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Committee on Civil Liberties, Justice and Home Affairs

2005/0259(CNS)

12.11.2008

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DRAFT REPORT

on the proposal for a Council regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations
(14066/2008 – C6-0384/2008 – 2005/0259(CNS))

(Renewed consultation)

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Genowefa Grabowska

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 Council regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (14066/2008 – C6-0384/2008 – 2005/0259(CNS))

(Consultation procedure - renewed consultation)

The European Parliament,

– having regard to the text of the Council draft (14066/2008),

– having regard to the Commission proposal to the Council (COM(2005)0649),

– having regard to its position of 13 December 2007[1],

– having regard to Articles 61(c) and 67(2) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0384/2008),

– having regard to Rules 51 and 55(3) of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0000/2008),

1. Approves the Council text;

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 amend the text submitted for consultation substantially;

4. Instructs its President to forward its position to the Council and Commission.

[1] Texts adopted, P6_TA(2007)0620.

EXPLANATORY STATEMENT

The rapporteur is very happy that finally the revised version of the regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations on which the European Parliament presented its opinion almost a year ago is presented. It is , however, a pity that we and more specifically the EU-Citizens have had to wait so long for this text.

This Regulation shall result in simplifying the lives of citizens. Simplicity is sought in the first place in the conduct of the proceedings necessary for the establishment of the maintenance claim. Following this, the Regulation provides that once the decision on maintenance obligations is taken in Member States, it will be legally binding on all Member States. The Regulation also organises an operational system of co-operation between the central authorities of the Member States in order to help creditors to recover their debt.

The rapporteur is glad that the European Parliament has been re-consulted on the revised text although she is still on the position that such an important text should have been prepared according to the rules of the co-decision procedure..

On the content the rapporteur would like to express that she is of the opinion that a lot of concerns of the European Parliament were taken into account (i.e. abolishment of the exequatur). The final result which is now on the table is a compromise which has her support. The rapporteur therefore decided to refrain from presenting amendments in order to have the final text available before the end of the year. It would make sure that EU-citizens could benefit from it as soon as possible.

The rapporteur would like to stress, however, the need for the continuation of the works on the enforcement procedures by the European Commission. She was happy to hear that there is such an intention and she really hopes that the citizens will be able to benefit from that as soon as possible. Effective enforcement is nevertheless key to ensuring that we will have a common, harmonised system of recognition and enforcement of maintenance decisions within the European Union.