

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

2008/0048(AVC) - 27/11/2008 - Final act

**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.