



Study on the Transparency of Costs of Civil Judicial Proceedings in the European Union

The European Union seeks to create a European Area of Justice. A European Area of Justice would facilitate individuals and businesses' access to justice by eliminating obstacles that prevent or discourage them from exercising their rights. Complex and costly legal and administrative systems qualify as obstacles to an unhindered access to justice. The cost of using the justice systems in the EU is one of these obstacles. The main reason for this is four-fold. Firstly the difficult assessment of what it costs to litigate due to the lack of available information of the costs related to legal procedures can constitute an obstacle. Secondly, the important differences in levels and sources of costs from one Member State to another can also constitute an obstacle. Thirdly, the importance of the costs relative to the amount litigated often acts as a deterrent against litigation. Fourthly, important differences between the Member States' legal systems lead to increased costs to run cases (lawyers, translators, travel, notifications). The development of the European Area of Civil Justice is proposed as a key objective of the European Councils of Tampere (1999) and The Hague Programme of 2004. This objective carries with it a number of specific objectives which are as follows. 1/ Access to justice for citizens notably in cross-border litigation; 2/ Mutual recognition of decisions as an effective means of protecting citizens' rights; and 3/ Securing the enforcement of rights across European borders. In particular, the Hague Programme emphasized that the effectiveness of existing instruments on mutual recognition should be increased, by standardising procedures and documents and by developing minimum standards for aspects of procedural law, such as in the service of judicial and extra-judicial documents, the commencement of proceedings, enforcement of judgments and transparency of costs. This Study thus seeks to assist in the implementation of the European Union's objective to create a European Area of Justice.