



2018/0203(COD)

30.10.2018

AMENDMENTS

20 - 84

Draft report

Emil Radev

(PE628.500v01-00)

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))

Amendment 20
Daniel Buda

Proposal for a regulation
Recital 1

Text proposed by the Commission

(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.

Amendment

(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 the field of*** the taking of evidence.

Or. ro

Amendment 21
Gilles Lebreton
on behalf of the ENF Group

Proposal for a regulation
Recital 1

Text proposed by the Commission

(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.

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 ***in cross-border judicial proceedings (which, by definition, do not fall within the scope of national legal systems)***.

Or. fr

Amendment 22
Gilles Lebreton
on behalf of the ENF Group

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Council Regulation (EC) No 1206/2001¹⁷ lays down rules on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

¹⁷ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

Amendment

(2) Council Regulation (EC) No 1206/2001¹⁷ lays down rules on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. ***It does not transfer any particular powers to the Union, but makes it clear that its objectives can be better achieved at European level (Recital 5). It complies with the principles of subsidiarity and proportionality.***

¹⁷ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

Or. fr

Amendment 23
Sergio Gaetano Cofferati, Evelyn Regner

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) For the purposes of this Regulation, the term ‘court’ should be given a broad meaning so as to cover not only courts in the true sense of the word, exercising judicial functions, but also other bodies or authorities which are competent under national law to take evidence in accordance with this Regulation, such as, for example, in certain Member States and in specific situations, enforcement authorities or notaries.

Or. en

Amendment 24
Daniel Buda

Proposal for a regulation
Recital 3

Text proposed by the Commission

(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.

Amendment

(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 developments in this field should be constantly 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.

Or. ro

Amendment 25
Sergio Gaetano Cofferati

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) 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 for such a system to 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).

Or. en

Amendment 26

Sergio Gaetano Cofferati

Proposal for a regulation

Recital 4

Text proposed by the Commission

(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.

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. ***This is without prejudice to the determination, in accordance with national law, of the quality and the value of the evidence, regardless of its digital or non-digital nature.***

Or. en

Amendment 27

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Recital 4

Text proposed by the Commission

(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.

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. ***Any refusal should be accompanied by a substantiated legal justification.***

Or. fr

Amendment 28

Răzvan Popa

Proposal for a regulation

Recital 4

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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.

(Does not affect the English version.)

Or. ro

Amendment 29
Daniel Buda

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The procedures for taking, saving and presenting evidence should ensure respect for the procedural rights of the parties, as well as the protection, integrity and confidentiality of personal data and privacy, in accordance with the rules in force at EU level.

Or. ro

Amendment 30
Daniel Buda

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(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,

(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

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.

as witness, party or expert, the court should take that evidence directly via videoconference *or other remote communications technology* available to the respective courts. *However, in exceptional cases where* the use of such technology *is deemed to be unsuited to* the specific circumstances of the case *or to conflict with the proper conduct of the proceedings, other channels may continue to be used.*

Or. ro

Amendment 31
Sergio Gaetano Cofferati

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 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 *and, where required by national law of the requested Member State, subject to the consent of the person to be heard..*

Or. en

Amendment 32
Gilles Lebreton
on behalf of the ENF Group

Proposal for a regulation
Recital 6

PE629.633v01-00

8/38

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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 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 ***be able to*** take that evidence directly via videoconference, if available to the respective courts, where it deems the use of such technology ***compatible with domestic law and not inappropriate*** on account of ***the sensitivity*** of the specific circumstances of the case.

Or. fr

Amendment 33
Răzvan Popa

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 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 other available communications technologies***, if available to the respective courts, ***and*** where it deems the use of such technology appropriate on account of the specific circumstances of the case.

Or. ro

Amendment 34
Sergio Gaetano Cofferati

Proposal for a regulation
Recital 7

Text proposed by the Commission

(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.

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. ***In these cases, the taking of evidence should be performed under the supervision of the requesting court, in accordance with its national law.***

Or. en

Amendment 35
Gilles Lebreton
on behalf of the ENF Group

Proposal for a regulation
Recital 7

Text proposed by the Commission

(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.***

Amendment

(7) In order to facilitate the taking of evidence by diplomatic or consular agents, such persons ***should be able, by express derogation,*** in the territory of another Member State ***in which they are duly accredited,*** and within the area where they exercise their functions, ***to take evidence, on presentation of their authorisation and accreditation,*** hearing nationals of the Member State which they represent, ***provided that the person to be heard cooperates voluntarily.***

Or. fr

Amendment 36
Sergio Gaetano Cofferati

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) It is important to ensure that this Regulation is applied in compliance with Union data protection law and 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.

