

## ANNEX II

### FORM FOR THE FINAL DESCRIPTIVE REPORT

#### FINAL DESCRIPTIVE REPORT

- Please prepare the report using a computer (this form can be requested by e-mail: see the e-mail addresses on the Internet site: [http://europa.eu.int/comm/justice\\_home/index\\_en.htm](http://europa.eu.int/comm/justice_home/index_en.htm)).
- The information provided in the form must correspond to the financial information that appears in the final expense declaration.
- If possible, you are kindly requested to provide the Commission with an electronic copy of this report as well (by e-mail or on floppy disk).
- If possible, you are kindly requested to provide the Commission with an electronic copy of all pertinent documents as well (speeches, studies, etc.).

#### A) PROJECT

1. Project reference number **JLS/2006/FPC/26**

2. Project title: “Comparison between national systems and harmonisation principles on compensation for damage (to property or people) for road accidents, insurance discipline, procedural investigation of liability, compensation rules and circulation of judicial provisions”.

3. Project promoter:  
**Higher Council of the Judiciary**

4. Start and end date of the project (if this information differs from that provided in the application form, please explain the reasons for this discrepancy).

The study meeting was held in Rome from 11<sup>th</sup> to 13<sup>th</sup> June 2007 using the programme attached (annex 1).

5. **Country or countries** involved in the project (if this information differs from that provided in the application form, please explain the reasons for this discrepancy).

Italy – Spain – Portugal

6. **Partners** during execution of the project (if this information differs from that provided in the application form, please explain the reasons for this discrepancy).

Spain:

MADRID – Centro de Estudios Juridicos

BARCELONA – Escuela Judicial

Portugal:

LISBON – Centro de Estudos Judiciarios

Italy:

Consiglio Superiore della Magistratura

7. Indicate the number of **participants** in each project activity, along with their names, position, body they represent, and country of origin. Have the participants made comments on the project activities? If so, please summarise these comments.

The preparation activities involved:

N° 2 judges that are members of CSM's Scientific Committee:

GIUSEPPINA LUCIANA BARRECA and PASQUALE D'ASCOLA

N° 2 representatives of the Centro de Estudios Juridicos – Madrid:

GIL ANTONIO GARCIA and FRANCISCO JAVIER GILABERT

The study meeting on 11-13<sup>th</sup> June 2007 was attended by (see annexes 2 and 3):

N° 39 ordinary Italian judges (as per list attached)

N° 10 ordinary and administrative Spanish judges (as per list attached)

N° 1 ordinary French judge (as per list attached)

N° 1 ordinary German judge (as per list attached)

N° 5 ordinary Portuguese judges (as per list attached)

N° 4 ordinary Rumanian judges (as per list attached)

N° 1 ordinary Estonian judge (as per list attached)

8. What **target group** obtained an advantage from the project, directly or indirectly?

A direct advantage was obtained by all those that attended the study meeting of 11-13<sup>th</sup> June 2007, because they listened to the leading reports and took part in the workgroups in the afternoons.

An indirect advantage was also obtained by all the other court judges and courts from which the

judges that attended the meeting came, since they received the report on their colleagues' experience and, therefore, on a comparison of the disciplines in the various Countries presented during the debates and seminars.

The study material and reports are available via the Higher Council of the Judiciary [website www.csm.it](http://www.csm.it) to which all Italian judges have access.

9. If the European commission has laid down **specific conditions** in its selection letter, please indicate how these were implemented by the promoter.

10. Of **the planned activities** for the project financed by the European Commission, please indicate which **were carried out**.

- 1) Prior sending of study material to those attending the seminar. This material was available in a telematic format.
- 2) Presentation of reports and debate by those attending the seminar.
- 3) Study groups on subjects identified, following a specific logical-judicial order: rules for attributing liability; rules for compensating for damages; procedural and acquisition profiles and evaluation of evidence.
- 4) Reports by workgroups, held during the plenary session, to distribute the results to all those that attended the seminar.

11. Of **the planned activities** for the project financed by the European Commission, please indicate which **were not carried out** and why.

Reporting by creating a mailing list for participants, due to a failure to timeously organise this initiative.

12. Were **unplanned activities carried out** in the project financed by the European Commission?

13. What **results** were obtained for each of the activities described above? Please include a detailed description that explains how the final results made it possible to attain the project's initial objectives and whether any objectives that were not planned initially were attained. How was this factor evaluated (what **evaluation criteria / methods** were used)? How would you describe **the impact** of the project?

- 1) By listening to the reports presented and participation in the debate the result was attained of acquiring knowledge about the national civil liability systems, as well as the Community standard and the instruments used to implement it.

