application Report) found that after over 10 years, the Regulation largely meets its goals of legal certainty and streamlined enforcement but identified areas that could benefit from clarification, simplification and modernisation. For example, the Application Report noted inconsistent jurisdiction rules for defendants outside the EU, creating an uneven playing field; it referred to the possible simplification of the jurisdictional rules concerning contractual and tort claims as well as of the specific provisions on consumer contracts; and it called for further analysis on improving procedural tools for collective redress claims.

The conclusions of the Application Report are aligned with feedback from Member States and stakeholders gathered during meetings of the High-Level Forum on Justice for Growth in 2025 and

¹ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), OJ L 351, 20.12.2012, p. 1.

meetings of the European Judicial Network. In addition, the Commission has committed, in the context of the negotiations on the anti-SLAPP Directive, to assess the possible need to include aspects relevant to strategic lawsuits against participation (SLAPP), as recently confirmed in the European Democracy Shield².

In addition to the issues raised in the conclusions of the Application Report, the review will also assess the continued relevance of parallel cross-border enforcement mechanisms under Regulation (EC) 805/2004, which is currently under evaluation.

The review, including the impact assessment, will be undertaken based on the review clause in Article 79 of the Regulation.

Evaluation

The initiative will be supported by an evaluation and an impact assessment in line with the Better Regulation guidelines.

The evaluation will build on the findings of the Application Report and assess its functioning against the five key criteria, namely relevance, effectiveness, efficiency, coherence and EU added value. It will cover the entire period of the Regulation's application (over 10 years) and its full territorial scope. The evaluation will measure the extent to which the Regulation's core objectives have been achieved in practice and will also identify problems that the initiative could address and highlight opportunities for further simplification, clarification and modernisation of the current rules.

The evaluation and impact assessment will be conducted back-to-back.

Problem the initiative aims to tackle

The initiative will tackle challenges arising from: the complexity of some of the current rules; the unsuitability of some rules in light of a rapidly evolving legal and technological environment; litigation costs; and any other areas that remain unclear. The aim of the initiative will be to ensure that the legal framework remains coherent, modern and fit for purpose.

The initiative will also address the problem of legal fragmentation and procedural burdens in situations involving defendants from non-EU countries with a view to ensuring that EU businesses can compete on equal terms and that justice is delivered efficiently.

The initiative will address shortcomings in the application of the Brussels Ia Regulation highlighted in CJEU case law, with a view to ensuring a more coherent and effective framework for cross-border dispute resolution. It will focus on areas of persistent uncertainty, including the arbitration exclusion, the definition of a 'court or tribunal', the application of jurisdiction rules under Articles 7(1) and 7(2), and alignment with international instruments.

Basis for EU action (legal basis and subsidiarity check)

The legal bases of this initiative are Article 67(4) and points (a), (c), and (e) of Article 81(2) TFEU.

Article 67(4) states that the Union shall facilitate access to justice, through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters. Subparagraphs (a), (c), and (e) of Article 81(2) grant the EU the power to adopt measures – particularly when necessary for the proper functioning of the single market – aimed at ensuring:

- the mutual recognition and enforcement between Member States of judgments and of decisions in extrajudicial cases;
- the compatibility of the rules applicable in the Member States concerning conflict of laws and

² Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy *European Democracy Shield: Empowering Strong and Resilient Democracies*, JOIN(2025)791 final, fn.81.

jurisdiction; and

- effective access to justice.

The challenges addressed by this initiative arise in cross-border judicial proceedings, which inherently extend beyond the scope of national legal systems. Consequently, these issues can only be effectively resolved at EU level.

Practical need for EU action

There is a clear need for EU action to review and possibly amend Regulation (EU) No 1215/2012 in order to improve the efficiency, clarity and coherence of cross-border civil and commercial litigation within the single market.

Given the cross-border nature of the challenges involved, only coordinated action at EU level can provide a coherent and effective response.

B. Objectives and policy options

Policy objectives

General objectives:

- To **strengthen the international competitiveness of EU businesses and the EU's attractiveness for investment.**
- To **improve legal certainty and access to justice** for all parties involved in cross-border transactions.

