

# EUROPEAN PARLIAMENT

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**A6-0366/2007**

8.10.2007

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a regulation of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ("Service of documents") and repealing Council Regulation (EC) No 1348/2000 (8703/5/2007 – C6-0217/2007 – 2005/0126(COD))

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 Council common position for adopting a regulation of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ("Service of documents") and repealing Council Regulation (EC) No 1348/2000 (8703/5/2007 – C6-0217/2007 – 2005/0126(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (8703/5/2007 – C6-0217/2007),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2005)0305)<sup>2</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Legal Affairs (A6-0366/2007),
1. Approves the common position;
  2. Notes that the act is adopted in accordance with the common position;
  3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Texts Adopted, 4 July 2006, P6\_TA(2006)0288.

<sup>2</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

In July 2005, the Commission presented a draft European Parliament and Council regulation amending Council Regulation (EC) No 1348/2000.

Following an agreement reached with the Council under the Austrian Presidency, Parliament adopted a certain number of amendments in July 2006, corresponding to the changes agreed with the Council, and officially invited the Commission to submit a codified version of Regulation No 1348/2000 in the form of an amended proposal.

In December 2006, the Commission submitted an amended proposal for a regulation embodying the amendments to Regulation No 1348/2000 adopted by the European Parliament and the Council, and repealing the aforesaid Regulation.

A likely modified version of this text was unanimously adopted at the Council meeting of 19 and 20 April 2007, which then drew up a joint position. The official adoption by the Council on 28 June 2007 was unanimous.

It should be noted that although Parliament and Council had agreed to insert a new Article 15a (amendment 25 by Parliament) in their amended proposal, the Commission accepted the spirit of this amendment, but opted for a solution involving the insertion of two fresh paragraphs into Article 8 and a new paragraph into Article 9, instead of introducing a specific provision. The Council, deeming this solution to be in keeping with the goal of good lawmaking, retained it in the common position.

Your rapporteur welcomes the adoption of Parliament's amendments in the common position, and recommends that the common position be adopted unamended.

Given that the President of Parliament officially announced reception of the common position on 12 July 2007, Parliament's three-month deadline for returning its opinion began on 13 July, meaning that the month's extension provided for by the Treaty should be requested.

### **I. Repeal of Regulation No 1348/2000**

As the Council and European Parliament had requested the codification of Regulation No 1348/2000, the Commission inserted the requisite provisions for repealing this Regulation in its amended proposal (recital 27, Article 25 and the Correlation Table in Annex III). With a view to achieving the goal of good lawmaking, the Council integrated these provisions and the Correlation Table in its common position.

### **II. Amendments made by the Council**

When Regulation No 1348/2000 in May 2000, there was as yet no established practice for resolving the problem which arises from the fact that, pursuant to the protocol on the position of Denmark, Denmark does not participate in the adoption of measures falling under Title IV of the Treaty establishing the European Community, and that these measures are neither binding on nor applicable to Denmark. Regulation No 1348/2000 did not therefore contain the

otherwise standard provision on the definition of 'Member State'. To make good this omission, the Council has inserted a new paragraph 3 into Article 1 of its common position. In view of Denmark's non-participation, the Council has likewise proceeded to make the appropriate amendments to the annexes.

### **III. Conclusion**

The Council believes that its common position on the service of judicial documents is entirely in line with the amendments which the European Parliament and the Council were seeking, and in line with the Commission's amended proposal incorporating these amendments.

## PROCEDURE

<b>Title</b>	Service in the Member States of judicial and extrajudicial documents in civil or commercial matters
<b>References</b>	08703/5/2007 - C6-0217/2007 - 2005/0126(COD)
<b>Date of Parliament's first reading – P number</b>	4.7.2006                      T6-0288/2006
<b>Commission proposal</b>	COM(2005)0305 - C6-0232/2005
<b>Amended Commission proposal</b>	COM(2006)0751
<b>Date receipt of common position announced in plenary</b>	12.7.2007
<b>Committee responsible</b> Date announced in plenary	JURI 12.7.2007
<b>Rapporteur(s)</b> Date appointed	Jean-Paul Gauzès 10.7.2007
<b>Discussed in committee</b>	10.9.2007
<b>Date adopted</b>	4.10.2007
<b>Result of final vote</b>	+:                      22 -:                      0 0:                      0
<b>Members present for the final vote</b>	Carlo Casini, Bert Doorn, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Katalin Lévai, Hans-Peter Mayer, Manuel Medina Ortega, Aloyzas Sakalas, Francesco Enrico Speroni, Gary Titley, Diana Wallis, Rainer Wieland, Jaroslav Zvěřina, Tadeusz Zwiefka
<b>Substitute(s) present for the final vote</b>	Charlotte Cederschiöld, Kurt Lechner, Marie Panayotopoulos-Cassiotou, József Szájer
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Genowefa Grabowska, Michael Cashman, Iles Braghetto, Lily Jacobs
<b>Date tabled</b>	8.10.2007