



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 June 2012 (06.06)
(OR. fr)**

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2009/0157 (COD)**

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REV 1**

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EJUSTICE 47
OC 264**

REVISED "I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER/COUNCIL

No. Cion prop.: 14722/09 JUSTCIV 210 CODEC 1209

Subject: Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions, acceptance and enforcement of authentic instruments in matters of succession and the creation of a European certificate of succession (**first reading**)
– Adoption of the legislative act (**LA + S**)
COMMON GUIDELINES
Consultation deadline: 6.6.2012

1. On 16 October 2009 the Commission sent the Council the above proposal ¹, based on Article 61(c) and the second indent of Article 67(5) of the TEC. Following the entry into force of the Treaty of Lisbon, the proposal must be adopted on the basis of Article 81(2) of the TFEU ^{2 3}.

¹ 14722/09

² In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

³ In accordance with Articles 1 and 2 of the Protocol 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 this Regulation and is not bound by it or subject to its application.

2. The European Economic and Social Committee delivered its opinion on 14 July 2010 ¹.
3. In accordance with the provisions of the Joint Declaration on practical arrangements for the codecision procedure ², informal contacts were initiated between the Council, the European Parliament and the Commission with the aim of reaching agreement at first reading.
4. The European Parliament adopted its position at first reading on 13 March 2012, adopting one compromise amendment to the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council ³.
5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council:
 - adopt the Regulation as set out in PE-CONS 14/12 as an "A" item at a forthcoming meeting, with the Maltese delegation voting against;
 - order the statement in the Addendum to this note to be entered in the minutes of that meeting.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.

¹ OJ C 44, 11.2.2011, p. 148.

² OJ C 145, 30.6.2007, p. 5.

³ 7443/12.