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AMENDMENTS
24 - 66

Draft report
Ona Juknevičienė
(PE414.369v01-00)

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

Proposal for a decision – amending act
(COM(2008)0380 – C6-0248/2008 – 2008/0122(COD))

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Amendment 24
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 1 – subpoint a – subpoint 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) ***where they wish to be members,*** 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.'

Or. en

Justification

Because these professional associations are independent organisations it is necessary to stipulate that they have a choice as to whether they join the Network.

Amendment 25
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 1 – subpoint b – subpoint i
Decision 2001/470/EC
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
'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***	'Where a Member State designates several contact points, it shall ***ensure that the specific responsibilities of each are notified to the Commission and*** that appropriate coordination mechanisms apply between them.'

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).'

Or. en

Justification

The organisation of contact points within Member States is a matter for Member States, and they should stipulate whether the contact points work full-time on Network business. The amendment reverts to the text in the 2001 Council Decision with the addition of the words in bold. Member States should be left to decide for themselves how their contact points liaise with their judiciary. It is unclear what is meant by 'full' member of the Network.

Amendment 26
Armando França

Proposal for a decision – amending act
Article 1 – point 1 – subpoint b – subpoint i
Decision 2001/470/EC
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
'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).'***	'Where a Member State designates several contact points, it shall ensure that appropriate coordination mechanisms apply between them.'

Or. en

Amendment 27
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 1 – subpoint b – subpoint ii
Decision 2001/470/EC
Article 2 – paragraph 1 – subparagraph 2 a

Text proposed by the Commission	*Amendment*
'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.'	If the contact point designated under the second subparagraph 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

Or. en

Justification

The organisation of contact points within Member States is a matter for Member States, and they should stipulate whether the contact points work full-time on Network business. The amendment reverts to the text in the 2001 Council Decision with the addition of the words in bold. Member States should be left to decide for themselves how their contact points liaise with their judiciary. It is unclear what is meant by 'full' member of the Network.

Amendment 28
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 1 – subpoint b a (new)
Decision 2001/470/EC
Article 2 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(ba) the following paragraph (2a) is added:
	'(2a) The Member States shall also ensure that their contact points have sufficient resources to adequately fulfil their tasks as contact points.'

Or. en

Amendment 29
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 1 – subpoint c
Decision 2001/470/EC
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
'3. The Member States shall identify the authorities referred to in points (b), (c) and (e) of paragraph 1. For the purposes of point 1(e), 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.'	'3. The Member States shall identify the authorities referred to in points (b), (c) and (e) of paragraph 1. For the purposes of point 1(e), ***the Member States shall determine the most appropriate legal professions and***, 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.'

Or. en

Justification

It would be useful for Member States to decide which of the professions should be members.

Amendment 30
Armando França

Proposal for a decision – amending act
Article 1 – point 1 – subpoint c
Decision 2001/470/EC
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
'3. The Member States shall identify the authorities referred to in points (b)***, (c) and (e)*** of paragraph 1. ***For the purposes of point 1(e), where there is more than one***	'3. The Member States shall identify the authorities referred to in points (b) ***and (c)*** of paragraph 1.'

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.'

Or. en

Amendment 31
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 1 – subpoint d a (new)
Decision 2001/470/EC
Article 2 – paragraph 5 – point c

Text proposed by the Commission	*Amendment*
	(da) Paragraph 5, point (c) shall be 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.

Or. en

Justification

In accordance with the amendment to the second sub-paragraph of Article 2(2).

Amendment 32
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 2 – subpoint a
Decision 2001/470/EC
Article 3 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
'(b) facilitating the effective access of the public to justice***, in particular*** through	'(b) facilitating the effective access of the public to justice through measures

measures providing information on the working of Community and international instruments concerning judicial cooperation in civil and commercial matters.'	providing information on the working of Community and international instruments concerning judicial cooperation in civil and commercial matters. ***Although the Network has an obligation to provide information to the public on Community and international instruments, this does not impose an obligation on Member States to allow the public direct access to the contact points.*** ***The main source of information is the Network's website but Member States are free to provide additional information. It is for those Member States to decide how such information should be provided.***'

Or. en

Justification

The provision of information to the public on Community and international instruments is important. However, this should not impose an obligation on Member States to allow direct access by the public to the contact points.

