

6.2.2019

A8-0477/ 001-037

**AMENDMENTS 001-037**

by the Committee on Legal Affairs

**Report**

**Emil Radev**

**A8-0477/2018**

Cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters

Proposal for a regulation (COM(2018)0378 – C8-0242/2018 – 2018/0203(COD))

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**Amendment 1**

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) In the interests of the proper functioning of the internal market, it is necessary to further improve and expedite cooperation between courts in the taking of evidence.

(1) In the interests of the proper functioning of the internal market **and the development of a European area of civil justice governed by the principle of mutual trust and mutual recognition of judgments**, it is necessary to further improve and expedite cooperation between courts in **the Member States in relation to** the taking of evidence.

**Amendment 2**

**Proposal for a regulation**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) For the purposes of this Regulation, the term ‘court’ should be given a broad meaning so as to cover not only courts in**

*the strict sense of the word, that exercise judicial functions, but also other bodies or authorities which are competent under national law to take evidence in accordance with this Regulation, such as enforcement authorities or notaries in certain Member States and in specific situations.*

### Amendment 3

#### Proposal for a regulation Recital 2 b (new)

*Text proposed by the Commission*

*Amendment*

*(2b) It is essential that effective means of obtaining, preserving and presenting evidence are available, and that due regard is given to the rights of defence and the need for protection of confidential information. In this context, it is important to encourage the use of modern technology.*

### Amendment 4

#### Proposal for a regulation Recital 3

*Text proposed by the Commission*

*Amendment*

(3) In order to ensure speedy transmission of requests and communications, all appropriate means of modern communication technology should be used. Therefore, as a rule, all communication and exchanges of documents should be carried out through a decentralised IT system composed of national IT systems.

(3) In order to **effectively** ensure **direct and** speedy transmission of requests and communications, all appropriate means of modern communication technology should be used, **and in that regard the constant development of such technology should be taken into account**. Therefore, as a rule, all communication and exchanges of documents should be carried out through a decentralised IT system composed of national IT systems.

### Amendment 5

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) The decentralised IT system should be based on the e-CODEX system and should be managed by eu-LISA. Adequate resources should be made available to eu-LISA so that such a system can be introduced and kept operational, as well as to provide technical support in the event of problems in the operation of the system. The Commission should submit, as soon as possible, and in any event before the end of 2019, a proposal for a Regulation on cross-border communication in judicial proceedings (e-CODEX).**

**Amendment 6**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) In order to ensure mutual recognition of digital evidence such evidence taken in a Member State in accordance with its law should not be denied recognition as evidence in other Member States **only** because of its digital nature.

(4) In order to ensure mutual recognition of digital evidence, such evidence taken in a Member State in accordance with its law should not be denied recognition as evidence in other Member States because of its digital nature. **That principle should be without prejudice to determining, in accordance with national law, the level of quality and the value of evidence, regardless of its digital or non-digital nature.**

**Amendment 7**

**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) The procedures for taking,**

*preserving and presenting evidence should ensure that the procedural rights of the parties, as well as the protection, integrity and confidentiality of personal data and privacy, are protected in accordance with Union law.*

## Amendment 8

### Proposal for a regulation Recital 6

#### *Text proposed by the Commission*

(6) Modern communications technology, in particular videoconferencing which is an important means to simplify and accelerate the taking of evidence, is currently not used to its full potential. Where evidence is to be taken by hearing a person domiciled in another Member State as witness, party or expert, the court should take that evidence directly via videoconference, ***if available to the respective courts, where it deems the use of such technology appropriate*** on account of the specific circumstances of the case.

#### *Amendment*

(6) Modern communications technology, in particular videoconferencing which is an important ***and direct*** means to simplify and accelerate the taking of evidence, is currently not used to its full potential. Where evidence is to be taken by hearing a person domiciled in another Member State as witness, party or expert, the court should take that evidence directly via videoconference ***or via any other appropriate distance communication technology*** available to the respective courts, ***unless, on account of the specific circumstances of the case, the use of such technology is deemed inappropriate for the fair conduct of the proceedings. The rules on the use of such means of communication should be technology-neutral and cater for future communication solutions. Where required by the national law of the Member State concerned, the use of such technology should be subject to the consent of the person to be heard.***

## Amendment 9

### Proposal for a regulation Recital 7

#### *Text proposed by the Commission*

(7) In order to facilitate the taking of

#### *Amendment*

(7) In order to facilitate the taking of

evidence by diplomatic *officers* or consular agents, such persons may, in the territory of another Member State *and within the area* where they *exercise their functions*, take evidence without the need for a prior request by hearing nationals of the Member State which they represent *without compulsion in the context of* proceedings pending in the courts of the Member State which they represent.

