



Council of the  
European Union

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**NOTE**

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From:	the Commission
To:	Delegations
No. prev. doc.:	WK 10605/2017 INIT
Subject:	Council Decision authorising the European 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 - Statement by the Commission

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Delegations will find attached in the Annex a written statement submitted by the Commission on 4 October 2017, relating to Council Decision authorising the European 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) adopted by the Council by way of written procedure on 29 September 2017. The statement is not included in the outcome of the written procedure (CM 4300/17).

"The Commission takes note of the text in recital (4) related to the possible affectation of existing Union rules in the field of judicial cooperation in civil matters. The Commission considers that it is in the interest of the Union to be able to negotiate, in principle, on all aspects falling within its competence. In any event, the Commission considers that, as the negotiations at UNCITRAL may affect or alter common rules of the existing Union framework relating to the recognition and enforcement of judicial settlements, as provided for by Regulation EU (No) 1215/2012 (Brussels I recast), the 2007 Lugano Convention and the 2005 Choice of Court Convention , as well as the enforceability of agreements resulting from mediation as provided for by Directive 2008/52/EC (Mediation Directive), the Union has exclusive external competence in this matter."

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