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*****I**

REPORT

on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters
(COM(2008)0380 – C6-0248/2008 – 2008/0122(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Ona Juknevičienė

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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters
(COM(2008)0380 – C6-0248/2008 – 2008/0122(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0380),
 - having regard to Article 251(2) and Articles 61(c) and 67(5), second indent of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0248/2008),
 - having regard to Articles 61(d) and 66 of the EC Treaty,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 51 and 35 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A6-0457/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

AMENDMENTS BY PARLIAMENT*

to the Commission proposal for a

Decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters

* Political amendments: new or replacement text is marked in bold italics and deletions are indicated by the symbol **||**. Technical corrections and adaptations by the services: new or replacement text is marked in italics and deletions are indicated by the symbol **||**.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular *Articles* 61(c) *and (d) and 66* and the second indent of Article 67(5) thereof,

Having regard to the proposal from the Commission **||**,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

Whereas:

- (1) The European Judicial Network in civil and commercial matters between the Member States was established by Council Decision 2001/470/EC of 28 May 2001³ because it was considered that the establishment of an area of freedom, security and justice entailed the need to improve, simplify and expedite judicial cooperation between Member States. The date of application of that Decision was 1 December 2002.
- (2) The Hague Programme on strengthening freedom, security and justice in the European Union, adopted by the European Council on 4 and 5 November 2004⁴, calls for additional efforts to facilitate citizens' access to justice and judicial cooperation in civil matters. In particular, it focuses on the effective implementation of instruments on civil justice adopted by the European Parliament and the Council and the promotion of cooperation between members of the legal professions with a view to defining best practices.
- (3) In accordance with Article 19 of Decision 2001/470/EC, the Commission presented on 16 May 2006 a report on the Network's operation⁵. The report concluded that, although the Network had generally met the objectives set in 2001, it was still a long way from having **||** developed its full potential.
- (4) In order to achieve the objectives of the Hague Programme as regards improving judicial cooperation and citizens' access to justice and to take on the expected increase in the Network's tasks in the years ahead, the Network *should* have *a* legal framework *better suited to increasing its* means of action **||** .

¹ (Not yet published in the Official Journal).

² Position of the European Parliament of ... of ... 2008.

³ OJ L 174, 27.6.2001, p. 25.

⁴ OJ C 53, 3.3.2005, p. 1.

⁵ Report of 16 May 2006 from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters (COM(2006)0203).

- (5) It is **essential** to achieve better *operating conditions for the Network* in the Member States *through* national contact *points* and thus to reinforce the **role of the contact points** both within the Network and in relation to judges **and legal professions**.
- (6) *To this end, the Member States should assess the resources which they need to make available to the contact points so that they can fully carry out their duties. The internal distribution of competences in the Member States concerning the financing of activities of the national members of the Network should not be affected by this Decision.*
- (7) To achieve this, there needs to be a **contact point or points** in each Member State *capable of performing* the functions assigned to *them*. *If there is more than one contact point, the Member State should ensure effective coordination between them.*
- (8) In future, where the law of another Member State is designated by a Community instrument or an international convention, the Network's contact points *should take part* in informing the judicial and extra-judicial authorities in the Member States of the content of that foreign law.
- (9) Contact points *should* process requests for *judicial* cooperation fast enough to be compatible with the Decision's general objectives.
- (10) *For the purposes of calculating time limits as provided for in this Decision, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits¹ should apply.*
- (11) *The purpose of the electronic register is to provide information with a view to assessing the performance of the Network and the practical application of Community instruments. Therefore it should not include all the information exchanged between the contact points.*
- (12) **The legal professions, in particular lawyers, notaries, bailiffs, solicitors or barristers,** directly involved in the application of Community and international instruments concerning civil justice *may* become members of the Network through their national organisations *in order to contribute, with the contact points, to some of the Network's specific tasks and activities.*
- (13) To further develop the Network's functions regarding access to justice, the contact points in the Member States should *contribute towards providing* the public *with general information, using the most appropriate technological facilities and at least by providing, on the website of the Member States' ministries of justice, a link to the website of the European Judicial Network and to the authorities responsible for actual application of the instruments. This Decision should not be interpreted as imposing on the Member States an obligation to allow direct access by the public to the contact points.*

