

# EUROPEAN PARLIAMENT

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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 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters  
(COM(2005)0146 – C6-0306/2005 – 2005/0056(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 conclusion of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (COM(2005)0146 – C6-0306/2005 – 2005/0056(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2005)0146)<sup>1</sup>,
  - 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 (C6-0306/2005),
  - having regard to Rules 51 and 83(7) of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A6-0039/2006),
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.

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<sup>1</sup> 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 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters comes under Title IV. Its purpose is to improve and speed up the transmission of judicial and extrajudicial documents between the Member States and the European Union. This 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 service of documents.

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 1348/2000 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 1348/2000 to Denmark. The agreement puts an end to an unsatisfactory legal situation and is in the interests of the European Community and its citizens.

However, the rapporteur notes that the agreement states that 'Denmark shall not take part in the adoption of amendments to the Regulation on the service of documents and no such amendments shall be binding upon or applicable in Denmark'<sup>1</sup>. While stressing the immediate value of the agreement, the rapporteur points out that Regulation (EC) No 1348/2000 is currently in the course of amendment by the European Commission and review by Parliament. As the draft agreement stands at present, the amendments to the Regulation will not be directly applicable. The rapporteur suggests that ways be found to enable the forthcoming amendments, which are exclusively technical in nature and intended to improve the present procedures, to be taken into account by the agreement.

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<sup>1</sup> Article 3(1) of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters.

## PROCEDURE

<b>Title</b>	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 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters
<b>References</b>	COM(2005)0146 – C6-0306/2005 – 2005/0056(CNS)
<b>Date of consulting Parliament</b>	5.10.2005
<b>Committee responsible</b> Date announced in plenary	JURI 12.10.2005
<b>Committee asked for opinion</b> Date announced in plenary	LIBE 12.10.2005
<b>Not delivering opinion</b> Date of decision	LIBE 21.2.2005
<b>Rapporteur</b> Date appointed	Jean-Paul Gauzès 24.10.2005
<b>Discussed in committee</b>	29.11.2005    31.1.2006    23.2.2006
<b>Date adopted</b>	23.2.2006
<b>Result of final vote</b>	+: 19 –: 0 0: 0
<b>Members present for the final vote</b>	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
<b>Substitutes present for the final vote</b>	Janelly Fourtou, Jean-Paul Gauzès, Roland Gewalt, Adeline Hazan, Eva Lichtenberger, Arlene McCarthy, Toine Manders, Michel Rocard
<b>Date tabled</b>	24.2.2006