Or. en

Amendment 37
Gilles Lebreton
on behalf of the ENF Group

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 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,

(8) Since the objectives of this Regulation **can be** achieved **more effectively at European level by means** of the creation of a legal framework ensuring the speedy transmission of requests and communications concerning the performance of taking of evidence **in cross-border judicial proceedings (which, by definition, do not fall within the scope of national legal systems)**, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European

this Regulation does not go beyond what is necessary in order to achieve that objective.

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.

Or. fr

Amendment 38
Daniel Buda

Proposal for a regulation
Recital 8

Text proposed by the Commission

(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 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

(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 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.

Or. ro

Amendment 39
Daniel Buda

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 cooperating over 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 EU trade and hence the functioning of the internal market.

Or. ro

Amendment 40
Sergio Gaetano Cofferati

Proposal for a regulation
Recital 11 – introductory part

Text proposed by the Commission

(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 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

(11) *In order to define the detailed arrangements for the functioning of the decentralised IT system and in order to establish the minimum 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 effective, reliable and smooth transmission of the relevant information through the decentralised IT system, and should ensure, inter alia, that the videoconferencing session is as close as possible to the usual practice in any court where evidence is taken in open court and that professional secrecy and legal professional privilege are safeguarded. 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.

Or. en

Amendment 41
Gilles Lebreton

Proposal for a regulation
Article premier – paragraph 1 – point 1
Regulation (EC) N° 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 Member State which is competent for the performance of taking of evidence according to this Regulation.;

Amendment

4. In this Regulation, ‘court’ shall mean any judicial authority in a Member State which is competent ***under the laws of that Member State*** for the performance of taking of evidence according to this Regulation ***and which also meets the autonomous criteria established by the Court of Justice of the European Union.***

Or. fr

Justification

The concept of court is understood to mean that defined by the Court of Justice, particularly in the judgment of 30 June 1966, Vaassen-Goebbels/Beambtenfonds voor het Mijnbedrijf (61-65, ECR p. 00377).

Amendment 42

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Recital 11 – introductory part

Text proposed by the Commission

(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 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

(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 Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to the Annexes. ***In accordance with Article 290 TFEU, these non-legislative delegated acts can only supplement the Annexes. They cannot alter the essential elements of the legislative act and must refer only to the annexes forming part of the regulatory framework (judgments in Commission v Parliament and Council, C 427/12, EU:C:2014:170, paragraph 38, and Commission v Parliament and Council, C 88/14, EU:C:2015:499, paragraph 29). Parliament and the Council may revoke the delegation and/or object to the delegated act and/or stipulate that the delegated act may enter into force only if no objection has been expressed by Parliament or the Council within a period set by the legislative act.*** 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 43

Daniel Buda

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) N° 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 Member State which is competent **for the performance of** taking of evidence according to this Regulation.;

Amendment

4. In this Regulation, the term ‘court’ shall mean any authority in a Member State which, **under the national legislation of that Member State**, is competent **under the laws of that Member State for the** taking of evidence according to this Regulation;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. ro

Justification

This Regulation strictly concerns the taking of evidence and not other investigative measures.

Amendment 44

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) N° 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 enabling the secure and reliable cross-border exchange of information between the national IT systems **with due full respect for the fundamental rights and freedoms**.

Amendment 45

Sergio Gaetano Cofferati

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 enabling the secure and reliable cross-border exchange of information between the national IT systems. ***Such decentralised IT system shall be based on e-CODEX.***

Or. en

Amendment 46

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Article premier – 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 ***secure, confidential,*** decentralised IT system composed of national IT systems interconnected by a communication infrastructure enabling the secure, ***reliable and confidential*** cross-border exchange of information between the national IT systems.

Or. fr

Amendment 47

Jiří Maštálka

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 **may be submitted** 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.

Or. cs

Amendment 48

Răzvan Popa

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 secure and reliable cross-border exchange of information between the national IT systems.

Or. ro

Amendment 49

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Sergio Gaetano Cofferati

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 910/2014²⁰ shall apply to the requests and communications transmitted through the decentralised IT system referred to in paragraph 1.

²⁰ 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).

Amendment

2. The general legal framework for the use of **qualified** trust services set out in Council Regulation (EU) No 910/2014²⁰ shall apply to the requests and communications transmitted through the decentralised IT system referred to in paragraph 1.

²⁰ 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).

Or. en

Amendment 50

Kostas Chrysogonos

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 these documents in sufficient time and in lawful***

manner.

Or. en

Amendment 51
Sergio Gaetano Cofferati

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

3 a. The Commission is empowered to adopt delegated acts in accordance with Article 20 to establish 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 line with Regulation (EU) 2016/679 and Directive (EC) 2002/58.