¹ *OJL 124, 8.6.1971, p. 1.*

- (14) *When implementing this Decision, account should be taken of the gradual introduction of the European e-Justice system which is intended, in particular, to facilitate judicial cooperation and citizens' access to justice.*
- (15) In order to improve mutual confidence between judges in the European Union and synergies between the European networks involved, the Network **should** maintain ongoing relations with the other European networks **which** share its objectives, in particular the networks of judicial institutions and judges.
- (16) To promote international judicial cooperation, the Network **should** develop contacts with the other judicial cooperation networks in the world and with the international organisations **which** promote international judicial cooperation.
- (17) To allow regular monitoring of progress in achieving the objectives of this Decision, the Commission should present reports to the European Parliament and the Council on the Network's activities.
- (18) Council Decision 2001/470/EC should be amended accordingly.
- (19) *Since the objectives of **this Decision** cannot be sufficiently achieved by the Member States and can therefore, **by reason of the scale and effects of this Decision**, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve *those* objectives.*
- (20) || The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Decision. ||
- (21) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and *to* the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision **and** is not **bound by it** or **subject to its application**,

HAVE ADOPTED THIS DECISION:

Article 1

Decision 2001/470/EC is amended as follows:

- 1) Article 2 is amended as follows:
 - (a) Paragraph 1 is amended as follows:

(i) in point (c), the words “cooperation in civil and commercial matters” are replaced by the words “judicial cooperation in civil and commercial matters”;

(ii) the following point (e) is added:

“(e) professional associations representing at national level in the Member States ■ legal practitioners directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters.”;

(b) *In paragraph 2, the following subparagraph is added:*

■

“If the contact point designated under *this paragraph* is not a judge, the Member State concerned shall *provide for effective liaison with the national judiciary. To facilitate this, a Member State may* designate a judge to *support this function*. This judge shall be a ■ member of the Network.”;

(c) *The following paragraph 2a is inserted:*

“*2a. Member States shall ensure that the contact point has sufficient and appropriate facilities in terms of staff, resources and modern means of communication to adequately fulfil its tasks as a contact point.*”;

(d) *The following paragraph 4a is inserted:*

“*4a. Member States shall determine the professional associations referred to in point (e) of paragraph 1. To that end, they shall obtain the agreement of the professional associations concerned on their participation in the Network.*

Where there is more than one association representing a legal profession in a Member State, it shall be the responsibility of that Member State to provide for appropriate representation of that profession on the Network.”;

(e) ■ Paragraph 5 is amended as follows:

(i) *The introductory part is replaced by the following:*

“*The Member States shall notify the Commission, in accordance with Article 20, of the names and full addresses the authorities referred to in paragraphs 1 and 2, specifying:*”;

(ii) *point (c) is replaced by the following:*

“(c) where appropriate, their specific functions in the Network, including, where there is more than one contact point, their specific responsibilities.”;

2) Article 3 is amended as follows:

(a) In paragraph 1, point (b) is replaced by the following:

“(b) facilitating the effective access of the public to justice, through measures providing information on the working of Community and international instruments concerning judicial cooperation in civil and commercial matters.”;

(b) Paragraph 2 is amended as follows:

(i) point (b) is replaced by the following:

“(b) the effective and practical application of Community instruments or conventions in force between two or more Member States in particular, where the law of another Member State is applicable, the courts or authorities responsible for the case can apply to the Network for information on the content of that law;”;

(ii) point (c) is replaced by the following:

“(c) the establishment, maintenance and promotion of an information system for the public on judicial cooperation in civil and commercial matters in the European Union, relevant Community and international instruments and the domestic law of the Member States, with particular reference to access to justice.

