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**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
COMITE EUROPEEN DE COOPERATION JURIDIQUE
(CDCJ)**

102nd plenary meeting / 102^e réunion plénière

11-13 June / juin 2024

Strasbourg, Agora, Room / Salle G01

DEVELOPMENTS IN MEMBER STATES IN THE AREA OF PRIVATE LAW

Information received from the following member states:

Austria, Belgium, Cyprus, Greece, Montenegro, The Netherlands, Poland, Romania,
Türkiye

**DEVELOPPEMENTS DANS LES ETATS MEMBRES DANS LE DOMAINE DU DROIT
PRIVE**

Informations reçues des Etats membres suivants :

Autriche, Belgique, Chypre, Grèce, Monténégro, Pays-Bas, Pologne, Roumanie,
Türkiye

Document prepared by the Secretariat
Directorate General Human Rights and Rule of Law – DGI

Document établi par le Secrétariat
Direction générale Droits humains et État de Droit – DGI

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INTRODUCTION

In preparing the 102nd plenary meeting of CDCJ (11-13 June 2024), members of the committee were invited on 23 April 2024, with a reminder on 7 May 2024, to submit to the Secretariat any written information on developments in the area of private law in their countries since the last CDCJ plenary meeting (15-17 November 2023).

At the 102nd plenary meeting, members who wish to submit any new or additional oral information on developments in the field of private law will be given the opportunity to do so, provided they inform the Secretariat before the meeting starts. Oral communication should be brief to be in line with the planned order of business. Although not encouraged, any read statement should be communicated in advance for interpretation purposes.

All information collected to date from member states is reproduced in this document.

En vue de la préparation de la 102^e réunion plénière du CDCJ (11-13 juin 2024), les membres du comité ont été invités le 23 avril 2024, avec un rappel le 7 mai 2024, à soumettre par écrit toutes informations sur les développements dans leurs pays en matière de droit privé intervenus dans leurs pays depuis la dernière réunion plénière du CDCJ (15-17 novembre 2023).

Lors de la 102^e réunion plénière, les membres qui souhaiteraient soumettre oralement toute information, nouvelle ou complémentaire, sur les développements dans le domaine du droit privé auront la possibilité de le faire, à condition toutefois d'en informer le Secrétariat avant le début de la réunion. Toute communication orale devrait être courte afin de respecter l'ordre des travaux prévu. Bien qu'elles ne soient pas encouragées, les interventions lues devraient être communiquées à l'avance pour faciliter l'interprétation.

L'ensemble des informations collectées à ce jour auprès des États membres sont reproduites dans le présent document.

AUSTRIA / AUTRICHE

(received on 16 May 2024 / reçu le 16 mai 2024)

Name, Surname <i>Nom, prénom</i>	Verena CAP
Country / Pays	AUSTRIA

1. **Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023.** *Veuillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / titre Date of adoption / date d'adoption
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	
Plans for future legislative developments / Projets de développements législatifs à venir Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	Currently, the Austrian MoJ is preparing the Professional Law Amendment Act 2024. The ministerial draft, which contains amendments to the Notaries Regulation, the Lawyers' Act and the Disciplinary Statute for Lawyers and Trainee Lawyers, has undergone a review process (ending April 8, 2024). In a next step, a government bill will be produced and then introduced to parliament. In essence, the project focuses on the following issues: <u>As to the professional law of notaries:</u> - a more flexible formulation of the right of representation of permanent substitutes - the creation of additional opportunities for mergers in notarial partnerships - the revision of the selection criteria for proposals for appointment of notaries - the engagement of interpreters using electronic communication - the expansion of risk-based professional supervision to prevent money laundering and terrorist financing - emphasizing the importance of the personal suitability for the notarial profession - enabling direct queries in the register of living wills - clarification of the scope of the duty to instruct in matters with cross-border implications

	<p><u>As to the professional law of lawyers:</u></p> <ul style="list-style-type: none"> - the introduction of the possibility to issue penal orders and shortened versions of decisions in disciplinary law - the modification of one of the eligibility requirements for retirement and disability pensions - the extension of the possibility to pay reduced contributions to the pension fund.
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2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** / *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

