



Council of the
European Union

Brussels, 25 September 2017
(OR. en)

12483/17

JUSTCIV 217
PROCED 1

'I' ITEM NOTE

From:	Presidency
To:	Coreper
No. Cion doc.:	9336/17+ADD1 RESTREINT UE/RESTRICTED EU
No. prev. doc.:	11558/17 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) - Decision to use the written procedure

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 round of negotiations on this matter will take place at the UNCITRAL Working Group II session to be held in Vienna, 2 to 6 October 2017, and therefore the Council Decision needs to be adopted before that session.

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 12176/1/17 REV 1 JUSTCIV 205 (EN version)/12176/17 JUSTCIV 205 (other language versions). The compromise text 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 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

In view of the work schedule of the Council and the urgency of the matter, Coreper is invited

- to decide to use the written procedure for the adoption of the 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 12176/1/17 **REV 1 JUSTCIV 205** (EN version)/12176/17 **JUSTCIV 205** (other language versions) + ADD 1 **RESTREINT UE/EU RESTRICTED**.
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