evidence by diplomatic *staff* or consular agents, such persons may, in the territory of another Member State where they *are accredited*, take evidence *at the premises of their diplomatic mission or consulate* without the need for a prior request by hearing nationals of the Member State which they represent *for* proceedings pending in the courts of the Member State which they represent, *provided that the person to be heard voluntarily cooperates in the taking of evidence.*

## Amendment 10

### Proposal for a regulation Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

*(7a) It is important to ensure that this Regulation is applied in compliance with Union data protection law and that it respects the protection of privacy as enshrined in the Charter of Fundamental Rights of the European Union. It is also important to ensure that any processing of the personal data of natural persons under this Regulation is undertaken in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC. Personal data under this Regulation should be processed only for the specific purposes set out in this Regulation.*

## Amendment 11

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

*Amendment*

(8) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can rather, by reason of the creation of a legal framework ensuring the speedy transmission of

(8) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can rather, by reason of the creation of a *simplified* legal framework ensuring the *direct, effective*

requests and communications concerning the performance of taking of evidence, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

*and* speedy transmission of requests and communications concerning the performance of taking of evidence, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

## Amendment 12

### Proposal for a regulation Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8a) This Regulation seeks to improve the efficacy and speed of judicial proceedings by simplifying and streamlining the mechanisms for cooperation in the taking of evidence in cross-border proceedings, while at the same time helping to reduce delays and costs for individuals and businesses. In addition, greater legal certainty, coupled with simpler, streamlined and digitalised procedures can encourage individuals and businesses to engage in cross-border transactions, thereby boosting trade within the Union and hence the functioning of the internal market.***

## Amendment 13

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

*Amendment*

(11) In order to update the standard forms in the Annexes or to make technical changes to those forms, the power to adopt acts in accordance with Article 290 of the

***(11) In order to define the detailed arrangements for the functioning of the decentralised IT system and in order to establish the minimum technical***

Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making\*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

***standards and requirements for the use of videoconference, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. Such delegated acts should guarantee an effective, reliable and smooth transmission of the relevant information through the decentralised IT system, and should ensure that the videoconferencing session guarantees high quality communication and real time interaction. Furthermore,*** in order to update the standard forms in the Annexes or to make technical changes to those forms, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making\*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

## **Amendment 14**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1**

Regulation (EC) No 1206/2001

Article 1 – paragraph 4

*Text proposed by the Commission*

4. In this Regulation, the term ‘court’ shall mean any ***judicial*** authority in a

*Amendment*

4. In this Regulation, the term ‘court’ shall mean any authority in a Member State

Member State which is competent *for the performance of taking of* evidence according to this Regulation.;

which is competent *under the laws of that Member State to take* evidence according to this Regulation. ;

## Amendment 15

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2

Regulation (EC) No 1206/2001

Article 6 – paragraph 1

#### *Text proposed by the Commission*

1. Requests and communications pursuant to this Regulation shall be transmitted through a decentralised IT system composed of national IT systems interconnected by a communication infrastructure enabling the secure and reliable cross-border exchange of information between the national IT systems.

#### *Amendment*

1. Requests and communications pursuant to this Regulation shall be transmitted through a decentralised IT system composed of national IT systems interconnected by a communication infrastructure *and* enabling the *safe*, secure and reliable cross-border exchange of information, *including in real time*, between the national IT systems, *with due respect for fundamental rights and freedoms. That decentralised IT system shall be based on e-CODEX.*

## Amendment 16

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2

Regulation (EC) No 1206/2001

Article 6 – paragraph 2

#### *Text proposed by the Commission*

2. The general legal framework for the use of trust services set out in Council Regulation (EU) No 910/2014<sup>20</sup> shall apply to the requests and communications transmitted through the decentralised IT system referred to in paragraph 1.

#### *Amendment*

2. The general legal framework for the use of *qualified* trust services set out in Council Regulation (EU) No 910/2014<sup>20</sup> shall apply to the requests and communications transmitted through the decentralised IT system referred to in paragraph 1.

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<sup>20</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification

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<sup>20</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification

and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

## Amendment 17

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2

Regulation (EC) No 1206/2001

Article 6 – paragraph 3

#### *Text proposed by the Commission*

3. Where requests and communications referred to in paragraph 1 require or feature a seal or handwritten signature, ‘qualified electronic seals’ and ‘qualified electronic signatures’ as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used instead.