BELGIUM / BELGIQUE

(received on 17 May 2024 / reçu le 17 mai 2024)

Name, Surname <i>Nom, prénom</i>	Jean-Christophe BOULET
Country / Pays	BELGIQUE

1. **Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023.** *Veillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / titre Date of adoption / date d'adoption
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	Loi du 7 février 2024 portant le livre 6 "La responsabilité extracontractuelle" du Code civil : https://www.lachambre.be/FLWB/PDF/55/3213/55K3213012.pdf Loi du 25 avril 2024 portant organisation des audiences par vidéoconférence dans le cadre des procédures judiciaires https://www.lachambre.be/FLWB/PDF/55/3722/55K3722007.pdf Loi (non encore promulguée) portant diverses modifications relatives à la protection de la personne des malades mentaux https://www.lachambre.be/FLWB/PDF/55/3721/55K3721010.pdf
Plans for future legislative developments / Projets de développements législatifs à venir Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	Deux propositions de loi visant à insérer dans le nouveau Code civil belge le Livre 7 « Les contrats spéciaux » et Livre 9 - Titre 1er « Les sûretés personnelles » ont été déposées au Parlement respectivement en février et avril 2024. https://www.dekamer.be/FLWB/PDF/55/3973/55K3973001.pdf https://www.lachambre.be/FLWB/PDF/55/3825/55K3825001.pdf

2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

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3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

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CYPRUS / CHYPRE

(received on 16 May 2024 / reçu le 16 mai 2024)

Name, Surname <i>Nom, prénom</i>	Elena PAPAGEORGIOU Attorney of the Republic of Cyprus
Country / Pays	CYPRUS

- 1. Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023. Veuillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.**

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / titre Date of adoption / date d'adoption
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	The Regulation of the Framework for the Organization of Teleworking Law of 2023 (Law no.120(I)/2023), adopted on 16 November 2023. Ν. 120(I)/2023 - Ο περί Ρύθμισης του Πλαισίου Οργάνωσης της Τηλεργασίας Νόμος του 2023
Plans for future legislative developments / Projets de développements législatifs à venir Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	

- 2. Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly. / Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.**

None.

- 3. Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly. / Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.**

None.

GREECE / GRÈCE

(received on 5 May 2024 / reçu le 5 mai 2024)

Name, Surname <i>Nom, prénom</i>	Prof. Dr. Dimitra PAPADOPOULOU
Country / Pays	HELLENIC REPUBLIC

1. **Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023.** *Veillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / titre Equality in marriage before the major and amendments of the civil code Date of adoption / date d'adoption 16.02.2024
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	https://www.e-nomothesia.gr/oikogeneia/n-5089-2024.html
Plans for future legislative developments / Projets de développements législatifs à venir Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	No plans

2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** / *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

Until Law 5089/2024 Greek law provided only a) for the marriage (before the major or according to the rules of a religious community) between two persons of the opposite sex, and b) for the civil partnership agreement between persons of the opposite or the same sex. Law 5089/2024 regulates – for the first time in Greece – the marriage before the major of two persons of the same sex and contains provisions for marriages of two persons of the same sex concluded abroad. Law 5089/2024 does not contain special provisions regarding the parenthood of children born during the marriage of two persons of the same sex or children of the one of the spouses before conclusion of the marriage (with a person of the same sex).

3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

MONTENEGRO / MONTÉNÉGRO

(received on 17 May 2024 / reçu le 17 mai 2024)

