

NEW INSTRUMENTS OF JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS¹

Adrienn NAGY*

ABSTRACT: *Since 1 May 1999, the day when the Treaty of Amsterdam entered into force, we have been able to observe a fundamental change in view of the field of civil procedure law cooperation. In the Treaty of Amsterdam the European Union set as a goal the establishment of the area of freedom, security and justice, putting an especially large emphasis on judicial cooperation in civil matters.*

On the basis of Treaty of Amsterdam the Council adopted a Regulation (EC) No 743/2002 establishing a general Community framework for a period from 2002 to 2006 to facilitate the implementation of judicial cooperation in civil matters. This document defines those spheres where must promote the judicial cooperation in civil matters: alternative dispute resolution, parental responsibility, common procedural rules on small claims, uncontested claims and maintenance claims, minimum standard of legal aid in cross-border cases etc.

The legislative plan for the next five years in this field as described bellow: a draft instrument on recognition and enforcement of decisions on maintenance, including provisional and protective measures in 2005; a Green Paper in matters of succession, including the questions of jurisdiction and recognition in 2005; a Green Paper in matters concerning matrimonial property regimes, including the questions of jurisdiction and recognition in 2006. Instruments in these areas should be completed by 2011.

The aim of this presentation is to demonstrate the new challenges of this legislation area.

KEYWORDS: *Treaty of Amsterdam, civil procedure law, Regulation (EC) No 743/2002, enforcement of decisions,*

JEL CLASSIFICATION: *K 40, K 20*