#### *Amendment*

3. Where requests and communications referred to in paragraph 1 require or feature a seal or handwritten signature, ‘qualified electronic seals’ and ‘qualified electronic signatures’ as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used instead, ***provided that it is fully ensured that the persons involved have obtained knowledge of such documents in sufficient time and in a lawful manner.***

## Amendment 18

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2

Regulation (EC) No 1206/2001

Article 6 – paragraph 3 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***3a. The Commission is empowered to adopt delegated acts in accordance with Article 20 to supplement this Regulation by establishing the detailed arrangements for the functioning of the decentralised IT system. When exercising that power, the Commission shall ensure that the system guarantees an effective, reliable and smooth exchange of the relevant information, as well as a high level of security in the transmission and the protection of privacy and personal data in***

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2**

Regulation (EC) No 1206/2001

Article 6 – paragraph 4

#### *Text proposed by the Commission*

4. If transmission in accordance with paragraph 1 is not possible due to an unforeseen and exceptional disruption of the decentralised IT system or where such transmission is not possible in other exceptional cases, transmission shall be carried out by the swiftest possible means, **which** the requested Member State has indicated **it can accept**.

#### *Amendment*

4. If transmission in accordance with paragraph 1 is not possible due to an unforeseen and exceptional disruption of the decentralised IT system or where such transmission is not possible in other exceptional cases, transmission shall be carried out by the swiftest possible means **that** the requested Member State has indicated **to be acceptable**.

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – title

#### *Text proposed by the Commission*

Direct taking of evidence by  
**videoconference**

#### *Amendment*

Direct taking of evidence by **distance  
communication technology**

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – paragraph 1

#### *Text proposed by the Commission*

1. Where evidence is to be taken by hearing a person domiciled in another Member State as witness, party or expert

#### *Amendment*

1. Where evidence is to be taken by hearing a person domiciled in another Member State as witness, party or expert

and the court does not request the competent court of another Member State to take evidence in accordance with Article 1(1)(a), the court shall take evidence directly in accordance with Article 17 via videoconference, if available to the respective courts, *where it deems the use of such technology appropriate* on account of the specific circumstances of the case.

and the court does not request the competent court of another Member State to take evidence in accordance with Article 1(1)(a), the court shall take evidence directly in accordance with Article 17 via videoconference *or via any other appropriate distance communication technology*, if available to the respective courts, *unless*, on account of the specific circumstances of the case, *the use of such technology is deemed inappropriate for the fair conduct of the proceedings*.

## Amendment 22

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 4

Regulation (EC) No 1206/2001

Article 17a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a.** *Where required by the national law of the requesting Member State, the use of videoconference or any other appropriate distance communication technology shall be subject to the consent of the person to be heard.*

## Amendment 23

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 4

Regulation (EC) No 1206/2001

Article 17a – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Where a request for direct taking of evidence via videoconference is made, the hearing shall be held in the premises of a court. The requesting court and the central body or the competent authority referred to in Article 3(3) or the court on whose premises the hearing is to be held shall agree on the practical arrangements for the

2. Where a request for direct taking of evidence via videoconference *or via any other appropriate distance communication technology* is made, the hearing shall be held in the premises of a court. The requesting court and the central body or the competent authority referred to in Article 3(3) or the court on whose

videoconference.

premises the hearing is to be held shall agree on the practical arrangements for the videoconference. ***Those arrangements shall be in line with the minimum technical standards and requirements for the use of videoconference that are defined in accordance with paragraph 3a.***

## **Amendment 24**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Any electronic system for the taking of evidence shall ensure that professional secrecy and legal professional privilege are protected.***

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – paragraph 3 – introductory sentence

*Text proposed by the Commission*

*Amendment*

3. Where evidence is taken by videoconference:

3. Where evidence is taken by videoconference ***or any other available communications technology:***

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – paragraph 3 – point b

*Text proposed by the Commission*

*Amendment*

(b) if necessary, at the request of the requesting court, the person to be heard or

(b) if necessary, at the request of the requesting court, the person to be heard or

the judge in the requested Member State participating in the hearing, the central body or the competent authority referred to in Article 3(3) shall ensure that the person to be heard or the judge are assisted by **an** interpreter. ;

the judge in the requested Member State participating in the hearing, the central body or the competent authority referred to in Article 3(3) shall ensure that the person to be heard or the judge are assisted by **a qualified** interpreter. ;

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The Commission is empowered to adopt delegated acts in accordance with Article 20 supplementing this Regulation by establishing the minimum standards and requirements for the use of videoconference.**