Name, Surname <i>Nom, prénom</i>	Dzana KAJEVIĆ
Country / Pays	MONTENEGRO

1. Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023. *Veillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / <i>titre</i> Date of adoption / <i>date d'adoption</i>
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	
Plans for future legislative developments / Projets de développements législatifs à venir Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	<p>- The Law on Amendments to the Law on Free Legal Aid provides for the provision of free legal aid for the drafting of documents for the competent authority in administrative proceedings for the of rights from social and child protection, health care and pension and disability insurance, as well as covering the costs of translation to sign language for the competent authorities, as well as costs in the procedure for a notary. This type of legal assistance is also extended to a person who requests to have the status of a stateless person and a stateless person determined, as well as to a foreigner seeking international protection, an asylum seeker and a foreigner under subsidiary protection. Victims of torture or inhuman or degrading treatment or punishment, victims of a criminal offense against sexual freedom, as well as a child who initiated a procedure for the protection of the child's rights, in accordance with the Family Law, will have the right to free legal aid. Free legal assistance in the notary procedure means exemption from the costs for the actions of the notary in the procedure of conducting the probate hearing and passing the decision on inheritance. Legal advice and representation in public bailiff proceedings will be considered free legal assistance. The Law on Amendments to the Law on Free Legal Aid is currently in parliamentary procedure.</p> <p>- Amendments to the Law on Civil Procedure were made in order to harmonize the Law on Civil Procedure with Regulation (EU) 1783/2020 of the European Parliament and the Council of 25 November 2020 on cooperation between member courts in taking evidence in civil or commercial</p>

