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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft DECISION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL empowering France to negotiate a bilateral agreement with
Algeria concerning judicial cooperation in civil and commercial matters
(first reading)
- Adoption of the legislative act
= Statement

Statement by Ireland

The Decision proposes to authorise France to negotiate a bilateral agreement with Algeria on matters related to judicial co-operation in civil and commercial matters.

Ireland understands the exceptional context of the proposed Decision as outlined by both the Commission and by France, to whom it is solely addressed. Ireland welcomes the agreement on the proposal and fully supports France being authorised to negotiate and conclude the agreement with Algeria.

The proposed Decision is pursuant to Article 81(2) and as the Article is within Title V of Part Three of the Treaty on the Functioning of the European Union, Protocol No. 21 to the TEU and the TFEU applies.

Ireland participates in and is bound by the underlying acquis that this proposed Decision concerns¹. Ireland therefore regards itself as bound by the proposed Decision in accordance with the terms of Article 6 of Protocol 21 TFEU.

In view of these circumstances, Ireland does not consider that the question of Ireland's participation or non-participation in the proposed Decision under 4 of Protocol 21 TFEU arises as currently reflected in Recital (11) of the Decision on the position of Ireland.

Ireland considers, as per precedent that the following recital would more accurately reflect Ireland's participation in the measures, having regard to the provisions of Article 6 of Protocol 21:

Civil and commercial bilateral

“Ireland is bound by Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes; Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast); Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast), and Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast), and is therefore taking part in the adoption of this Decision.”

This approach is without prejudice to Ireland's underlying position on this matter.

¹ Legal Aid Directive 2002/8/EC – Recital 33; Jurisdiction, Recognition and Enforcement of Judgments in Civil and Commercial Matters Regulation (EU) 1215/2012 – Recital 40; Taking of Evidence in Civil and Commercial Matters Regulation (EU) 2020/1783 – Recital 37; Service of (Judicial and Extra-judicial) Documents Regulation (EU) 2020/1784 – Recital 47