Jurisdiction, recognition and enforcement of judgments in civil and commercial matters: rules to be applied with respect to the Unified Patent Court and the Benelux Court of Justice

2013/0268(COD) - 27/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Legal Affairs Committee adopted the report by Tadeusz ZWIEFKA (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

To recap, the Brussels I Recast Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters was adopted on 12 December 2012. It will enter into application on 10 January 2015. That reform brought about a number of important changes, including the abolition of the *exequatur* procedure, ensuring an easier enforcement procedure in other Member States.

The parliamentary committee recommended that the position adopted by the European Parliament at first reading under the ordinary legislative procedure amend the Commission's proposal as follows:

Unified Patent Court: in view of the importance of the future Unified Patent Court, it is proposed that it be mentioned in the recitals of the Brussels I Regulation.

Purpose of the amendments: a recital stated that the internal distribution of tasks in the court is not covered by the changes to the Brussels I Recast.

The report clarified some points on determining the competence of a common jurisdiction:

1) Members proposed that the common court should be able **to hear disputes involving defendants from third States** in the specific case of a Union claimant bringing proceedings against a third-State defendant before a common court relating to an infringement of a European patent giving rise to damage both inside and outside the Union**.**

Where a common court has jurisdiction over a defendant in a dispute relating to an infringement of a European patent giving rise to damage within the Union, that court may also have jurisdiction in relation to damage arising outside the Union from such an infringement. Such jurisdiction may only be established if property belonging to the defendant is located in one or more Member States which are parties to the agreement establishing the common court and the dispute has a sufficient connection with one or more of those Member States.
By this amendment, Members seek to clarify that all Member States party to the agreement are to be considered to constitute a single legal area for the assessment of the existence of connecting factors.
2) Members also stipulated that **where an agreement establishing a common court contains special provisions on recognition and enforcement of a decision**, these provisions will apply instead of the general rules of the Brussels I Regulation as between the Member States parties.

Finally, it is proposed that this Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union* and shall apply from 10 January 2015.