

EUROPEAN PARLIAMENT

2004



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Committee on Legal Affairs

PROVISIONAL
2004/0055(COD)

23.8.2006

*****II**

DRAFT RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a regulation of the European Parliament and of the Council creating a European order for payment procedure
(7535/3/2006 – C6-0227/2006 – 2004/0055(COD))

Committee on Legal Affairs

Rapporteur: Arlene McCarthy

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council common position for adopting a regulation of the European Parliament and of the Council on Parliament and of the Council creating a European order for payment procedure
(7535/3/2006 – C6-0227/2006 – 2004/0055(COD))**

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (7535/3/2006 – C6-0227/2006),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2004)0173)²,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Legal Affairs (A6-0000/2006),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Council common position

Amendments by Parliament

Amendment ***

Justification

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¹ Texts Adopted, P6_TA(2005)0499.

² Not yet published in OJ.

EXPLANATORY STATEMENT

Introduction

The Council's common position was announced at the July plenary session. Even though Parliament has had the normal three-month period for second reading extended to four months under Article 271(7) of the EC Treaty, Parliament has to take a stand on the common position before 5 November.

The Common Position

At first reading, Parliament reached agreement with the Council on the enacting terms of the proposed regulation. Consequently, the Council has accepted all of Parliament's first-reading amendments, subject to technical changes as detailed in the Statement of the Council's Reasons (doc. 7535/06 Add 8 Rev 1).

Provided that the committee finds that the Council has taken due account of our first-reading amendments, we should concentrate on the preamble and on the forms annexed to the proposed regulation. It may be recalled that Parliament's concern at first reading was that the forms should be as user-friendly as possible, require the minimum of free text and be suitable for use on-line.

Procedure

Your rapporteur has produced a draft report without amendments in order that a deadline for amendments may be opened at the September meeting of the Legal Affairs Committee. She intends to examine the Common Position closely also in conjunction with the shadow rapporteurs and hold such informal trilogues with the Presidency as are necessary in order to iron out any problems. The committee could then adopt its recommendation for second reading in October and go to the plenary session at the end of October.