

PORTUGAL
CONTACT POINT OF EJN CIVIL



2019

ANNUAL REPORT



**EUROPEAN JUDICIAL NETWORK
IN CIVIL AND COMMERCIAL MATTERS**

In whose interests will the brutal power of the state continue to exist? Who will run it? And for whom? It is the answers to these questions which will determine the future of the European Union.

Alan Milward, *The European Rescue of the Nation-State*

ACRONYMS AND ABBREVIATIONS

| | |
|--------------------------|---|
| CJEU | Court of Justice of the European Union |
| CJI | Iberoamerican Judicial Summit |
| DGAJ | Directorate General for Justice Administration |
| DGPJ | Directorate General for Justice Policy |
| DGRSP | Directorate General for Rehabilitation and Prison Services |
| EJN Civil | European Judicial Network in Civil and Commercial Matters |
| ELRA | European Land Register Association |
| EUIPO | European Union Intellectual Property Office |
| IberRede | Latin-American Countries Judicial Network |
| IGFEJ, IP | Institute for Financial Management and Equipment of Justice |
| IRN, IP | Institute of Registries and Notary |
| ISS, IP | Social Security Institute |
| Judicial network of CPLP | Portuguese Speaking Countries Judicial Network |
| MS | Member State |
| EU | European Union |

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I - Foreword

I am pleased to present the annual report of 2019 of the Portuguese contact point of EJN Civil.

In 2019 the Contact Point's team executed the project CB & RA, co-financed by the Justice program of DG Justice and Consumers of the European Commission. The project aims at establishing a network of national judges specialized in civil justice instruments and drafting of a handbook regarding the impact of several EU regulations on the daily work of Registries and Notaries.

Strengthening the operational value of Iber-Rede and of the Judicial Network of CPLP were additional challenges in 2019.

Also, I was proud of organizing and hosting, in Lisbon, together with the High Judicial Council and the Supreme Court of Justice, the second round of meetings of the 20th Ibero-American Judicial Summit (IJC) on the Sustainability of Social Peace and the challenges faced by the Judicial Powers of Ibero-America in the new millennium.

As a national coordinator for the IJC appointed by the High Judicial Council, I have been actively participating in the meetings and working groups of the Ibero-American Judicial Summit since 2018.

The debate on judicial ethics is of paramount importance as it has been repeatedly highlighted at international level by the Council of Europe.

In this context I participated as an observer in the joint meetings of the Ibero-American Judicial Ethics Commission and the Spanish Judicial Ethics Commission. Since then, the Contact Point's team ensures the translation to Portuguese of some recommendations on judicial ethics.

In short, expanding the horizons of judicial cooperation represents a challenge that my team and I hope to be prepared to face in 2020.



Paula Pott
Judge at the Appeal Court of Lisbon



Portuguese contact point of EJN Civil

II - SOME STATISTICS

...to have an insight on the Contact Point's activity

In 2019 the Portuguese contact point dealt with 328 requests under the legal framework of EJN Civil, among which:

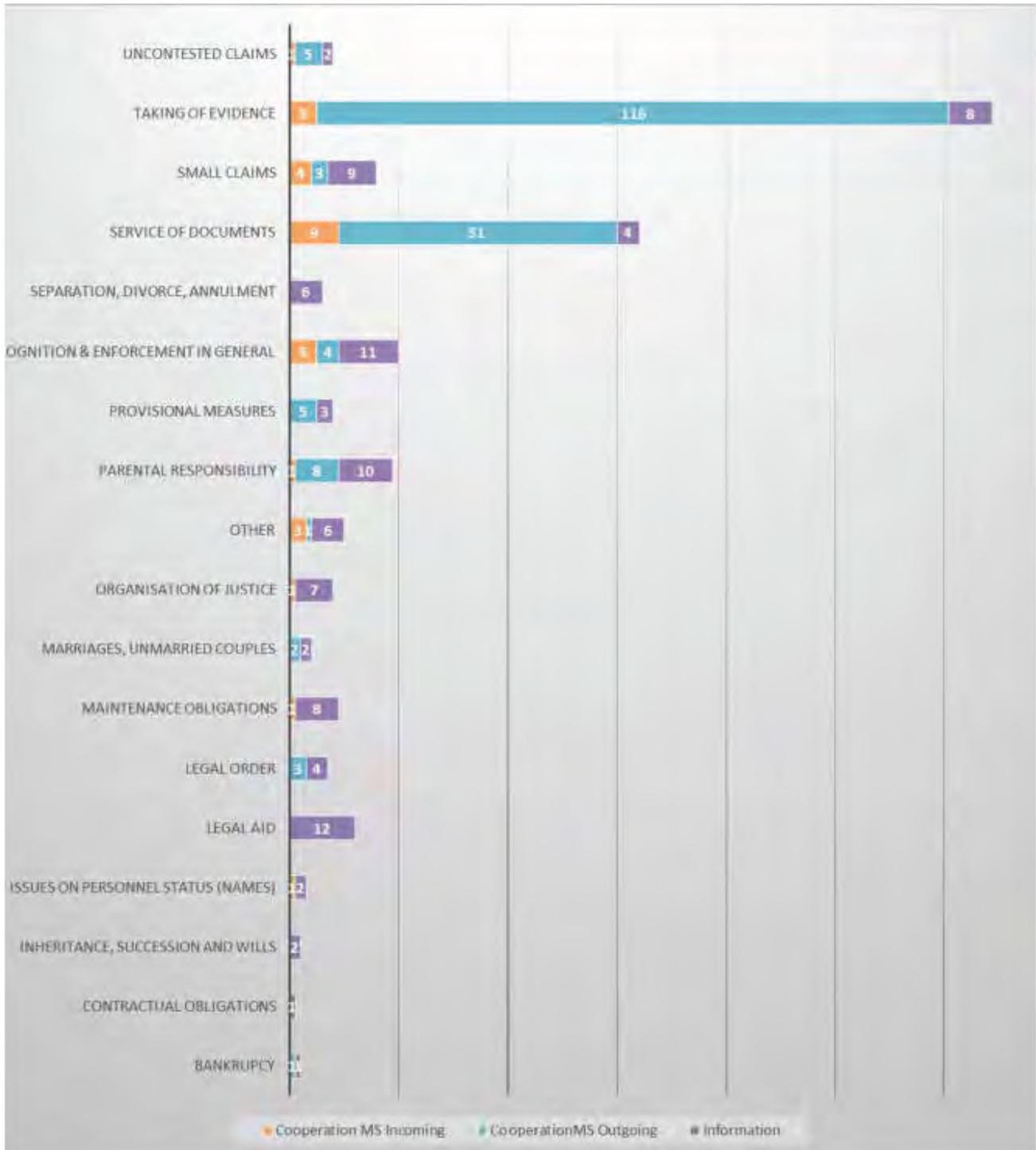
- 200 were requests for cooperation
- 98 were requests for information
- 30 involved a Member State and third States.

In the EJN Civil context more than two thirds of the requests were related to cooperation between authorities of two different Member States — **requests for cooperation** — while the remaining were **requests for information** addressed to the Contact Point by judicial authorities, central authorities and other authorities to whom cooperation instruments assign tasks. The requests that involved Portugal and a third country, that is not member of any other network of judicial cooperation in which Portugal is party, were dealt under the legal framework of the EJN Civil—cf. article 3, paragraph 2, a) of the Council Decision 2001/470 / EC.

The higher number of requests of cooperation and information are related to **taking of evidence, service of documents and parental responsibilities** (respectively Regulation 1206/2001, Regulation 1393/2007 and Regulation 2201/2003), **followed by recognition and enforcement of foreign decisions** (Regulation 1215/2012).

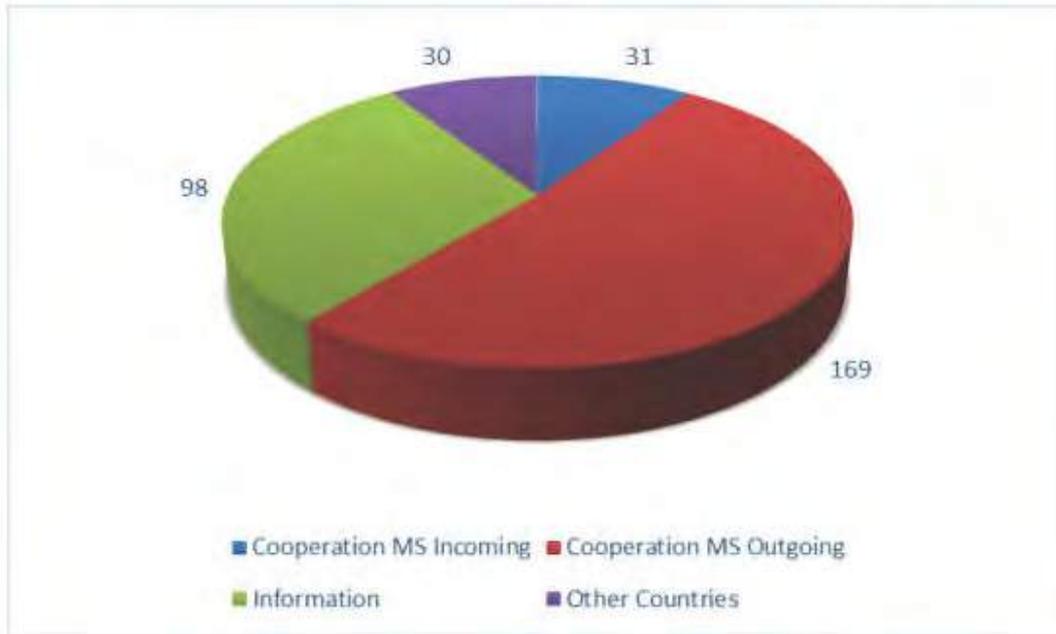
The graphics in the following pages give an outline of the Portuguese Contact Point's activity.