	<p>matters and the Regulation (EU) 1784/2020 of the European Parliament and the Council of 25 November 2020 on delivery, in member states, of judicial and extrajudicial documents in civil or commercial matters, harmonization with the Law on Life Partnership of Persons of the Same Sex, as well as improvement of certain legal solutions and elimination of dilemmas that appeared in its practical application. The law is under consideration by the European Commission from 4 August 2024.</p> <ul style="list-style-type: none"> - Amendments to the Law on Arbitration, which are still in progress, refer to the improvement of certain provisions and the prescription of new legal solutions. Amendments and additions primarily refer to the more detailed prescription of the arbitration procedure, as well as the recognition of all jurisdiction and procedural possibilities of the arbitration tribunal-court, protection in relation to the arbitration agreement that refers to another country, supplementing the evidence, using the evidence that the court produced, content arbitral awards, delivery of the arbitral award, stoppage of the proceedings, prescription of the procedure for annulment of the award and deadline for filing a claim for annulment. - Amendments to the Law on Administrative Disputes are in progress, and are carried out for the purpose of harmonising the law with the European administrative-legal framework and overcoming the problems that arose in the practical application of this regulation, which affected the efficiency of administrative disputes and the effectiveness of judicial protection. In the end, the aforementioned changes are aimed at increasing the effectiveness of the court's work, especially in terms of the promptness rate and the length of the procedure, as well as ensuring the right of citizens to a trial within a reasonable time. - The reason for the adoption of the Law on Lobbying is to harmonize with international experiences and practices in order to prescribe the best normative solutions for the prevention of unauthorized influence in the procedures for the adoption of regulations and other general acts, but also to prevent potential corruption, increase the transparency of the work of institutions and effective implementation of the Law in practice. The reason for passing this Law is that lobbying is recognized as an instrument that contributes to the prevention of corruption in the process of passing laws and other general acts. Namely, according to the current law, activities that appear as lobbying, and which are not considered lobbying in the sense of the current law, can reduce the potential effectiveness in several ways. A person lobbied in this way can assume that the persons who contact him in order to exert influence are not lobbyists according to the interpretation of the law, that is, that they do not act in the interest of the client, unless the lobbyists themselves declare this. The goal of the mentioned law, apart from transparency, rests on the principle of publicity, the principle of integrity, the avoidance of conflicts of interest and the availability of information for all interested individuals in relation to the performance of lobbying activities. Also, the goal of the Law is more certified lobbyists registered in the register of lobbyists and more newly appointed lobbyists in the manner prescribed by this Law. Furthermore, one of the goals is the new lobbying procedure, which establishes the rights and obligations of lobbying activities, the manner and
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	<p>mechanism of the functioning of the lobbying procedure from the very beginning, that is, from the issuance of the lobbying order to the final result. Also, the area of application of the current law is quite narrow, so it was necessary to expand it. In this direction, it is foreseen that the subject of lobbying includes not only general, but also acts that are of general interest, such as, for example, administrative decisions of great importance, which were not covered before. Fines and fines are provided for non-compliance with the provisions of the Law by natural and legal persons, responsible persons in legal persons, as well as responsible persons in state bodies, administrative bodies, local self-government bodies and local government bodies. When drafting the Draft Law on Lobbying, the basic principles from the United Nations Convention against Corruption, other international instruments in this area, as well as comparative legislative and practical solutions of European countries were taken into account, and in this sense, the rules for the behavior of lobbyists are expanded. With the support of the Program Office of the Council of Europe in Podgorica and in cooperation with the representatives of the Agency for the Prevention of Corruption, the Ministry of Justice drafted eight by-laws for the implementation of the new Law. The Ministry of Justice received a positive opinion on the Proposal for the Law on Lobbying from the experts of the European Commission. After receiving opinions from the competent institutions, the Proposal for the Law on Lobbying was sent to the Government of Montenegro for decision.</p> <p>- In the process of adopting the new Law on Prevention of Corruption, Montenegro was guided by a) Analysis of the parts of the Law on Prevention of Corruption that regulate the integrity plan, administrative and misdemeanor proceedings; b) Analysis of the parts of the Law on Prevention of Corruption that regulate the establishment and work of the Agency for Prevention of Corruption and c) Review of the legislative framework of Montenegro on the protection of whistleblowers, as well as Directive (EU) 2019/1937 of the European Parliament and the Council on the protection of persons who report violations of the rights of the Union. In order to further ensure the independence of the Agency for the Prevention of Corruption, and in order to comply with the GRECO recommendation, the new Law on the Prevention of Corruption foresees that the rights, obligations and responsibilities of the Agency's employees will be subject to general labor regulations, which provide employees with additional security through judicial protection. Also, in addition to the conditions prescribed in the current Law, the director of the Agency must meet one more condition from now on, namely passing the bar exam. Furthermore, in order to make the Agency act more efficiently in cases of violation of the provisions of the Law on Prevention of Corruption, a deadline has been prescribed in which the Agency can initiate administrative proceedings, in accordance with European standards and the Analysis of the parts of the Law on Prevention of Corruption that regulate the integrity plan, administrative and misdemeanor proceedings. The obligation to adopt an integrity plan by the authorities is foreseen, and in relation to the current Law, a deadline is defined in which the newly formed authorities are obliged to adopt an integrity plan and submit it to the Agency. Also, an obligation was introduced for the authorities to adopt a new integrity plan every other</p>
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	<p>year and a deadline was prescribed in which it must be submitted to the Agency, bearing in mind that the current Law allows, but does not oblige, the amendment of the integrity plan. Furthermore, a deadline is prescribed in which the authorities submit to the Agency a decision on the appointment of an integrity manager. In the part of the Law that refers to the prevention of conflicts of interest and the submission of reports on income and assets, the novelty in relation to the current law is that now, in the event of termination of public office, a public official is obliged to, within 30 days from the date of termination of office, inform the Agency, and not to submit a report as he was obliged to do until now, while the obligation of a public official whose office has ceased to submit a Report to the Agency once a year in the following two years after the termination of office remains in the text of the new Law. It is also new that the report will now also contain personal data of persons related to the public official. Alignment with Directive (EU) 2015/849 of the European Parliament and the Council on preventing the use of the financial system for the purpose of money laundering or terrorist financing, amending Regulation (EU) no. 648/2012 of the European Parliament and the Council and on repealing the Directive 2005/60/EC of the European Parliament and the Council and the Commission Directive 2006/70/EC, in such a way that the public official is now obliged to submit data on the right of ownership of movable property in the Report items whose value exceeds 10,000 euros (instead of the previous 5,000 euros) as well as information on cash in the amount of over 10,000 euros (instead of the previous 5,000 euros). The area of whistleblowers is aligned with Directive (EU) 2019/1937 of the European Parliament and the Council on the protection of persons who report violations of Union rights, and due to short deadlines, the provisions relating to whistleblowers are regulated within the Law on Prevention of Corruption. However, Montenegro intends to pass a special law on the protection of whistleblowers in the near future, which will contain all the provisions that are significant for this area. In order to avoid shortcomings in the regulation of whistleblowers within the Law on Prevention of Corruption, and based on the recommendations and suggestions of the European Commission, the possibility of reporting has been expanded, which now, unlike the current legal solution, refers to a wider range of irregularities, and not only to threats of public interest, which points to the existence of corruption. With the new legal solution, the Agency for the Prevention of Corruption will receive all reports from whistleblowers, will act on those related to threats to the public interest that point to the existence of corruption, while the Agency will submit reports that are not within its jurisdiction to the competent authorities, who will act on them in accordance with within their competences, and inform the Agency about it.</p> <p>The new Law on Prevention of Corruption also prescribes a new conceptual definition of whistleblower, ie the scope of the Law, which is now aligned with Article 4 of the Directive and includes the widest possible range of persons who could be potential whistleblowers. The channels for reporting irregularities have been expanded, so now, in addition to internal (to the employer) and external (to the Agency), a new channel for reporting irregularities in the form of public disclosure is also provided. The law also provides for an anti-whistleblowing institute and ensures that protection will not be</p>
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	<p>provided to a whistleblower if he files a report containing information about irregularities that he knows is not true. According to the provisions of the new law, the protection of whistleblowers can only be judicial, and that is because the Agency for the Prevention of Corruption, according to the current law, did not have repressive mechanisms to provide whistleblowers with effective protection. In accordance with the above, the judicial protection system has been strengthened in such a way that a whistleblower who has suffered damage, the forms of which have now been expanded by law, or who is threatened with the possibility of damage, has the right to file a lawsuit for the protection of whistleblowers with the competent court within the general period prescribed by the law governing them obligation relations (10 years), and which procedure according to the lawsuit for the protection of whistleblowers is urgent. The urgency of the procedure for the protection of whistleblowers is additionally ensured by the provision which prescribes that the procedure for the protection of whistleblowers does not have to be preceded by the procedure for the peaceful resolution of disputes before the Agency for Peaceful Resolution of Labor Disputes or before the Center for Alternative Dispute Resolution. The new law provides for the types of claims that a whistleblower can make in a lawsuit in court protection proceedings against the employer as a defendant, and in court proceedings for the protection of whistleblowers, an obligation is prescribed, i.e. the burden of proving that the harmful action is not causally related to the filing of the report, i.e. public disclosure is on the side of the employer as the defendant. The law gives the possibility to the acting court to determine a temporary measure in the procedure of judicial protection of whistleblowers. Protection is also extended to persons with whom the whistleblowers are connected.</p>
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2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** / *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

