

UNIVERSIDADE  
PORTUGALENSE



**IJP** INSTITUTO JURÍDICO  
PORTUGALENSE



University of Maribor

Faculty of Law

# **COMPARATIVE LEGAL RESEARCH IN EU CIVIL PROCEDURE**

## **Network approach**

**Tomaž Keresteš**, Ph.D., LL.M.

IJP & University of Maribor, Faculty of Law

# Research Units Network

---

- ▶ Key for success: a widespread network of research units as partners (University of Maribor, Portuguese University, University of Graz, University of Maastricht, Leibniz University of Hannover, University of Rijeka – Faculty of Law, University of Zagreb – Faculty of Law, Mykolas Romeris University, Tallin University of Technology, Masaryk University, Bialystok University, Institute of Comparative Law at the Faculty of Law Ljubljana, etc.)
- ▶ Necessary requirement: a widespread network of individual experts and/or national reporters



# Current Research Results

---

- ▶ 3 EU financed research projects successfully concluded
- ▶ 1 EU financed research project in progress
- ▶ Continuous EU research funding 2006 – 2018
- ▶ 8 International Scientific Conferences
- ▶ 4 High Profile Scientific Monographs (Wolters Kluwer, Intersentia, Nomos)
- ▶ 19 National Reports Published as monographs and indexed in the Web of Science
- ▶ 1 Collected Papers indexed in the Web of Science
- ▶ Other materials: Expert Reports, National Reports, Guidelines and Brochures, Software, Articles
- ▶ Development of comparative methodology



# Der Europäische Vollstreckungstitel - Erleichterung der internationalen Vollstreckung und die Gewährleistung der Rechtsschutzgarantien

---

- ▶ **JLS/2005/FPC/047-30-CE**
  - ▶ Time frame: **2006 – 2009**
  - ▶ Partners: University of Maribor (Slovenia), University of Graz (Austria), University of Bayreuth (Germany)
  - ▶ **Research topic:** Research of the effects of the Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims on cross-border civil enforcement with special emphasis on the legal orders of Germany, Austria and Slovenia.
- 



# Delivery and Results

---

- ▶ 2 International Scientific Conferences
- ▶ Monograph:

**Die Erleichterung der  
Zwangsvollstreckung  
in Europa  
(Nomos: Baden-Baden, 2012)**



# **Simplification of Debt Collection in the EU**

---

- ▶ **JLS/2009/JCIV/AG/0003-30-CE**
  - ▶ Time frame: **2010 – 2012**
  - ▶ Partners: University of Maribor (Slovenia), University of Graz (Austria), University of Zagreb (Croatia), Portucalense University (Portugal), Austrian Federal Ministry of Justice, Georg-August University of Göttingen (Germany), University of Maastricht (Netherlands), University of Stockholm (Sweden), University François-Rabelais Tours (France), University of Pavia (Italy), Masaryk University Brno (Czech Republic), Bialystok University, (Poland), Bulgarian Academy of Science, INFORTA Seville (Spain), Baker & McKenzie Brussels (Belgium), Finnish Ministry of Justice, CEPRIS (Slovenia)
- 



# Research Topic

---

Research of application of the Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure and Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure in different Member States with special emphasis of problems regarding the abolition of exequatur.



# Delivery and Results

---

- ▶ 3 International Scientific Conferences
- ▶ National Reports (14 countries), Expert Reports (5), other materials
- ▶ Monograph:  
**Simplification of Debt Collection in the EU**  
**(Wolters Kluwer: Alphen aan den Rijn, 2014)**





# Dimensions of Evidence in European Civil Procedure

---

- ▶ **JUST/2012/JCIV/3434**
  - ▶ Time frame: **2013 – 2015**
  - ▶ Finance: €365.758,54
  - ▶ Partners: University of Maribor (Slovenia), University of Zagreb - Faculty of Law (Croatia), University of Maastricht (Netherlands), University of Graz (Austria), Institute of Comparative Law at the Faculty of Law Ljubljana (Slovenia), Mykolas Romeris University (Lithuania), University of Pavia (Italy), Masaryk University Brno (Czech Republic), University of Bialystok (Poland), CEPRIS (Slovenia), Sladič - Zemljak Attorneys (Slovenia)
  - + IJP and Portucalense University (Portugal) as associated partner
- 



# Research Topic

---

Research of a possible existence of a common core of European Law of Evidence (and taking evidence in particular), its content, and its most important points of discord among the national legal systems. The aim of the project was to set a starting point for possible further harmonization or unification in the field of Evidence Law. In addition the project attempted to improve mutual trust among national courts inside the EU with presenting a clear picture of what the national courts in Member States do in matters of evidence. Special emphasis was given to application of modern information and communication technology in taking of evidence.

---



# Delivery and Results

---

- ▶ 2 International Scientific Conferences, 26 National Reports (19 published in the Web of Science)
- ▶ 2 Monographs:
  - **Dimensions of Evidence in European Civil Procedure** (Wolters Kluwer:Alphen aan den Rijn, 2016)
  - **Evidence in Contemporary Civil Procedure** (Intersentia: Cambridge, 2015)



# Remedies concerning Enforcement of Foreign Judgements according to Brussels I Recast

---

- ▶ **JUST/2014/JCOO/AG/CIVI**
  - ▶ Time frame: **2016 – 2018**
  - ▶ Finance: €424.255,88
  - ▶ Partners: University of Maribor (Slovenia), Portucalense University (Portugal), University of Rijeka – Faculty of Law (Croatia), Masaryk University Brno (Czech Republic), Leibniz University of Hannover (Germany), University of Graz (Austria), University of Maastricht (Netherlands), Mykolas Romeris University (Lithuania), Institute of Comparative Law at the Faculty of Law Ljubljana (Slovenia), Tallin University of Technology (Estonia), Chamber of Notaries of Slovenia, CEPRIS (Slovenia), Sladič – Zemljak Attorneys (Slovenia)
  - ▶ **Delivery and Results:** In progress (1 Int'l Scientific Conference by now)
- 



# Conclusion

---

- ▶ Already 10 years of continuous comparative research in EU Civil Procedure with assured financing up to 2018
- ▶ Widespread network of Research units partners, experts and reporters across the EU
- ▶ Special emphasis on enforcement and evidence
- ▶ Specialized in research for EC DG Justice
- ▶ Average ratio of EU co-financing is 85%
- ▶ Additional benefits: research synergies, new research initiatives, joint degree programs, Erasmus, exchange of researchers, etc.