EJN Civil

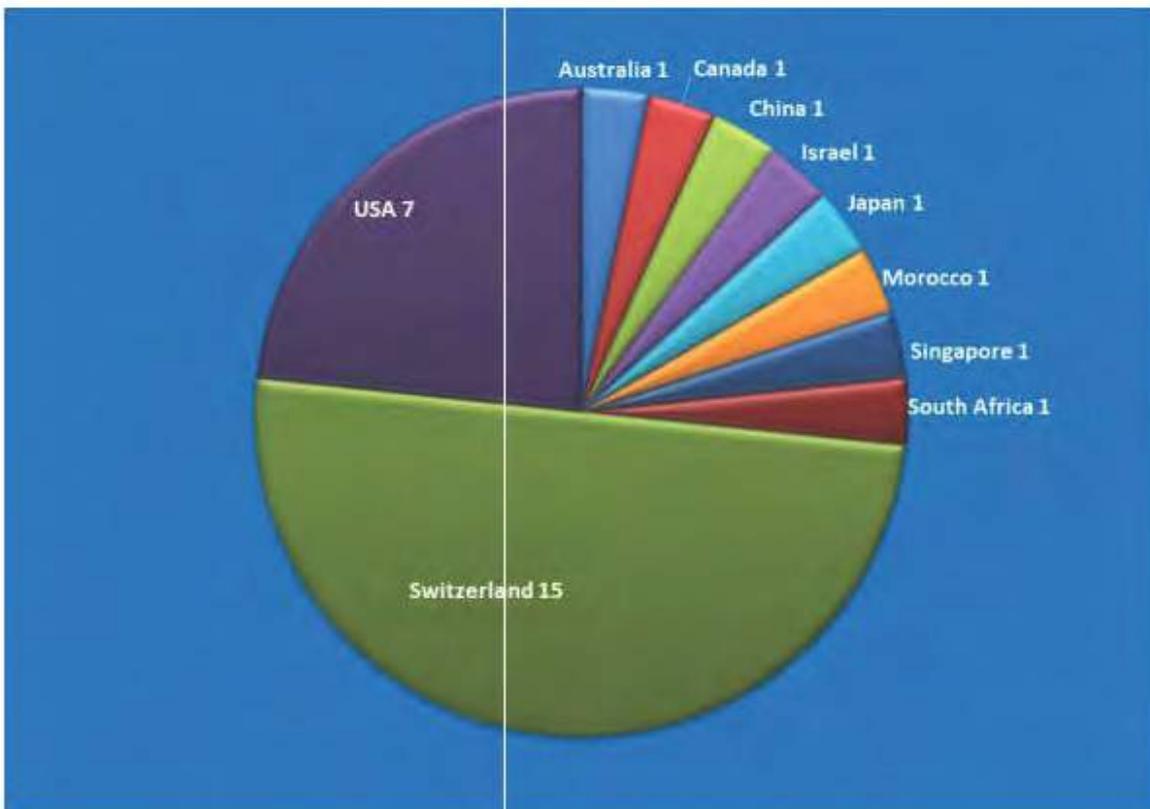


Graphic 1: Requests by subject matter - EJN Civil 2019

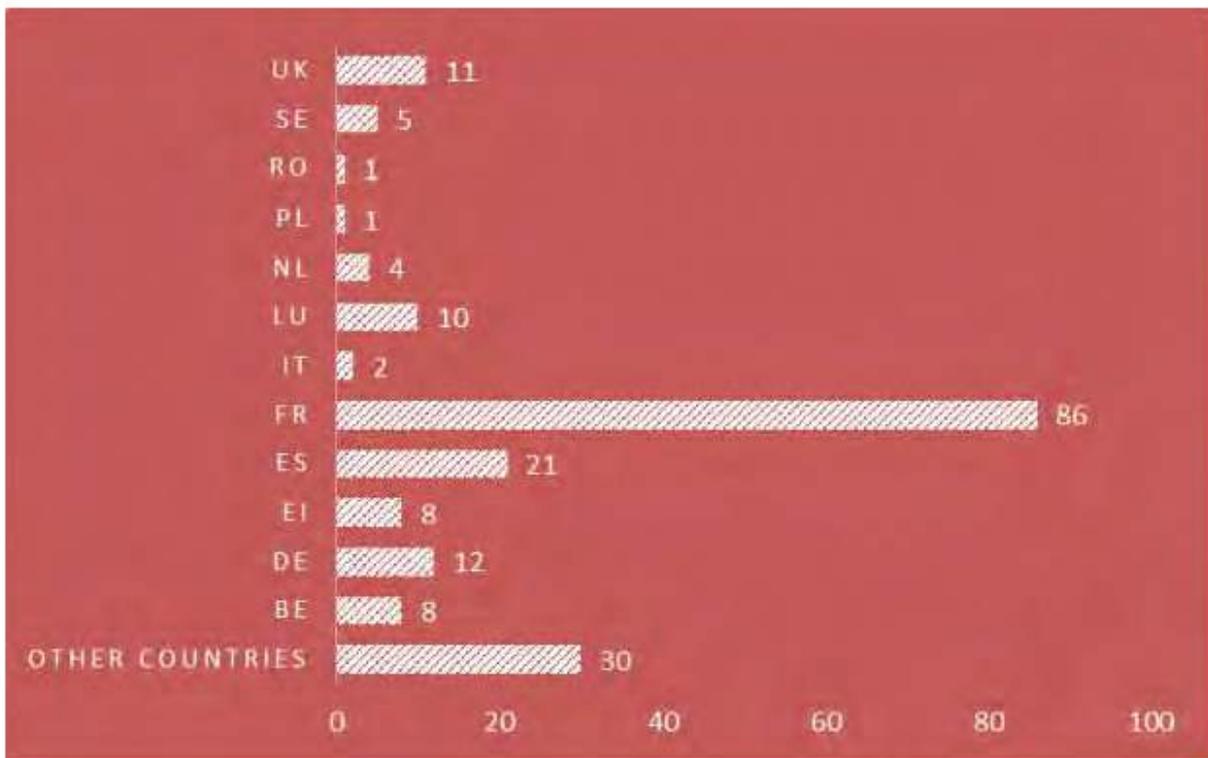
EJN Civil



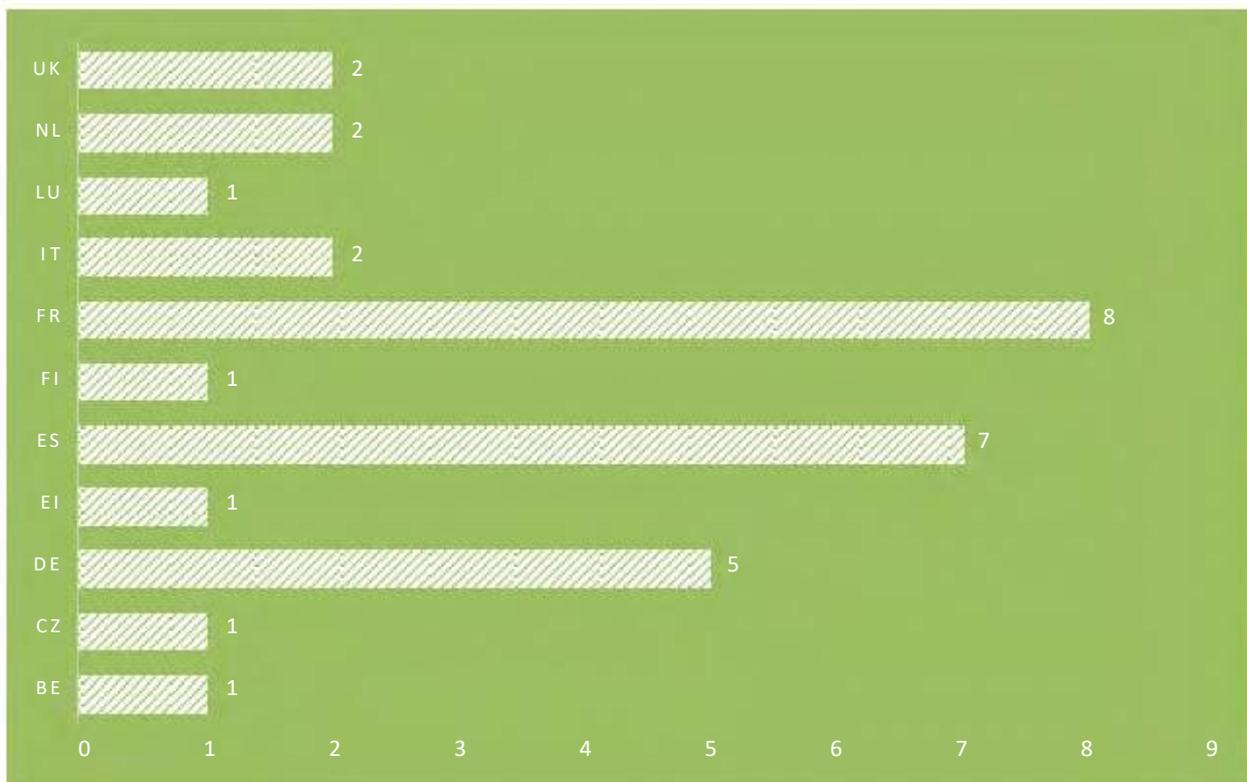
Graphic 2: Requests for cooperation and information - EJN Civil 2019.



