

Rome I (Update): Council's Comment on the EP Vote at First Reading - Live Broadcast of the Council's Public Deliberation - The Debate in the EP - UK to Opt-In

Following our post on the forthcoming JHA Council session (6-7 December 2007), here's a document prepared by the General Secretariat of the Council for the Permanent Representatives Committee (COREPER), providing a short presentation of the Parliament's vote on Rome I and the text of the EP legislative resolution at first reading (see our post here):

I. INTRODUCTION

*The Committee on Legal Affairs adopted sixty-four amendments to the proposal for a Regulation (amendments 1- 64). In accordance with the provisions of Article 251(2) of the EC Treaty and the joint declaration on practical arrangements for the codecision procedure, **a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for a second reading and conciliation.***

*In this context, the rapporteur, Mr Cristian DUMITRESCU (PES - RO), and the PES, EPP-ED, ALDE, UEN and Greens/EFA political groups together tabled **a further twenty-one compromise amendments (amendments 65-85).***

These amendments had been agreed during the informal contacts referred to above. During the debate, Vice-President of the Commission Frattini made a statement regarding Article 5a on behalf of the Commission, and invited the Council to support it.

II. VOTE

At the vote which took place on 29 November 2007, the plenary adopted the twenty-one compromise amendments (amendments 65-85) and forty-nine of the Committee's original amendments [...].

The amendments adopted correspond to what was agreed between the three institutions and ought therefore to be acceptable to the Council.

Consequently, once the lawyer-linguists have scrutinised the text, the Council should be in a position to adopt the legislative act. [...]

As regards the legal-linguistic revision of the EP text, the document sets a deadline of 18 January 2008 for the national delegations to send their observations to the Council's Directorate for the Quality of Legislation: it is therefore likely that, if a political agreement is reached in the Council on 7 December 2007, the Rome I Regulation will be officially adopted in one of the Council's session in early 2008.

The Council's discussion on Rome I, that will take place on 7 December about 11h00 AM, will be open to the public, like every deliberation under the co-decision procedure. It will therefore be broadcasted on the Council's website.

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As regards **the debate that preceded the vote in the European Parliament** (29 November 2007), the transcription (mainly in French) has been made **available on the EP website**. Most part of the speakers (among which Commissioner Frattini and the EP Rapporteur Dumitrescu) **focused on the conflict rule on consumer contracts** (art. 6 of the EP legislative resolution), one of Parliament's main concerns, pointing out the balance struck in the provision between the need of protection of the weaker party and the commercial interests of the "professionals" (especially SMEs).

According to rapporteur Dumitrescu, **the United Kingdom**, that has not so far given notice of its wish to take part in the adoption of the Rome I Regulation, **may be reconsidering its position**, in the light of the text resulting from the informal agreement between EP and Council.