Basic information

2001/0109(CNS) CNS - Consultation procedure Regulation	Procedure completed
European judicial area in civil matters: implementation, general framework for activities **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	VON BOETTICHER Christian Ulrik (PPE-DE)	10/07/2001

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	VON BOETTICHER Christian Ulrik (PPE-DE)	10/07/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	COSTA NEVES Carlos (PPE-DE)	26/06/2001
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2423	2002-04-25

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary

15/05/2001	Legislative proposal published	COM(2001)0221	Summary
14/06/2001	Committee referral announced in Parliament		
10/10/2001	Vote in committee		
10/10/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0339/2001	
22/10/2001	Debate in Parliament		
23/10/2001	Decision by Parliament	T5-0546/2001	Summary
22/11/2001	Modified legislative proposal published	COM(2001)0705	Summary
21/12/2001	Amended legislative proposal for reconsultation published	15532/2001	Summary
14/01/2002	Formal reconsultation of Parliament		
04/02/2002	Vote in committee		
12/03/2002	Decision by Parliament	T5-0090/2002	Summary
25/04/2002	Act adopted by Council after consultation of Parliament		
25/04/2002	End of procedure in Parliament		
01/05/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/0109(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 061 Rules of Procedure EP 52-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/15796 LIBE/5/14754

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0339/2001	10/10/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0546/2001 OJ C 112 09.05.2002, p. 0032-0135 E	23/10/2001	Summary
Text adopted by Parliament, 1st reading/single reading		T5-0090/2002 OJ C 047 27.02.2003, p. 0024-0057 E	12/03/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	15532/2001	21/12/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0221 OJ C 213 31.07.2001, p. 0271 E	15/05/2001	Summary
Modified legislative proposal	COM(2001)0705 OJ C 051 26.02.2002, p. 0390 E	22/11/2001	Summary
Follow-up document	COM(2005)0034	09/02/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1324/2001 OJ C 036 08.02.2002, p. 0077	17/10/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2002/0743
OJ L 115 01.05.2002, p. 0001-0005 Summary

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

2001/0109(CNS) - 12/03/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament, using its procedure without debate, approved the proposal for judicial cooperation in civil matters, with a minor amendment regarding the definition of "legal practitioners."

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

2001/0109(CNS) - 25/04/2002 - Final act

PURPOSE : a framework for judicial cooperation in civil matters. COMMUNITY MEASURE : Council Regulation 743/2002/EC establishing a general Community framework of activities to facilitate the implementation of judicial cooperation in civil matters. CONTENT : This framework regulation aims particularly at: -ensuring legal certainty and improving access to justice; -promoting mutual recognition of judicial decisions and judgments; -promoting the necessary approximation of legislation; or -eliminating obstacles created by disparities in civil law and civil procedures. It also aims to improve mutual knowledge of Member States' legal and judicial systems, to ensure the application of Community instruments and to improve public information on access to justice. Activities given financial support must consist of: -specific actions taken by the Commission, such as training, or exchanges of work experience placements. A list of specific projects is given in the Regulation. -specific projects of Community interest; -non-governmental organisations. The proportion of financial support may not exceed 60% of the costs, and 80% under exceptional circumstances. There are provisions for the participation of third countries. DURATION OF PROGRAMME : 01/01/02 to 31/12/06. ENTRY INTO FORCE : 01/05/02.