Graphic 3: Requests involving Portugal and third countries under Article 3(2)(a) of Decision 2001/470/EC - EJN Civil 2019.

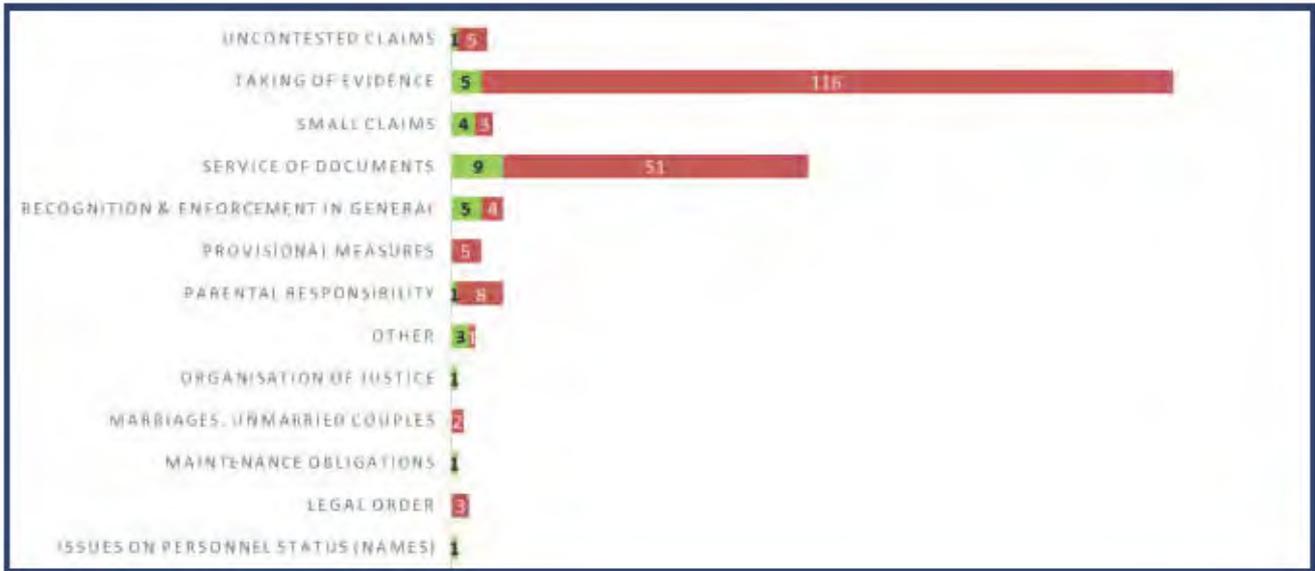


Graphic 4: Outgoing requests for cooperation by MS - EJN Civil 2019

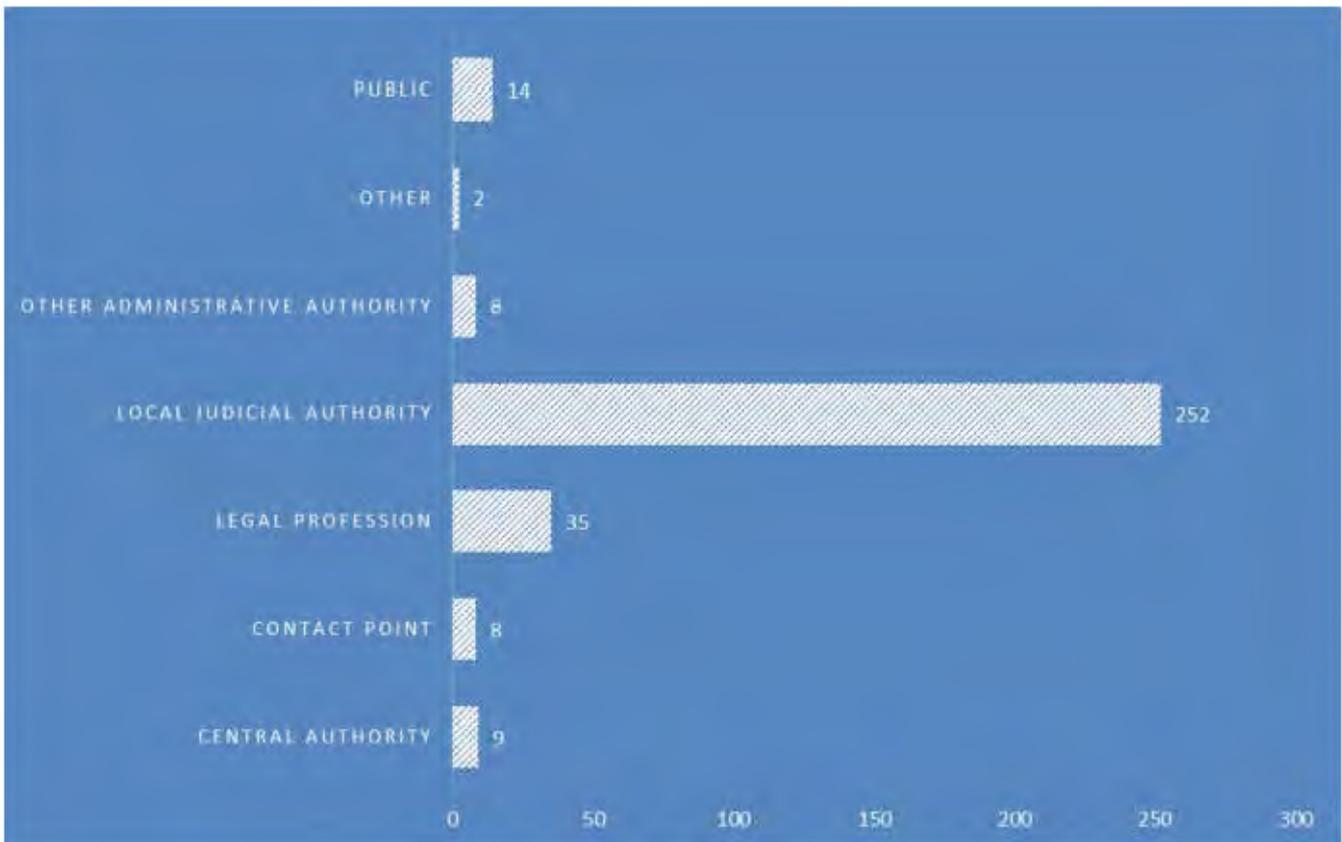


Graphic 5: Incoming requests for cooperation by MS - EJN Civil 2019.

EJN Civil



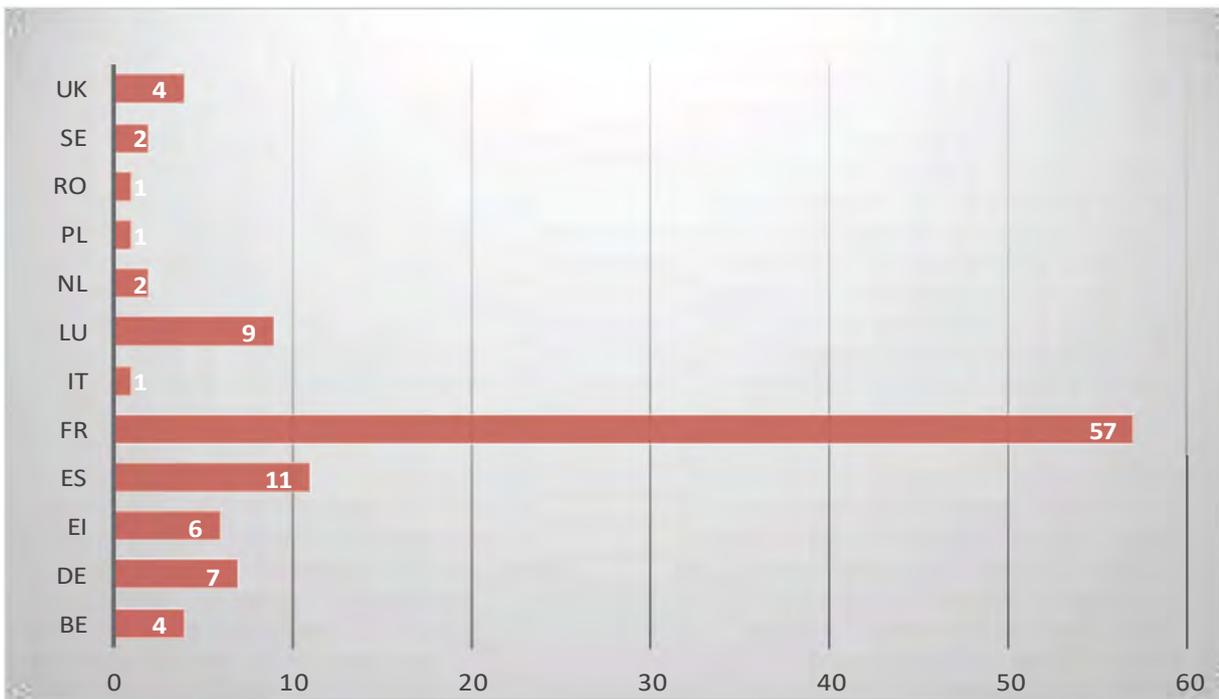
Graphic 6: Incoming and outgoing requests of cooperation by subject matter - EJN Civil 2019



