



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.6.2007
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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT**

pursuant to the second subparagraph of Article 251(2) of the EC Treaty

concerning the

common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and the Council establishing for the period 2007-2013 the specific programme “Civil justice” as part of the General programme “Fundamental Rights and Justice”

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM([2005])[122] final - [2005]/[040]COD):	11 April 2005
Date of the opinion of the European Economic and Social Committee:	19 January 2006
Date of the opinion of the European Parliament, first reading:	14 December 2006
Date of adoption of the common position:	12 June 2007

2. PURPOSE OF THE COMMISSION PROPOSAL

“Civil justice” is a financing programme with the following objectives:

- (a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence;
- (b) to promote the elimination of obstacles to the proper functioning of cross-border civil proceedings in the Member States;
- (c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;
- (d) to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.

3. COMMENTS ON THE COMMON POSITION

The Council Common Position preserves the essence of the original Commission proposal and takes the European Parliament’s main amendments at first reading into account.

The differences of substance between the common position and the original Commission proposal are as follows:

- Article 4(b): a proposal for a specific project will be eligible for financing if it involves at least two Member States or one Member State and one acceding or applicant state (instead of three Member States, as originally proposed by the Commission).
- Article 4(d): operating grant for the whole period to the Network of the Presidents of the Supreme Judicial Courts of the European Union and the European Network of Councils for the Judiciary.
- Article 7: access to the programme opened to international organisations.
- Article 10: comitology: the double committee principle is introduced (management committee for the adoption of the annual work programme and advisory committee for other questions).

The Council Common Position is based on a compromise between the European Parliament, the Council and the Commission. The compromise concerns the text as a whole, except for the part on comitology, where there remains a difference of opinion between the Council and Commission on one side and Parliament on the other.

The European Parliament passed an amendment that would apply the new committee procedure (regulatory procedure with scrutiny); the Council and Commission consider that this procedure is not applicable in this case.

4. CONCLUSIONS

The Commission accepts the common position, which incorporates the main elements of its original proposal and the main amendments adopted by the European Parliament.