

AMENDMENT FORM

Suggestion for amendment of Part Two, Title.. Article 14 : [Judicial cooperation in civil matters]

By Mr Dick Roche

Status : Member

Article 14 : [Judicial cooperation in civil matters]

1. **Insofar as necessary for the proper functioning of the internal market**, the Union shall develop judicial cooperation in civil matters **having cross-border implications** based on the principle of mutual recognition of ~~judgments~~ **judicial decisions** and decisions in extrajudicial cases. Such cooperation shall include the adoption of measures for the approximation of national laws **where necessary** ~~having cross-border implications~~.
2. **Having regard to Paragraph 1**, ~~To this end~~, the European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws and framework laws aiming inter alia to ensure:
 - the mutual recognition and enforcement between Member States of judgments and decisions in 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;]
 - **eliminating obstacles to** the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States;
 - the development of measures **to prevent disputes** ~~of preventive justice~~ and alternative methods of dispute settlement;
 - 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 family law; 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.~~

Explanation (if any) :

The Article should continue to situate the Union's activities in the civil law area in the need to ensure the proper functioning of the internal market.

Clarification on what is meant by 'a high level of access to justice' would be welcome.

In relation to civil proceedings, the wording of existing Article 65 TEC is preferred.

Unanimity should apply to all aspects of family law and other aspects of civil law not related to the functioning of the internal market.