Graphic 7: Requests for cooperation and information by authority - EJN Civil 2019

Note: according to Articles 5, 5 A and 18 of Decision 2001/470/EC, EJN Contact Points shall assist judicial authorities, central authorities or other authorities but cannot provide legal advice to the parties or their representatives. Information to the public shall be provided through the European e-Justice Portal, national websites and factsheets to which citizens and companies are referred to when they address a request to the Contact Point.

EJN Civil

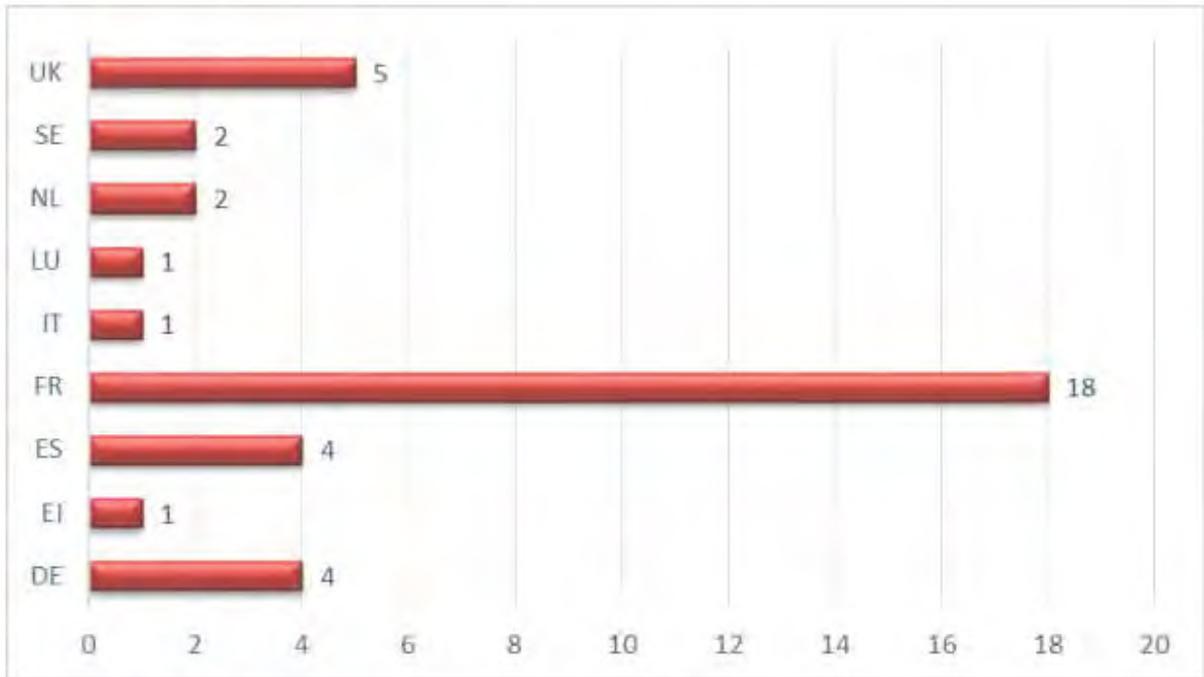


Graphic 8: Outgoing requests for taking of evidence by MS - EJN Civil 2019.

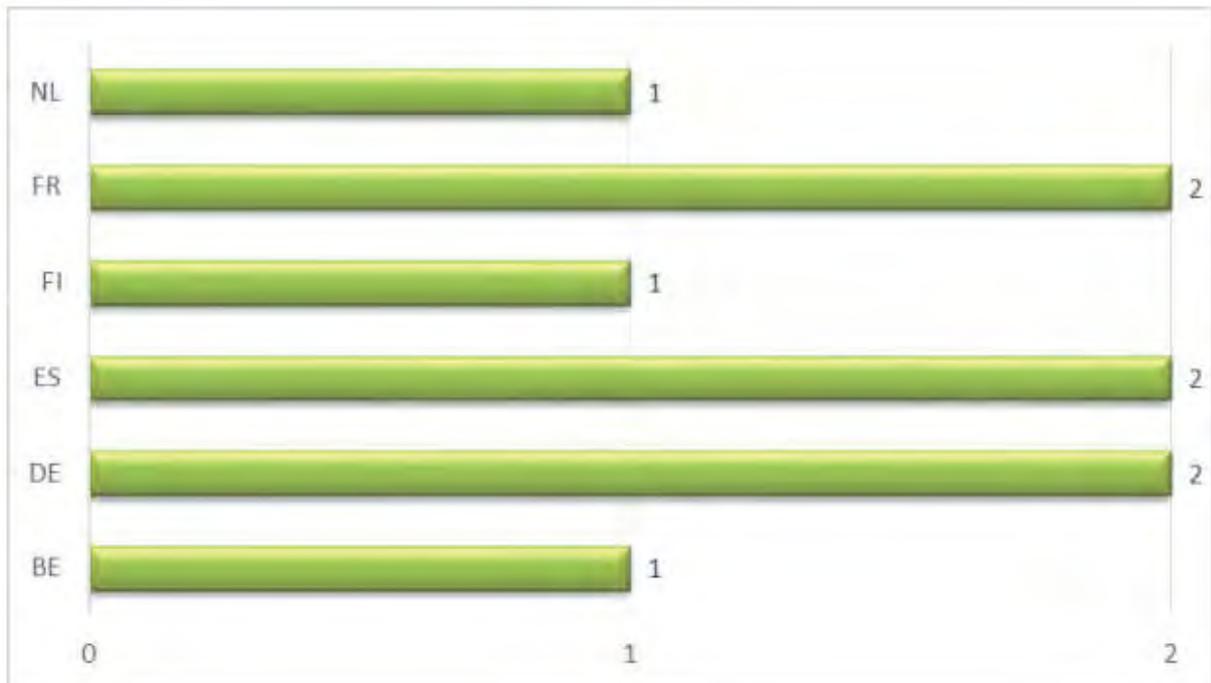


Graphic 9: Incoming requests for taking of evidence by MS - EJN Civil 2019.

EJN Civil

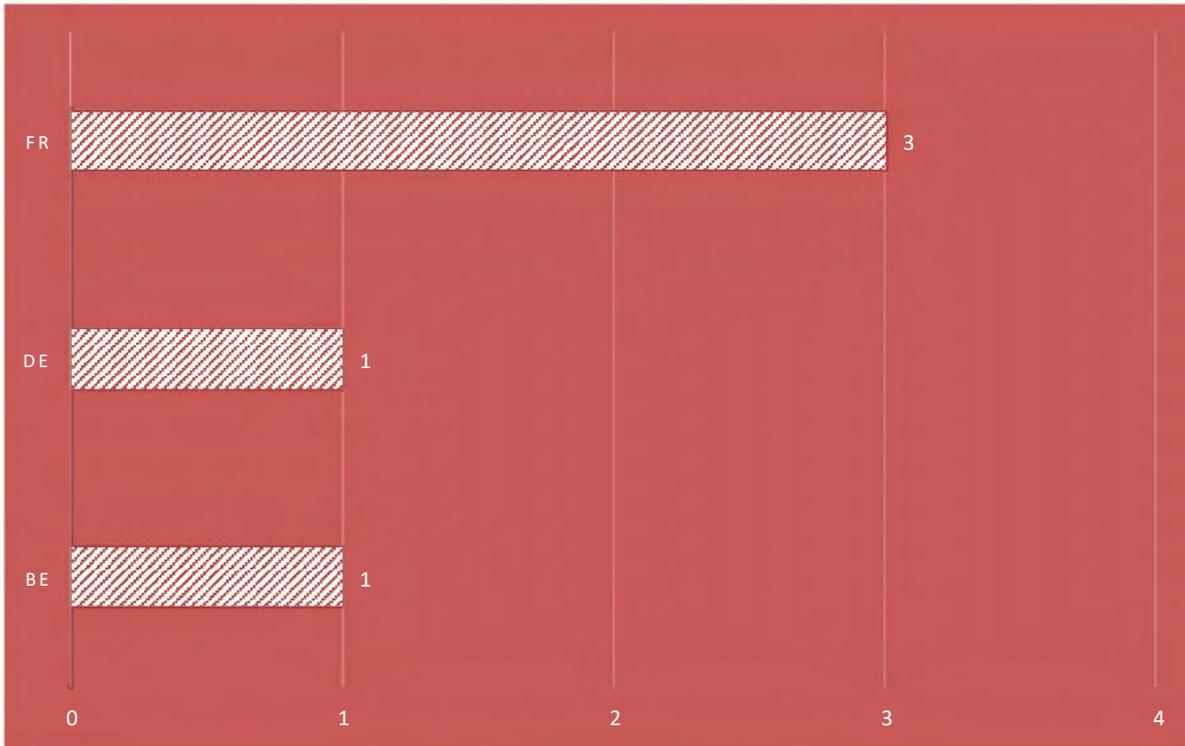


Graphic 10: Outgoing requests for service of documents by MS - EJN Civil 2019.

