General Programme "Fundamental rights and justice": specific programme "Civil Justice", 2007-2013

2005/0040(COD) - 13/06/2007 - Council position

The Council common position to a very large extent takes over the position of the European Parliament adopted at first reading on 14 December 2006. Most of the amendments adopted by the European Parliament have been incorporated in the common position which therefore meets the wishes of the European Parliament as expressed by the Parliament and accepted by the Council during the informal contacts leading up to the adoption of the European Parliament's position at first reading.

In fact, the only amendments which the Council has not accepted are the ones relating to the committee procedure, i.e. part of Recital 13 (new Recital 16), Article 9(3) and Article 10A (new Article 10). As already explained to the European Parliament in October 2006 the Council does not consider the regulatory procedure with scrutiny wanted by the European Parliament to be the appropriate committee procedure for the adoption of the annual work programmes. The implementing powers conferred on the Commission in that respect are not designed to make changes to the text of the basic instrument by deleting or replacing certain parts or supplementing it by the addition of new non-essential elements. On the contrary, they are designed to implement specific existing rules in the basic act without allowing the Commission to add new elements and thus "supplement" it. The Council therefore maintains in its common position the management procedure foreseen in the text of the general agreement confirmed by the JHA Council on 24 July 2006.

The Council considers the text of the common position to be a well balanced text and the best achievable compromise.