



TEXTS ADOPTED

P9_TA(2023)0449

Authorisation empowering France to negotiate a bilateral agreement with Algeria concerning judicial cooperation in civil matters related to family law

European Parliament legislative resolution of 12 December 2023 on the proposal for a Council decision on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation concerning family law matters (COM(2023)0064 - C9-0026/2023 - 2023/0027(CNS))

(Special legislative procedure - consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2023)0064),
 - having regard to Article 2(1) and Article 81(3) of the Treaty on the Functioning of the European Union pursuant to which the Council consulted Parliament (C9-0026/2023),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0355/2023)
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a decision Recital 2

Text proposed by the Commission

(2) France provided information showing that ***it has a specific interest in negotiating the draft agreement transmitted to the Commission***, due to the exceptional economic, cultural, historical, social and political ties between France and Algeria.

Amendment

(2) France provided information showing that due to the exceptional economic, cultural, historical, social and political ties between France and Algeria, ***France has a specific interest in negotiating a bilateral agreement with Algeria, the draft of which was transmitted to the Commission.***

Amendment 2

Proposal for a decision Recital 8

Text proposed by the Commission

(8) ***Most*** of the matters to be dealt with in the draft agreement between France and Algeria affect the EU acquis, ***in particular the EU legislation*** concerning family law matters. Consequently, the matters covered by such international commitments fall within the Union's exclusive external competence. Member States may negotiate, or enter into, such commitments only if ***empowered to do so by the Union in accordance with*** Article 2(1) of the Treaty on the Functioning of the European Union (TFEU) ***in conjunction*** with the ***substantive legal basis of***

Amendment

(8) ***Certain*** of the matters to be dealt with in the draft agreement between France and Algeria affect the ***relevant*** EU acquis concerning family law matters. Consequently, the matters covered by such international commitments fall within the Union's exclusive external competence. Member States may negotiate, or enter into, such commitments only if ***they are granted under*** Article 2(1) of the Treaty on the Functioning of the European Union (TFEU) ***an empowerment by the Union legislator to do so, in accordance*** with the ***legislative procedure referred to in*** Article

Article 81(3) TFEU.

81(3) TFEU.

Amendment 3

Proposal for a decision

Article 1 - paragraph 1 - indent 1

Text proposed by the Commission

— inform Algeria that the European Commission **shall** take part in the negotiations as an observer and will be informed of any progress and results achieved during the various stages of the negotiations;

Amendment

— inform Algeria that the European Commission **may** take part in the negotiations as an observer and will be informed of any progress and results achieved during the various stages of the negotiations;

Amendment 4

Proposal for a decision

Article 1 - paragraph 1 - indent 2

Text proposed by the Commission

— encourage Algeria to consider accession to the core Conventions concerning family law matters developed by the Hague Conference on Private International Law and start **a serious** analysis of the **reasons** which **has** prevented Algeria to do so for the time being;

Amendment

— encourage Algeria to consider accession to the core Conventions concerning family law matters developed by the Hague Conference on Private International Law and start **an analysis of the most appropriate means to remove the obstacles** which **have** prevented Algeria to do so for the time being;

Amendment 5

Proposal for a decision

Article 1 - paragraph 1 - indent 3

Text proposed by the Commission

— inform Algeria that, after the conclusion of negotiations, an authorisation from the Council of the European Union is required

Amendment

— inform Algeria that, after the conclusion of negotiations, an authorisation from the Council of the European Union is required

before ***the Parties are*** allowed to conclude the agreement;

before ***France is*** allowed to conclude the agreement;

Amendment 6

Proposal for a decision

Article 1 - paragraph 1 - indent 4

Text proposed by the Commission

— inform Algeria that the authorisation from the Council of the European Union to conclude the agreement, following a proposal from the Commission, may provide that the agreement may have a limited validity in time (***for instance, five years***) ***and may have*** to be ***reconsidered afterwards***;

Amendment

— inform Algeria that the authorisation from the Council of the European Union to conclude the agreement, following a proposal from the Commission, may provide that the agreement may have a limited validity in time, ***possibly with a system of a tacit renewal*** to be ***indicated in the decision of the European Parliament and of the Council on the conclusion of the agreement***;

Amendment 7

Proposal for a decision

Article 1 - paragraph 1 - indent 4 a (new)

Text proposed by the Commission

Amendment

- ***insert a provision providing for full or partial denunciation of the agreement or direct replacement of the relevant provisions in the agreement in the event of the conclusion of a subsequent agreement between the Union or the Union and its Member States, on the one hand, and Algeria, on the other hand, or Algeria's accession to the relevant Hague Conventions***;

Amendment 8

Proposal for a decision

Article 1 - paragraph 1 - indent 5

Text proposed by the Commission

— insert a provision to the effect that the decisions recognised in France under this agreement cannot subsequently circulate in other EU Member States;

Amendment

— insert a provision to the effect that the decisions recognised in France under this agreement cannot subsequently circulate in other EU Member States ***under Union law***;

Amendment 9

Proposal for a decision

Article 1 - paragraph 1 - indent 6

Text proposed by the Commission

— ensure that the provisions ***concerning the right to refuse the service of documents are aligned with the provisions of Article 12(3) of the Service of Documents recast Regulation, meaning the addressee may refuse service of documents either at the time of service or within two weeks of the time of service***;

Amendment

— ensure that the provisions ***of the agreement negotiated with Algeria comply with the relevant Union acquis and Hague Conventions***;