



MJU-26 (2005) Resol. 1 Final

26th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE
(Helsinki, 7-8 April 2005)

RESOLUTION No 1
on
Seeking Legal Solutions to Debt Problems in a Credit Society

THE MINISTERS participating in the 26th Conference of European Ministers of Justice (Helsinki, 7 and 8 April 2005);

1. Having examined the Report of the Minister of Justice of Finland on seeking legal solutions to debt problems in a credit society as well as the contributions made by a number of delegations;
2. Underlining that a sufficient consumer credit market and effective lending promotes economic growth and that it is important to strike a balance between the interests of the debtor and the creditor in a credit relationship;
3. Concerned about the problems arising in today's credit society due *inter alia* to the easy access to credit that can in some cases result in the over-indebtedness of households creating social exclusion of individuals and their families;
4. Underlining the importance of preventing problems arising from over-indebtedness and, where necessary, seeking solutions to enhance the proper prevention and management of debt problems, as well as the sense of responsibility of creditors and the individual debtors;
5. Convinced that the Council of Europe has an important role to play in this context, and a responsibility to assist all member states to find alternative solutions to avoid over-indebtedness through various means such as financial advice and education, as well as management of debt;

6. Being aware of the various legal means, institutions and good-practices that already exist in certain Council of Europe member states, aiming at avoiding over-indebtedness and providing alternative means of dispute resolution, and of debt enforcement measures;
7. Bearing in mind the European Convention on Human Rights and Fundamental Freedoms and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No.108);
8. Recalling Resolution No. 3 on "The general approach and means of achieving effective enforcement of judicial decisions", adopted at their 24th Conference in Moscow in October 2001 and the Committee of Ministers Recommendations Rec(2003)16 and Rec(2003)17 on this subject;
9. Recalling the increasing attention paid in the European Union to the principle of responsible lending in the consumer credit market and to the other minimum harmonisation of consumer credit provisions (COM (2004) 747);

10. AGREE on the importance to take measures to seek legal and practical solutions to debt problems encountered by citizens in a credit society;
11. RECALL the necessity to pay particular attention to prevention and proper management of debt problems, as well as the role of statutory institutions and non-governmental organisations involved;
12. INVITE the Committee of Ministers to entrust the European Committee on Legal Co-operation (CDCJ), in co-operation with other competent instances of the Council of Europe to:
 - analyse existing legislation and good practices;
 - identify the difficulties met;
 - prepare an appropriate instrument defining legislative and administrative measures, and proposing practical remedies;
 - consider, when preparing such an instrument, the role of competent instances in particular courts, administrative authorities, and non-governmental organisations involved;
 - consider ways of providing assistance to member States in the application of this instrument and, where necessary, make appropriate proposals to the Committee of Ministers.