Council of the European Union

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'I/A' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	12946/21
No. Cion doc.:	10851/21
Subject:	Proposal for a Council Decision on the accession by the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters - Request of the consent of the European Parliament

1. On 26 May 2016, the Council adopted a Decision authorising the opening of negotiations on a Convention on the recognition and enforcement of judgments in civil and commercial matters (the Judgments Convention) in the framework of the Hague Conference on Private International Law[1]. The Council also decided that the negotiations should be conducted on the basis of the negotiating directives annexed to that Decision.

2. The Judgment Convention aims at promoting effective access to justice for all and facilitating rules-based multilateral trade and investment, and mobility, through judicial co-operation.

3. On 2 July 2019, the text of the Judgment Convention was adopted under the auspices of the Hague Conference on Private International Law.

[1] ST 8851/16 JUSTCIV 109 RESTREINT UE/RESTRICTED EU.

4. On 16 July 2021, the Commission submitted to the Council a proposal for a Council Decision on the accession by the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters[2] (Judgments Convention).

5. The draft Council Decision was examined by the Working Party on Civil Law Matters (Judgments Convention) on 22 July, 22 September, 18 and 25 October 2021 and was amended on the basis of discussions at those meetings. After an informal written procedure concluded on 1 December 2021, the Working Party finalised a compromise text as set out in ST 12946/21.

6. Pursuant to Article 218(6)(a)(v), the consent of the European Parliament is a precondition for the adoption of the Council Decision concerning the accession of the EU to the Judgment Convention.

7. Consequently, the Council Decision concerning the accession of the European Union to the Judgment Convention is edited by the lawyer-linguists, as set out in ST 13494/21.

8. The Permanent Representatives Committee is accordingly invited to recommend that the Council decide to forward the draft Council Decision concerning the accession of the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters as set out in ST 13494/21 to the European Parliament for its consent.

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[2] ST 10851/21