

AMENDMENT FORM

Suggestion for amendment of: Part III, Article 165

By Mr : Dick Roche

Status : - Member

Article III–165 (ex Article 14)

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 and decisions in extrajudicial cases. Such cooperation may include the adoption of measures for the approximation of the laws and regulations of the Member States **where necessary**.
2. To this end, a law or framework law shall lay down measures aimed inter alia at ensuring:
 - (a) the mutual recognition and enforcement between Member States of judgments and decisions in extrajudicial cases;
 - (b) the cross-border service of judicial and extrajudicial documents;
 - (c) the compatibility of the rules applicable in the Member States concerning conflict of laws and of jurisdiction;
 - (d) cooperation in the taking of evidence;
 - (e) a high level of access to justice;
 - (f) **eliminating obstacles to** the proper functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States;
 - (g) the development of alternative methods of dispute settlement;
 - (h) support for the training of the judiciary and judicial staff.
3. Notwithstanding paragraph 2, measures concerning those aspects of family law with cross-border implications shall be laid down in a European framework law by the Council. It shall act unanimously after consulting the European Parliament.

The Council, on a proposal from the Commission, may adopt a European decision

determining those aspects of family law with cross-border implications which may be adopted by the ordinary legislative procedure. The Council shall act unanimously after consulting the European Parliament.

Explanation

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.

The requirement for unanimity in the Council for all aspects of family law is welcome.