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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a decision of the European Parliament and of the Council establishing for the period 2007-2013 the Specific Programme "Civil Justice" as part of the General Programme "Fundamental Rights and Justice"
(8699/2/2007 – C6-0179/2007 – 2005/0040(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Inger Segelström

PR_COD_2am

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a decision of the European Parliament and of the Council establishing for the period 2007-2013 the Specific Programme "Civil Justice" as part of the General Programme "Fundamental Rights and Justice" (8699/2/2007 – C6-0179/2007 – 2005/0040(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (8699/2/2007 – C6-0179/2007),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2005)0122)²,
 - having regard to Article 251(2)(c) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A6-0262/2007),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Council common position

Amendment by Parliament

Amendment 1
Recital 16 a (new)

(16a) In the light of the prerogatives of the European Parliament as defined in Article 8 of Decision 1999/468/EC, all of the necessary information should be made available by the Commission to the European Parliament concerning each stage of the implementation of the Programme, particularly as regards the intended priorities thereof for the year in question. Should Parliament put forward any suggestions or recommendations, the

¹ Not yet published in OJ.

² Not yet published in OJ.

Commission has undertaken¹ to provide a reasoned response and to inform the representatives of the Member States meeting within the committees provided for by this Decision.

Justification

On 14 December 2006, Parliament adopted its position at first reading. In its common position forwarded to us and in accordance with the agreement at first reading, the Council accepted Parliament's amendments, but rejected those concerning the possibility of Parliament blocking Commission decisions on implementation, notably when annual priorities are chosen. Furthermore, Vice-President Frattini proposed a more transparent dialogue, as opposed to Parliament's right of veto, when identifying priorities for annual financing. This commitment has already been made in the letter of 31 May 2007, see in the explanatory statement. Your rapporteur does not deem this to be sufficient but, by way of compromise, and because these financial programmes must be put in place as quickly as possible, she considers that the Parliament could give up its previous December 2006 amendment requiring a right of scrutiny and accept the Commission's proposal. Being an institutional undertaking it should, for transparency reasons, be mentioned in the recitals of the legislative proposal, so that European citizens, or at least all those who wish to take advantage of the new provisions, can be made aware of it.

This declaratory amendment incorporates the essence of Mr Frattini's proposal and, if the Council accepts it, this financial programme (and the financial programme for the fight against drugs, on which we are still awaiting the common position) can come into force as early as possible.

¹ By a declaration in the plenary session of ...

EXPLANATORY STATEMENT

Letter of 31 May 2007 from Mr Franco Frattini, Vice-President of the European Commission, to Mr Jean-Marie Cavada and Mrs Inger Segelström, Chairman of and rapporteur for the Committee on Civil Liberties, Justice and Home Affairs

I am writing to you on the subject of the new financial instruments in the area of freedom, security and justice for the period 2007-2013. In December 2006 agreement was reached between Parliament, the Council and the Commission on all our proposals. The various instruments which make up the general programmes 'Solidarity and management of migration flows' and 'Security and safeguarding liberties' were then adopted, or will shortly be adopted following legal-linguistic verification of the texts. This is also the case for the programmes 'Fundamental rights and citizenship' and 'Criminal justice', which form part of the general programme 'Fundamental rights and justice'.

However, there is still some disagreement between the Commission and the Council, on the one hand, and Parliament, on the other, concerning the specific programmes 'Civil justice' and 'Drugs prevention and information' which is preventing for the moment the adoption of these programmes at second reading. As you know, that disagreement is linked to the comitology procedure applicable.

I know that Parliament, like the Council and the Commission, has always acknowledged and emphasised the significance of these programmes and attaches great importance to their implementation. I myself have repeatedly highlighted the importance of these financial programmes. In terms of their substance and their funding, they represent a response to very specific expectations voiced by the professional groups concerned and the public in general. It is essential, therefore, that we should overcome this disagreement very quickly so that the two programmes in question can be implemented before the end of this year, since any further delay in their adoption would certainly jeopardise the disbursement of the expenditure earmarked for 2007 in the areas of civil justice and drugs prevention.

The Commission attaches great importance to the new comitology procedure introduced in 2006, which confers additional rights on Parliament, and is considering very carefully whether it applies to each of the measures concerned. Its view, one shared by the Council, moreover, is that it does not apply to the programmes 'Civil justice' and 'Drugs prevention and information'.