The main source of information shall be the Network’s website containing up to date information in all official languages of the institutions of the Union.”;

3) Article 5, paragraph 2 is amended as follows:

(a) the following point (-a) is inserted:

“(a) ensure that the local judicial authorities receive general information concerning the Community and international instruments relating to judicial cooperation in civil and commercial matters. In particular, it shall ensure that the Network, including the website of the Network, is better known to the local judicial authorities;”;

(b) the following point (aa) is inserted:

“(aa) supply any information to facilitate application of the law of another Member State that is applicable under a Community or international instrument. To this end, the contact point to which such a request is addressed may draw on the support of any of the other authorities in its Member State referred to in Article 2 in order to supply the information requested. The information contained in the reply shall not be binding on the contact point, the authorities consulted or the authority which made the request;”;

(c) the following point (ca) is inserted:

“(ca) **contribute to generally informing** the public, **through the Network’s website**, on judicial cooperation in civil and commercial matters in the European Union, **and on** relevant Community and international instruments and the domestic law of the Member states, with particular reference to access to justice;”;

(d) the following points (f) and (g) are added:

“(f) **ensure coordination between members of the Network at national level;**”;

“(g) draw up a two-yearly report on their activities, **including best practices in the Network, where appropriate**, submit it at a meeting of the members of the Network, **and draw specific attention to possible improvements in the Network.**”;

4) **The following Article 5a is inserted:**

“Article 5a

Professional associations

1. **In order to contribute to the accomplishment of the tasks provided for by Article 3, the contact points shall have appropriate contacts with the professional associations mentioned in Article 2(1)(e), in accordance with rules to be determined by each Member State.**
2. **In particular, the contacts referred to in paragraph 1 may include the following activities:**
 - (a) **exchanges of experience and information as regards the effective and practical application of Community and international instruments;**
 - (b) **collaboration in the preparation and updating of the information sheets referred to in Article 15;**
 - (c) **participation in relevant meetings by professional associations mentioned in Article 2(1)(e).**

- 3) ***Professional associations shall not request information from contact points relating to individual cases.***”;
- 5) The following subparagraph is added to Article 6, *paragraph 2*:
- “To this end, █ each Member State shall ***ensure, in accordance with the procedures to be determined by it, that the contact point(s) and competent authorities have the means to meet on a regular basis.***”;
- 6) ***In Article 7, paragraph 1, the words “an official language of the institutions of the European Community” are replaced by “an official language of the institutions of the Union”;***
- 7) Article 8 is replaced by the following:
- “Article 8
- █ Processing of requests for judicial cooperation
1. The contact points shall respond to all requests submitted to them without delay and at the latest within ***fifteen days*** of receipt thereof. If a contact point cannot reply to a request within ***fifteen days*** of receipt thereof, it shall inform the requester briefly of this fact, indicating how ***much time*** it considers it will need to reply ***but this period shall, as a rule, not exceed thirty days.***
 2. In order to respond as efficiently and rapidly as possible to the requests referred to in paragraph 1, the contact points shall use the most appropriate technological facilities made available to them by the Member States.
 3. The Commission shall keep a secure, limited-access electronic register of the requests for judicial cooperation and replies referred to in Article 5(2)(a), ***(aa)***, (b) ***and (c)*** █. The contact points shall ensure that the information necessary for the establishment and operation of this system is supplied regularly to the Commission.
 4. The Commission shall supply the contact points with information on the judicial cooperation requests and replies referred to in paragraph 3 at least once every six months.”;

8) █ Article 9 ***is amended as follows:***

(a) Paragraph 1 is replaced by the following:

“1. The contact points of the Network shall meet at least once every six months, in accordance with Article 12.;

(b) Paragraph 2 is replaced by the following:

“2. Each Member State shall be represented at these meetings by one or more contact points, who may be accompanied by other members of the Network, but there shall be no more than six representatives per Member State.”;

(c) Paragraph 3 is deleted;

9) The following Article 11a is inserted:

“Article 11a

Participation of observers at Network meetings

1. Without prejudice to Article 1(2), Denmark may be represented at the meetings referred to in Articles 9 and 11.
2. The accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party to **international agreements on judicial cooperation** in civil and commercial matters **concluded by the European Community** may also **be invited to** attend certain Network meetings as observers.
3. Each observer State may be represented at the meetings by one or more persons, but under no circumstances may there be more than three representatives per State.”;

10) The following Article 12a is inserted *at the end of Title II*:

“Article 12a

Relations with other networks and international organisations

1. The Network shall maintain relations **and share experiences and best practices** with the other European networks that share its objectives, **such as** the European Judicial Network in criminal matters. **The Network shall also maintain such relations with** the European Judicial Training Network **with a view to promoting, where appropriate and without prejudice to national practices, training sessions on judicial cooperation in civil and commercial matters for the benefit of the local judicial authorities of the Member States.**
2. The Network shall maintain relations with the European Consumer Centres Network (ECC Net). In particular, in order to supply any **general information on the working of Community and international instruments** to facilitate consumer

access to justice, the contact points of the European Judicial Network in civil and commercial matters shall be at the disposal of the *members* of ECC Net.

