



Brussels, 17 September 2014

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**Interinstitutional File:  
2014/0021 (NLE)**

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JUSTCIV 222

**“/A” ITEM NOTE**

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from: The General Secretariat of the Council  
to: Coreper/Council  
No. prev. doc.: 11094/14 JUSTCIV 190  
No. Cion prop.: 5445/14 JUSTCIV 7

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Subject: Proposal for a Council Decision on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements  
- Request for the consent of the European Parliament

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1. By letter of 30 January 2014 the Commission transmitted to the Council a proposal for a Council Decision on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements.
2. The proposal is based on Article 81(2) of the Treaty on the Functioning of the European Union in conjunction with point (a) of Article 218(6) thereof. The consent of the European Parliament is therefore required.

3. The proposal has been examined by the Working Party on Civil Law Matters (General Questions) at a number of meetings during 2014.
4. In the light of that examination and of written comments from delegations the proposal has been amended to some extent, in particular the proposed declaration on the exclusion of insurance contracts.
5. The United Kingdom and Ireland are bound by Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, to be replaced as of 10 January 2015 by Regulation (EU) No 1215/2012 of the European Parliament and of the Council, and are therefore taking part in the adoption and application of the proposed Decision.
6. 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 the proposed Decision and is not bound by it or subject to its application.
7. In the light of the above, Coreper/Council is invited to:
  - (a) approve the text of the draft Council Decision on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements, as set out in document 12052/14 JUSTCIV 206<sup>1</sup>;
  - (b) decide to transmit the draft Council Decision to the European Parliament for consent in accordance with point (a) of Article 218(6) of the Treaty on the Functioning of the European Union.

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<sup>1</sup> Text revised by the lawyer-linguists.