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*Plenary sitting*

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**A9-0355/2023**

10.11.2023

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## **REPORT**

on the proposal for a Council decision on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation concerning family law matters  
(COM(2023)0064 – C9-0026/2023 – 2023/0027(CNS))

Committee on Legal Affairs

Rapporteur: Ilana Cicurel

### ***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

**on the proposal for a Council decision on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation concerning family law matters  
(COM(2023)0064 – C9-0026/2023 – 2023/0027(CNS))**

**(Special legislative procedure – consultation)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2023)0064)),
  - having regard to Article 2(1) and Article 81(3) of the Treaty on the Functioning of the European Union pursuant to which the Council consulted Parliament (C9-0026/2023),
  - having regard to Rule 82 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A9-0355/2023)
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a decision**

##### **Recital 2**

*Text proposed by the Commission*

(2) France provided information showing that ***it has a specific interest in negotiating the draft agreement transmitted to the Commission***, due to the exceptional economic, cultural, historical, social and political ties between France and

*Amendment*

(2) France provided information showing that due to the exceptional economic, cultural, historical, social and political ties between France and Algeria, ***France has a specific interest in negotiating a bilateral agreement with***

Algeria.

*Algeria, the draft of which was transmitted to the Commission.*

## Amendment 2

### Proposal for a decision Recital 8

#### *Text proposed by the Commission*

(8) **Most** of the matters to be dealt with in the draft agreement between France and Algeria affect the EU acquis, **in particular the EU legislation** concerning family law matters. Consequently, the matters covered by such international commitments fall within the Union's exclusive external competence. Member States may negotiate, or enter into, such commitments only if **empowered to do so by the Union in accordance with** Article 2(1) of the Treaty on the Functioning of the European Union (TFEU) **in conjunction** with the **substantive legal basis of** Article 81(3) TFEU.

#### *Amendment*

(8) **Certain** of the matters to be dealt with in the draft agreement between France and Algeria affect the **relevant** EU acquis concerning family law matters. Consequently, the matters covered by such international commitments fall within the Union's exclusive external competence. Member States may negotiate, or enter into, such commitments only if **they are granted under** Article 2(1) of the Treaty on the Functioning of the European Union (TFEU) **an empowerment by the Union legislator to do so, in accordance** with the **legislative procedure referred to in** Article 81(3) TFEU.

## Amendment 3

### Proposal for a decision Article 1 – paragraph 1 – indent 1

#### *Text proposed by the Commission*

— inform Algeria that the European Commission **shall** take part in the negotiations as an observer and will be informed of any progress and results achieved during the various stages of the negotiations;

#### *Amendment*

— inform Algeria that the European Commission **may** take part in the negotiations as an observer and will be informed of any progress and results achieved during the various stages of the negotiations;

## Amendment 4

### Proposal for a decision Article 1 – paragraph 1 – indent 2

*Text proposed by the Commission*

— encourage Algeria to consider accession to the core Conventions concerning family law matters developed by the Hague Conference on Private International Law and start **a serious** analysis of the **reasons** which **has** prevented Algeria to do so for the time being;

*Amendment*

— encourage Algeria to consider accession to the core Conventions concerning family law matters developed by the Hague Conference on Private International Law and start **an** analysis of the **most appropriate means to remove the obstacles** which **have** prevented Algeria to do so for the time being;

**Amendment 5**

**Proposal for a decision**

**Article 1 – paragraph 1 – indent 3**

*Text proposed by the Commission*

— inform Algeria that, after the conclusion of negotiations, an authorisation from the Council of the European Union is required before **the Parties are** allowed to conclude the agreement;

*Amendment*

— inform Algeria that, after the conclusion of negotiations, an authorisation from the Council of the European Union is required before **France is** allowed to conclude the agreement;

**Amendment 6**

**Proposal for a decision**

**Article 1 – paragraph 1 – indent 4**

*Text proposed by the Commission*

— inform Algeria that the authorisation from the Council of the European Union to conclude the agreement, following a proposal from the Commission, may provide that the agreement may have a limited validity in time (**for instance, five years**) and **may have** to be **reconsidered afterwards**;