**When exercising that power, the Commission shall ensure that the videoconferencing session guarantees high quality communication and real time interaction. The Commission shall also ensure, with regard to the transmission of the information, a high level of security and the protection of privacy and of personal data in line with Regulation (EU) 2016/679 and Directive 2002/58/EC.**

## **Amendment 28**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EC) No 1206/2001

Article 17a – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3b. The court shall notify the person to be heard, the parties, including their respective legal representatives, of the date, time and place of, and the conditions for participation in, the hearing via**

*videoconference or via any other appropriate distance communication technology. The parties and their legal representatives shall be provided, by the relevant court, with instructions as to the procedure for presenting documents or other material during the hearing via videoconference or via any other appropriate distance communication technology.’;*

## Amendment 29

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EC) No 1206/2001

Article 17b – title

*Text proposed by the Commission*

Taking of evidence by diplomatic *officers* or consular agents

*Amendment*

Taking of evidence by diplomatic *staff* or consular agents

## Amendment 30

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EC) No 1206/2001

Article 17b – paragraph 1

*Text proposed by the Commission*

Diplomatic *officers* or consular agents of a Member State may, in the territory of another Member State *and within the area* where they *exercise their functions*, take evidence without the need for a prior request pursuant to Article 17(1), by hearing nationals of the Member State which they represent *without compulsion in the context of* proceedings pending in the courts of *the Member* State which they represent.’;

*Amendment*

Diplomatic *staff* or consular agents of a Member State may, in the territory of another Member State where they *are accredited*, take evidence *at the premises of the diplomatic mission or consulate* without the need for a prior request pursuant to Article 17(1), by hearing nationals of the Member State which they represent *for* proceedings pending in the courts of *the Member* State which they represent. *Such taking of evidence may only take place with the voluntary cooperation of the person to be heard. The taking of evidence shall be performed under the supervision of the requesting*

*court, in accordance with its national law.*';

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EC) No 1206/2001

Article 18a – paragraph 1

*Text proposed by the Commission*

Digital evidence taken in a Member State in accordance with its law shall not be **denied** the **quality** of evidence in other Member States solely **due to its** digital nature. ;

*Amendment*

**The** digital **nature of** evidence taken in a Member State in accordance with its law shall not be **used as a reason to deny** the quality of evidence in other Member States. **The question of whether the evidence is digital or non-digital in nature shall not be a factor in determining the level of quality and the value of such evidence.** ';

## **Amendment 32**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6 a (new)**

Regulation (EC) No 1206/2001

Section 6 a (new) – Article 18b (new)

*Text proposed by the Commission*

*Amendment*

**(6a) the following Section 6a is inserted after Article 18:**

#### **Section 6a**

#### **Processing of personal data**

#### **Article 18b**

**Any processing of personal data carried out pursuant to this Regulation, including the exchange or transmission of personal data by the competent authorities, shall be in conformity with Regulation (EU) 2016/679. Any exchange or transmission of information by competent authorities at Union level shall be undertaken in accordance with Regulation (EC) No 45/2001. Personal data which are not**

*relevant for the handling of a specific case shall be immediately deleted.*

### Amendment 33

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 8

Regulation (EC) No 1206/2001

Article 20 – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 19(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time from*** ... [date of entry into force of this Regulation].

*Amendment*

2. The power to adopt delegated acts referred to ***in Article 6(3a), in Article 17a(3a) and*** in Article 19(2) shall be conferred on the Commission for ***a*** period of ***5 years from***... [date of entry into force of this Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

### Amendment 34

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 8

Regulation (EC) No 1206/2001

Article 20 – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Article 19(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of

*Amendment*

3. The delegation of power referred to ***in Article 6(3a), Article 17a(3a) and*** in Article 19(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified

any delegated acts already in force.

therein. It shall not affect the validity of any delegated acts already in force.

### Amendment 35

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 8

Regulation (EC) No 1206/2001

Article 20 – paragraph 6

#### *Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 19(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### *Amendment*

6. A delegated act adopted pursuant to **Article 6(3a), Article 17a(3a) or** Article 19(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### Amendment 36

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 9

Regulation (EC) No 1206/2001

Article 22a – paragraph 1

#### *Text proposed by the Commission*

1. By [**two years** after the date of **application**] at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.

#### *Amendment*

1. By [**one year** after the date of **entry into force**] at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.

### Amendment 37

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 10

*Text proposed by the Commission*

1. No **sooner** than [**five** years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.

*Amendment*

1. No **later** than [**four** years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee, **accompanied, where appropriate, by a legislative proposal.**