


Procedure file

Basic information		
AVC - Assent procedure (historic) Decision	2008/0048(AVC)	Procedure completed
Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: Lugano Convention		
Subject 7.40.02 Judicial cooperation in civil and commercial matters		
Geographical area Switzerland Iceland Norway		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		25/06/2008
	Committee for opinion	PPE-DE MAYER Hans-Peter	Appointed
Council of the European Union	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2908	27/11/2008
European Commission	Justice and Home Affairs (JHA)	2783	05/06/2008
	Commission DG	Commissioner	
	Justice and Consumers	BARROT Jacques	

Key events			
29/02/2008	Initial legislative proposal published	COM(2008)0116	Summary
27/05/2008	Legislative proposal published	09196/2008	Summary
19/06/2008	Committee referral announced in Parliament		
04/11/2008	Vote in committee		Summary
07/11/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0428/2008	
18/11/2008	Results of vote in Parliament		
18/11/2008	Decision by Parliament	T6-0534/2008	Summary
27/11/2008	Act adopted by Council after consultation of Parliament		
27/11/2008	End of procedure in Parliament		
10/06/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0048(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 061-; EC Treaty (after Amsterdam) EC 300-p2/3-a1/2
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/60180

Documentation gateway					
Initial legislative proposal		COM(2008)0116	29/02/2008	EC	Summary
Legislative proposal		09196/2008	27/05/2008	CSL	Summary
Committee draft report		PE412.120	09/09/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0428/2008	07/11/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0534/2008	18/11/2008	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2009/430 OJ L 147 10.06.2009, p. 0001 Summary

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: Lugano Convention

PURPOSE: to conclude the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, on behalf of the Community.

PROPOSED ACT: Council Decision.

CONTENT: on 16 September 1988, the Member States signed an international agreement with the Republic of Iceland, the Kingdom of Norway, and the Swiss Confederation on jurisdiction and the enforcement of judgments in civil and commercial matters (the Lugano Convention), thereby extending to Iceland, Norway, and Switzerland the application of the rules of the Brussels Convention of 27 September 1968 on the same subject matter (the "Brussels Convention").

Negotiations on a revision of the Brussels and Lugano Conventions were undertaken during the years 1998-1999 in the context of an *ad hoc* Working Party enlarged with Switzerland, Norway and Iceland. These negotiations led to the adoption of a text of a draft convention prepared by the Working Party, which was confirmed by the Council on 27 and 28 May 1999.

Since the entry into force of the Amsterdam Treaty on 1 May 1999, the matters covered by the 1968 Brussels Convention have become the subject of Community policy, pursuant to Articles 61(c) and 65 of the EC Treaty. As a result thereof, the 1968 Brussels Convention has been converted into a Regulation, in particular Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

In the light of the parallelism between the "Brussels" (EC) and the "Lugano" regimes on jurisdiction, recognition and enforcement of judgments in civil and commercial matters, the 1988 Lugano Convention needs to be adapted in order to reflect the evolution of the "Brussels" regime. In particular, it is important to align the system of recognition and enforcement of judgments in order to achieve the same level of circulation of judgments with the EFTA States concerned.

By Decision of 27 September 2002, the Council authorised the Commission to negotiate a convention between the Community and, on the basis of the Protocol on its position, Denmark, of the one part, and Iceland, Norway, Poland, and Switzerland, of the other, on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to replace the Lugano Convention.

The Commission has negotiated such convention, on behalf of the Community, with the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, and the Kingdom of Denmark. The Convention was signed, on behalf of the European Community, on 30 October 2007, subject to its possible conclusion at a later date, in accordance with Council Decision of 15 October 2007.

In view of the positive outcome of the negotiations and the signature of the Convention, the Commission recommends that the Council adopt the decision concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

The United Kingdom and Ireland are taking part in the adoption and application of this Decision. Pursuant to the Protocol on the position of Denmark, it does not take part in the adoption of the present Decision and is not bound by it or subject to its application.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: Lugano Convention

PURPOSE: to conclude a Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

PROPOSED ACT: Council Decision.

BACKGROUND: in 1988 the Community signed an international agreement with the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation on jurisdiction and the enforcement of judgments in civil and commercial matters (the Lugano Convention). In signing this Agreement the Community extended to Iceland, Norway and Switzerland the 1968 Brussels Convention on the same matter (the Brussels Convention).

Since then the Brussels Convention has been modified, modernised and the system of recognition and enforcement made more efficient through the adoption of Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. (See [CNS/1999/0154](#)). However, given the parallelism and similarities between the Brussels and the Lugano Convention, the rules of the Lugano Convention should be aligned with those of Regulation (EC) No 44/2001.

CONTENT: the purpose of this proposal is to align the Lugano Convention with that of the updated and modernised Brussels Convention (as set out in Regulation (EC) No 44/2001) in order to achieve the same level of circulation of judgements with the EFTA States concerned. In Annex to the proposed Decision, the Community declares that, when modifying Council Regulation (EC) No 44/2001, it intends to clarify the scope of Art. 22 (4) of that Regulation with a view to taking account of the relevant case-law of the European Court of Justice concerning proceedings on the registration or validity of intellectual property rights. This should ensure the principle of parallelism, whilst taking account of the Regulation's evaluation. On a final point, in accordance with provisions set out in the EC Treaty, Denmark will not participate in the adoption of the proposed Regulation. Ireland and the United Kingdom will.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: Lugano Convention

The Legal Affairs Committee unanimously adopted a report drafted by Hans-Peter MAYER (EPP-ED, DE), and recommended that Parliament gave its assent to conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: Lugano Convention

The European Parliament adopted, by 646 votes to 17 with 7 abstentions, a legislative resolution, and gave its assent to the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The report had been tabled for consideration in plenary by Hans-Peter MAYER (EPP-ED, DE), on behalf of the Legal Affairs Committee.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: Lugano Convention

PURPOSE: to conclude the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which replaces the Lugano Convention of 16 September 1988.

LEGISLATIVE ACT: Council Decision 2009/430/EC concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

CONTENT: this Decision provides that the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which will replace the Lugano Convention of 16 September 1988, is approved on behalf of the Community.

The Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters was signed on 16 September 1988 by Member States and Iceland, Norway and Switzerland, thereby extending to Iceland, Norway, and Switzerland the application of the rules of the Convention of 27 September 1968 on the same subject matter (the Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters).

Subsequent negotiations within the Council led to the adoption of [Council Regulation](#) (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters which modernised the rules of the Brussels Convention and made the system of recognition and enforcement swifter and more efficient.

In the light of the parallelism between the Brussels and the Lugano Convention regimes on jurisdiction and on recognition and enforcement of judgments in civil and commercial matters, the rules of the Lugano Convention needed to be aligned with the rules of Regulation (EC) No 44/2001 in order to achieve the same level of circulation of judgments between the EU Member States and the EFTA States concerned.

In Annexes to this Decision, the Community makes declarations on the following matters:

- a declaration is made in accordance with Article II(2) of Protocol 1 to the Convention;
- a declaration is made to the effect that when amending Regulation (EC) No 44/2001 the Community will clarify the scope of Article 22(4) of the said Regulation with a view to taking into account the relevant case law of the Court of Justice of the European Communities with respect to proceedings concerned with the registration or validity of intellectual property rights, thereby ensuring its parallelism with Article 22(4) of the Convention.

The United Kingdom and Ireland are taking part in the adoption and application of this Decision. Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.