Specific objectives:

- To **simplify, clarify and modernise** the rules on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters with a view to ensuring they remain fit for purpose.
- To **reduce costs and administrative burdens**, thereby strengthening the EU's single market and increasing its attractiveness for investment.

Policy options

- **Option 1: Baseline scenario** – no policy change

Under the baseline scenario, no EU action would be taken. The problems that the initiative aims to tackle would persist and most likely intensify, further hindering the achievement of the policy objectives. Any issues would continue to be addressed only on the basis of the existing rules, such as case law on their interpretation by the Court of Justice of the European Union or non-legislative measures by the Commission, including infringement proceedings.

- **Option 2: Targeted clarification and simplification (less ambitious policy change)** – legislative intervention that aims only to clarify, simplify and modernise the existing rules.

This option would streamline certain procedural features, and address digitalisation.

This option would also consider the merits of maintaining parallel cross-border enforcement mechanisms under the Brussels Ia Regulation and the European Enforcement Order Regulation ([Regulation \(EC\) 805/2004](#)), taking into account the results of the evaluation of the latter regulation.

- **Option 3: Comprehensive amendment and substantial reform (more ambitious policy change)** – Option 2 + substantial amendments

This option includes everything set out in Option 2 but adds more substantial amendments to the Regulation, such as the introduction of jurisdictional rules for defendants domiciled in non-EU countries and specific new rules on collective redress actions.

C. Likely impacts

1. Economic impacts, including the impact on competitiveness

The initiative is expected to strengthen legal certainty and predictability and improve the competitiveness of EU companies by ensuring a level playing field between EU and non-EU businesses and individuals involved in international transactions. In this context, the initiative is expected to contribute, in particular, to reducing litigation costs and increasing confidence in cross-border dealings, particularly for SMEs and start-ups.

2. Social impacts

The initiative is expected to improve access to justice for individuals, consumers and civil society actors, in particular, by protecting the interests of consumers and strengthening trust in the justice system.

3. Environmental impacts

No significant environmental impacts are expected. A limited positive effect is expected from the use of digital tools, mainly through reduced use of paper and postage.

4. Impacts on fundamental rights, equality and democratic values

The initiative is expected to strengthen the right to effective judicial protection under Article 47 of the Charter of Fundamental Rights of the European Union and contribute to safeguarding freedom of expression. It should also improve access to remedies for vulnerable groups and consumers, particularly those involved in collective redress actions, thereby promoting equality in cross-border dispute resolution.

D. Better Regulation instruments

Impact assessment and evaluation

An impact assessment, carried out back-to-back with an evaluation, will be undertaken to support the preparation of this initiative and to inform the Commission's decisions. The evaluation will build on evidence from the Application Report and other available findings and will cover the relevance, effectiveness, efficiency, coherence, and EU added value of the Brussels Ia Regulation as it stands today.

This work will be supported by a study conducted by an external contractor. A Commission inter-service group was set up to steer the process.

Consultation strategy

The aim of the consultation activities for the planned initiative will be to gather evidence from the relevant stakeholders on the existence and magnitude of the problems, as well as on possible policy options and their likely impacts.

The following consultation activities are planned:

- a 12-week public consultation launched in parallel to this call for evidence on the Commission's consultation webpage 'Have your say'. A factual summary report will be published on the consultation webpage 8 weeks after the public consultation is closed and a synopsis report will be published as an annex to the impact assessment report.

- targeted consultations and meetings with Member States and with the contact points of the European Judicial Network in civil and commercial matters.
- discussions will be held with academics and organisations representing common interests within the informal expert group.

Why are we consulting stakeholders?

The aim of the consultation is to collect evidence, experiences and opinions from relevant stakeholders. These contributions will inform the analysis and assessment of the performance of the Regulation in its current form, the shortcomings identified, possible policy options to address them and their expected impacts.

Target audience

The consultation is open to all stakeholders, such as individuals, businesses (including SMEs), legal practitioners, national authorities (particularly courts applying the Regulation), EU and national consumer associations, business associations and academic experts.