



IAFL Introduction to European Family Law Conference, Thessaloniki, Greece

**17 April
13:45 - 14:45**

**Session 1: Presentation of the
EJN
(European judicial network in civil
and commercial matters) and the
new EU Commission Proposal on
protection of adults**



**IAFL INTRODUCTION TO EUROPEAN FAMILY LAW CONFERENCE IN COLLABORATION WITH
THE LAW SCHOOL OF ARISTOTLE UNIVERSITY, THESSALONIKI
EDUCATION PROGRAM**

Wednesday 17 April

13:30-13:45 **Welcome and Introduction to the Education Program**

Opening remarks: [Sandra L.A. Verburgt](#), Netherlands, European Chapter President

13:45-14:45 **Session 1:** Presentation of the EJN (European judicial network in civil and commercial matters)

And The new EU Commission Proposal on protection of adults

Speaker: [Marie Vautravers](#), Secretary of the European Judicial Network in Civil and Commercial Matters, DG JUST, European Commission



Contact details

+33 676905386

marie.vautravers@ec.europa.eu

mvautravers@hotmail.com

Marie Vautravers is a French judge. From 2004 to 2013, she has worked as a family law judge in the courts of Evreux and Nanterre, mainly dealing with divorce, parental responsibility and guardianship of minors.

Between 2014 and 2017, Marie worked in the Netherlands as iSupport legal coordinator in the Hague Conference on private international law. She was responsible for the legal and administrative coordination of the iSupport project, which developed an electronic tool for the international recovery of maintenance.

She later joined the French Ministry of justice in Paris (2017), as deputy head of the Department on private international law and judicial cooperation, dealing with a wide range of topics on judicial cooperation at EU and international level (private international law, service of documents, taking of evidence, apostille, access to foreign law etc.), and was the French contact point of the European Judicial Network in civil and commercial matters (EJN-civil).

She has been seconded to the European Commission (DG JUST, civil justice Unit) since 2020, and is the General Secretary of the EJN-civil. She is also responsible for the Commission's legislative proposal on the cross-border protection of adults.




Commission's proposals on the cross-border protection of adults

IAFL – 17 April 2024




Marie Vautravers
EJN-civil General Secretary
European Commission, DG JUST Civil Justice

Context and objectives of the Commission's initiative





Context of the Commission initiative

- Ageing
- increased number of people with disability
- Increased mobility



- 2000 HCCH Convention
- UNCPRD
- Digital by default



Context of the Commission initiative

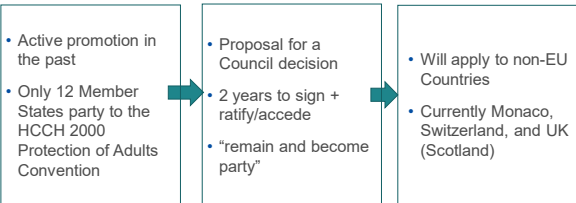
- Approx. 1,4 % of the EU population is under a judicial protection measure (5 millions)
 - No EU average of the number of persons who have granted powers of representation (PoRs) : 5 millions in Germany
- ➔ Among them, 150 000 to 780 000 are in cross-border situations



Proposal for a Council Decision: the HCCH 2000 Protection of Adults Convention

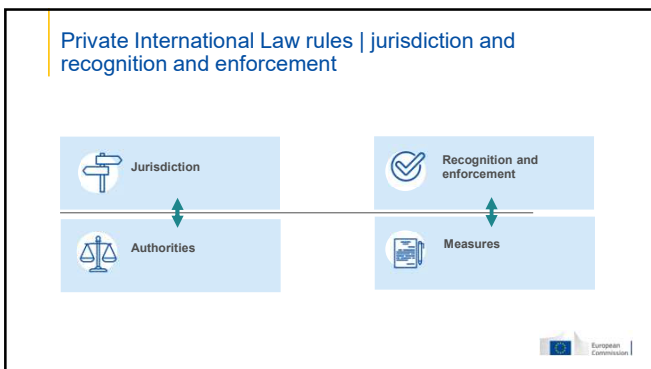


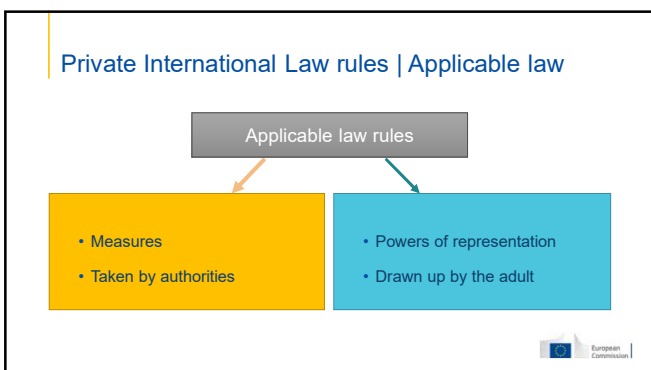
Proposal for a Council Decision



Proposal for an EU Regulation








Private International Law rules | Authentic instruments


 Circulation of authentic instruments (including PoRs and advance directives) acceptance = evidentiary effects
Attestation (≠ Certificate)


 Critical to advance the principle of self-determination




Cooperation

 Who? Authorities (= courts)
Competent authorities (incl. Notaries)
Central Authorities

 What? Location of an adult or a person likely to provide support
Designation of a representative abroad
Legal aid


 How? Mandatory electronic communication for competent authorities
Direct court to court communication



European Certificate of Representation

Facilitate representatives' dealings with non-judicial parties, e.g., banks

- Mandatory certificate to be issued by the authority of origin
- Strong presumption for representatives and third parties
- One EU multilingual form
- Uniform effects in the EU
- Limited validity: +/- 1 year




