



Council of the
European Union

164357/EU XXVII. GP
Eingelangt am 29/11/23

Brussels, 29 November 2023
(OR. en)

15666/23
ADD 1

JUSTCIV 170
JAI 1520
FREMP 337
RELEX 1347
COLAC 151

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	The 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters: Line to take concerning the accession of Paraguay - Approval - Joint statement of Czechia and France

Delegations will find attached joint statement of Czech Republic and France to be included in the minutes of the Permanent Representatives Committee and of the Council.

Common declaration of Czechia and France

Czechia and France abstain from the vote on the line to take concerning the accession of Paraguay to the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereafter the “Hague Service Convention”).

Czechia and France have remaining doubts whether a recommendation for a line to be taken by Coreper and by the Council of the European Union with regard to the accession by Paraguay to the Hague Service Convention as laid down in document ST 15666/23 is necessary and correct.

It explicitly states that the Hague Service Convention falls under EU exclusive external competence, pursuant to Article 3(2) TFEU, insofar as the provisions of the Convention may affect or alter the scope of common EU rules on the service of judicial or extrajudicial documents in civil and commercial matters. However, since the provisions of the Hague Convention on service do not apply in relations between Member States but only when a third State is involved, the possibility of affecting or modifying the common EU rules is doubtful.

Czechia and France do not consider this recommendation as a precedent for any other accessions to the Hague Service Convention and other measures of the European Union that aim to regulate comparable subject matters, where exclusive external competence of the European Union could play a role but has not been agreed upon by the Member States.