Amendment 33
Rainer Wieland

Proposal for a decision – amending act
Article 1 – point 2 – subpoint a
Decision 2001/470/EC
Article 3 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
'(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.'	'(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.'

Or. en

Justification

It is important to provide to the public information on Community and international instruments and to be aware of the obligation which has been placed on the Network by instruments such as Regulation (EC) No 861/2007 on Small Claims and Directive 2002/8/EC on Legal Aid. However, this should not impose an obligation on Member States to allow direct access by the public to the contact points.

Amendment 34
Armando França

Proposal for a decision – amending act
Article 1 – point 2 – subpoint b a (new)
Decision 2001/470/EC
Article 3 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
	(ba) 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 is the Network's website. The information provided on the website must be regularly updated and respect the principle of multilingualism.'*

Or. en

Amendment 35
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 2 a (new)
Decision 2001/470/EC
Article 4 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	2a). The following point (3a) is added to Article 4:
	'3a. it shall cooperate with the contact points of the Judicial Network in criminal matters where this is useful and in the common interest; if required, joint meetings of members of both networks shall be held. '

Or. en

Justification

Though both Networks function differently and serve different purposes, there can be similar problems with a view to the organisation of the Network and especially the work of the contact points. It is therefore useful to share experience and exchange views.

Amendment 36
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 3 – subpoint a
Decision 2001/470/EC
Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
'The contact points shall also be at the disposal of the local judicial authorities in their own Member State and the authorities referred to in Article 2(1)(e) ***for the same purposes, in accordance with rules to be determined by each Member State.***'	***'In accordance with rules to be determined by each Member State*** the contact points shall also be at the disposal of the local judicial authorities in their own Member State and***, on general matters regarding the application of Community and international instruments, to*** the authorities referred to in Article 2(1)(e). ***Only those members of the Network designated by the Member States under Article 2(1)(a) to (d) can raise queries on specific cases with the contact points.'***

Or. en

Justification

If the professional associations of legal practitioners are to become members of the Network the Decision has to clarify that such membership does not give lawyers direct access to the contact points on individual cases.

Amendment 37
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint i
Decision 2001/470/EC
Article 5 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
'(a) ***supply the other contact points, the authorities mentioned in Article 2(1)(b), (c), (d) and (e) and the local judicial authorities in their own Member State with all the information needed for sound judicial cooperation between the Member States in accordance with Article 3, in order to assist them in preparing operable requests for judicial cooperation and in establishing the most appropriate direct contacts; in particular, supply any information to facilitate application of the law of another Member State that is applicable to the dispute or situation 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.***'	'(a) ***liaise with the professional associations of legal practitioners identified in Article 2(3) in order to provide information on, and share general experience of, the working of Community and international instruments concerning judicial cooperation in civil and commercial matters.***'

Or. en

Amendment 38
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint 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 States, with particular reference to access to justice;'	***deleted***

Or. en

Amendment 39
Rainer Wieland

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint 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 States, with particular reference to access to justice;'	***deleted***

Or. en

Amendment 40
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b– subpoint 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 States, with particular reference to access to justice;'	'*(ca)* inform the public***, especially but not only through the website of the Network,*** 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;'

Or. en

Amendment 41
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint ii a (new)
Decision 2001/470/EC
Article 5 – paragraph 2 – point c b (new)

Text proposed by the Commission	*Amendment*
	(iia) the following point (c(b) is inserted:
	'(c(b) make the Network, including the website of the Network, better known to the local judicial authorities, especially judges dealing with judicial cooperation in civil and commercial law.'