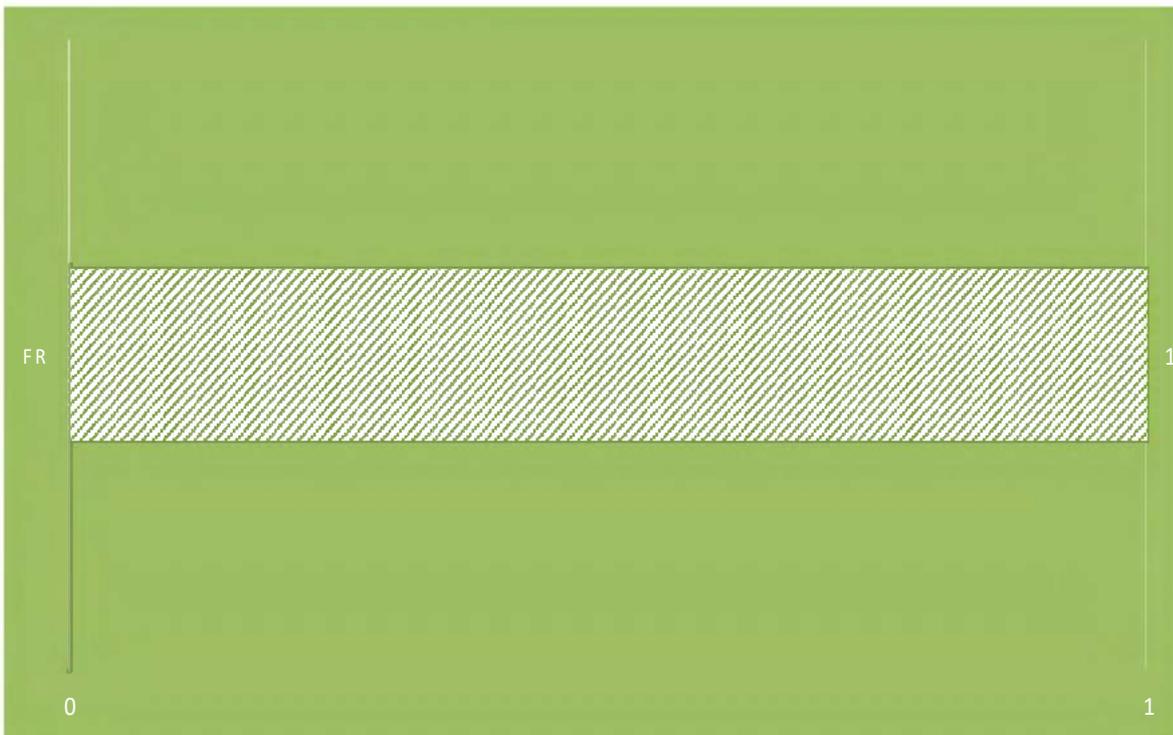


Graphic 11: Incoming requests for service of documents by MS - EJN Civil 2019.

EJN Civil



Graphic 12: Outgoing requests regarding parental responsibilities by MS - EJN Civil 2019.



Graphic 13: Incoming requests regarding parental responsibilities by MS - EJN Civil 2019.

III - THE NATIONAL NETWORK



THE FOUNDING INSTRUMENT OF EJN CIVIL

Council Decision 2001/470/EC,
revised by Decision 568/2009/EC,
establishing the
**European Judicial Network in
civil and commercial matters**

SETTING FORTH
THE TASKS OF THE CONTACT POINTS
THE MODUS OPERANDI OF THE NETWORK
THE ROLE OF THE COMMISSION
THE LEGAL BASIS FOR EXCHANGING
DOCUMENTS AND INFORMATION

The general secretariat of the network held by the Commission — DG Justice and Consumers — is responsible for organizing periodic meetings, establishing the link between the Contact Points, maintaining a web page with useful information for both the professionals and public, and promoting practical projects in the area of judicial cooperation. The Contact Points participate in the execution of these projects, provide specialized legal advice to Courts, central authorities and other authorities designated in the founding instrument and provide general information to the public in the European e-Justice Portal.

Structure of the national network

Portugal designated only one judge as Contact Point of EJM Civil. In that context I was appointed as contact point of the EJM Civil, the IberRed and the Judicial Network of CPLP, in June 2014, by the Portuguese High Judicial Council, following an open competition to national Judges. The national network, in Portugal, relies on the support of twelve officially appointed members. They were designated by the Ministry of Justice among Government agencies and legal professions. Some are also central authorities for certain instruments of civil justice.

The national members of the network:

1. Directorate General for Justice Policy (DGPJ) - Ministry of Justice
2. Directorate General for Justice Administration (DGAJ) - Ministry of Justice
3. Directorate General for Rehabilitation and Prison Services (DGRSP) - Ministry of Justice
4. Institute for Register and Notary Offices (IRN IP) - Ministry of Justice
5. Institute for Financial Management and Equipment of Justice (IGFEJ IP) - Ministry of Justice
6. Council for Justice of Peace – Ministry of Justice
7. Social Security Institute (ISS IP) - Ministry of Labour Solidarity and Social Security
8. Commission for the Protection of Crime Victims (CPVC) - Ministry of Justice
9. Portuguese Bar Association
10. Portuguese Order of Solicitors and Private Bailiffs
11. Portuguese Order of Notaries
12. Judge of the International Hague Network of Judges

The Central Authorities and other competent authorities:

Directorate General for Justice Administration (DGAJ) - Ministry of Justice

- * Regulation (EC) N° 4/2009 of 18/12/ 2008
- * Regulation (EC) N° 1393/2007 of 13/11/2000
- * Regulation (EC) N° 1206/2001 of 28/5/2001
- * Hague Convention of 1965 on the service abroad of judicial and extrajudicial documents in civil and commercial
- * Hague Convention of 1970 on the taking of evidence abroad in civil or commercial matters
- * Hague Convention of 2007 on the international recovery of child support and other forms of family maintenance
- * New York Convention of 1956 on the recovery abroad of maintenance

Directorate General for Rehabilitation and Prison Services (DGRSP) - Ministry of Justice

- * Regulation (EC) N° 2201/2003 of 27/11/2003
- * Hague Convention of 1980 on the civil aspects of international child abduction
- * Hague Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children

Institute for Register and Notary Offices (IRN IP) - Ministry of Justice

- * Regulation (EU) N° 650/2012 of 4/7/2012

Social Security Institute (ISS IP) - Ministry of Solidarity and Social Security

- * Directive 2003/8/EC of 27/1/2003 (legal aid)

Commission for the Protection of Crime Victims (CPVC) - Ministry of Justice

- * Directive 2004/80/EC of 29/4/2004

Public Prosecutor Office ⁽¹⁾

- * Convention of 13 January 2000 on the International Protection of Adults (1) It is not member of the national network

IV- COORDINATION TOOLS: MEETINGS

Trimestral meetings with the national members of the Network

| Organized by: | Date and subject matter: | Participants: |
|------------------------------------|--|---|
| | 07.03.2019 16th trimestral meeting | Contact Point Representatives of the members of the national network |
| Main subjects of the agenda | | |
| Contact Point | Project to establish a list of translators and interpreters to support the activity of Courts and central authorities Access to databases for searching the addresses by the Justices of Peace Update on the information regarding the central authority for the New York Convention on maintenance recovery <i>State of play of Brexit</i> | |
| Contact Point | 09.05.2019 17th trimestral meeting | Contact Point Representatives of the members of the national network |
| Main subjects of the agenda | | |
| | BRIS - Business Register Interconnection System Maintenance - Including Civil Registry Offices among the entities provided for in Annex X to Regulation 4/2009 European Account Preservation Order procedure - Regulation 655/2014 | |

