

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

2008/0048(AVC) - 27/05/2008 - Legislative proposal

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.