Or. en

Amendment 52
Gilles Lebreton
on behalf of the ENF Group

Proposal for a regulation
Article premier – paragraph 1 – point 2
Regulation (EC) No 1206/2001
Article 6 – paragraph 4

Text proposed by the Commission

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

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.

carried out by the swiftest possible means which the requested Member State has indicated it can accept, ***unless, depending on the specific circumstances of the case, the use of this technology is considered inappropriate to the smooth and fair conduct of the procedure or otherwise contrary to national law.***

Or. fr

Amendment 53
Răzvan Popa

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***.

Or. ro

Amendment 54
Sergio Gaetano Cofferati

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a

Text proposed by the Commission

(a) ***paragraph 2 is deleted;***

Amendment

deleted

Or. en

Amendment 55

Jiří Maštálka

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Text proposed by the Commission

(a) paragraph 2 *is deleted*;

Amendment

(a) paragraph 2 *states:*
participation in direct evidence-gathering by a foreign court shall be strictly voluntary

Or. cs

Amendment 56

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Article premier – 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 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.

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 strict compliance with the rules of confidentiality and probity*, 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, *unless* the use of such technology *is deemed inappropriate for the smooth and equitable conduct of the procedure or is not regarded as compliant with domestic law* on account of the specific circumstances of the case.

Or. fr

Amendment 57

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Sergio Gaetano Cofferati

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 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.

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, where required by national law of the requested Member State, subject to the consent of the person to be heard.**

Or. en

Amendment 58

Jiří Maštálka

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 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.

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, **at its own discretion, be authorised to take a decision and** 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.

Or. cs

Amendment 59
Răzvan Popa

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 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.

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 ***or other available communications technologies***, if available to the respective courts, ***and*** where it deems the use of such technology appropriate on account of the specific circumstances of the case.

Or. ro

Amendment 60
Daniel Buda

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 ***and the court does not request the competent court of another Member State***

Amendment

1. Where evidence is to be taken by hearing a person domiciled in another Member State as witness, party or expert, the court shall take evidence directly, in accordance with Article 17 via

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.

videoconference, *or using other up-to-date remote communication technologies* available to the respective courts. *However, in exceptional cases where* the use of such technology *is deemed to be unsuited to* the specific circumstances of the case *or to conflict with the proper conduct of the proceedings, other channels may continue to be used.*

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. ro

Justification

Amendment 61 **Kostas Chrysogonos**

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 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.

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 *can* 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.

Or. en

Amendment 62 **Sergio Gaetano Cofferati**

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 1206/2001
Article 17a – paragraph 2

Text proposed by the Commission

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 videoconference.

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 videoconference, ***which shall be in line with the minimum standards and requirements for the use of videoconference, defined in accordance with paragraph 3a.***

Or. en

Amendment 63
Daniel Buda

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 1206/2001
Article 17a – paragraph 2

Text proposed by the Commission

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 videoconference.

Amendment

2. Where a request for direct taking of evidence via videoconference ***or using other up-to-date communication technologies*** 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 videoconference.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

(Article 17a – paragraph 2)

Justification

Amendment 64

Răzvan Popa

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 1206/2001

Article 17a – paragraph 2

Text proposed by the Commission

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 videoconference.

Amendment

2. Where a request for direct taking of evidence via videoconference ***or using other available communication technologies*** 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 videoconference.

Amendment 65

Daniel Buda

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. The court shall communicate to the person to be heard and the other parties concerned the details of the type of procedure, the conditions for participation and any other instructions necessary for the proper conduct of the proceedings,

such as how documents and other material is to be presented.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. ro

Justification

Amendment 66
Kostas Chrysogonos

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

2 a. A transcript of the recording of the videoconference shall be provided to the competent court and to any party involved in the dispute.

Or. en

Amendment 67
Răzvan Popa

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 1206/2001
Article 17a – paragraph 3

Text proposed by the Commission

Amendment

3. Where evidence is taken by videoconference:

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

Or. ro

Amendment 68
Kostas Chrysogonos

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) N° 1206/2001
Article 17a – paragraph 3 – point a

Text proposed by the Commission

(a) the central body or the competent authority referred to in Article 3(3) in the requested Member State *may* assign a court to take part in the performance of the taking of evidence in order to ensure respect for the fundamental principles of the law of the requested Member State;

Amendment

(a) the central body or the competent authority referred to in Article 3(3) in the requested Member State *shall* assign a court to take part in the performance of the taking of evidence in order to ensure respect for the fundamental principles of the law of the requested Member State;

Or. en

Amendment 69
Sergio Gaetano Cofferati

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 1206/2001
Article 17a – paragraph 3 – point a

Text proposed by the Commission

(a) the central body or the competent authority referred to in Article 3(3) in the requested Member State *may* assign a court to take part in the performance of the taking of evidence in order to ensure respect for the fundamental principles of the law of the requested Member State;

Amendment

(a) the central body or the competent authority referred to in Article 3(3) in the requested Member State *shall* assign a court to take part in the performance of the taking of evidence in order to ensure respect for the fundamental principles of the law of the requested Member State;

Or. en

Amendment 70
Gilles Lebreton
on behalf of the ENF Group

Proposal for a regulation
Article premier – paragraph 1 – point 4
Regulation (EC) No 1206/2001

Article 17a – paragraph 3 – point b

Text proposed by the Commission

(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. ;

Amendment

(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 ***accredited and qualified*** interpreter.