Trimestral meetings with national members of the Network

| Organized by: | Date and subject matter: | Participants: |
|----------------------|---|---|
| | 25.09.2019 18th trimestral meeting | Contact Point Representatives of the members of the national network |
| Contact Point | Main subjects of the agenda State of play of the European project CB AND RA PT (830995) Capacity building and research activities for judges and legal practitioners Mediation in cases filled before the Judges of Peace most recent information on the results achieved Family Mediation or Specialized Technical Hearing of family members in cross-border cases Certificates of decisions on maintenance obligations necessary for their recognition and enforcement in another Member State | |
| Contact Point | 05.12.2019 19th trimestral meeting | Contact Point Representatives of the members of the national network |
| | Main subjects of the agenda Directive on the use of digital tools and procedures in the field of company law State of play of the ongoing revision of regulations 1206/2001 and 1393/2007 Child relocation following a court decision: practical aspects Establishing a network of national judges to support the activity of EJM Civil Establishing a network of court officials specialised in judicial cooperation in each Regional Court | |

RESTRICTED MEETINGS WITH NATIONAL MEMBERS

| Organized by: | Date and subject matter: | Participants: |
|----------------------|--|--|
| | 19.01.2019 | Contact Point |
| Contact Point | Main subjects of the agenda Facilitating the operation of Regulation 655/2014 - European Bank Account Preservation Order | High Judicial Council, DGPJ, OSAE, IGFEJ |
| | 04.02.2019 | Contact Point |
| Contact Point | Main subjects of the agenda Brexit and its consequences with regard to judicial cooperation in civil and commercial matters | DGPJ |
| | 21.02.2019 | Contact Point |
| Contact Point | Main subjects of the agenda Risk assessment in cases of domestic violence | CPVC |
| | 25.02.2019 | Contact Point |
| Contact Point | Main subjects of the agenda Practical consequences of a Brexit without agreement | DGPJ, DGAJ |
| | 25.02.2019 | Contact Point |
| Contact Point | Main subjects of the agenda Adding a questionnaire regarding the assessment of domestic violence risk to the Manual on the Specialized Technical Hearing in family matters | CPVC, ISS |
| | 11.05.2019 | Contact Point |
| Contact Point | Main subjects of the agenda Use of mandatory forms as set forth in Regulation 655/2014 Training needs of lawyers in the field of judicial cooperation in civil matters | OA |
| | 22.07.2019 | Contact Point |
| DGPJ | Main subjects of the agenda Preparing the information to be sent to the European Commission as set forth in Article 103 of Council Regulation (EU) 2019/1111 | DGPJ, DGRSP, INR |

RESTRICTED MEETINGS WITH THE NATIONAL MEMBERS

| Organized by: | Date and subject matter: | Participants: |
|----------------------|---|-----------------------|
| | 14.10.2019 | |
| | Main subjects of the agenda | Contact Point |
| Contact Point | Working group to draft a flyer on child relocation to facilitate the work of national Courts in cooperation with DGRSP (central authority) and ISS, I.P. (welfare services), in cases of: return of the child; transfer of jurisdiction; escape from an institution where the child is placed | DGPJ DGRSP IRN |
| | 13.12.2019 | |
| DGPJ | Main subjects of the agenda | Contact Point DGPJ |
| | Preparing the Portuguese Presidency of the Council of the European Union | |



20th trimestral meeting of national members of the EJN Civil, Lisbon, December 2019, High Judicial Council

EJN Civil Meetings

| Organized by: | Date and subject matter: | Participants: |
|--|---|---|
| | 31.01 and 01.02.2019 | |
| | 17th Annual Meeting | |
| The Commission | Judicial training in the EU – presentation of the 2018 Annual Report on Judicial Training and policy priorities | The Commission Contact Points and delegations Observers Guests |
| | European e-justice Portal | |
| | Impact of the General Data Protection Regulation on judiciary | |
| | Judicial Cooperation between Eastern States | |
| | The European Accessibility Act | |
| | Creating the European area of civil justice: What have we achieved, what do we need next? – a forward looking debate on modernisation and further development of civil justice and judicial cooperation in civil and commercial matters | |
| | The 2019 Call for proposals for action grants to support transnational projects to promote judicial cooperation in civil and criminal matters | |
| | The CLUE project—France | |
| | The Office of the European Parliament Coordinator on children’s rights | |
| | International Academy of Family Lawyers (IAFL) | |
| | Presentation of key CJEU decisions in 2018 | |
| | 27 and 28.03.2019 | |
| | 73rd Meeting of the Contact Points and 8th Meeting of the Central Authorities of Maintenance Obligations | |
| The Commission | Bilateral meetings between central authorities to discuss concrete cases under the Maintenance Regulation | The Commission Contact Points and delegations Central Authorities |
| | Follow-up to topics from previous meetings | |
| | Latest developments relating to the 2007 Hague Convention on Maintenance | |
| | Impact of the General Data Protection Regulation on judiciary – German national experience | |
| | Organising a national judicial cooperation network with support from the 2018 Call for proposals promoting judicial cooperation | |
| | Discussion on the operation of the Maintenance Regulation | |
| | State of play of the iSupport case management system | |
| | State of play of EJN factsheets and developments relating to the European e-Justice Portal | |
| | 15 and 16.05.2019 | |
| | 74th Meeting of the Contact Points and 13th Meeting of the Central Authorities of Brussels IIa Regulation | |
| The Commission | Follow-up on issues relating to the Hague Conventions | The Commission |
| | Update on the recast of Brussels IIa Regulation | |
| Hosted by the Romanian presidency of the EU | Overview of the practice of the CJEU | Contact Points and delegations Central Authorities |
| | Hearing of the Child – Romanian national perspective and experience | |
| | Presentation of the Romanian national Manual on child abduction | |
| | Presentation of the “Children deprived of parental care found in an EU Member State other than their own - A guide to enhance child protection with a focus on victims of trafficking” | |
| | Protection of migrant children in the EU | |
| | Discussion on the operation of Brussels IIa Regulation | |
| | Bilateral meetings of Central Authorities | |

EJN Civil Meetings

| Organized by: | Date and subject matter: | Participants: |
|---|--|---|
| | <p>31.01 and 01.02.2019</p> <p>75th Meeting of the Contact Points - Regulations 1393/2007 and 1206/2001</p> <p>Training activity for European e-Justice Portal content managers Bilateral meetings on service of documents and taking of evidence Overview and state of play on the recast of Regulations 1393/2007 and 1206/2001 e-Evidence in criminal matters – presentation on the operation of e-CODEX solutions Discussion on the operation of Regulations 1393/2007 and 1206/2001 Update of the Practice Guide on “Jurisdiction and applicable law in international disputes between the employee and the employer”: follow-up to the 2019 report “Aviation Strategy for Europe: Maintaining and promoting high social standards” Notion of “civil and commercial matters” – e.g. in relation to labour law and social security Information on the protection of confidential information for the private enforcement of EU competition law by national courts State of play of EJN factsheets and developments relating to the European e-Justice Portal</p> | <p>The Commission</p> <p>Contact Points and delegations</p> |
| <p>The Commission</p> <p>Hosted by the Finland’s presidency of the EU</p> | <p>24 and 25.10.2019</p> <p>76th Meeting of the Contact Points - Brussels I recast Regulation</p> <p>State of play of ongoing EJN initiatives Discussion on experiences and expectations for the judicial cooperation in the area of civil justice – practitioners’ perspective IMI for EJN - Pilot, launch and next steps Discussion on the operation of the Brussels I recast Regulation Enforcement of judgments in civil and commercial matters in Finland, a practical viewpoint from the National Administrative Office for Enforcement Rulings of the CJEU</p> | <p>The Commission</p> <p>Contact Points and delegations</p> |
| | <p>04 and 05.12.2019</p> <p>77th Meeting of the Contact Points - European procedures</p> <p>Follow-up on issues from the previous meeting State of play and results of the information campaign on the Small Claims Regulation Discussion on the operation of Regulations 805/2004, 861/2007, 1896/2006 and 655/2014 Presentation on the functionalities of the e-CODEX pilot regarding submission of applications under the Small Claims Regulation</p> | <p>The Commission</p> <p>Contact Points and delegations</p> |

V - THE PROJECT FUNDED BY THE EUROPEAN UNION 'S JUSTICE PROGRAM 2014-2020

Capacity building and research activities for judges and legal practitioners

GA – 830995 – CB and RA – PT

Objectives



1- Establishing a network of national judges by building capacity among them on key legal instruments on judicial cooperation in civil and commercial matters



2 - Drafting a hand book covering the practical implications of some EU Regulations on the national registry of facts and documents to help legal practitioners, companies and citizens dealing with cross border cases, to easily identify which facts or documents shall or may be registered in Portuguese Registries and which are the applicable requirements.

