



Brussels, 4 October 2021
(OR. en)

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JUSTCIV 142
RELEX 801
JAIEX 103
COCON 69

'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 Georgia

- Approval
- Declaration of Czechia, France and Germany

Czechia, France and Germany abstain from the vote on the Council recommendation to the accession by Georgia to the Hague Convention of 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereafter the “Hague Service Convention”).

Czechia, France and Germany have remaining doubts whether a recommendation for a line to be taken by the Council of the European Union with regard to the accession by Georgia to this convention as laid down in Documents 11969/21 and 12284/21 JUSTCIV is necessary and correct. It implicitly states that the European Union has exclusive external competence in this field of law, which is doubtful at least in the light of the discussions within the Council.

It is therefore important that a Council recommendation is limited to the matters that may affect common rules or alter their scope and where the EU has external competences already accepted by the Member States, which is not the case for the current text.

Czechia, France and Germany 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 yet been agreed upon by the Member States.