I should like to point out, however, that as long ago as January the Commission put forward a compromise solution designed to take account of Parliament's wish to be kept fully informed. In a letter of 25 January 2007 I thus proposed, on an exceptional basis, that the Commission should give a political undertaking to comply with Parliament's wishes by providing it, in good time, with full information about the annual work programmes. I also indicated my willingness, and that of my staff, to attend a meeting of the LIBE committee and answer its questions on that subject, if the committee so wished. This undertaking on the part of the Commission would consolidate Parliament's 'right of scrutiny', as enshrined in the 1999 comitology decision, by ensuring that it is fully informed of developments at all stages in the

procedure for the adoption of the annual programmes.

At a meeting held at Mrs Segelström's invitation in early February 2007, attended by my staff and representatives of the German Presidency, Parliament welcomed the proposals in principle. At that meeting, the Commission confirmed its willingness to formally set out its undertaking vis-à-vis Parliament in a declaration annexed to the programme. Unfortunately no further progress has been possible since then.

In the meantime, the Council is preparing to adopt common positions on the two programmes, following the political agreement reached on 20 April 2007.

As you know, the purpose of these programmes is to co-finance projects carried out chiefly by NGOs and to implement measures of public interest in the areas concerned. For example, in addition to implementing specific projects with a European dimension or supporting the work of NGOs, the aim is to fund measures covered by the Drugs Action Plan (2005-2008), to enable the European judicial network to continue its activities or to subsidise associations whose names have been put forward by Parliament itself.

The beneficiaries of these actions would not understand the reasons for any further delay in adopting the programmes.

In addition, a further delay in adopting the programmes might jeopardise measures such as the comparative law study of the sensitive topic of international adoption or the preparation of a reference framework in the area of European contract law. In the specific area of drugs prevention, dialogue with civil society, through the establishment and funding of a forum, would also be called into question.

In the light of the undertaking given by the Commission and the need to implement the new financial programmes without delay, I would ask you to reconsider our proposals so that the programmes can be adopted promptly.

(Closing formula and signature)

PROCEDURE

Title	Specific programme: Civil justice (2007-2013)						
References	08699/2/2007 - C6-0179/2007 - 2005/0040(COD)						
Date of Parliament's first reading – P number	14.12.2006 T6-0580/2006						
Commission proposal	COM(2005)0122 - C6-0096/2005						
Date receipt of common position announced in plenary	21.6.2007						
Committee responsible Date announced in plenary	LIBE 21.6.2007						
Rapporteur(s) Date appointed	Inger Segelström 6.6.2005						
Discussed in committee	27.6.2007						
Date adopted	27.6.2007						
Result of final vote	<table> <tr> <td>+: </td><td>49</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	49	–:	0	0:	0
+:	49						
–:	0						
0:	0						
Members present for the final vote	Alexander Alvaro, Alfredo Antoniozzi, Kathalijne Maria Buitenweg, Giuseppe Castiglione, Giusto Catania, Carlos Coelho, Fausto Correia, Elly de Groen-Kouwenhoven, Panayiotis Demetriou, Bárbara Dührkop Dührkop, Kinga Gál, Patrick Gaubert, Roland Gewalt, Lilli Gruber, Adeline Hazan, Jeanine Hennis-Plasschaert, Livia Járóka, Ewa Klamt, Roger Knapman, Magda Kósáné Kovács, Wolfgang Kreissl-Dörfler, Barbara Kudrycka, Stavros Lambrinidis, Henrik Lax, Dan Mihalache, Viktória Mohácsi, Claude Moraes, Javier Moreno Sánchez, Athanasios Pafilis, Luciana Sbarbati, Inger Segelström, Károly Ferenc Szabó, Vladimir Andreev Urutchev, Ioannis Varvitsiotis, Manfred Weber, Tatjana Ždanoka						
Substitute(s) present for the final vote	Adamos Adamou, Edit Bauer, Simon Busuttil, Gérard Deprez, Koenraad Dillen, Iratxe García Pérez, Ignasi Guardans Cambó, Sylvia-Yvonne Kaufmann, Metin Kazak, Jörg Leichtfried, Marianne Mikko, Herbert Reul, Rainer Wieland						