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'I/A' ITEM NOTE

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 - Statement by the United Kingdom to be included to the minutes of the Council

1. The United Kingdom notes that recital 7 of the Council Decision states that the Union has exclusive external competence with regard to the matters dealt with by the proposed Judgments Convention, on the basis that the envisaged Convention will affect common rules of the existing Union framework, in particular Regulation 1215/2012 (Brussels I recast).
2. However, the United Kingdom wishes to draw attention to the fact that the Council Decision to be adopted is pursuant to Title V of Part III of the Treaty on the Functioning of the European Union. Consequently, the Council Decision will only bind the United Kingdom if it opts in to the Council Decision in accordance with Protocol 21 to the Treaties.

3. Accordingly the United Kingdom does not consider that it is automatically bound to participate in the Council Decision and considers the inclusion of the word “therefore” in the text of recital 8 to be inaccurate. The fact that the United Kingdom is taking part in Regulation 1215/2012 does not, in its view, render inoperative the provisions of Protocol 21.
 4. Instead, the United Kingdom is exercising its right under Protocol 21 to opt in to the proposed Council Decision, and will consider itself bound by the Decision.
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