- 2) By taking part in study groups the result of exchanging concrete experiences and the practices of judges from different countries of origin was attained.
- 3) By publishing the reports and reports by the study groups, the result will be attained of distributing the outcome of the comparison and exchanging of experiences.

14. What were the principal **problems or difficulties** encountered while carrying out the activities planned for the project? What solution was adopted?  
Some language difficulty was overcome with the interpretation service, and in the case of presentations that were not easy to translate, by translation of the most expert of the participants.

15. How was **the visibility** of the European Union's financial contribution to the project ensured?

Reference was made to the financial support of the European programme for judicial cooperation in civil matters, with specific clear reference to the same being made in the programme for the study course distributed via the CSM website and to course participants.

Provision was made for a representative of the EU Commission – Internal Market and Service DG – to attend.

16. Will the project **continue** after the European Commission's financial contribution has come to an end? If so, how?

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17. What concrete **work instruments and results** were created thanks to the project (e.g.: CD-ROM, videos, manuals, websites, etc.)?

Material available via the CSM website.

CD-ROM available with useful documentation, comprising both norm sources and judicial provisions and judicial doctrine writings.

18. How do you intend **distributing** the results of this project within new and/or existing networks? What potential is there for transferring the project to other sectors and users? What agreements were reached within the partnership in relation to **intellectual property**? Is there any intention to market the results in their entirety or in part? If so, please provide details.

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## B) COMMENTS

1. Do the final results (described in point A.13 above) correspond to the initial objectives? Please comment.

The final results comply fully with the objectives set.

In fact, in terms of comparison, an in-depth look was taken at points of contact and differences between national legislations both in terms of insurance discipline and of civil liability for road accidents. Also, relating to procedural rules for investigation and evaluation of evidence, and in relation to rules, as well as jurisprudential creation and compensation for damages.

From the point of view of judicial cooperation and community norms, an in-depth look was taken at the Green Card System study, the EC Non-life Insurance Directives, EC Directive 90/618/EEC, and the five Motor Ins. Directives.

From the point of view of harmonisation principles, a discussion was held on rules for the circulation of judicial provisions and common trend indicators were examined in a "European" civil liability system. The different liquidation of damages to the person aroused a lot of interest, and the participants were stimulated to facilitate harmonisation of compensation systems.

2. In light of the experience gained, please described the aspects deemed to be positive in preparing and running the project, such as analysing problems to be resolved, organisation, methodology, and administrative, technical, and financial management.

Collaboration with the partners in identifying common problems and the topics to be dealt with in the study groups was positive.

The choice of speakers coming from various countries, also different from those of the project partners, was positive.

Entrusting coordination of study groups jointly to judges of different nationalities was positive.

The combined methodology of presentation or reports and immediate debate, with seminar study groups and reports during a plenary session was appreciated by those taking part in the seminar.

Course assessment and appreciation cards completed by the participants were gathered, so that, since these are available to the organising bodies, it is possible to have a complete picture of the activities that were most appreciated and those less appreciated.

3. In light of the experience gained, please described the aspects deemed to be negative in preparing and running the project (as per point 2).

One or more preliminary meetings of the organisers' representatives would have been useful to sort out more extensive study material with a greater lead-time in relation to the seminar date.

4. Please provide any other information that could help the European Commission to make a balanced assessment of the project and/or improve how the programme functions and is run.

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5. Name, telephone and fax number, and, if possible, e-mail address of the person to be contacted should the Commission receive requests for further information from others interested in the project presented:

dr Giuseppina Luciana Barreca  
0039-06-3577-326  
0039-06-3577-339 giuseppina.barreca@giustizia.it

6. The information provided in points A2, A3, A4, A5, A6, A7, A8, A9, A10, A12, A13, A16, A17, and A18 and all the other pertinent documents sent with this report could be used by the Commission within the realm of its information and dissemination strategy. Please indicate if you consent or express your comments in this regard.

Date: ..... Place: .....

Name of person responsible for the project: Mr. Claudio Maria GALOPPI

Signature: .....

Name of contractor's legal representative: Mr. Carlo VISCONTI

Signature: .....

## FINAL REPORT SUMMARY

The workshop included five sessions and took place from 11<sup>th</sup> to 13<sup>th</sup> June 2007.

The final results comply fully with the objectives set.

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The results were achieved:

- 1) By listening to the reports presented and participation in the debate the result was attained of acquiring knowledge about the national civil liability systems, as well as the Community standard and the instruments used to implement it.
- 2) By taking part in study groups the result of exchanging concrete experiences and the practices of judges from different countries of origin was attained.
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