European judicial area in civil matters: implementation, general framework for activities

2001/0109(CNS) - 22/11/2001 - Modified legislative proposal

The following sets out the Commission's position with regard to the amendments proposed by the European Parliament. The Commission can accept, wholly or in part, 4 of the amendments. With regard to the amendments accepted in whole or in part, these refer to: - the Robert Schuman Project, in view of that this project also forms part of previous actions in the field of Justice and Home Affairs; - the definition of the term "legal practitioners", which is to be slightly re-worded to avoid an exhaustive definition and to be in line with the wording used in the Grotius-civil programme. The Commission can accept both amendments, adding two recitals referring to the financial perspective and the administrative expenditure, with a slight adjustment of for the sake of clarity. With regard to amendments not accepted by the Commission these refer to the amendment proposing the adjustment of the article in order to stress the rights of the defence when promoting judicial cooperation aiming at ensuring legal certainty, one of the specific objectives of the proposal. This paragraph has been closely modelled upon the Tampere Conclusions. This is in line with the overall objective of proposal, that is, to support the development and implementation of policy in this area and thus contributing to the realisation of a European Judicial Area in civil matters. The proposal is not intended to create a new action plan, but rather to support the policy aims already laid down by the European Council and the Council. For these reasons the Commission cannot accept this amendment. The amendment entails making more generous the criteria for granting support to the activities of non-governmental organisations, by reducing the number of Member States that have to be involved in such organisations from two thirds of the Member States to one third. The Commission cannot accept this amendment. The purpose of the action in question is to support organisations with a true European dimension only. Lowering the criteria to one third would entail making organisations with a regional scope and character eligible for support also. In addition, the criteria of two thirds should be feasible also in a situation with more than 15 Member States of the European Union.