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

2001/0109(CNS) - 15/05/2001 - Legislative proposal

PURPOSE : to establish, for the period from 1 January 2002 to 31 December 2006, a general framework for Community activities to facilitate the implementation of a European judicial areas in civil matters. CONTENT : as rapid and extensive developments have taken place following the entry into force of the Treaty of Amsterdam. The Community now has an ambitious agenda ahead of itself in the area of judicial cooperation in civil matters. Following an analysis of the Grotius programme, it has therefore been found that a wider and more general framework for activities is needed, to provide the support necessary for policy development in this field. The proposed regulation establishing the legal basis for financing activities under the budget of the European Communities in the policy area of judicial cooperation in civil matters. It should not be seen as establishing a new action plan, but rather a general long-term framework for activities and prioritised objectives. On the basis of the framework, operational programmes and specific projects can be elaborated. The objectives of the framework have been closely linked to those set by the Treaty, by the Vienna Action Plan and by the Tampere conclusions. More specifically, the framework for activities shall have the following objectives: - to promote judicial cooperation; - to improve mutual knowledge of legal and judicial systems between the Member States; - to ensure the sound implementation and application of Community instruments in the area of judicial cooperation in civil matters; - to improve information to the public on access to justice, judicial cooperation and the legal systems of the Member States. Moreover, the new Community instruments adopted, or to be adopted, in this field, need appropriate monitoring to ensure that they are effectively implemented and applied. This is easily forgotten but equally important as adopting the instruments themselves, and has therefore been included as a separate objective. In terms of activities supported, the new framework allows for the continuation of the types of actions supported under the Grotius Programme, following its success, but it also goes further and has a wider scope. It allows for Commission actions to supplement the co-financed projects, to ensure that all political priorities will receive adequate and timely support, and it allows for Commission actions of its own initiative to fulfil the objective of ensuring the sound implementation and application of Community instruments. In addition, the framework allows for support to organisations that are continously active in judicial cooperation in civil matters, without necessarily carrying out specific projects. This possibility will further increase the flexibility of the framework. Lastly, it should be noted that this Regulation shall not apply to Denmark, Ireland and the United Kingdom.

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.

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

2001/0109(CNS) - 21/12/2001 - Amended legislative proposal for reconsultation

On the 16 June 2001, the Council consulted the European Parliament, by letter, on the proposed Regulation. The European Parliament gave its opinion on 23.10.2001 on this proposal. Given that it appointed a management committee procedure for the implementation of Article 8, COREPER decided on 19 December 2001 to reconsult the European Parliament on this text.

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

2001/0109(CNS) - 23/10/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the report by Christian Ulrik von BOETTICHER (EPP-ED, D) establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters. This report was approved with a number of non-binding amendments. With regard to the financial framework, the Parliament suggests that this should be compatible with the current ceiling under heading 3 of the financial perspective, with no restriction being placed on other currently funded programmes. The administrative expenditure should be covered from allocations under heading 5 within the framework of decisions to be taken during the annual budgetary procedure.

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

2001/0109(CNS) - 09/02/2005 - Follow-up document

PURPOSE: Report on the implementation of the Framework Programme for Judicial Cooperation in Civil Matters (2002-2006).

CONTENT: Article 15(1) of Regulation 743/2002/EC establishing a general Community framework for activities to facilitate judicial cooperation in civil matters requires the Commission to submit an interim report on the implementation of the programme to the European Parliament and to the Council.

This report describes progress on the programme since its adoption in April 2002 until 30 June 2004. The first activities financed by the programme, whether Commission initiatives, specific co-financed projects or NGO schemes, began at the end of 2002, and only a few are already completed. Consequently, the report essentially focuses on the programme's structure and management.

The main conclusions of the report are as follows:

The framework programme came into being little more than two years ago and few of the initiatives that have benefited from financing are completed. It is still too early to make an in-depth analysis of the programme's impact and results. This will be the objective of an assessment to be made in 2006 with a view to renewal of the programme; the results will be communicated to Parliament and the Council.

The principal Commission actions already underway seek to inform legal practitioners and the general public about recent developments in European law on civil matters - which is in the throes of major change - using a range of different but complementary methods. Particular emphasis is put on practical and relevant information that can be accessed using modern communication technologies.

The project selection for 2002, 2003 and 2004 shows that there is keen interest in projects meeting current priorities in the area of civil law. Although the first three calls for proposals received only a limited number of applications (106 proposals, of which 51 were accepted), it was still possible to choose interesting projects designed to familiarise legal practitioners with new Community instruments and allow them to meet and exchange views. The virtual absence of projects providing for the exchange of judges or for information initiatives is unfortunate.

With its more limited share of the budget, the co-financing of NGOs attracted very few applications for the first two years.

The programme has had an auspicious start; it already plays a crucial role in the Commission's civil justice policy and contributes significantly to the practical administration of Community instruments.