*Amendment*

— inform Algeria that the authorisation from the Council of the European Union to conclude the agreement, following a proposal from the Commission, may provide that the agreement may have a limited validity in time, **possibly with a system of a tacit renewal** to be **indicated in the decision of the European Parliament and of the Council on the conclusion of the agreement**;

## Amendment 7

### Proposal for a decision

#### Article 1 – paragraph 1 – indent 4 a (new)

*Text proposed by the Commission*

*Amendment*

- *insert a provision providing for full or partial denunciation of the agreement or direct replacement of the relevant provisions in the agreement in the event of the conclusion of a subsequent agreement between the Union or the Union and its Member States, on the one hand, and Algeria, on the other hand, or Algeria's accession to the relevant Hague Conventions;*

## Amendment 8

### Proposal for a decision

#### Article 1 – paragraph 1 – indent 5

*Text proposed by the Commission*

*Amendment*

— insert a provision to the effect that the decisions recognised in France under this agreement cannot subsequently circulate in other EU Member States;

— insert a provision to the effect that the decisions recognised in France under this agreement cannot subsequently circulate in other EU Member States *under Union law*;

## Amendment 9

### Proposal for a decision

#### Article 1 – paragraph 1 – indent 6

*Text proposed by the Commission*

*Amendment*

— ensure that the provisions *concerning the right to refuse the service of documents are aligned with the provisions of Article 12(3) of the Service of Documents recast Regulation, meaning the addressee may refuse service of documents either at the time of service or within two weeks of the time of service*;

— ensure that the provisions *of the agreement negotiated with Algeria comply with the relevant Union acquis and Hague Conventions*;



## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation concerning family law matters						
<b>References</b>	COM(2023)0064 – C9-0026/2023 – 2023/0027(CNS)						
<b>Date Parliament was consulted</b>	17.2.2023						
<b>Committee responsible</b> Date announced in plenary	JURI 13.3.2023						
<b>Rapporteurs</b> Date appointed	Ilana Cicurel 26.6.2023						
<b>Discussed in committee</b>	19.9.2023						
<b>Date adopted</b>	24.10.2023						
<b>Result of final vote</b>	<table> <tr> <td>+: </td><td>24</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	24	–:	0	0:	0
+:	24						
–:	0						
0:	0						
<b>Members present for the final vote</b>	Pascal Arimont, Geoffroy Didier, Ibán García Del Blanco, Pierre Karleskind, Gilles Lebreton, Maria-Manuel Leitão-Marques, Sabrina Pignedoli, Jiří Pospíšil, Franco Roberti, Raffaele Stancanelli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann						
<b>Substitutes present for the final vote</b>	Alessandra Basso, Caterina Chinnici, Heidi Hautala, Antonius Manders, Catharina Rinzema, Kosma Złotowski						
<b>Substitutes under Rule 209(7) present for the final vote</b>	Clara Aguilera, Andrus Ansip, Estrella Durá Ferrandis, Katrin Langensiepen, Anne-Sophie Pelletier						
<b>Date tabled</b>	10.11.2023						

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

24	+
ECR	Raffaele Stancanelli, Kosma Złotowski
ID	Alessandra Basso, Gilles Lebreton
NI	Sabrina Pignedoli
PPE	Pascal Arimont, Caterina Chinnici, Geoffroy Didier, Antonius Manders, Jiří Pospíšil, Axel Voss, Marion Walsmann
Renew	Andrus Ansip, Pierre Karleskind, Catharina Rinzema, Adrián Vázquez Lázara
S&D	Clara Aguilera, Estrella Durá Ferrandis, Ibán García Del Blanco, Maria-Manuel Leitão-Marques, Franco Roberti
The Left	Anne-Sophie Pelletier
Verts/ALE	Heidi Hautala, Katrin Langensiepen

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention