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NOTE

From:	Presidency
To:	Working Party on Civil Law Matters (General Questions)
No. Cion doc.:	7744/16 RESTREINT UE/EU RESTRICTED
Subject:	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

1. The Commission submitted the above mentioned proposal on 13 April 2016.
2. It was examined by the Working Party on Civil Law Matters (General Questions) at its meeting on 21 April 2016.
3. In the light of the comments made by delegations at that meeting, the Presidency made some amendments to the text of the proposal. Changes compared to the text of the Commission proposal are marked in **bold** or by (...) for deleted text.
4. Delegations are invited to give their views on those amendments and to finalise the examination of the proposal at the meeting the Working Party on Civil Law Matters (General Questions) on 11 May 2016.

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 81(2)(a), 218(3) and (4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In 2012, the Council of General Affairs and Policy of the Hague Conference **on Private International Law** approved the start of preparatory work on a draft convention on the recognition and enforcement of judgments in civil and commercial matters (**'Judgements Convention'**);
- (2) In October 2015 a **Working Group of the Hague Conference** finished **its work on an informal text proposal for the core of such a Judgments Convention**;
- (3) At its meeting in March 2016, the Council of General Affairs and Policy **of the Hague Conference** approved the launch of negotiations on the **proposed Judgments Convention**;
- (4) Negotiations on **the proposed Judgments Convention** will **formally start in a Special Commission of the Hague Conference** on 1 June 2016;

- (5) **Regulation EU (No) 1215/2012 of Parliament and of the Council (Brussels I recast)**¹ provides for comprehensive rules on jurisdiction of the courts and recognition and enforcement of judgments in civil and commercial matters applicable within the Union. The Union has concluded the **2007 Lugano Convention**² which ensures recognition and enforcement of judgments in civil and commercial matters between Union Member States, EEA States and Switzerland;
- (6) **The proposed Judgments Convention will set rules for the recognition and enforcement of judgments in civil and commercial matters in a broad multilateral context. The proposed convention would complement the existing Union framework, including Regulation EU (No) 1215/2012 (Brussels I recast), the 2007 Lugano Convention and the 2005 Choice of Court Convention**³, and would ensure the circulation of Union judgments beyond the existing circulation among EU Member States, EEA States and Switzerland. The Union should **therefore** participate **actively** in the negotiations on **that** Convention;
- (7) **The Union has exclusive external competence with regard to the matters dealt with by the proposed Judgments Convention. The envisaged convention will affect common rules of the existing Union framework, in particular Regulation EU (No) 1215/2012 (Brussels I recast).**

¹ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

² Council Decision of 27 November 2008 concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L147, 10.06.2009, p.1).

³ The 2005 Choice of Court Convention entered into force on 1 October 2015 and is part of the Union *acquis* (Council Decision 2014/887/EU of 4 December 2014 on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements (OJ L 353, 10.12.2014)).

- (8) **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;**
- (9) **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;**

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, 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.**

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with **the Council Working Party on Civil Law Matters** which is the special committee hereby designated pursuant to Article 218(4) of the Treaty **on the Functioning of the European Union.**

Article 4

This Decision is addressed to the Commission.

Article 5

This Decision shall take effect on the day following that of its adoption.

Done at Brussels,

For the Council

The President

NOT DECLASSIFIED FROM THIS POINT UNTIL THE END OF THE DOCUMENT

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