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JUSTCIV 245

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Coreper/Council
No. prev. doc.:	13656/15 JUSTCIV 252
No. Cion doc.:	10748/13 JUSTCIV 144
Subject:	Draft Council Decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union - Request of the consent of the European Parliament

1. By letter of 6 June 2013 the Commission transmitted to the Council a proposal for a Council Decision authorizing Austria and Malta to accede to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.
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 2013, 2014 and 2015. In the light of that examination and the comments made by delegations the proposal has been amended.
4. The United Kingdom and Ireland are bound by Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, and are therefore taking part in the adoption and application of the proposed Decision.
5. 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.
6. In the light of the above, Coreper/Council is invited to:
 - (a) approve the text of the draft Council Decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union, as set out in document 13777/15 JUSTCIV 256 + ADD 1¹; and
 - (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.

¹ Text revised by the lawyer-linguists.