Interconnection of registers

Obligation to set up a register of protection measures and confirmed PoRs (if applicable)


Obligation to make existing registers of measures, confirmed PoRs and other PoRs interoperable

Interconnection through a software developed by the Commission



Interconnection of registers

- LIMITED SET OF DATA
- LIMITED ACCESS TO PUBLIC AUTHORITY WITH A LEGITIMATE INTEREST
- INCREASED LEGAL CERTAINTY
- INCREASED PROTECTION OF THE PRINCIPLE OF SELF-DETERMINATION







The European Judicial Network in civil and commercial matters



Background on the EJM-civil




- One of the most accessible/efficient tool to efficient implementation of EU law
- A flexible, non-bureaucratic network of national judicial authorities
- The EJM-civil operates since 2002



EJM-civil's structure

The EJM is composed of at least one **point of contact** per Member State

- A judge and/or
- A civil servant
- At the federal and state level when necessary



EJM-civil's structure

The EJM is composed of more than 500 members:

- *contact points,*
- *central bodies and central authorities provided for European and International legal acts,*
- *liaison magistrates where they have responsibilities in this field of law,*
- *associations of legal professions,*
- *any other appropriate judicial or administrative authorities (in civil justice matters).*



Resolving problems : day to day cooperation

Explain	Inform authorities on judicial cooperation – foster a common understanding
Inform	Supply information on foreign law
Exchange	Seek legal and practical solutions to concrete cases with other Contact Points



Resolving problems : meetings

- Plenary meetings – incl. observers
- Bilateral meetings
- Working group meetings
- Cooperation with other networks (EJTN, ENN etc...)
- National networks



Dates of EJM meetings in 2024



Topic	Date	Location
Annual meeting	29-30 January	BXL
Insolvency	20-21 March	BXL
EU Procedures <small>(Small Claims, EOP and EAPO)</small>	25-26 April	BXL
Billb	23-24 May	Bruges
Maintenance	9-10 October	Budapest
SoD and ToE	4-5 December	BXL



Resolving problems : information

- Guides
- Forms
- Factsheets
- Specific information related to current events



Guides

- Guides to EU law instruments produced by the EJM (working groups/contractor),

- 15 guides in the form of publications and one guide integrated in the dynamic forms on maintenance are currently available through the European eJustice Portal,

- Intended both for practitioners and citizens.



Additional tools

EJM also produces voluntary tools (not mandated by the acquis, but serving a practical purpose):

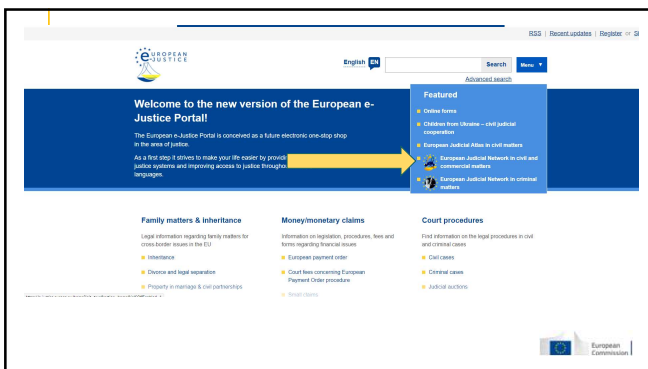
- Art. 26 (2) Brussels I recast,
 - Information to be provided by the court to a party on its right to contest the court's jurisdiction
- Maintenance Obligations,
 - Arrears calculation form, amicable solution form
- Form to request information on the debtor in European Account Preservation Order cases

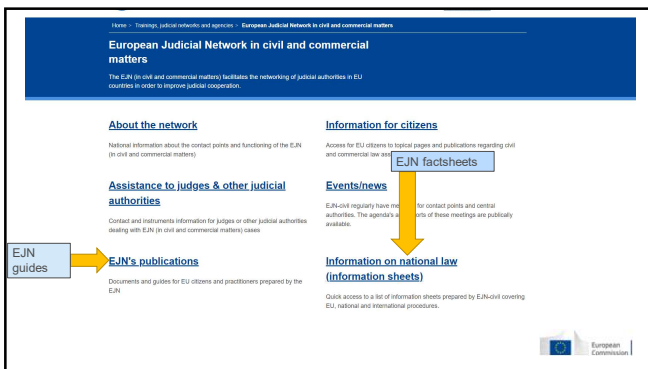


Factsheets

- EJN pages on the e-Justice Portal <https://e-justice.europa.eu/ejncivil>
- Provide reliable and detailed information on national substantive and procedural law
- Which country's court is responsible? (jurisdiction) • Small claims • Taking of evidence • Online processing of cases and e-communication with courts • Parental responsibility • Family mediation • Matrimonial property regimes • Restrictions on succession – special rules • Cross-border placement of a child, including foster family • How to bring a case to court • Divorce • How to enforce a court decision • Moving/settling abroad with children • Insolvency/bankruptcy • Service of documents : official transmission of legal documents • Property consequences of registered partnerships • Interest rates • Legal aid • European payment order • Securing assets during a claim in EU countries • Time limits on procedures • Family maintenance • Succession • Which country's law applies? • Adapting rights in rem • Taking evidence in a videoconference







Information related to current events

A horizontal timeline with a teal line. A grey box labeled 'Covid page' is connected to the year '2020' on the line. Another grey box labeled 'Ukrainian children' is connected to the year '2022' on the line. The European Commission logo is in the bottom right corner.

How to contact the EJM?

Find your national contact point(s): **Webform (European e-Justice Portal)**

<https://e-justice.europa.eu/contactPoint.do>

Thank you!

Marie.vautravers@ec.europa.eu
