



Plenary sitting

A9-0356/2023

10.11.2023

*****I**

REPORT

on the proposal for a decision of the European Parliament and of the Council
on an authorisation addressed to France to negotiate a bilateral agreement with
Algeria on matters related to judicial cooperation in civil and commercial
matters

(COM(2023)0065 – C9-0019/2023 – 2023/0028(COD))

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 decision of the European Parliament and of the Council on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters (COM(2023)0065 – C9-0019/2023 – 2023/0028(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0065),
 - having regard to Article 294(2) and Article 81(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0019/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0356/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Suggests that the act be cited as ‘the Ilana Cicurel Decision on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters’;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. 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 a bilateral agreement with Algeria***, due to the exceptional economic,

Amendment

(2) France provided information showing that due to the exceptional economic, cultural, historical, social and political ties between France and Algeria,

cultural, historical, social and political ties between France and Algeria.

France has a specific interest in negotiating a bilateral agreement with 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. 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(2) TFEU.***

Amendment

(8) ***Certain*** of the matters to be dealt with in the draft agreement between France and Algeria affect the ***relevant*** EU acquis ***on civil and commercial 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(2) TFEU.***

Amendment 3

Proposal for a decision Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In accordance with Article 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

Amendment 4

Proposal for a decision Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) In accordance with Article 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

Amendment 5

Proposal for a decision Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

France is hereby empowered to negotiate an agreement with Algeria on matters related to judicial cooperation in civil matters, provided that the following negotiating guidelines are followed:

France is hereby empowered to negotiate an agreement with Algeria on matters related to judicial cooperation in civil **and commercial** matters, provided that the following negotiating guidelines are followed:

Amendment 6

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

Text proposed by the Commission

Amendment

— 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;

— 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 7

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

Text proposed by the Commission

— encourage Algeria to consider accession to the core Conventions 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 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 8

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 European Parliament and 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 European Parliament and the Council of the European Union is required before *France is* allowed to conclude the agreement;

Amendment 9

Proposal for a decision

Article 1 – paragraph 1 – indent 4

Text proposed by the Commission

— inform Algeria that the authorisation from the European Parliament and 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 European Parliament and 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 10

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 11

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 12

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,¹¹ 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;***

¹¹ Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast), OJ L 405, 2.12.2020, p. 40–78

¹¹ Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast), OJ L 405, 2.12.2020, p. 40–78

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters						
References	COM(2023)0065 – C9-0019/2023 – 2023/0028(COD)						
Date submitted to Parliament	8.2.2023						
Committee responsible Date announced in plenary	JURI 13.2.2023						
Rapporteurs Date appointed	Ilana Cicurel 26.6.2023						
Discussed in committee	19.9.2023						
Date adopted	24.10.2023						
Result of final vote	<table> <tr> <td>+: </td><td>23</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	23	–:	0	0:	0
+:	23						
–:	0						
0:	0						
Members present for the final vote	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						
Substitutes present for the final vote	Alessandra Basso, Caterina Chinnici, Heidi Hautala, Antonius Manders, Catharina Rinzema, Kosma Złotowski						
Substitutes under Rule 209(7) present for the final vote	Clara Aguilera, Andrus Ansip, Estrella Durá Ferrandis, Katrin Langensiepen, Anne-Sophie Pelletier						
Date tabled	13.11.2023						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

23	+
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, Franco Roberti
The Left	Anne-Sophie Pelletier
Verts/ALE	Heidi Hautala, Katrin Langensiepen

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention