




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

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

| Key events |   |  |         |
|------------|---|--|---------|
| Date       | Event   | Reference  | Summary |
| 08/02/2023 | Legislative proposal published                          | COM(2023)0065<br> | 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      | <a href="#">A9-0356/2023</a>  | <a href="#">Summary</a> |
| 12/12/2023 | Decision by Parliament, 1st reading                   | <a href="#">T9-0448/2023</a>  | <a href="#">Summary</a> |
| 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             |  |
|-----------------------------------|--|
| <b>Procedure reference</b>        | 2023/0028(COD)   |
| <b>Procedure type</b>             | COD - Ordinary legislative procedure (ex-codecision procedure) |
| <b>Procedure subtype</b>          | Legislation  |
| <b>Legislative instrument</b>     | Decision   |
| <b>Legal basis</b>                | Treaty on the Functioning of the European Union TFEU 081-p2    |
| <b>Other legal basis</b>          | Rules of Procedure EP 165                                      |
| <b>Stage reached in procedure</b> | Procedure completed  |
| <b>Committee dossier</b>          | JURI/9/11268   |

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

## Additional information

| Source              | Document | Date |
|---------------------|----------|------|
| European Commission | EUR-Lex  |      |

## Final act

[Decision 2024/0593](#)  
[OJ L 000 16.02.2024, p. 0000](#)

# 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.

## **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**

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'.