3. In order to meet its responsibilities under Article 3 concerning international instruments on judicial cooperation in civil and commercial matters, the Network shall maintain contact and exchanges of experience with the other judicial cooperation networks established between third countries and with international organisations that promote international judicial cooperation.
4. The Commission, in close cooperation with the Presidency of the Council and the Member States, shall be responsible for implementing the provisions of this Article.”;

11) The heading of Title III is replaced by the following:

“TITLE III

INFORMATION AVAILABLE WITHIN THE NETWORK, AND INFORMATION PROVIDED TO THE PUBLIC” ;

12) *In Article 13, paragraph 1, the following point (c) is added* ¶ :

“(c) the information referred to in Article 8.”;

13) The following Article 13a is inserted:

“Article 13a

Provision of *general* information to the public ¶

The *Network* shall *contribute towards providing* the public *with general information*, using the most appropriate technological facilities to inform it about the content and application of Community or international instruments on judicial cooperation in civil and commercial matters ¶ .

To that end, and without prejudice to the provisions of Article 18, the contact points shall promote to the public the information system referred to in Article 14.”;

14) *In Article 17, paragraph 4, point (b) is replaced by the following:*

“(b) arrange ¶ for the translation into the official languages of the *institutions* of the *Union* of information on the relevant aspects of Community law and procedures, including Community case law, and of the information system’s general pages and the information sheets referred to in Article 15, and install them on the Network’s dedicated site.”;

15) *In Article 18, paragraph 4, the word “progressively” is deleted;*

16) Article 19 is replaced by the following:

“Article 19

Evaluation

No later than ...*, and every three years thereafter, the Commission shall present to the European Parliament, the Council and the *European Economic and Social Committee* a report on the activities of the Network. This report shall be accompanied, if need be, by proposals for adaptations **and shall include the Network’s activities to progress with the design, development and implementation of European e-Justice, particularly from the point of view of facilitating citizens’ access to justice.**”;

17) Article 20 is replaced by the following:

“Article 20

Notification

No later than ...**, the Member States shall notify the Commission of the information referred to in Article 2(5).”.

Article 2

Entry into force

This Decision shall enter into force on [...]

It shall apply from [...], except for Articles 2 and 20, which shall apply from the date of notification of the Decision to the Member States to which it is addressed.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at ||

For the European Parliament

For the Council

The President

The President

* *Three years after the date of application of this Decision.*

** *Six months before the date of application of this Decision.*

DECLARATION ON THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

The European Parliament and the Council invite the Commission to ask representatives of the Court of Justice, at the level and in the way which the Court deems appropriate, to attend meetings of the European Judicial Network on civil and commercial matters.

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

18.11.2008

Mr Gérard Deprez
Chair
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on the legal basis of the proposal for a Decision of the European Parliament and the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters (COM(2008)0380 – C6-0248/2008 – 2008/0122(COD))

Dear Mr Deprez,

It has come to the attention of the Committee on Legal Affairs that, in the course of the final negotiations with the Council with a view to a first reading agreement on the proposed Decision of the European Parliament and the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters, the Council has proposed changing the legal basis from Article 61(c) and the second indent of Article 67(5) of the EC Treaty to Article 61(c) *and (d) and Article 66* and the second indent of Article 67(5).

The committee considered that, in view of the urgency, the matter should be taken up on the committee's own initiative pursuant to Rule 35(3) of the Rules of Procedure and it was duly considered at its extraordinary meeting held at Strasbourg on 17 November 2008.

The committee noted that the provisions proposed to be added to the legal basis were as follows:

Point (d) of Article 61:

(d) appropriate measures to encourage and strengthen administrative cooperation, as provided for in Article 66;

and Article 66:

The Council, acting in accordance with the procedure referred to in Article 67, shall take measures to ensure cooperation between the relevant departments of the administrations of the Member States in the areas covered by this title, as well as between those departments and the Commission.

