

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0038/2006

24.2.2006

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REPORT

on the 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
(COM(2005)0145 – C6-0305/2005 – 2005/0055(CNS))

Committee on Legal Affairs

Rapporteur: Jean-Paul Gauzès

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** 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)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***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.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision concerning the conclusions 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 (COM(2005)0145 – C6-0305/2005 – 2005/0055(CNS))

(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 amendments¹ 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
References	COM(2005)0146 – C6-0305/2005 – 2005/0056(CNS)
Date of consulting Parliament	5.10.2005
Committee responsible Date announced in plenary	JURI 12.10.2005
Committee asked for opinion Date announced in plenary	LIBE 12.10.2005
Not delivering opinion Date of decision	LIBE 21.2.2005
Rapporteur Date appointed	Jean-Paul Gauzès 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, Pii-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