Or. en

Amendment 42
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint ii b (new)
Decision 2001/470/EC
Article 5 – paragraph 2 – point c c (new)

Text proposed by the Commission	*Amendment*
	(ii(b) the following point (cc) is inserted:
	'(cc) promote the organisation of training sessions on judicial cooperation in civil and commercial matters for the benefit of the local judicial authorities of their Member States, where appropriate in cooperation with the European Judicial Training Network.'

Or. en

Amendment 43
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint ii c (new)
Decision 2001/470/EC
Article 5 – paragraph 2 – point c d (new)

Text proposed by the Commission	*Amendment*
	(iic) the following point (cd) is inserted:
	'(cd) make the website of the Network better known to the public.'

Or. en

Amendment 44
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint ii d (new)
Decision 2001/470/EC
Article 5 – paragraph 2 – point (e)

Text proposed by the Commission	*Amendment*
	(iid) point (e) is replaced by the following:
	'(e) assist with the preparation and updating of the information referred to in Title III, and in particular with the information system for the public, in accordance with the rules laid down in that Title*, by providing information on the domestic law of the Member States through the website of the Network*.'

Or. en

Amendment 45
Rainer Wieland

Proposal for a decision – amending act
Article 1 – point 3 – subpoint b – subpoint ii d (new)
Decision 2001/470/EC
Article 5 – paragraph 2 – point (e)

Text proposed by the Commission	*Amendment*
	(iid) point (e) is replaced by the following:
	'(e) assist with the preparation and updating of the information referred to in Title III, and in particular with the information system for the public, in accordance with the rules laid down in that Title, *by providing information on the domestic law of the Member States through the website of the Network*,.'

Or. en

Justification

The only obligation on the contact points to provide information on domestic law is through the Network's website. While Member States can decide that they want the contact points to be available to provide such information that must be for the Member States to decide for themselves. Similarly, while some Member States allow direct access by the public to the contact points, that should not place an obligation on all Member States. The Network's

website remains the best source for such information.

Amendment 46
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 4 – subpoint -i (new)
Decision 2001/470/EC
Article 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
	(-i) In article 6, subparagraph 2 is replaced by the following:
	'*2. In each Member State the authorities provided for by Community or international instruments relating to judicial cooperation in civil and commercial matters and the contact points of the Network shall engage in regular exchanges of views and contacts *including, where necessary, meetings* to ensure that their respective experience is disseminated as widely as possible.*'

Or. en

Justification

The liaison between the contact points and central authorities should be for Member States to decide for themselves. It is unnecessary to impose an administrative burden to organise meetings just for the sake of them.

Amendment 47
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 4 a
Decision 2001/470/EC
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
	4a) In article 7, paragraph 1 shall be replaced by the following:
	'1. To facilitate the practical operation of the Network, each Member State shall ensure that the contact points have adequate knowledge of an official language of the institutions of the *Union* other than their own, given that they need to be able to communicate with the contact points in other Member States.'

Or. en

Amendment 48
Rareş-Lucian Niculescu

Proposal for a decision – amending act
Article 1 – point 5
Decision 2001/470/EC
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The contact points shall respond to all requests submitted to them without delay and at the latest within ten days of receipt thereof. If a contact point cannot reply to a request within ten days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply.	1. The contact points shall respond to all requests submitted to them without delay and at the latest within ten days of receipt thereof. If a contact point cannot reply to a request within ten days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply. ***Under no circumstances should this period exceed 30 days.***

Or. fr

Justification

A fixed deadline must be set to avoid any successive postponements, even if these are due to the complex nature of the request.

Amendment 49
Armando França

Proposal for a decision – amending act
Article 1 – point 5
Decision 2001/470/EC
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The contact points shall respond to ***all*** requests submitted to them without delay and at the latest within ***ten*** days of receipt thereof. If a contact point cannot reply to a request within ***ten*** days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply.	1. The contact points shall respond to requests ***on matters concerning judicial cooperation*** 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 long it considers it will need to reply.

