REPORT


Committee on Legal Affairs

Rapporteur: Jean-Paul Gauzès
### Symbols for procedures

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
</table>
| *      | Consultation procedure  
* Consultation procedure  
majority of the votes cast |
| **I    | Cooperation procedure (first reading)  
**I Cooperation procedure (first reading)  
majority of the votes cast |
| **II   | Cooperation procedure (second reading)  
**II Cooperation procedure (second reading)  
majority of Parliament’s component Members, to reject or amend the common position |
| ***    | Assent procedure  
*** Assent procedure  
majority of Parliament’s component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty |
| ***I   | Codecision procedure (first reading)  
***I Codecision procedure (first reading)  
majority of the votes cast |
| ***II  | Codecision procedure (second reading)  
***II Codecision procedure (second reading)  
majority of Parliament’s component Members, to reject or amend the common position |
| ***III | Codecision procedure (third reading)  
***III Codecision procedure (third reading)  
majority of the votes cast, to approve the joint text |

(The type of procedure depends on the legal basis proposed by the Commission.)

### Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in **bold italics**. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.
## CONTENTS

<table>
<thead>
<tr>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION</td>
<td>5</td>
</tr>
<tr>
<td>EXPLANATORY STATEMENT</td>
<td>6</td>
</tr>
<tr>
<td>PROCEDURE</td>
<td>7</td>
</tr>
</tbody>
</table>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Consultation procedure)

The European Parliament,

– having regard to the proposal for a Council decision (COM(2005)0145)¹,
– having regard to Article 61(c) and Article 300(2), first subparagraph, of the EC Treaty,
– having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0305/2005),
– having regard to Rules 51 and 83(7) of its Rules of Procedure,
– having regard to the report of the Committee on Legal Affairs(A6-0038/2006),

1. Approves conclusion of the agreement;

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Kingdom of Denmark and the other Member States.

¹ Not yet published in OJ.
EXPLANATORY STATEMENT

1. Background

Because Danish citizens rejected the Maastricht Treaty in 1992 the Kingdom of Denmark does not participate in the Council’s adoption of measures under Title IV of the Treaty establishing the European Community. However, Denmark has negotiated a number of exceptions making it possible to set up closer cooperation with Member States of the European Union in a number of areas which are normally excluded.

Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters comes under Title IV. The regulation replaces, in all the Member States except Denmark, the Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters. The convention determines the jurisdictional powers of the Member States, facilitates the recognition of court judgments and sets up a rapid procedure for the enforcement of judgments, authentic documents and judicial transactions. The purpose of Regulation (EC) No 44/2001 is to simplify the Brussels Convention’s rules and the formalities required for the recognition and rapid authorisation of judgments made by a court in another Member State, by means of a simple standardised procedure. This regulation is essential for the proper operation of the single market and the establishment of a European judicial area.

The fact that Denmark does not participate in this regulation has resulted in a complex legal situation. It obliges the other Member States to apply to Denmark provisions that are different from those that they apply to the rest of the European Union for the recognition and enforcement of judgments: in their relations with Denmark the Member States have to continue to apply the Brussels Convention, whereas with any other European country Regulation (EC) No 44/2001 is applicable.

A Council decision of 8 May 2003 authorises the Commission, on an exceptional basis, to negotiate an agreement with Denmark to make the provisions of Regulation (EC) No 44/2001 applicable to Denmark.

2. Rapporteur’s position

The rapporteur approves the agreement reached between the European Community and the Kingdom of Denmark to extend Regulation (EC) No 44/2001 to Denmark. The agreement puts an end to an unsatisfactory legal situation and is in the interests of the European Community and its citizens. The rapporteur considers that the amendments\(^1\) negotiated by Denmark on the application of the provisions of Regulation (EC) No 44/2001 are acceptable.

\(^1\) Article 2(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.
**PROCEDURE**

| Title | Proposal for a Council decision concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters |
| Date of consulting Parliament | 5.10.2005 |
| Committee responsible | JURI |
| Date announced in plenary | 12.10.2005 |
| Committee asked for opinion | LIBE |
| Date announced in plenary | 12.10.2005 |
| Not delivering opinion | LIBE |
| Date of decision | 21.2.2005 |
| Rapporteur | Jean-Paul Gauzès |
| Date appointed | 24.10.2005 |
| Discussed in committee | 29.11.2005 31.1.2006 23.2.2006 |
| Date adopted | 23.2.2006 |
| Result of final vote | +: 19  
-: 0  
0: 0 |
| Members present for the final vote | Maria Berger, Monica Frassoni, Giuseppe Gargani, Piia-Noora Kauppi, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Aloyzas Sakalas, Gabriele Hildegard Stauner, Rainer Wieland, Nicola Zingaretti, Jaroslav Zvěřina |
| Substitutes present for the final vote | Janelly Fourtou, Jean-Paul Gauzès, Roland Gewalt, Adeline Hazan, Eva Lichtenberger, Arlene McCarthy, Toine Manders, Michel Rocard |
| Date tabled | 24.2.2006 |