THE NETHERLANDS / PAYS-BAS

(received on 21 May 2024 / reçu le 21 mai 2024)

Name, Surname <i>Nom, prénom</i>	
Country / Pays	

1. **Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023.** *Veillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / titre Date of adoption / date d'adoption
<p>(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French</p> <p>(si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français</p>	<p>Decision competent authorities cross-border representative claims. (Entry into force: 13-07-2023). wetten.nl - Regeling - Besluit bevoegde instanties grensoverschrijdende representatieve vorderingen - BWBR0048383 (overheid.nl)</p> <p>Law on online incorporation of private limited companies (Entry into force: 01-01-2024) Implementing legislation. The purpose of this law is to enable the online incorporation of private limited companies (BVs), i.e. without requiring applicants to physically appear before any authority, person or body. Appearing before the notary can be done via image connection instead of physically, unless there is suspicion of identity fraud or doubt about the founder's legal capacity. This law thus implements Directive (EU) 2019/1151 and amends Book 2 of the Civil Code and the Notary Profession Act. vm78dbs7crt3.pdf (eerstekamer.nl)</p> <p>The entry into force (on 13-12-2023) and implementation through comitology of the EU Regulation (2023/2844) on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation.</p>
<p>Plans for future legislative developments / Projets de développements législatifs à venir</p> <p>Please describe briefly any new planned legislative measures in relation to the targeted area of law.</p> <p>Veillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.</p>	

2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** / *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

The national implementation process of the Digitalisation Regulation just got started, and constitutes a large, complex, costly and cumbersome task for NL and for all other EU Member States alike, which will last until 2030. This primarily involves connecting and adapting the existing back-end ICT systems of all national stakeholders involved in one or more of the 24 EU cross border legal procedures covered by the regulation to the European e-CODEX based IT infrastructure which is currently being built by the Commission. Furthermore, new rules on cross border video conference, payments of fees and electronic signatures and other elements are involved and have to be implemented as well.