Or. fr

Amendment 71

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Article premier – paragraph 1 – point 4

Regulation (EC) No 1206/2001

Article 17a – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The person interviewed shall be informed in advance of their rights and of the arrangements for their participation in a videoconference with the possible assistance of a lawyer. A videoconference shall be convened within a reasonable period of time.

(d) In particular, as regards the processing of personal data, that is to say, the exchange and forwarding of personal data by the competent authorities, those authorities shall comply with the provisions of Regulation (EU) 2016/679. Any exchange or forwarding 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.

Or. fr

Amendment 72
Sergio Gaetano Cofferati

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

3 a. The Commission is empowered to adopt delegated acts in accordance with Article 20 to establish the minimum standards and requirements for the use of videoconference.

When exercising that power, the Commission shall ensure that the videoconferencing session is as close as possible to the usual practice in any court where evidence is taken in open court, guarantees high quality communication and real time interaction and safeguards professional secrecy and legal professional privilege. The Commission shall also ensure, with regard to the transmission of the information, an high level of security and the protection of privacy and personal data in line with Regulation (EU) 2016/679 and Directive (EC) 2002/58.

Or. en

Amendment 73
Sergio Gaetano Cofferati

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 1206/2001
Article 17b

Text proposed by the Commission

Amendment

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

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.’;

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. ***The taking of evidence shall be performed under the supervision of the requesting court, in accordance with its national law.***’;

Or. en

Amendment 74

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Article premier – paragraph 1 – point 5

Regulation (EC) No 1206/2001

Article 17b

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 officers or consular agents of a Member State may, ***by way of derogation or with express authorisation***, in the territory of another Member State ***in which they are duly accredited***, and within the area where they exercise their functions, take evidence ***confidentially, on presentation of their authorisation***, 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, ***provided that the person to be heard cooperates voluntarily***.

Or. fr

Amendment 75

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 1206/2001

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Article 17b

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 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 *after* 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.’;

Or. en

Amendment 76

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Article premier – paragraph 1 – point 6

Regulation (EC) No 1206/2001

Article 18a

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

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. *Any refusal must be justified and state the reasons on which it is based.*

Or. fr

Amendment 77

Gilles Lebreton

on behalf of the ENF Group

Proposal for a regulation

Article premier – paragraph 1 – point 8

Regulation (EC) No 1206/2001

Article 20 – paragraph 1

Text proposed by the Commission

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. ***In accordance with Article 290 TFEU, these non-legislative delegated acts can only supplement the Annexes. They cannot alter the essential elements of the legislative act and must refer only to the annexes forming part of the regulatory framework (judgments in Commission v Parliament and Council, C 427/12, EU:C:2014:170, paragraph 38, and Commission v Parliament and Council, C 88/14, EU:C:2015:499, paragraph 29). Parliament and the Council may revoke the delegation and/or object to the delegated act and/or stipulate that the delegated act may enter into force only if no objection has been expressed by Parliament or the Council within a period set by the legislative act.***

Or. fr

Amendment 78

Sergio Gaetano Cofferati

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 power to adopt delegate acts referred to in Article 19(2) 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.

Or. en

Amendment 79

Sergio Gaetano Cofferati

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 any delegated acts already in force.

Amendment

3. The delegation of power referred to *in Article 6(3a), in 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 therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 80

Sergio Gaetano Cofferati

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

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

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.

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.

Or. en

Amendment 81
Kostas Chrysogonos

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 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.

Or. en

Amendment 82
Sergio Gaetano Cofferati

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EC) No 1206/2001
Article 22a – paragraph 1

Text proposed by the Commission

Amendment

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.

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.

Or. en

Amendment 83
Jiří Maštálka

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EC) No 1206/2001
Article 22a – paragraph 2

Text proposed by the Commission

Amendment

2. *The monitoring programme shall set out the means by which and the intervals at which the data and other necessary evidence are to be collected. It shall specify the action to be taken by the Commission and by the Member States in collecting and analysing the data and other evidence.*

deleted

Or. cs

Amendment 84
Sergio Gaetano Cofferati

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EC) No 1206/2001
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

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.

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.

Or. en