



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 March 2013

**6090/13
EXT 1**

**JUSTCIV 18
AELE 14
JAIEX 13**

PARTIAL DECLASSIFICATION

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Subject: Recommendation from the Commission to the Council to authorise the Commission to open negotiations for the conclusion of an agreement between the European Union and Denmark, Iceland, Norway and Switzerland, on the service of judicial and extrajudicial documents in civil and commercial matters, and an agreement between the European Union and Denmark, Iceland, Norway and Switzerland, on the taking of evidence in civil and commercial matters

- Adoption

Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 February 2013

**6090/13
EXT 1 (12/03/2013)**

**JUSTCIV 18
AELE 14
JAIEX 13**

"I/A" ITEM NOTE

from : Presidency

to : Coreper/Council

No. prev. doc. : 5370/13 JUSTCIV 6 AELE 5 JAIEX 6 **RESTREINT UE/EU RESTRICTED**

No. Cion prop. : 14350/12 JUSTCIV 292 AELE 68 JAIEX 76 **RESTREINT UE/EU
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Subject : Recommendation from the Commission to the Council to authorise the Commission to open negotiations for the conclusion of an agreement between the European Union and Denmark, Iceland, Norway and Switzerland, on the service of judicial and extrajudicial documents in civil and commercial matters, and an agreement between the European Union and Denmark, Iceland, Norway and Switzerland, on the taking of evidence in civil and commercial matters
- Adoption

I. INTRODUCTION

1. On 27 September 2012 the Commission submitted to the Council a Recommendation for a Council Decision with a view to authorising the Commission, acting on behalf of the European Union, to open negotiations for the conclusion of an agreement between the European Union and Iceland, Norway and Switzerland, on the service of judicial and extrajudicial documents in civil and commercial matters, and an agreement between the European Union and Denmark, Iceland, Norway and Switzerland, on the taking of evidence in civil and commercial matters.

II. EXAMINATION OF THE PROPOSED RECOMMENDATION

2. The above recommendation for a Council Decision was examined by the Working Party on Civil Law Matters (General Questions) at its meetings on 19 October and 20 December 2012 and 31 January 2013.

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6. At its meeting on 31 January 2013, the Working Party on Civil Law Matters (General Questions) reached agreement on the negotiating directives set out in the Annex.

7. The United Kingdom and Ireland, to which Protocol 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, applies, are taking part in the adoption and application of the Council decision authorising the opening of negotiations.
8. In accordance with Articles 1 and 2 of Protocol 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark will not participate in the adoption of the abovementioned Council Decision.

III. CONCLUSION

9. In light of the above, Coreper is invited to suggest to the Council to:
 - (a) authorise the Commission to negotiate an agreement between the European Union, Denmark, Iceland, Norway and Switzerland on the service of judicial and extrajudicial documents in civil and commercial matters, on the understanding that a clause must provide for the application of the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters in relations between the European Union and Denmark;
 - (b) authorise the Commission to negotiate an agreement between the European Union, Denmark, Iceland, Norway and Switzerland on the taking of evidence in civil and commercial matters;
 - (c) designate, pursuant to Article 218(4) of the Treaty on the Functioning of the European Union, a special committee in consultation with which the Commission, in accordance with the Treaty, will conduct these negotiations on behalf of the European Union; and
 - (d) adopt the negotiating directives set out in the Annex.

NEGOTIATING DIRECTIVES

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