

Notes on interesting topics during the Meeting of the JURI
Committee in the European Parliament
Brussels on June 17th, 2015.

Mr Miguel Tell Cremades, head of unit, chaired the meeting.

The judicial cooperation in civil subject is at the heart of the legislature. In particular the cross-border cases.

The proofs vary in every country and the role of the Judicial Experts is of the highest importance.

Subjects to be handled: selection, fees, articles ...

Mr Alain NUÉE.

Axes of reflection and consensus.

- Creation of public lists.
- Status of the expert: rights and duties, independence, impartiality.
- Strengthening of the role of the Judge.
- Procedure of European unique expertise

Ms Beatrice Deshayes.

Examples.

- The mission entrusted to the Austrian expert is different from the one who would have been given by a French Judge.
- Hearing of the expert by a Judge: in Germany, yes, in France almost never.
- The driving of the expertises operations in the respect for the contradictory.

Mr Barry Turner.

In the civil expertise, the Common Law is vanishing since that there is a codified procedure. The " experts witnesses" trained can work in the European procedures.

From 1999-2000, the disputes in the civil domain were supervised by the code of civil procedure.

Cross-fertilization of the European experts by exchanges of experience: desirable process.

In the procedure, the "champions" are not any more the experts witnesses. It is the council which defend the parties. It becomes a battle, what is different from the research for the truth. The experts supply elements.

Before 2011 the experts could not be pursued. It changed in 2011.

Questions.

Q: Are there statistics on the Border expertises?

Mr Jean-Raymond LEMAIRE No. It would be necessary to ask the CEPEJ.

Mr . Luboš DÖRFL. Statistics difficult to obtain.

Q: About the expert in law.

Gilles CUNIBERTI: explain exactly.

Mr. Luboš DÖRFL.

Objectives of the EEEI:

- Define a status;
- Harmonize the various systems;
- Basic structure of an European list
- ...

These objectives are widely supported.

CEPEJ Directives of December, 2014.

Mr Gilles CUNIBERTI.

1. Freedom of the experts, PROOF regulation . Skill of the Courts for appointing experts. Possible impact of the decision of CJEU of 2013, PRORAIL decision.
2. Possibility to work in Europe: a decision for the translators experts. Will the CJEU widen this possibility?
A compulsory list on the European territory can raise problem. make this as optional list.
3. Capacity of the courts to appoint an expert.

Possible improvements.

1. Not binding Expert report, thus we cannot speak about mutual recognition.
2. Name of experts of the other member states. It is possible to do it. In reality, it's not done for cause:
 - a. of the law
 - b. procedures
 - c. of the quality of the experts.

If an expert wants to appear on an European list, he will make an effort

Ms Atanaska KOLEVA - DG GROW.

More than 6000 jobs regulated in Europe.

The EC has no doubt on the penarroja ruling. it applies to all the experts.

All the European diplomas must be taken into account.

The proposals of closed lists are unacceptable.

The EC is aware of the difficulty to evaluate the skill. A procedure is possible.

The project of training is ambitious.

Lists must be optional.

Mr LEBRETON. MEP.

About the appointment of the experts by the parties.

Jean-Raymond LEMAIRE : It is one of the possibilities.

Ms Atanaska KOLEVA - DG GROW.

Experts' lists are a limitation in the freedom to practice, but justified for a good organization of the Justice.

Mr Alain NUÉE.

Possibility of appointing outside the list but by motivating.

Ms Béatrice DESHAYES.

Do not forget the possibility of a common naming.

A representative of the Justice HEAD OFFICE to Gilles Cuniberti. About the comment of Gilles CUNIBERTI on the PRO-RAIL ruling.

The Court decided instead of member states. PRO-RAIL is little democratic but good for the European integration.

Conclusion.

In the civil domain, it is necessary to harmonize the procedures.

It is important and it is at the heart of the JURI Committee.

Written by Jean-Raymond LEMAIRE