

Rome III: EP LIBE Committee's Draft Report on the Commission's Proposal

On 9 January 2008 *Evelyne Gebhardt*, Rapporteur in the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), has released her **Draft report on the Commission's Proposal for a Council regulation amending regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters** (COM(2006)399 of 17 July 2006).

Pursuant to Rule 47 of the European Parliament's Rules of Procedure (16th edition - November 2007), the Rome III regulation is subject to the procedure with associated committees, since its subject matter 'falls almost equally within the competence of two committees' (as determined in Annex VI to the Rules of Procedure), and it is under the primary responsibility of the LIBE Committee, while the Committee on Legal Affairs (JURI) has been asked for an opinion. *Carlo Casini*, draftsman for the JURI Committee, presented a Draft opinion on 4 December 2007, that was discussed in the meeting of 19 December 2007.

The 'Rome III' file currently being examined by the LIBE Committee is thus formed by the following documents, besides the initial Commission's Proposal and Annexes - SEC(2006)949 and SEC(2006)950 - of 17 July 2006:

- a **Draft report** prepared by Rapporteur Gebhardt, containing 27 amendments to the text proposed by the Commission;
- an interesting **Working document on the law applicable in matrimonial matters**, prepared by the Rapporteur;
- a **Draft opinion delivered by the JURI Committee** (draftsman: Carlo Casini).

Once the Report is adopted in the LIBE Committee, the exam of the Rome III regulation is scheduled in the plenary session of the European Parliament on 22 April 2008 (see the OEIL page on the status of the procedure).

It must be stressed that, pursuant to Art. 67(5) of the EC Treaty, the **Rome III**

regulation is subject to the consultation procedure, so the Council is not bound by Parliament's position. The latest Council's document publicly available on the matter is a text drafted in June by the German and Portuguese Presidency on the basis of the meetings of the Committee on Civil Law Matters and of the comments of Member States' delegations (doc. n. 11295 of 28 June 2007). The latest 'Summary of discussions' (doc. n. 5753/08, currently not accessible) was prepared by the Committee on Civil Law Matters on 28 January 2008.

A political agreement is expected to be reached in the Council by the end of the Slovenian Presidency (June 2008). For further information on the Rome III regulation, see the dedicated section of our site.