



Europa - The simplification of law

When the European Economy Community was founded in 1957 the EEC members obligated themselves that they would try to assimilate there laws. This was important to get a fundaments (Foundation) for the different law connections between the EEG-members and their citizens.

To make sure that the European market is attractive and functional, the simplification of the formal requirements for the reciprocal acceptance and execution of judgments (court decisions, sentence), public certificates and compositions (settlement) is as important as the effort to guarantee (assure) the citizens, companies and member states an effective legal protection (defense and recovery).

These particular objectives could be achieved because the EEG-members today have the possibility to work with a consistent European law which also arranges (rules) the jurisdiction of the separate courts.

1. Convention

The development of this necessary simplification of the law started in 1968 when the EEG- members made up the agreement concerning the jurisdiction and the execution of judgments in commercial and civil causes.

2. EuGVO oder Brüssel I-VO (arrangement, order)

In the year 2000 the agreement was replaced by a new arrangement called Brüssel I-VO, enacted by the European Council. The arrangement is obligatory for all member states of the European Union (Gemeinschaft) except Denmark. Brüssel I-VO works as primary Community Law. Therefore it had priority in opposite to the territorial law in the separate states.

The Order of the European Council adjusts the jurisdiction of the separate national courts and arranges, that a judgment of one Member State basically has to be accepted by the other states. Furthermore the order provides the possibility to execute a judgment across national borders. A member state's judgment could also be executed in another member state, when 1) the judgment is enforceable (vollstreckbar) in the origin state 2.) the judgment has been announced as enforceable by the origin court after a claim of one beneficiant (to file an application).

3. Directives

The European Council legislates directives as well. This directives, which have to be noticed (beachten) by the separate member states should be transformed into national

law (local law). The European Council for example legislates the Council Directive 85/577/EEC protecting the consumer in respect of contracts negotiated away from business premises. (Haustürwiderrufsrichtlinie)

4. The Court of Justice of the European Communities

The Court of Justice of the European Communities was set up under the ECSC treaty in 1952. It is based in Luxembourg. It's job is to make sure that the EU legislation is interpreted and applied in the same way in all EU countries, so that the law is equal for everyone. It ensures e.g. that national courts do not give different rulings on the same issue.