3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

POLAND / POLOGNE

(received on 17 May 2024 / reçu le 17 mai 2024)

Name, Surname <i>Nom, prénom</i>	Paweł KACZOR
Country / Pays	POLAND

1. **Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023.** *Veillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

<p>Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i></p>	<p>Title / titre</p> <p>The day 14 August 2023 saw the publication of the Act of 28 July 2023 amending the Civil Code and certain other acts. Among other changes, the amendment introduced new prerequisites for successors to be deemed unworthy of inheritance, limited potential intestates, and waived the obligation incumbent on parents to seek the court's authorisation to reject inheritance on behalf of the child for so-called "cascading" rejections, where other prerequisites specified in the provision are also met. The act entered into force three months after its publication.</p> <p>Date of adoption / <i>date d'adoption</i></p> <p>15 November 2023</p>
<p>(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French</p> <p>(si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français</p>	<p>https://dziennikustaw.gov.pl/DU/2023/1615</p>
<p>Plans for future legislative developments / Projets de développements législatifs à venir</p> <p>Please describe briefly any new planned legislative measures in relation to the targeted area of law.</p> <p>Veillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.</p>	<p>I. - Works are ongoing on amendments in inheritance law, in special testaments.</p> <p>One significant amendment that is being drafted involves limiting the prerequisites for delivering a nuncupative will and reducing the time in which it is possible to write the statement of the testator down. If the contents of the nuncupative will is not determined before the estate is opened, the only option will be to determine it before the court, with consistent witness testimonies. The deadline for determining the contents of the nuncupative will before the court is to be reduced.</p> <p>The amendments to be introduced should contribute to curbing attempts at falsifying nuncupative wills.</p>

	<p>The draft also admits delivering a nuncupative will by recording it on durable read-only media using an audio and video recorder (audiovisual nuncupative will).</p> <p>What is more, the list of people precluded from being witnesses to a nuncupative will is to be extended. The drafted provisions state that a witness to such a will may not be a person in an actual relationship with a person that stands to gain anything from the will, or a person that sits in the body of a legal person that stands to gain anything from the will.</p> <p>The draft also removes the institution of last will and testament executed whilst travelling, as one that has not been used in practice.</p> <p>In turn, military testaments, which have so far been governed under the Regulation of the Minister of National Defence, are planned to be fully stipulated under statute, i.e., in the Civil Code.</p> <p>Furthermore, the draft act envisages adding Article 669(2) to the Code of Civil Procedure which will provide courts with ex officio powers to set aside decisions confirming the acquisition of the estate if such a decision was already issued as regards said estate. This addresses the demand issued to the Ministry of Justice on the part of the Polish Commissioner for Human Rights who highlighted the problem where courts issue several decisions confirming the acquisition of the estate for the same bequeather and the Commissioner has to intervene in these sorts of cases (under a petition to resume proceedings or extraordinary appeal).</p> <p>II. - Commencing legislative works on replacing the institution of incapacitation with a supported decision-making model is also in the plans. The amendments being drafted would aim at adapting domestic provisions to international standards, set out primarily by the Convention on the Rights of Persons with Disabilities. The Convention focuses on preserving in all circumstances the capacity to make acts in the law that people with disabilities enjoy, by eliminating the substitutional decision-making model in favour of a supported model. Under Resolution No. 7 of the Council of Ministers dated 16 February 2021, the Council of Ministers adopted the Strategy for Persons with Disabilities 2021-2030. The plan is to replace the institution of incapacitation with the supported decision-making model by the end of 2025.</p> <p>The need for amendments in provisions concerning incapacitation is therefore objective and results from shifting social and cultural conditions, especially in the perception of people with disabilities or mental disorders.</p> <p>One of the instruments drafted within the supported decision-making model is the institution of a permanent (registered) power of attorney, which covers the power to act on behalf of a given person in the event that the said person loses their ability to independently control their own actions; however, the definition of the said power of attorney is being worked on, and may be subject to change. The draft also involves solutions concerning medical powers of attorney. The plan is to introduce a power of attorney registration system.</p>
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	<p>III. - Works are ongoing to restore the separation of the inherited estate from the successor's assets (to protect the interests of estate creditors and personal interests of successors, where inherited debt exceeds the estate or where there is a threat to the satisfaction of the creditors, as well as to protect the personal assets of the successor against creditor claims) and inheritance liquidation (under which the estate is used to satisfy the creditors, without prejudice to the successor's assets).</p>
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- 2. Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly. / Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.**