Activities



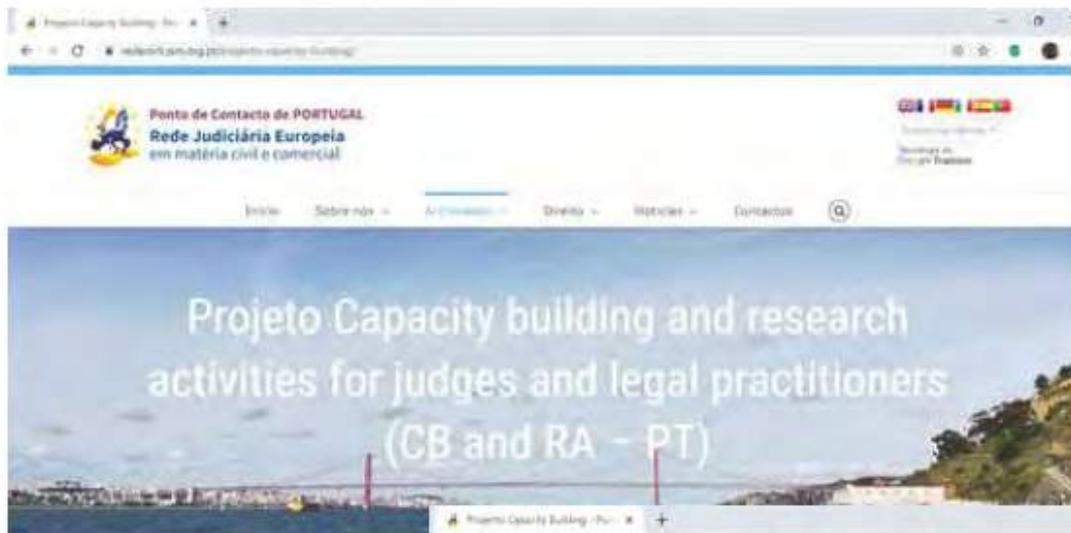
Expected Results



Project Management



Project promotion - Visibility of EU funding





Drafting a Manual and establishing a Network of national judges with in-depth training in EU law

CB and RA (Capacity Building and Research Activities) is a project, co-financed by the Justice Program of the European Commission and led by the High Judicial Council, to strengthen the national network.

The project shall last for 24 months, it started on 01.01.2019 and the total investment is €56,338.71 benefiting from a financing rate of 90%. By the end of 2019 the financial execution amounted to €31,440.51 corresponding to an execution rate of 56%.

The project aims at drafting a handbook on the practical implications of some EU Regulations on the activity of registries and notaries, and establishing a network of judges specialised on the operation of civil justice instruments through the organisation of two workshops.

It is managed by the Contact Point and its staff. The steering committee is composed of representatives of the High Judicial Council, CEJ (the Center for Judicial studies), IRN IP (Institute of Registries and Notary) and the Contact Point.

To execute the project, three teams have been set up: the management team; the drafting team; and the training team. The management team is composed of staff of the Contact Point; the drafting team is composed of the Contact Point, two Registry Officers, one expert from the Ministry of Justice (Directorate General for Justice Administration/State Department of Justice) and an academic from the University of Oporto; the training team is composed of the Contact Point, a Judge lecturing at the Center for Judicial Studies and two Judges designated by the High Judicial Council.

Following the workshops, the National Network of Judges was established in 08.11.2019. The webpage dedicated to the new network of Judges specialized in EU civil justice instruments is available at <https://www.redecivil.csm.org.pt/rede-de-juizes/>; some of them have already published guidelines to be used in their respective Courts and organised local training activities, as disseminated in the webpage, therefore multiplying the output of the project and highlighting the usefulness of the network for the national Courts.

The hand book entitled “THE EUROPEAN REGULATIONS: THEIR IMPACT ON THE ACTIVITIES OF REGISTRY OFFICERS AND NOTARIES” was translated to English and it should be published in 2020. Although the final conference where it should be presented had to be postponed and may have to be replaced by alternative means of dissemination, due to the pandemic, the hand book is eagerly awaited by national practitioners.



The National Network of Judges - Lisbon 2019



Workshop - National Network of Judges - Lisbon 2019



Workshop for national Judges in Oporto - 2019



Meeting of the drafting team - Lisbon 2019



The Vice President of the High Judicial Council, Supreme Court Justice Antonio Lameira, welcoming the national network of Judges - November 2019 - High Judicial Council, Lisbon.

VI - CONTACTS AND EXCHANGES WITH LEGAL PRACTITIONERS

| Judicial Cooperation in Civil Matters | CEJ Center for Judicial | Guest teacher Schedule |
|---------------------------------------|-------------------------|------------------------|
| 22/01/2019 | 14:30-16:00 | 16:30-18:00 |
| 05/02/2019 | 14:30-16:00 | 16:30-18:00 |
| 13/02/2019 | 14:30-16:00 | 16:30-18:00 |
| 19/02/2019 | 14:30-16:00 | 16:30-18:00 |
| 06/03/2019 | 14:30-16:00 | 16:30-18:00 |
| 03/04/2019 | 14:30-16:00 | 16:30-18:00 |
| 11/04/2019 | 14:30-16:00 | 16:30-18:00 |

Iberoamerican Judicial Summit

Second round of the XX Iberoamerican Judicial Summit, 18-20 March 2019 - Lisbon, Portugal
Coordinator and participant

CEJ

Conference 22 March 2019, Oporto, Portugal
Enforcement of authentic instruments under Brussels I recast - Speaker

EUIPO

Seminar 10 - 11 October 2019, Alicante, Spain
Seminar for judges and prosecutors dealing with intellectual property rights and related infringements - Participant

ELRA

Conference 19 October 2019, Brussels, Belgian
Project IMOLA II Networking: ELRN e RJE
Speaker

CEJ

Conference AIAKOS 5 November 2019, Lisbon, Portugal
Judicial cooperation in family matters - Brussels IIa
Lecturer

High Judicial Council - Portugal

XIV Annual Meeting of Judges, 28 - 29 November 2019 - Bragança, Portugal

Establishing an advisory service for Judges: the Spanish and The Netherlands experience
Moderator

VII - IMPLEMENTING THE ACQUIS COMMUNAUTAIRE

**THE NEWSLETTER OF THE PORTUGUESE CONTACT POINT:
in December of 2019 the Portuguese Contact Point published its 62nd Newsletter**

The Contact Point's Newsletter is a monthly publication sent by email to all national Judges. It is also available in the Contact Point's website, Facebook, Instagram and LinkedIn. The Newsletter is a valuable tool to disseminate EUCJ rulings, EU legislation and EJM Civil activities.



**RJE
CIVIL**

Newsletter 62 – Dezembro 2019



FELIZ NATAL!



Adoração dos Pastores – 1522 / 1530 – Doménico Beccafumi – Fonte: wikart.org

Paula Pott, Marisa Martins, Paula Gomes e Sara de Miranda, da equipa do Ponto de Contacto de Portugal da RJE Civil, desejam a todos Boas Festas!

Acórdão do TJUE
(Tribunal de Justiça da União Europeia)
<https://curia.europa.eu/>

C-548/18

Artigo 14.º do
Regulamento Roma I ou
Regulamento 593/2008

Cessão de créditos –
Oponibilidade a terceiros

Uma devedora domiciliada na Alemanha e funcionária no Luxemburgo, celebrou, sucessivamente, dois contratos de mútuo: o primeiro com um banco sediado na Alemanha e regulado pelo direito alemão; o segundo celebrado com um banco sediado no Luxemburgo. Para garantia de ambos os contratos a devedora cedeu, sucessivamente, a cada uma das instituições de crédito, a parte penhorável dos seus salários. De acordo com o direito luxemburguês para que a cessão produza efeitos em relação a terceiros tem de ser notificada ao devedor (empregador). Esta notificação foi feita pelo banco sediado no Luxemburgo (ao qual foi cedido o crédito em segundo lugar) mas não foi feita pelo banco sediado na Alemanha (ao qual foi cedido o crédito em primeiro lugar). Tendo a devedora sido declarada insolvente, a administradora da insolvência recebeu do empregador uma quantia proveniente dos seus salários. Os dois bancos credores disputaram nos tribunais alemães o direito a essa quantia. Na primeira instância foi dado provimento ao pedido do banco sediado na Alemanha com o qual foi celebrada a primeira cessão de créditos mas o banco sediado no Luxemburgo recorreu. O Tribunal de reenvio pergunta então ao TJUE se o Regulamento Roma I determina a lei aplicável à oponibilidade a terceiros de uma cessão de créditos no caso de cessões múltiplas. A resposta do TJUE foi negativa. **O artigo 14.º do Regulamento Roma I, sobre lei aplicável às relações contratuais internacionais, não designa de forma directa ou por analogia, a lei aplicável à oponibilidade a terceiros de uma cessão de créditos, no caso de cessões múltiplas de um crédito pelo mesmo credor a sucessivos cessionários.**

THE WEBSITE OF THE CONTACT POINT
www.redcivil.csm.org.pt

It contains information for citizens, companies and legal practitioners.

In 2019 the website had 78 607 visitors.



