REPORT


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Birgit Sippel
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in *bold italics* in the left-hand column. Replacements are indicated in *bold italics* in both columns. New text is indicated in *bold italics* in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in *bold italics*. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in *bold italics* and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Consultation)

The European Parliament,

– having regard to the Commission recommendation to the Council (COM(2014)0685),
– having regard to Articles 3(4) and (5) of the Act of Accession of Croatia, pursuant to which the Council consulted Parliament (C8-0275/2014),
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0156/2015),

1. Approves the Commission recommendation;
2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
4. Instructs its President to forward its position to the Council and the Commission.
EXPLANATORY STATEMENT

The Act of 2012 concerning the conditions of accession of the Republic of Croatia to the European Union\(^1\) simplified its accession to the conventions and protocols concluded by the Member States on the basis of Article 34 of the Treaty on European Union (ex Article K.3 TEU). It is no longer necessary to negotiate and conclude specific accession protocols (which would have to be ratified by the 28 Member States): Article 3(4) and (5) of the Act of Accession simply state that Croatia accedes to the conventions and protocols by virtue of the Act.

Article 3(4) and (5) of the Act of Accession accordingly state that the Council will take a decision determining the date on which these conventions will enter into force in relation to Croatia and making all the adjustments required by reason of the accession of this new Member State to these conventions (including at the very least the adoption of the conventions in the Croatian language so that this version can be ‘equally authentic’). The Council will act on a recommendation by the Commission, after consulting the European Parliament.

Annex I to the Act of Accession lists the six conventions and protocols concerned in the area of justice and home affairs. The list includes the Convention of 29 May 2000, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union, and its Protocol of 16 October 2001, established by the Council in accordance with Article 34 of the Treaty on European Union, to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.

This Commission Recommendation for a Council Decision is intended to make the adjustments required by reason of the accession of Croatia to the aforementioned Convention and Protocol, in accordance with Article 3(4) and (5) of the Act of Accession.

In its referral, the General Secretariat of the Council has advised the General Secretariat of the Parliament of a technical error affecting the provision of the Commission recommendation relating to the date of entry into force of the Convention between Croatia and the member States. Indeed, according to Article 1 of the Recommendation, the Convention shall enter into force – between Croatia and the Member States for which the Convention is in force at that date – on the first day of the first month following the date of adoption of the decision. According to Article 3, the decision "shall take effect" on the twentieth day following that of its publication in the Official Journal.

These provisions might lead to a situation where the timeline becomes blurred. The requirement of publication is an essential procedural requirement. Without publication, an act is considered by the Court of Justice of the European Union as non-existent. Therefore, first, the decision should be adopted and published; it should then enter into force on the date specified in it. Finally, the Convention should enter into force, as a result of the decision.

\(^1\) OJ L 112, 24.4.2012, p. 10.
having been duly published and in force.

The General Secretariat of the Council has advised the General Secretariat of the Parliament that the Council will address this issue in accordance with its internal rules of procedure. Therefore, your Rapporteur recommends approving this Commission recommendation.
RESULT OF FINAL VOTE IN COMMITTEE

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<tr>
<th>Date adopted</th>
<th>6.5.2015</th>
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<tbody>
<tr>
<td><strong>Result of final vote</strong></td>
<td>46 0 0</td>
</tr>
<tr>
<td><strong>Members present for the final vote</strong></td>
<td>Michał Boni, Bodil Ceballos, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Monika Flasiková Beňová, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Filiz Hyusmenova, Sophia in ’t Veld, Eva Joly, Barbara Kudrycka, Kasseta Kyenge, Marju Lauristin, Roberta Metsola, Péter Niedermüller, Soraya Post, Birgit Sippel, Csaba Sógor, Helga Stevens, Traian Ungureanu, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský</td>
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<tr>
<td><strong>Substitutes present for the final vote</strong></td>
<td>Hugues Bayet, Andrea Bocskor, Pál Csáky, Dennis de Jong, Jeroen Lenaers, Nadine Morano, Salvatore Domenico Pogliese, Emil Radev, Christine Revault D’Allonnes Bonnefoy, Barbara Spinelli, Jaromír Štětina, Josep-Maria Terricabras, Axel Voss</td>
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<tr>
<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>Lynn Boylan, Rosa D’Amato, Jörg Leichtfried, Piernicola Pedicini</td>
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