Proposal for a Council Regulation extending the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius-civil)

(2000/C 365 E/21)


(Submitted by the Commission on 6 September 2000)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the European Parliament,

Whereas:

(1) On 28 October 1996 the Council adopted the Joint Action on a programme of incentives and exchanges for legal practitioners (Grotius) (1), on the basis of the former Article K.3 of the Treaty on European Union. This programme sets out to facilitate judicial cooperation between Member States by fostering mutual knowledge of legal and judicial systems. It provides funding for training, exchange and work-experience programmes, organisation of meetings, studies and research, and the distribution of information. It is aimed at legal practitioners.

(2) The Grotius programme was set up for the period 1996-2000. The annual programme and the call for applications for the last year of the Grotius programme, as established by the Joint Action of 28 October 1996, were published in January 2000 (2). The two annual reports from the Commission to the European Parliament and the Council drawn up so far on implementation of the Grotius programme (3) demonstrate its importance in strengthening judicial cooperation. Legal practitioners should be able to continue receiving assistance under this programme.

(3) The Grotius programme is concerned with judicial cooperation in the areas of both civil and criminal law. Judicial cooperation in the area of civil law, which was one of the areas of common interest referred to in the former Article K.1 of the Treaty on European Union, is now covered by Article 61 of the Treaty establishing the European Community. Those aspects of the Grotius programme relating to judicial cooperation in the area of civil law therefore now fall within the scope of Article 61 of the Treaty establishing the European Community. Judicial cooperation in the area of criminal law, which was one of the areas of common interest referred to in the former Article K.1 of the Treaty on European Union, is now covered by Article 29 of the Treaty on European Union. Those aspects of the Grotius programme relating to judicial cooperation in the area of criminal law therefore now fall within the scope of Article 29 of the Treaty on European Union. This Regulation does not cover that area.

(4) The Commission is considering the future of the part of the Grotius programme concerned with judicial cooperation in the area of civil law (Grotius-civil). This analysis focuses particularly on relations between this programme and other funding programmes, namely the Robert Schuman project (4), and the programmes connected with the creation of an area of freedom, security and justice, related to Title IV of the Treaty establishing the European Community or Title VI of the Treaty on European Union.

(5) Pending the conclusion of this analysis, legal practitioners should be able to continue receiving financial support from the European Community for initiatives designed to facilitate judicial cooperation between Member States by fostering mutual knowledge of legal and judicial systems. The Grotius-civil programme should therefore be extended to cover the year 2001.

(6) This Regulation establishes a financial framework for the duration of the programme, which constitutes the prime reference for the budgetary authority within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (5).

(2) OJ C 12, 15.1.2000, p. 17.
(3) Reports on the implementation of the Grotius, Sherlock, Stop and Osin programmes (SEC/98) 1048 and SEC/99) 1955
(4) The Robert Schuman project is a financial support instrument created in 1998 (Decision of the European Parliament and of the Council of 22 June 1998 establishing an action programme to improve awareness of Community law within the legal professions, OJ L 196, 14.7.1998, p. 24) for a period of three years, with the aim of encouraging and supporting initiatives in the area of training and information designed to raise awareness of Community law among members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers in the Member States.
HAS ADOPTED THIS DECISION:

Article 1

Those aspects of the Grotius programme which relate to judicial cooperation in the area of civil law shall be extended to cover the year 2001. The programme was established by the Joint Action 96/636/JHA, adopted by the Council on 28 October 1996 on the basis of the former Article K.3 of the Treaty on European Union, establishing a programme of incentives and exchanges for legal practitioners (Grotius).

The provisions of the Joint Action in question relating in particular to procedural matters shall continue to apply to the implementation of this programme in 2001.

Article 2

The financial framework for the implementation of the programme in 2001 shall be EUR 650 000.

This appropriation shall be established by the budgetary authority within the limit of the financial perspective.

Article 3

The Commission shall report to the European Parliament and the Council on the implementation of the programme at the end of the 2001 budgetary year.

Article 4

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.