Destaque



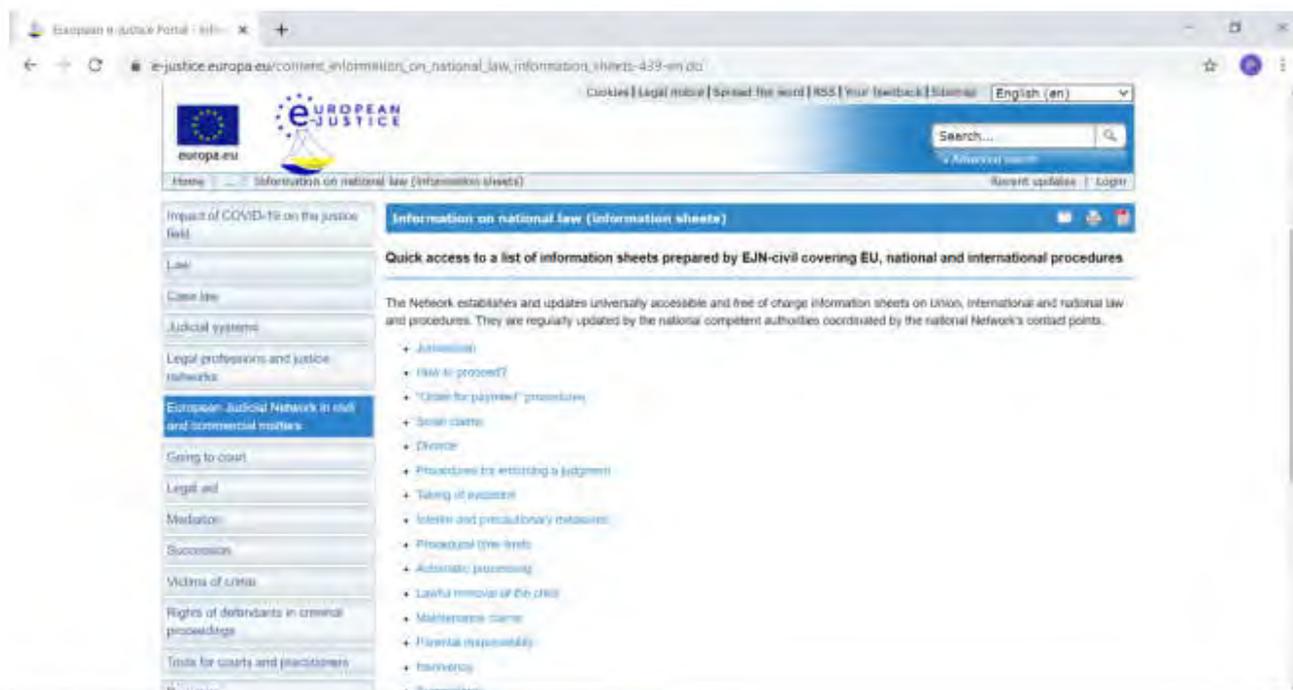
Efeitos do Brexit na área da Justiça Civil

Perguntas e Respostas Comentadas aqui

The fact sheets in the e-Justice Portal

The Contact Point is responsible for writing and updating annually more than 25 fact sheets published in the e-Justice Portal https://e-justice.europa.eu/content_information_on_national_law_information_sheets-439-pt.do

The fact sheets contain information on national law for the courts, legal practitioners and the public. In 2019, EJM Civil approved two new sheets, one to facilitate the issuing of the European Certificate of Succession (WG chaired by Portugal) and the other to facilitate the placement of children with family members in another MS.



The Videocivil <https://videocivil.csm.org.pt/>

This website is a practical tool to facilitate requests for taking of evidence abroad through videoconference. Court staff can find here the relevant information regarding the requested authorities, time differences, languages accepted, as well as practical instructions for filling the forms, the legal basis, and tips to overcome the difficulties that arise most often.

This website was created and is maintained by the Portuguese Contact Point in cooperation with DGAJ and the IT team of the Portuguese High Judicial Council.

Escolha o país destino

GRÉCIA maldivas TOGO
coreia do norte BUTÃO
indonésia
TAIQUISTÃO maldivas CUBA
sri lanca GEÓRGIA
ERITREIA maldivas
EMIRATOS ÁRABES UNIDOS
alemanha
MACAU maldivas BRASIL maldivas
FRANÇA maldivas ucrânia

Veja o vídeo explicativo

Site Videoconferência transfronteiriça

Tenho que pedir uma videoconferência para o estrangeiro!

O que é?
Ferramenta de apoio à obtenção de prova por videoconferência na área da cooperação judiciária em matéria civil e comercial.

A quem se dirige?
Jóes funcionários judiciais dos tribunais portugueses.

Em que consiste?
De um modo fácil e acessível, num só local, pode ter acesso a uma base de dados abrangendo uma grande diversidade de Estados e regiões periféricas ou ultramarinas (230 no total).
Através da consulta à mesma, toma conhecimento dos instrumentos legais

VIII - RELATIONS WITH OTHER NETWORKS



Bilateral meeting between the High Judicial Council of Cape Verde and the Contact Point's team to discuss the use of videoconferencing by Courts and the usefulness of the Judicial Atlas of CPLP - July 2019 (web conference).

Second Round of the XXth Ibero American Judicial Summit hosted by both the Portuguese Supreme Court of Justice and High Judicial Council - Lisbon, March 2019.



Meeting of the Contact Points of IberRede to prepare the draft strategic plan for 2020 - Montevideo, May 2019.

Joint meeting of the Ibero American Judicial Ethics Committee and the Spanish Judicial Ethics Committee - Madrid, July 2019.



IX - STAFF AND EXPENDITURE 2019

The Contact Point's team is composed of four persons working full time in three Judicial networks — EJM Civil, IberRede and the Judicial Network of CPLP — and supporting the national coordination of the Ibero American Judicial Summit.

In 2019 the team changed several times which highlighted the need to provide fixed contracts to staff thus allowing the service to benefit, in the medium term, from the training of each new member of the staff and the interpersonal relationships he or she establishes with other members of the network.

The facilities of the Contact Point are located in the headquarters of the High Judicial Council, Rua Duque de Palmela, n.º 23, 1250-097 Lisbon, Portugal, where the team has adequate space and equipment.

The Ministry of Justice's contribution to the budget has decreased in 2019. The High Judicial Council supported the increased expense resulting from new tasks and projects in the field of judicial cooperation.

The Contact Point keeps cooperating in a daily basis with the General Directorates of the Ministry of Justice and their central authorities, to overcome practical difficulties regarding judicial cooperation in civil matters.

Finally, the projects managed by the Contact Point's team, the information it provides and the electronic tools it makes available are intended to facilitate the activity of Judges, Court Staff, legal practitioners and central authorities. Their success relies on the support of the High Judicial Council, the commitment of the national members of the network and the financial contribution of the Ministry of Justice.

EXPENDITURE - 2019

EJM Civil Contact Point

| | |
|--------------------------|---------------------|
| Daily allowances* | 3 342,13 € |
| Transport * | 455,34 € |
| Gross salary* | 150 310,30 € |
| (Net salary) | (97 866,20€) |
| TOTAL** | 154 107,77 € |

* Four members of the staff.

** Expenditure including salary/ without indirect costs

X - SUCCESS STORY

“Hard times”

When establishing direct contacts between Courts I realize that Judges in the EU decide in a very similar way. This is good, it enhances legal certainty for citizens and mutual trust among the Judges themselves.

It happened again in a recent case involving French and Portuguese Courts. The case is a mix of Articles 19 (lis pendens) and 15 (transfer of jurisdiction), of Regulation 2203/2003 (Brussels IIa).

Finally both Judges agreed that the transfer of jurisdiction set forth in Article 15 of Brussels IIa would be the most pragmatic solution taking into account the best interest of the child.

The situation was the ensuing: a child of unmarried parents lived in France with parent A while parent B lived in Portugal. They are all Portuguese nationals.

The child was mistreated by a member of parent's A household without parent A protecting her.

Following that, the French Court ordered a provisional and protective measure of placement of the child in an institution in France.

Meanwhile, parent A brought the child to Portugal without the consent of either the French Court or the French institution.

In Portugal, parent A instituted proceedings regarding parental responsibilities where, together with parent B and with the child's grandmother (mother of parent A) they submitted to the approval of the Portuguese Court an agreement according to which the grandmother would be entrusted with the guardianship of the child, both parents would have rights of access and parent A would pay for the child's maintenance. The agreement was approved by the Portuguese Court based on the information given by parent A that the habitual residence of the child was in Portugal.

Following that, the child remained in Portugal at grandmother's responsibility while parent A returned to France due to professional commitments. Parent A visits the child regularly, in Portugal, and pays for the maintenance. Since then, the child had no further contacts with the abuser.

Eventually, the French Contact Point and Central Authority asked me to inform the Portuguese Judge that there was a process pending in France where the child had her habitual residence at the time, in which a provisional and protective decision of placement under institutional care had been taken.

I have forwarded that decision to the Portuguese Judge with whom I spoke and the later orderd an urgent social report on the living conditions of the child in Portugal that was then translated and sent to the French Judge.

Following that, as the child was a Portuguese national, was fully integrated in Portugal, where he/she went to school, had friends and family and was free from living with the aggressor, both Judges agreed on the transfer of jurisdiction from the French Court to the Portuguese Court as the later was better placed to decide on the merits and the French Judge was satisfied that all the requirements set forth in Article 15 of Brussels IIa were met.

In this case, Contact Points and central authorities of both Member States had cooperated to the swift transmission of information between Judges and to overcome the language barrier. This, for the benefit of citizens and children involved in cross-border litigation.

