

Basic information	
2023/0028(COD)	Procedure completed
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	
Authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters	
Subject	
7.40.02 Judicial cooperation in civil and commercial matters	
Geographical area	
Algeria	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	CICUREL Ilana (Renew)	26/06/2023
		Shadow rapporteur HALICKI Andrzej (EPP) GARCÍA DEL BLANCO Ibán (S&D) TOUSSAINT Marie (Greens /EFA) DZHAMBАЗКИ Angel (ECR) MAUREL Emmanuel (The Left)	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Justice and Consumers	REYNDERS Didier	

Key events			
Date	Event	Reference	Summary
08/02/2023	Legislative proposal published	COM(2023)0065 	Summary
13/02/2023	Committee referral announced in Parliament, 1st reading		

24/10/2023	Vote in committee, 1st reading			
13/11/2023	Committee report tabled for plenary, 1st reading		A9-0356/2023	Summary
12/12/2023	Decision by Parliament, 1st reading		T9-0448/2023	Summary
12/12/2023	Results of vote in Parliament			
23/01/2024	Act adopted by Council after Parliament's 1st reading			
07/02/2024	Final act signed			
16/02/2024	Final act published in Official Journal			

Technical information	
Procedure reference	2023/0028(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 081-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/11268

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE751.710	10/07/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0356/2023	13/11/2023	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0448/2023	12/12/2023	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Draft final act	00065/2023/LEX	07/02/2024		
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2023)0065 	08/02/2023	Summary	
Commission response to text adopted in plenary	SP(2024)56	22/03/2024		

Authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters

2023/0028(COD) - 13/11/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Ilana CICUREL (Renew, FR) on the proposal for a decision of the European Parliament and of the Council on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters.

Members proposed that the act be referred to as the "Ilana Cicurel Decision on the authorisation granted to France to negotiate a bilateral agreement with Algeria on matters relating to judicial cooperation in civil and commercial matters".

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

France is hereby empowered to negotiate an agreement with Algeria on matters related to judicial cooperation in civil and commercial matters, provided that the following negotiating guidelines are followed:

- inform Algeria that the European Commission may take part in the negotiations as an observer and will be informed of any progress and results achieved during the various stages of the negotiations;
- encourage Algeria to consider accession to the core Conventions developed by the Hague Conference on Private International Law and start an analysis of the most appropriate means to remove the obstacles which have prevented Algeria to do so for the time being;
- inform Algeria that, after the conclusion of negotiations, an authorisation from the European Parliament and the Council of the European Union is required before France is allowed to conclude the agreement;
- inform Algeria that the authorisation from the European Parliament and the Council of the European Union to conclude the agreement, following a proposal from the Commission, may provide that the agreement may have a limited validity in time, possibly with a system of a tacit renewal to be indicated in the decision of the European Parliament and of the Council on the conclusion of the agreement;
- insert a provision providing for full or partial denunciation of the agreement or direct replacement of the relevant provisions in the agreement in the event of the conclusion of a subsequent agreement between the Union or the Union and its Member States, on the one hand, and Algeria, on the other hand, or Algeria's accession to the relevant Hague Conventions;
- ensure that the provisions of the agreement negotiated with Algeria comply with the relevant Union acquis and Hague Conventions.

Ireland and Denmark are not taking part in the adoption of this Decision and is not bound by it or subject to its application.

Authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters

2023/0028(COD) - 12/12/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 601 votes to 1, with 6 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters.

The European Parliament adopted its position at first reading under the ordinary legislative procedure.

By letter of 8 December 2016, France requested an empowerment from the Union to negotiate a bilateral agreement with Algeria concerning judicial cooperation in civil and commercial matters. The aim was to modernise and consolidate the three bilateral agreements of 1962, 1964 and 1980 that are in force. France provided information to the Commission showing that, due to the exceptional economic, cultural, historical, social and political ties that it has with Algeria, France has a specific interest in negotiating a bilateral agreement with Algeria, the draft of which was transmitted to the Commission.