None

- 3. Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly. / Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.**

None

ROMANIA / ROUMANIE

(received on 16 May 2024 / reçu le 16 mai 2024)

Name, Surname <i>Nom, prénom</i>	Flavius George PĂNCESCU
Country / Pays	ROMÂNIA

1. **Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023. Veuillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.**

Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i>	Title / titre Date of adoption / date d'adoption
(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French (si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français	LAW No. 393/2023 of 13 December 2023 regarding the status of the judge's assistant LAW No. 11/2024 of 8 January 2024 regarding the status of clerks and other categories of personnel who occupy specialized positions within the courts, the prosecutor's offices attached to them and the National Institute of Forensic Expertise LAW No. 26/2024 of 28 February 2024 regarding the protection order LAW No. 123/2024 of 30 April 2024 for the amendment and completion of Law no. 272/2004 regarding the protection and promotion of children's rights
Plans for future legislative developments / Projets de développements législatifs à venir Please describe briefly any new planned legislative measures in relation to the targeted area of law. Veuillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.	-

2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly.** / *Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.*

LAW No. 123/2024 of 30 April 2024 for the amendment and completion of Law no. 272/2004 regarding the protection and promotion of children's rights introduces in the national legislation the concept of parental alienation. Measures against this kind of alienation can go from substituting the consent of the alienating parent to granting exclusive exercise of parental authority to the alienated parent, alongside with pecuniary penalties. What concerns the child, psychological counselling can be ordered by the court. Special procedural provisions are also introduced.

An exchange of good practices with other countries would be useful.

3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly.** / *Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.*

No

TÜRKIYE

(received on 13 May 2024 / reçü le 13 mai 2024)

Name, Surname <i>Nom, prénom</i>	İlhan YÜCEL
Country / Pays	TÜRKIYE

1. Please indicate any recent major legal development (new legislation, legal reforms or policy) in your country that are of interest to the CDCJ and its work in the area of private law since November 2023. *Veillez indiquer toute évolution majeure (nouvelle législation, réforme juridique, ou politique publique) d'intérêt pour le CDCJ et ses travaux en droit privé, ayant eu lieu dans votre pays depuis novembre 2023.*

<p>Adopted legislation / legal reforms / policy / <i>Loi(s) récente(s) adoptée(s) / réforme du cadre juridique / politiques</i></p>	<p>1 - Law No. 7445 on the Amendment of the Enforcement and Bankruptcy Law and Certain Laws</p> <p>Date of Adoption: 28.03.2023 Access: https://www.resmigazete.gov.tr/eskiler/2023/04/20230405-3.htm</p> <p>2 - Law No. 7456 on Additional Motor Vehicles Tax for Compensation of Economic Losses Caused by the Earthquakes Occurred on 6/2/2023 and Amendments to Certain Laws and Decree Law No. 375</p> <p>Date of Adoption: 14.07.2023 Access: https://www.resmigazete.gov.tr/eskiler/2023/07/20230715-2.htm</p>
<p>(if available) please include a hyperlink to the text and/or webpage where the text is available/accessible in national language, English and/or in French</p> <p>(si disponible) veuillez inclure un lien hypertexte vers le texte et/ou la page Web lorsque le texte est disponible/accessible en langue nationale, en anglais et/ou en français</p>	<p>1 - Amendments made by the Law No. 7445 to other laws are listed below:</p> <p>a. Regulations made in the Mediation Law No. 6235</p> <ul style="list-style-type: none"> Disputes arising from the rental relationship (except for eviction through execution without judgment), disputes regarding the elimination of partnership, disputes arising from condominium ownership and disputes regarding neighbour's rights are included in the scope of mediation as a condition of litigation. In terms of commercial lawsuits and disputes arising from employment contracts, it is clearly regulated that actions for annulment of objection, negative declaratory actions and actions for restitution are within the scope of mandatory mediation. Disputes regarding the transfer of immovable property or the establishment of limited real rights on immovable property have been made eligible for voluntary mediation.

