EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 28 September 2001

at the request of the Austrian Ministry of Justice on a draft law amending court fees (*Euro-Gerichtsgebühren-Novelle*)

(CON/2001/29)

1. On 11 September 2001 the European Central Bank (ECB) received a request for an opinion from the Austrian Ministry of Justice on a draft law amending court fees (*Euro-Gerichtsgebühren-Novelle*), hereinafter referred to as the "draft law".

2. The ECB's competence to deliver an opinion is based on the second indent of Article 105(4) of the Treaty establishing the European Community, the second indent of Article 4(a) of the Statute of the European System of Central Banks and of the European Central Bank and the first indent of Article 2(1) of Council Decision 98/415/EC of 29 June 1998 on the consultation of the ECB by national authorities regarding draft legislative provisions[1], as the legislative proposal contains provisions concerning currency matters. The Governing Council of the ECB has adopted this opinion in accordance with the first sentence of Article 17.5 of the Rules of Procedure of the ECB.

3. The main purpose of the draft law is the conversion of amounts and thresholds relating to court fees from schillings into euro. Furthermore, the draft law is intended to take additional measures to modernise the law concerning court fees, for example, by replacing traditional methods of payment with modern electronic methods of payment. In addition, it contains provisions allowing for the facilitation of conversion to the euro of financing for companies limited by shares and limited liability companies.

4. The substitution of schilling amounts with euro amounts is based on the following principles.

   – Thresholds are to be rounded up or down to whole 10 euro amounts in order to obtain convenient and practical figures.

   – Generally, single amounts of court fees are to be rounded to whole euro amounts for reasons of practicality. There are some exceptions to the rule concerning low amounts

1 OJ L 189, 3.7.1998, p. 42.

and very low amounts (e.g. the fee of 20 schillings is converted into 1.5 euro; Article 6a of the Court Fees Act introduces an amount of 0.04 cent).

– The explanatory memorandum of the draft law expressly states that in order to comply with the principle of "no impact on costs", amounts have not been smoothed.

5. The ECB welcomes the draft law that provides for the replacement of schilling amounts with euro amounts for court fee purposes. Such adjustments are in the interests of legal clarity and transparency of the national legal system.

6. The ECB welcomes the intention of the draft law to observe the principle of cost neutrality. In its opinions of 17 May 2001 on a draft Second Federal Law containing ancillary measures for the introduction of the euro (*2. Euro-Justiz-Begleitgesetz*) and of 24 August 2001 on a draft law amending Austrian criminal law (*Strafrechtsänderungsgesetz* 2001) the ECB underlined the importance of this principle in the context of the introduction of the euro. Furthermore, it is recalled that at the meeting of the Eurogroup on 4 June 2001, the ministers reiterated their policy that, overall, conversion into euro of all prices, charges and fees administered by their Governments will be price neutral or smoothed in favour of the consumer.

7. The ECB confirms that it has no objection to the competent national authorities making this opinion publicly available at their discretion.

Done at Frankfurt am Main on 28 September 2001.

The President of the ECB

[signed]

Willem F. DUISENBERG