Under this Decision, **France is empowered to negotiate a bilateral agreement with Algeria concerning judicial cooperation in civil and commercial matters**, provided that the following negotiating guidelines are followed:

- France informs Algeria that the Commission may participate in the negotiations as an observer, and that the Commission will be informed of any progress and results achieved during the various stages of the negotiations;
- France encourages Algeria to consider acceding to the core conventions developed by the Hague Conference on Private International Law and to start an analysis of the most appropriate means to remove the obstacles which have prevented Algeria from acceding to the Hague Conventions;
- France informs Algeria that, following the conclusion of the negotiations, an empowerment from the European Parliament and the Council is required before France is allowed to conclude the agreement;
- France informs Algeria that the empowerment from the European Parliament and the Council to conclude the agreement, following a proposal from the Commission, may provide that the agreement is to have a limited validity in time, with the possibility that a mechanism of tacit renewal be indicated in the decision of the European Parliament and of the Council on the conclusion of the agreement;
- a provision is inserted in the agreement providing for a full or a partial denunciation of the agreement or a direct replacement of the relevant provisions of the agreement in the event of the conclusion of a subsequent agreement between the Union, or the Union and its Member States, on the one hand, and Algeria, on the other hand, or of Algeria's accession to the relevant Hague Conventions;
- the provisions of the agreement comply with the relevant Union *acquis* and the relevant Hague Conventions.

Parliament suggested that the act be cited as 'the Cicurel Decision on an authorisation empowering France to negotiate a bilateral agreement with Algeria concerning judicial cooperation in civil and commercial matters'.

Authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters

2023/0028(COD) - 08/02/2023 - Legislative proposal

PURPOSE: to authorise the negotiation of a bilateral agreement between France and Algeria on matters relating to judicial cooperation in civil and commercial matters, which fall within the exclusive external competence of the EU.

PROPOSED ACT: Decision of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: by letter dated 8 December 2016, France requested the Commission's authorisation to negotiate a bilateral agreement with Algeria on issues related to judicial cooperation in civil and commercial matters. The objective was to modernise and consolidate the three existing bilateral agreements of 1962, 1964 and 1980 currently in force.

While recognising the exceptional economic, cultural, historical, social and political ties between France and Algeria, the Commission remarked that, in its judicial cooperation with third States, the EU broadly relies on the existing multilateral framework, such as the one created by the Hague Conference on Private International Law (HCCH).

The Commission concluded that, against this backdrop, authorising a Member State to negotiate and conclude bilateral agreements with third countries in the area of civil justice falling outside the scope of Regulation (EC) No 662/2009 and Council Regulation (EC) No 664/2009 would be not in line with the EU policy in this field.

After a further exchange of letters, the issue was brought to the Commission's attention again in November 2019 and was discussed in depth several times, both at political and technical level.

France provided information showing that it has a specific interest in negotiating a bilateral agreement with Algeria, due to the exceptional economic, cultural, historical, social and political ties between France and Algeria. In particular, France provided data on the high number of Algerian citizens residing on its territory and French citizens living in Algeria and on the specific importance of commercial exchanges between the two countries.

Taking into account the new data provided by France, and the explanations given during several technical meetings which took place in the period 2019-2021, the Commission decided to reassess the situation.

The only option in line with the available legal framework and the EU policy in relation to judicial cooperation in civil matters, which is based on multilateralism and does not foresee the negotiation of an EU-Algeria agreement on this topic, is an authorisation to France to negotiate a bilateral agreement with Algeria.

The Commission concluded that an ad hoc authorisation under Article 2 TFEU to France could be considered. France may be authorised to negotiate (and at a later stage conclude) a bilateral agreement with Algeria in matters falling within the EU exclusive external competence, having considered the exceptional ties which link these two countries, provided that this would not constitute an obstacle to the development and the implementation of the Union's policies.

CONTENT: under the proposed decision, France would be empowered to **negotiate an agreement with Algeria on matters related to judicial cooperation in civil matters**, provided that the following negotiating guidelines are followed:

- inform Algeria that the European Commission shall take part in the negotiations as an observer and will be informed of any progress and results achieved during the various stages of the negotiations;
- encourage Algeria to consider accession to the core Conventions developed by the Hague Conference on Private International Law and start a serious analysis of the reasons which has prevented Algeria to do so for the time being;
- inform Algeria that, after the conclusion of negotiations, an authorisation from the European Parliament and the Council of the European Union is required before the Parties are allowed to conclude the agreement;
- inform Algeria that the authorisation from the European Parliament and the Council of the European Union to conclude the agreement, following a proposal from the Commission, may provide that the agreement may have a limited validity in time (for instance, five years) and may have to be reconsidered afterwards;
- insert a provision to the effect that the decisions recognised in France under this agreement cannot subsequently circulate in other EU Member States;
- ensure that the provisions concerning the right to refuse the service of documents are aligned with the provisions of Article 12(3) of the Service of Documents recast Regulation, meaning the addressee may refuse service of documents either at the time of service or within two weeks of the time of service;
- inform Algeria that, depending on the development of negotiations, other negotiating directives may be needed in due course.

Due to the EU competence on most of the matters, France should regularly report to the Commission on the conduct of negotiations. Both France and the Commission will keep the Working Party on Civil Law Matters informed on developments on a regular basis.