	<ul style="list-style-type: none"> • Regulations are being made to ensure compliance with the Singapore Convention on Mediation, to which Türkiye is a party, with our domestic law. • An obligation is imposed on the mediator to inform the main party of the dispute about the mediation process and the final report prepared at the end of the mediation activity. • In terms of commercial disputes, it is accepted that the agreement document signed by the lawyers of the parties and the mediator will be deemed as a document in the nature of a judgment, without seeking an enforceability annotation. <p><i>b. Regulations made in the Enforcement and Bankruptcy Law No. 2004</i></p> <ul style="list-style-type: none"> • The implementation of a writ of attachment on a residence is subject to the judge's decision. • Personal belongings of family members and all household goods that serve the common use of the family are included among the goods that cannot be seized. • (Excessive) attachment in excess of the amount sufficient for the receivable subject to enforcement proceedings is expressly prohibited. • Regulations have been made for a more effective liquidation of the goods which are kept in trustee depositories even though the attachment on them has been dissolved. <p>2 - Amendments made by the Law No. 7456 to other laws are listed below:</p> <p><i>Regulations made in the Turkish Code of Obligations No. 6098</i></p> <ul style="list-style-type: none"> • With Article 23 of the Law No. 7456, a provisional Article 2 regarding the determination of the rental fee was added to the Law No. 6098. • In terms of residential rents, agreements regarding the rental fee to be applied in the renewed rental periods between 2/7/2023 and 1/7/2024 (including these dates) will be valid provided that it does not exceed twenty-five percent of the rental fee of the previous rental year. • If the rate of change determined according to the 12-month averages in the consumer price index is below 25%, this rate will not be applied and the rate of change will be applied. • This rule will also apply to rental agreements with a term longer than 1 year, and agreements exceeding these rates will be invalid in terms of excess amount. • This limitation shall also apply to the rent increase decisions to be made by the court.
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<p>Plans for future legislative developments / Projets de développements législatifs à venir</p> <p>Please describe briefly any new planned legislative measures in relation to the targeted area of law.</p> <p>Veillez décrire brièvement s'il y a de nouveaux projets de mesures législatives en rapport avec le domaine de droit ciblé.</p>	<p>In order for private law legal entities to provide expert services, regulations are in progress for the transition to a scoring-based expert performance system by determining the procedures and principles regarding the qualifications required for private law legal entities that will provide expert services and the persons who will work as experts within these legal entities, the application procedure of legal entities, their registration in the registry and list, and the supervision of experts and evaluation of their performance.</p>

2. **Are there any challenging or complex legal issues arising in the above-mentioned processes which your delegation would like to bring to the attention of the CDCJ for discussion and/or possible exchanges of good practices with other countries? If yes, please describe briefly. / Y a-t-il des questions juridiques complexes ou problématiques soulevées lors de tels processus que votre délégation souhaiterait porter à l'attention du CDCJ pour discussion et/ou un échange sur les bonnes pratiques avec d'autres pays ? Dans l'affirmative, merci de décrire brièvement.**

3. **Have there been any recent important case law developments in the area of private law which are of interest to the CDCJ? If so, please describe briefly. / Y a-t-il eu des développements jurisprudentiels majeurs récents en matière de droit privé qui pourraient intéresser le CDCJ ? Dans l'affirmative, merci de décrire brièvement.**