Or. en

Amendment 50
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 5
Decision 2001/470/EC
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The contact points shall respond to all requests submitted to them without delay and at the latest within ***ten*** days of receipt thereof. If a contact point cannot reply to a request within ***ten*** days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply.	1. The contact points shall respond to all requests submitted to them without delay and at the latest within ***fifteen working*** days of receipt thereof. If a contact point cannot reply to a request within ***fifteen working*** days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply.

Or. en

Justification

The provision of target times is an effective way of ensuring the Network improves its performance. 15 working days provided a more realistic deadline.

Amendment 51
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 5
Decision 2001/470/EC
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The contact points shall respond to all requests submitted to them without delay and at the latest within ten days of receipt thereof. If a contact point cannot reply to a request within ten days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply.	1. The contact points shall respond to all requests submitted to them without delay and at the latest within ten ***working*** days of receipt thereof. If a contact point cannot reply to a request within ten ***working*** days of receipt thereof, it shall inform the requester briefly of this fact, indicating how long it considers it will need to reply.

Or. en

Amendment 52
Rareş-Lucian Niculescu

Proposal for a decision – amending act
Article 1 – point 5
Decision 2001/470/EC
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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***, with the financial assistance of the European Union***.

Or. fr

Justification

Judicial cooperation in civil and commercial matters is an objective of common interest for the European Union and the Member States.

Amendment 53
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 5
Decision 2001/470/EC
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
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), (b), (c) and (c)a and Article 13a***. The contact points shall ensure that the information necessary for the establishment and operation of this system is supplied regularly to the Commission.	3. The Commission shall keep a secure, limited-access electronic register of the requests for judicial cooperation and replies referred ***through the Network***. The contact points shall ensure that the information necessary for the establishment and operation of this system is supplied regularly to the Commission.

Or. en

Justification

The majority of contact points will not receive queries direct from the public and that this provision can be simplified without the need to refer to the different types of request that can be recorded.

Amendment 54
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 7
Decision 2001/470/EC
Article 11 a – paragraph 2

Text proposed by the Commission	*Amendment*
2. The accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party ***to the Convention on jurisdiction and the recognition and enforcement of judgments*** in civil and commercial matters ***signed at Lugano on 30 October 2007*** may also attend certain Network meetings as observers.	2. The accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party to ***international instruments concluded by the European Community*** in civil and commercial matters may also ***be invited to*** attend certain Network meetings as observers.

Or. en

Amendment 55
Armando França

Proposal for a decision – amending act
Article 1 – point 7
Decision 2001/470/EC
Article 11 a – paragraph 2

Text proposed by the Commission	*Amendment*
2. The accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party to ***the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007*** may also attend certain Network meetings as observers.	2. The accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party to ***international instruments on judicial cooperation in civil and commercial matters concluded by the European Community*** may also ***be invited to*** attend certain Network meetings as observers.

Or. fr

Amendment 56
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 8
Decision 2001/470/EC
Article 12 a – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) The Network shall establish close relations with the European Court of Justice and the Court of First Instance.

Or. en

Amendment 57
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 8
Decision 2001/470/EC
Article 12 a – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Network shall maintain relations with the European Consumer Centres Network (ECC Net). In particular, in order to supply any information necessary 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 ***contact points*** of ECC Net.	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*** necessary 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.

Or. en

Justification

To ensure that the contact points will not be placed at risk of having to provide legal advice on specific cases, this paragraph should clarify that the ECC Net can only raise general queries with the Network's contact points. References to ECC Net are technically correct (rather than references to contact points).

Amendment 58
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 9
Decision 2001/470/EC
Title III - Heading

Text proposed by the Commission	*Amendment*
Information available within the Network and information ***provided to*** the public'	Information available within the Network, and information ***system for*** the public'

Or. en

Justification

The Network's website should be the main source of information for the public so the title should revert to the wording in the 2001 Council Decision.

Amendment 59
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 11
Decision 2001/470/EC
Article 13 a

Text proposed by the Commission	*Amendment*
'Article 13a	***deleted***
Provision of information to the public by the contact points	
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.'	