It appears that this addition is more in the nature of a correction in so far as the Council's

proposal reflects the precise legal basis of the original Decision 2001/470/EC which the proposal for a decision under consideration proposes to amend.

Although Article 66 is still subject to the consultation procedure, rather than codecision, the committee considered that these additions do not have any substantive effect and can therefore be approved.

Conclusion

At its meeting of 17 November 2008 the Committee on Legal Affairs accordingly decided, unanimously¹, to recommend to you that the proposal for a Decision of the European Parliament and the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters should be based on Article 61(c) and (d) and Article 66 and the second indent of Article 67(5) of the EC Treaty.

Yours sincerely,

Giuseppe Gargani

¹ The following were present for the final vote: Giuseppe Gargani (Chair), Rainer Wieland (Vice-Chair), Lidia Joanna Geringer de Oedenberg (Vice-Chair), Diana Wallis (Rapporteur), Ieke van den Burg, Carlo Casini, Bert Doorn, Monica Frassoni, Jean-Paul Gauzès, Neena Gill, Othmar Karas, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Manuel Medina Ortega, Aloyzas Sakalas, József Szájer, Jacques Toubon, Jaroslav Zvěřina, Tadeusz Zwiefka.

4.11.2008

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters
(COM(2008)0380 – C6-0248/2008 – 2008/0122(COD))

Rapporteur: Diana Wallis

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision – amending act

Recital 4

Text proposed by the Commission

(4) In order to achieve the objectives of the Hague Programme as regards improving judicial cooperation *and citizens' access to justice* and to take on the expected increase in the Network's tasks in the years ahead, the Network needs to have an updated legal framework to increase the means of action available to it.

Amendment

(4) In order to achieve the objectives of the Hague Programme as regards improving judicial cooperation and to take on the expected increase in the Network's tasks in the years ahead, the Network needs to have an updated legal framework to increase the means of action available to it.

Amendment 2

Proposal for a decision – amending act Recital 5

Text proposed by the Commission

(5) It is, firstly, essential to achieve better structuring of the Network's operation in the Member States around a national contact point and thus to reinforce the *latter's* role both within the Network and in relation to judges, *law practitioners and civil society*.

Amendment

(5) It is, firstly, essential to achieve better structuring of the Network's operation in the Member States around a national contact point *or points* and thus to reinforce the role *of the contact points* both within the Network and in relation to judges *and certain professional associations*.

Amendment 3

Proposal for a decision – amending act Recital 6

Text proposed by the Commission

(6) To achieve this, there needs to be a main contact point in each Member State *which devotes its time entirely* to the Network's tasks and *so can* fully *perform* the functions assigned to *it* by Decision 2001/470/EC.

Amendment

(6) To achieve this, there needs to be a main contact point *or points* in each Member State, *dedicated* to the Network's tasks and *thus* fully *capable of performing* the functions assigned to *the contact points* by Decision 2001/470/EC.

Amendment 4

Proposal for a decision – amending act Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) A special contact point should be set up at the Court of Justice of the European Communities in order to deal with queries of a general nature, in particular about the framing of references for preliminary rulings.

Amendment 5

Proposal for a decision – amending act Recital 7

Text proposed by the Commission

(7) In future, where the law of another Member State is designated by a Community instrument or an international convention, the Network's contact points must play an important role in informing the judicial and extra-judicial authorities in the Member States *of* the content of that *foreign* law.

Amendment

(7) In future, where the law of another Member State is designated by a Community instrument or an international convention, the Network's contact points must *be prepared to* play an important role in informing the judicial and extra-judicial authorities in the Member States *about* the content of that law.

Amendment 6

Proposal for a decision – amending act Recital 8

Text proposed by the Commission

(8) Contact points must process requests for cooperation *fast enough* to be compatible with the Decision's general objectives.

Amendment

(8) Contact points must process requests for cooperation *as efficiently and rapidly as possible so as* to be compatible with the Decision's general objectives.

Amendment 7

Proposal for a decision – amending act Recital 9

Text proposed by the Commission

(9) To achieve the objectives of Decision 2001/470/EC concerning improved judicial cooperation in the European Union and public access to justice, *the legal professions* directly involved in the application of Community and international instruments concerning civil justice *must* become members of the Network *through their national organisations*.

