



Brussels, 18 September 2017  
(OR. en)

12228/17

JUSTCIV 209

#### 'I/A' ITEM NOTE

From:	Presidency
To:	Coreper/Council
No. prev. doc.:	11558/17 RESTREINT UE/RESTRICTED EU
No. Cion doc.:	9336/17+ADD1 RESTREINT UE/RESTRICTED EU
Subject:	Draft Council Decision authorising the Commission to negotiate instruments on the enforcement of international commercial settlement agreements resulting from conciliation in the framework of the United Nations Commission on International Trade Law (UNCITRAL) - Adoption

#### I. BACKGROUND

On 16 May 2017, the Commission submitted to the Council a Recommendation for a Council Decision authorising the opening of negotiations on the conclusion of an instrument on the enforcement of international commercial settlement agreements resulting from conciliation in the framework of the United Nations Commission on International Trade Law (UNCITRAL).

The next session of UNCITRAL Working Group II on this matter will be held in Vienna, 2 to 6 October 2017.

The draft Council Decision was examined by the Working Party on Civil Law Matters (General Questions) on 29 May, 3 July and 13 September 2017. On 13 September 2017, the Working Party broadly finalised a compromise text. In the follow-up to that Working Party meeting the Presidency further fine-tuned some of the recital language with a view to accommodating the positions expressed by delegations.

The compromise text of the draft Council Decision as revised by the Council lawyer-linguists is set out in 12176/17 JUSTCIV 205 and that of the negotiating directives attached in an addendum to this Council Decision is set out in 12176/17 JUSTCIV 205 ADD 1 **RESTREINT UE/EU RESTRICTED.**

The draft Council Decision is based on points (a) and (g) of Article 81(2) of the Treaty on the Functioning of the European Union in conjunction with 218(3) and (4) thereof.

The United Kingdom and Ireland are bound by Regulation EU (No) 1215/2012 ('Brussels I recast') and Directive 2008/52/EC (Mediation Directive) and are therefore taking part in the adoption and application of this Decision.

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**

Coreper/Council is invited to

- confirm its agreement on the text of the draft Council Decision authorising the Commission to negotiate instruments on the enforcement of international commercial settlement agreements resulting from conciliation in the framework of the United Nations Commission on International Trade Law (UNCITRAL) and the negotiating directives attached **in the addendum** to this Council Decision as set out in 12176/17 JUSTCIV 205 + ADD 1 **RESTREINT UE/EU RESTRICTED.**