

AMENDMENT FORM

Suggestion for amendment of Article 14

By: **Ms. Danuta Hübner**

Status: **Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<u>Article 14 : [Judicial cooperation in civil matters]</u>	<u>Article 14 : [Judicial cooperation in civil matters]</u>
<p>1. The Union shall develop judicial cooperation in civil matters based on the principle of mutual recognition of judgments and decisions in extrajudicial cases. Such cooperation shall include the adoption of measures for the approximation of national laws having cross-border implications.</p> <p>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 to ensure:</p> <ul style="list-style-type: none">– 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;– the good functioning of civil proceedings, if necessary by	<p>1. The Union shall develop judicial cooperation in civil matters based on the principle of mutual recognition of judgments and decisions in extrajudicial cases. Such cooperation shall include be supported by the adoption of measures for the approximation of national laws in the field of judicial cooperation in civil matters having cross-border implications.</p> <p>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 to ensure:</p> <ul style="list-style-type: none">– 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;

<p>promoting the compatibility of the rules on civil procedure applicable in the Member States;</p> <ul style="list-style-type: none"> – the development of measures of preventive justice and alternative methods of dispute settlement; – support for the training of the judiciary and judicial staff. <p>3. The Council, on a proposal from the Commission, shall unanimously ¹ 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.</p>	<ul style="list-style-type: none"> – 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 of preventive justice and alternative methods of dispute settlement; – support for the training of the judiciary and judicial staff. <p>3. The Council, on a proposal from the Commission, shall unanimously ² 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.</p>
<p>Explanation:</p> <p>The proposed text suggests that “cross-border implications” refer to “national laws” which in light of article 65 TEC is not the case. The cross-border implications are the features of civil matters, not laws.</p> <p>The expression “preventive justice” needs further explanation before being implemented into the Treaty article.</p>	