Or. en

Justification

The obligations on the contact points under this provision are not clear. Whilst it is important to provide information to the public on Community and international instruments, the main source of this information should remain the Network's website. While it is an example of best practice for Member States to provide information which is tailored to their legal systems, how they do that should be left to Member States to decide. There should be no obligation on the Network's contact points to provide such information.

Amendment 60
Rainer Wieland

Proposal for a decision – amending act
Article 1 – point 11
Decision 2001/470/EC
Article 13 a

Text proposed by the Commission	*Amendment*
Provision of information to the public ***by the contact points***	***Availability*** of information to the public
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***.'	The ***Network*** shall ***use*** the most appropriate technological facilities to ***make available the content*** of Community or international instruments on judicial cooperation in civil and commercial matters.'

Or. en

Justification

The obligations on the contact points under this provision are not at all clear. It is certainly very important to provide to the public information on Community and international instruments. However, the main source of this information should remain the Network's website. While it can be considered an example of best practice for Member States to provide information which is tailored to their legal systems, how they do that should be left to

Member States to decide. There should be no obligation on the Network's contact points to provide such information. Therefore it is suggested not to insert this Article.

Amendment 61
Armando França

Proposal for a decision – amending act
Article 1 – point 11
Decision 2001/470/EC
Article 13 a

Text proposed by the Commission	*Amendment*
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***.'	***1.*** The Network's contact points 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.
	2. For the purposes of paragraph 1, measures shall be taken to promote public awareness of the Network's website, and its updating shall be ensured through the provision of relevant information on a regular basis.'

Or. en

Amendment 62
Rareş-Lucian Niculescu

Proposal for a decision – amending act
Article 1 – point 11
Decision 2001/470/EC
Article 13 a

Text proposed by the Commission	*Amendment*
The Network's contact points shall	***The Network shall make available*** to the

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.'	public, using the most appropriate technological facilities***, information*** about the content and application of Community or international instruments on judicial cooperation in civil and commercial matters and ***on*** the authorities responsible for their actual application, in particular those referred to in Article 6.'

Or. fr

Justification

There can be no direct public access to the contact points. It is the Network and not the contact points which should be responsible for informing the public. The nature of the information which the network is to make available to the public should be clarified.

Amendment 63
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 11 a (new)
Decision 2001/470/EC
Article 14 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	(11a) The following paragraph (3a) shall be inserted in Article 14:
	(3a) The Member States shall likewise include links on their national websites, that concern judicial cooperation in civil and commercial matters, to the website of the Network.

Or. en

Amendment 64
Sylvia-Yvonne Kaufmann

Proposal for a decision – amending act
Article 1 – point 12
Decision 2001/470/EC
Article 17 – paragraph 4 –point b

Text proposed by the Commission	*Amendment*
'(b) arrange***, within the limits of available resources,*** for the translation into the official languages of the Institutions of the ***Community*** 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.'	'(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.'

Or. en

Amendment 65
Rareş-Lucian Niculescu

Proposal for a decision – amending act
Article 1 – point 12
Decision 2001/470/EC
Article 17 – paragraph 4 –point b

Text proposed by the Commission	*Amendment*
'(b) arrange, ***within the limits of available resources***, for the translation into the official languages of the Institutions of the Community 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.'	'(b) arrange, ***as quickly as possible***, for the translation into the official languages of the Institutions of the Community 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.'

Or. fr

Justification

Full multilingualism cannot be subject to financial restrictions.

Amendment 66
Michael Cashman

Proposal for a decision – amending act
Article 1 – point 13
Decision 2001/470/EC
Article 19

Text proposed by the Commission	*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 Economic and Social Committee a report on the activities of the Network. This report shall be accompanied, if need be, by proposals for adaptations.	No later than [...] [***five*** 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.

Or. en

Justification

Five years would allow a more effective and thorough evaluation to be undertaken.