Amendment

(9) To achieve the objectives of Decision 2001/470/EC concerning improved judicial cooperation in the European Union and public access to justice, *such professional associations* directly involved in the application of Community and international instruments concerning civil justice *as are designated by the Member States may* become members of the Network.

Amendment 8

Proposal for a decision – amending act Recital 10

Text proposed by the Commission

(10) *To further **develop the Network’s functions regarding** access to justice, the contact points in the Member States should **also gradually be made more accessible to the public by means of modern communications facilities.***

Amendment

(10) ***In order** further **to facilitate** access to justice, the contact points in the Member States should **be encouraged to play an active role in the development of European e-Justice by contributing to the conception and design of the future portals, including the citizens’ e-Justice portal, as part of the Community’s e-justice policy, designed in particular to afford direct access to justice for citizens. As an initial step, the Internet sites of the national Ministries of Justice should include a link to the site of the European Judicial Network.***

Amendment 9

Proposal for a decision – amending act Recital 11

Text proposed by the Commission

(11) In order to improve mutual confidence between judges in the European Union and synergies between the European networks involved, the Network needs to be able to maintain ongoing relations with the other European networks that share its objectives, in particular the networks of judicial institutions **and** judges.

Amendment

(11) In order to improve mutual confidence between judges **or other legal professionals** in the European Union and synergies between the European networks involved, the Network needs to be able to maintain ongoing relations with the other European networks that share its objectives, in particular the networks of judicial institutions, judges **and legal professionals.**

Justification

It should be clearly stated, that cooperation with other official networks, including those of legal professionals should be enhanced.

Amendment 10

Proposal for a decision – amending act

Article 1 – point 1 – point a – point i a (new)

Decision 2001/470/EC

Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(ia) the following point (da) shall be added:

“(da) a special contact point at the Court of Justice of the European Communities in order to deal with queries of a general nature in relation to proceedings before that institution, in particular about the framing of references for preliminary rulings;”

Amendment 11

Proposal for a decision – amending act

Article 1 – point 1 – point a – point ii

Decision 2001/470/EC

Article 2 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) professional associations representing at national level in the Member States lawyers, notaries, bailiffs and other legal practitioners directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters.

(e) ***such*** professional associations representing at national level in the Member States lawyers, ***civil law*** notaries, bailiffs and other legal practitioners directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters ***as Member States may delegate with their consent in order to provide feedback on the operation of the civil justice system at European level and with the power to put questions relating to generic issues.***

Amendment 12

Proposal for a decision – amending act

Article 1 – point 1 – point b – point i

Decision 2001/470/EC

Article 2 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where a Member State designates several contact points, it shall designate **a** main contact **point** among them and shall ensure that appropriate coordination mechanisms apply between them. **The person designated as** sole contact point or **as** main contact point **of a** Member State **shall perform only** the contact point functions **provided for in this Decision to the exclusion of** any other functions, in particular those referred to in paragraph 1(b), (c), (d) and (e).

Amendment

Where a Member State designates several contact points, it shall designate **one or more** main contact **points** among them and shall ensure that appropriate coordination mechanisms apply between them. **Member States shall ensure that the** sole contact point or **the** main contact point **or points for each** Member State **are provided with the human and technological resources necessary to fulfil** the contact point functions **effectively and expeditiously without detracting from** any other functions, in particular those referred to in paragraph 1(b), (c), (d) and (e).

Amendment 13

Proposal for a decision – amending act

Article 1 – point 1 – point b – point ii

Decision 2001/470/EC

Article 2 – paragraph 2 – subparagraph 3

Text proposed by the Commission

If **the** contact point designated under the second subparagraph is not a judge, the **Member State concerned shall designate** a judge to assist it in its liaison tasks with the local judicial authorities. **This** judge **shall be a full member** of the Network.

Amendment

If **a** contact point designated under the second subparagraph is not a judge, the **contact point concerned may ask that** a judge **or judges be designated** to assist it in its liaison tasks with the local judicial authorities. **The** judge **or judges in question may be designated as full or ad hoc members** of the Network.

