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JUSTCIV 107

#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	8323/16 RESTREINT UE/RESTRICTED EU
No. Cion doc.:	7744/16 RESTREINT UE/RESTRICTED EU
Subject:	Draft Council Decision authorising the opening the negotiations on a Convention on the recognition and enforcement of judgments in civil and commercial matters (the Judgments Convention) in the framework of the Hague Conference on Private International Law - Adoption

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#### I. BACKGROUND

1. On 13 April 2016 the Commission submitted to the Council a Recommendation for a Council Decision authorising the opening of negotiations on a Convention on the recognition and enforcement of judgments in civil and commercial matters ('the Judgments Convention') in the framework of the Hague Conference on Private International Law. Negotiations on the proposed Judgments Convention will formally start in a Special Commission of the Hague Conference on 1 June 2016.
2. The draft Council Decision was examined by the Working Party on Civil Law Matters (General Questions) on 21 April and on 11 May 2016 and was amended on the basis of discussions at those meetings. On 11 May 2016, the Working Party finalised a compromise text as set out in 8851/16 JUSTCIV 109 RESTREINT UE/RESTRICTED EU.

3. The proposal is based on point (a) of Article 81(2) of the Treaty on the Functioning of the European Union in conjunction with 218(3) and (4) thereof.
4. The Union has exclusive external competence with regard to the matters dealt with by the proposed Judgments Convention given that the proposed convention will affect common rules of the existing Union framework, in particular Regulation EU (No) 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I recast).
5. The United Kingdom and Ireland are bound by Regulation EU (No) 1215/2012 ('Brussels I recast') and are therefore taking part in the adoption and application of this Decision.
6. In accordance with Articles 1 and 2 of Protocol No 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 is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

## **II. CONCLUSION**

7. Coreper/Council is invited to
  - confirm its agreement on the text of the draft Council Decision authorising the opening of negotiations on a Convention on the recognition and enforcement of judgments in civil and commercial matters (the Judgments Convention) in the framework of the Hague Conference on Private International Law and the negotiating directives set out in the Annex of this Council Decision as set out in 8851/16 JUSTCIV 109 RESTREINT UE/RESTRICTED EU.