

Procedure file

Basic information		
CNS - Consultation procedure Decision	2006/0808(CNS)	Procedure lapsed or withdrawn
Area of freedom, security and justice: strengthen judicial protection, adaptation of the special provisions concerning the jurisdiction of the Court of Justice, title IV of the EC Treaty		
Subject 7.40 Judicial cooperation 8.40.04 Court of Justice, Court of First Instance		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		02/10/2006
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
European Commission	Commission DG Legal Service	Commissioner BARROSO José Manuel	

Key events			
27/06/2006	Legislative proposal published	COM(2006)0346	Summary
28/09/2006	Committee referral announced in Parliament		
20/03/2007	Vote in committee		Summary
27/03/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0082/2007	
25/04/2007	Results of vote in Parliament		
25/04/2007	Decision by Parliament	T6-0140/2007	Summary

Technical information	
Procedure reference	2006/0808(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 067
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/6/40639

Documentation gateway					
Legislative proposal		COM(2006)0346	28/06/2006	EC	Summary
Committee draft report		PE382.638	08/02/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0082/2007	27/03/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0140/2007	25/04/2007	EP	Summary

Additional information	
European Commission	EUR-Lex

Area of freedom, security and justice: strengthen judicial protection, adaptation of the special provisions concerning the jurisdiction of the Court of Justice, title IV of the EC Treaty

PURPOSE: to adapt the provisions of Title IV of the Treaty establishing the European Community relating to the jurisdiction of the Court of Justice with a view to ensuring more effective judicial protection.

CONTEXT: in taking stock of the implementation of the Hague programme, the Commission concludes that the time has come to improve the judicial protection offered by the Court of Justice of the European Communities in matters concerning asylum, immigration, visas, the free movement of persons and civil law.

In particular, by way of exception from the standard regime, the jurisdiction of the Court of Justice in matters covered by Title IV is currently more limited than in other areas where Community law applies. It is not possible, for example, for a national court or tribunal of first instance or an ordinary appeal court to refer questions of the interpretation of Community law in these matters to the Court of Justice for a preliminary ruling. The claimant must first exhaust all national remedies before the Community courts can be asked to interpret the relevant law.

The current derogation applies in an area that is particularly sensitive in terms of fundamental rights. Persons concerned include asylum-seekers, applicants for family reunification and third-country nationals challenging expulsion orders or discriminatory treatment, but also minors affected by disputes covering maintenance responsibilities or, in particular, parental responsibility. Often, people do not have the financial resources needed to exhaust all national redress procedures, and/or they need rapid legal guidance. In addition, in civil and commercial matters litigation can easily become illusory or too expensive for small- and medium-sized enterprises if they have to go right up to the national supreme court before the Court of Justice can rule on their rights.

CONTENT: the Commission is accordingly proposing that the Court of Justice be given full jurisdiction in matters covered by Title IV. Under the Amsterdam Treaty, the Council should have taken a decision to adapt the derogations after a five-year transitional period, which has already expired. A draft Council Decision to that end is attached. The decision will require unanimity in the Council.

In particular, alignment of the rules concerning the jurisdiction of the Court in Title IV on the ordinary law will:

- ensure the uniform application and interpretation of Community law in this area as in all others;
- make it possible to strengthen judicial protection, in fields that are particularly sensitive in terms of fundamental rights;
- remedy a paradoxical retrograde step in judicial protection as a result of the Amsterdam Treaty in civil matters covered by Article 65 of the EC Treaty;
- enable the Community judicial system to perform normally without any fear of operating problems in this area.

In its communication the Commission, irrespective of the ongoing debate on the future of the Constitutional Treaty, proposes that the proposal be examined by the Council and the European Parliament during the Finnish Presidency and that the necessary amendments be launched for the full application of the existing provisions in the Treaties as they stand.

Area of freedom, security and justice: strengthen judicial protection, adaptation of the special provisions concerning the jurisdiction of the Court of Justice, title IV of the EC Treaty

The committee adopted the report by József SZÁJER (EPP-ED, HU) approving - under the consultation procedure - the proposed Council decision adapting the provisions concerning the Court of Justice in fields covered by Title IV of Part Three of the Treaty establishing the European Community.

Area of freedom, security and justice: strengthen judicial protection, adaptation of the special provisions concerning the jurisdiction of the Court of Justice, title IV of the EC Treaty

The European Parliament adopted the resolution drafted by József SZÁJER (EPP-ED, HU) approving the proposed Council decision adapting the provisions concerning the Court of Justice in fields covered by Title IV of Part Three of the Treaty establishing the European Community.