Amendment 14

Proposal for a decision – amending act

Article 1 – point 1 – point b a (new)

Decision 2001/470/EC

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph 2a shall be inserted:

“2a. The President of the Court of Justice of the European Communities shall designate the contact point referred to in paragraph 1, point (da).”

Amendment 15

Proposal for a decision – amending act

Article 1 – point 1 – point c a (new)

Decision 2001/470/EC

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ca) The following paragraph 4a is added:

“4a. Member States shall designate the professional associations referred to in paragraph 1(e). To that end, they shall obtain the agreement of the associations concerned regarding their participation in the Network.”

Amendment 16

Proposal for a decision – amending act

Article 1 – point 2 – point a

Decision 2001/470/EC

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(a) In paragraph 1, point (b) is replaced

deleted

by the following:

“(b) facilitating the effective access of the public to justice, in particular through measures providing information on the working of Community and international instruments concerning judicial cooperation in civil and commercial matters.”

Amendment 17

Proposal for a decision – amending act

Article 1 – point 2 – point b a (new)

Decision 2001/470/EC

Article 3 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The following point (ba) shall be inserted:

“(ba) the creation by it of an electronic portal for the purpose of accessing the case-law in civil and commercial matters of national supreme courts and national district courts of all the Member States with a view to the further development of judicial cooperation within the framework of the Network; the case-law in question shall be translated into the official languages of the European Community;”.

Amendment 18

Proposal for a decision – amending act

Article 1 – point 3 – point b – point ii

Decision 2001/470/EC

Article 5 – paragraph 2 – point c a

Text proposed by the Commission

Amendment

c)a inform the public ***on*** judicial cooperation in civil and commercial matters in the European Union, relevant Community and international instruments and the domestic law of the Member

ca) allow the public ***to have access to information about*** judicial cooperation in civil and commercial matters in the European Union, relevant Community and international instruments and the domestic

States, *with particular reference to access to justice*;

law of the Member States, *in particular through the provision on the Internet sites of the national Ministries of Justice of a link to the site of the European Judicial Network*;

Amendment 19

Proposal for a decision – amending act

Article 1 – point 3 – point b a (new)

Decision 2001/470/EC

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph 2 a is added:

“2a. The professional associations referred to in Article 2(1)(e) shall work with the contact points, in accordance with procedures to be laid down by each Member State, to perform the following tasks and activities assigned to the Network:

– facilitating judicial cooperation between Member States in civil and commercial matters;

– facilitating enforcement, to enable Community acts or conventions in force between two or more Member States to be effectively applied at the practical level by legal professionals;

– facilitating access to justice, for instance by helping, whenever necessary, to draw up and update the information sheets referred to in Article 15.

With a view to accomplishing the above tasks and disseminating their experience as widely as possible, the contact points shall remain regularly in communication with the professional associations.

To that end, the contact points shall supply them with general information about the implementation of Community

acts or international instruments on judicial cooperation in civil and commercial matters, excluding any information relating to an individual case.”

Amendment 20

Proposal for a decision – amending act

Article 1 – point 3 – point b – point iii

Decision 2001/470/EC

Article 5 – paragraph 2 – point f

Text proposed by the Commission

(f) draw up a two-yearly report on their activities and submit it at a meeting of the members of the Network.

Amendment

(f) draw up a two-yearly report on their activities and submit it at a meeting of the members of the Network. ***This report shall recommend best practices and draw specific attention to deficiencies in the Network.***

Amendment 21

Proposal for a decision – amending act

Article 1 – point 8

Decision 2001/470/EC

Article 12 a – paragraph 1

Text proposed by the Commission

1. The Network shall maintain relations with the other European networks that share its objectives, in particular the European Judicial Network in criminal matters and the European Judicial Training Network.

Amendment

1. The Network shall maintain relations with the other European networks that share its objectives, in particular the European Judicial Network in criminal matters, ***the European Notarial Network*** and the European Judicial Training Network.

Justification

The European Notarial Network is for the time being the first network created by a legal profession. As an example of good practice and in view of a stronger integration of the legal professions in the European judicial network, this example should be explicitly mentioned in the text of the decision.

