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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Opinion of the Court (Grand Chamber) of 6 October 2021 — European Parliament

(Opinion 1/19) ⁽¹⁾

(Opinion pursuant to Article 218(11) TFEU — Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) — Signature by the European Union — Draft conclusion by the European Union — Concept of an ‘agreement envisaged’, within the meaning of Article 218(11) TFEU — External competences of the European Union — Substantive legal basis — Article 78(2) TFEU — Article 82(2) TFEU — Article 83(1) TFEU — Article 84 TFEU — Article 336 TFEU — Articles 1 to 4a of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice — Partial participation of Ireland in the conclusion of the Istanbul Convention by the European Union — Possibility of splitting the act concluding an international agreement into two separate decisions according to the applicable legal bases — Practice of ‘common accord’ — Compatibility with the TEU and the TFEU)

(2021/C 481/02)

Language of the case: all the official languages

Applicant

European Parliament (represented by: by D. Warin, A. Neergaard and O. Hrstková Šolcová, acting as Agents)

Operative part of the Opinion

1. Subject to full compliance, at all times, with the requirements laid down in Article 218(2), (6) and (8) TFEU, the Treaties do not prohibit the Council of the European Union, acting in conformity with its Rules of Procedure, from waiting, before adopting the decision concluding the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on behalf of the European Union, for the ‘common accord’ of the Member States to be bound by that convention in the fields falling within their competences. However, the Treaties do prohibit the Council from adding a further step to the conclusion procedure laid down in that article by making the adoption of the decision concluding that convention contingent on the prior establishment of such a ‘common accord’;
2. The appropriate substantive legal basis for the adoption of the Council act concluding, on behalf of the European Union, the part of the Istanbul Convention covered by the envisaged agreement, within the meaning of Article 218(11) TFEU, is made up of Article 78(2), Article 82(2) and Articles 84 and 336 TFEU;
3. Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the TEU and the TFEU and Protocol (No 22) on the position of Denmark annexed to the TEU and the TFEU justify the division of the Council act concluding, on behalf of the European Union, the part of the Istanbul Convention covered by the envisaged agreement into two separate decisions only in so far as that division is intended to take account of the circumstance that Ireland or the Kingdom of Denmark is not participating in the measures adopted in respect of the conclusion of that agreement which fall within the scope of those protocols, considered in their entirety.

⁽¹⁾ OJ C 413, 9.12.2019.