

AMENDMENT FORM

Suggestion for amendment of Article 14

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives
and Mr Sören Lekberg, Mr Kenneth Kvist and Mr Ingvar Svensson, national
parliament representatives.

Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson, Kvist and Svensson

Article 14 : Judicial cooperation in civil matters

1. The Union shall develop judicial cooperation in civil matters **having cross-border implications**¹ based on the principle of mutual recognition of judgments and decisions in **judicial and**² extrajudicial cases. Such cooperation shall include the adoption of measures for the approximation of national procedural laws ~~having cross-border implications to the extent necessary in order to ensure full application of the principle of mutual recognition.~~¹⁵
2. To this end, the European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws and framework laws aiming ~~inter alia~~³ to ensure:
 - the mutual recognition and enforcement between Member States of judgments and decisions in **judicial and**¹⁶ extrajudicial cases;
 - the cross-border service of judicial and extrajudicial documents;
 - the compatibility of the rules applicable in the Member States concerning the conflict of laws and of jurisdiction;
 - cooperation in the taking of evidence;
 - a high level of access to justice, **including the development of alternative methods of dispute settlement**⁴;
 - the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States;

¹ It is necessary to clarify the scope of the Article by pointing out that the application of the principle of mutual recognition is the overriding aim of the cooperation and that all measures must have a cross-border implication.

² Clarification.

³ The words “inter alia” may appear to make the scope of the Article uncertain. They should be deleted in order to avoid unnecessary difficulties in defining whether a certain measure is covered by the scope of the legal basis. The proposed indents are comprehensive and provide a sufficient legal basis for necessary measures.

⁴ Measures to achieve a high level of access to justice include the development of alternative methods of dispute settlement.

- ~~the development of measures of preventive justice and alternative methods of dispute settlement;~~⁵
 - support for the training of the judiciary and judicial staff.
3. The Council, on a proposal from the Commission, shall unanimously adopt laws and framework laws concerning **judicial cooperation relating to family law with cross-border implications**⁶; it shall act after consulting the European Parliament. ~~The European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws and framework laws concerning parental responsibility.~~⁷

⁵ See comments to Article 31.3. The phrase “preventive justice” is unclear.

⁶ It should be made clear that para 3 refers to civil matters having cross-border implications, and not substantive civil law.

⁷ The Council should act unanimously concerning parental responsibility. Provisions relating to family law are strongly linked to the cultural, financial and social character of a country. This applies in particular to issues concerning parental responsibility which are very close to the citizens and of vital importance. The Member States have such different views on children and parents that it should not be possible to outvote one Member State.