Amendment 22

Proposal for a decision – amending act

Article 1 – point 11

Decision 2001/470/EC

Article 13 a

Text proposed by the Commission

The *Network's contact points* shall gradually be made more accessible to the public, using the most appropriate technological facilities to inform it about the content and application of Community or international instruments on judicial cooperation in civil and commercial matters **and, where necessary, to direct it to the authorities responsible for their actual application, in particular those referred to in Article 6.**

Amendment

The **information available on the European Judicial Network** shall gradually be made more accessible to the public, using the most appropriate technological facilities to inform it about the content and application of Community or international instruments on judicial cooperation in civil and commercial matters.

Amendment 23

Proposal for a decision – amending act

Article 1 – point 13

Decision 2001/470/EC

Article 19

Text proposed by the Commission

No later than [...] [*three years after the date of application of this Decision*], and every three years thereafter, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the activities of the Network. This report shall be accompanied, if need be, by proposals for **adaptations**.

Amendment

No later than [...] [*three years after the date of application of this Decision*], and every three years thereafter, the Commission shall present to the European Parliament, the Council and the **European Economic and Social Committee** a report on the activities of the Network. This report shall be accompanied, if need be, by proposals for **adaptation and shall specifically relate the Network's activities to progress with the design, development and implementation of European e-justice, particularly from the point of view of facilitating citizens' access to justice.**

PROCEDURE

Title	Establishment of a European Judicial Network in civil and commercial matters
References	COM(2008)0380 – C6-0248/2008 – 2008/0122(COD)
Committee responsible	LIBE
Opinion by Date announced in plenary	JURI 10.7.2008
Drafts(wo)man Date appointed	Diana Wallis 9.9.2008
Date adopted	4.11.2008
Result of final vote	+: 25 -: 0 0: 0
Members present for the final vote	Carlo Casini, Titus Corlăţean, Bert Doorn, Monica Frassoni, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Neena Gill, Othmar Karas, Klaus-Heiner Lehne, Katalin Lévai, Antonio López-Istúriz White, Antonio Masip Hidalgo, Hans-Peter Mayer, Manuel Medina Ortega, Aloyzas Sakalas, Francesco Enrico Speroni, Diana Wallis, Jaroslav Zvěřina, Tadeusz Zwiefka
Substitute(s) present for the final vote	Sharon Bowles, Eva Lichtenberger, Rareş-Lucian Niculescu, Georgios Papastamkos, József Szájer, Jacques Toubon, Renate Weber

PROCEDURE

Title	Establishment of a European Judicial Network in civil and commercial matters			
References	COM(2008)0380 – C6-0248/2008 – 2008/0122(COD)			
Date submitted to Parliament	23.6.2008			
Committee responsible Date announced in plenary	LIBE 10.7.2008			
Committee(s) asked for opinion(s) Date announced in plenary	JURI 10.7.2008			
Rapporteur(s) Date appointed	Ona Juknevičienė 15.9.2008			
Legal basis disputed Date of JURI opinion	JURI 17.11.2008			
Discussed in committee	9.9.2008	7.10.2008	5.11.2008	17.11.2008
Date adopted	17.11.2008			
Result of final vote	+: -: 0:	43 0 0		
Members present for the final vote	Alexander Alvaro, Catherine Boursier, Emine Bozkurt, Kathalijne Maria Buitenweg, Maddalena Calia, Giusto Catania, Jean-Marie Cavada, Fabio Ciani, Carlos Coelho, Elly de Groen-Kouwenhoven, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Claudio Fava, Armando França, Kinga Gál, Patrick Gaubert, Jeanine Hennis-Plasschaert, Wolfgang Kreissl-Dörfler, Stavros Lambrinidis, Roselyne Lefrançois, Baroness Sarah Ludford, Maria Grazia Pagano, Martine Roure, Sebastiano Sanzarello, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber, Tatjana Ždanoka			
Substitute(s) present for the final vote	Marco Cappato, Carlo Casini, Elisabetta Gardini, Monica Giuntini, Genowefa Grabowska, Luis Herrero-Tejedor, Sophia in 't Veld, Ona Juknevičienė, Sylvia-Yvonne Kaufmann, Jörg Leichtfried, Nicolae Vlad Popa, Luca Romagnoli, Stefano Zappalà			
Substitute(s) under Rule 178(2) present for the final vote	Inés Ayala Sender			