



Council of the
European Union

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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Coreper/Council
No. prev. doc.:	13656/15 JUSTCIV 252, 13777/15 JUSTCIV 256 + ADD 1
No. Cion doc.:	10748/13 JUSTCIV 144
Subject:	Draft Council Decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union - Statement by Germany

The Federal Republic of Germany supports the efforts of the Republic of Austria to ratify and of Malta to accede to the 1965 Hague Service Convention, and thus to become Contracting States to that Convention.

However, the Federal Republic of Germany continues to doubt whether the Decision which the Council has today submitted for adoption falls within the exclusive external competence of the European Union. It is not clear why the future application of the Hague Service Convention to Austria and Malta could affect common rules on judicial cooperation between Member States in civil matters or alter their scope (Article 3(2) TFEU). The Hague Service Convention applies in relation to third countries. Between European Union Member States, Regulation (EC) No 1393/2007 (the 'Service of Documents Regulation') clearly takes precedence over that Convention. This Decision should therefore not be used as a model for and should be without prejudice to any other measures in which the exclusive external competence of the European Union may play a role which may be taken by the European Union to resolve other similar cases.