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DECLASSIFICATION

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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ADDENDUM TO OUTCOME OF PROCEEDINGS

from : Working Party on Civil Law Matters (General Questions)
on : 7 July 2014
Subject : Summary of discussions

6. Negotiations with Iceland, Norway, Switzerland and Denmark with a view to the conclusion of agreements in the area of service of documents and taking of evidence

The Commission representative informed the Working Party of the first round of formal negotiations which had taken place in Zürich on 26 and 27 June 2014. The negotiations had been constructive and good progress had been made.

The Commission representative highlighted in particular the issue of parallelism between the current EU instruments and the future conventions which was an important element of the mandate of negotiations¹.

¹ See document 6090/13 JUSTCIV 18 AELE 14 JAIEX 13 RESTREINT UE/RESTRICTED EU.

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The Lugano States had declared themselves willing to take over the two EU Regulations so as to avoid creating a third regime in addition to that of the EU and that of The Hague. They had also declared themselves open to envisage a mechanism of automatic acceptance of any future revisions of the EU Regulations. However, they had expressed the wish to be involved in some way in the revision work so as not to be put in front of a *fait accompli*. Switzerland in particular had expressed concern that the EU Service of Documents Regulation might be revised during the negotiations with the Lugano States on the basis of the current Regulation and that the Lugano States would then be under an obligation to take over the provisions of a new Regulation different from the ones agreed on during the negotiations.

The Commission representative pointed out that the Commission had made no promises to the Lugano States relating to a possible involvement. Although the wish of the Lugano States was perfectly comprehensible, formal involvement in the EU legislative process was ruled out from the outset. However, the EU might wish to consider at internal level what could possibly be offered to the Lugano States in this respect by way of informal contacts.

On the service abroad of third party debt orders ("garnishment orders") which had been a major issue for Switzerland from the outset, a way forward seemed to have been found. The two Member States which in the past had served such orders on citizens and businesses in Switzerland (AT and DE) seemed to be in a process of putting an end to this practice. AT had already instructed its courts not to serve such orders in Switzerland and DE was currently reviewing its policy and might follow the AT example. If DE were to declare that it would put an end to the practice, the problem would be solved.

The Commission representative also informed the Working Party that Switzerland had indicated that it had no wish to be depositary for the new conventions. The Council Agreements Office had been consulted on the issue, and the Council Secretariat would be willing to take on the role as depositary.

The next round of negotiations was scheduled for spring 2015.