Resolution on supporting the accession of Ukraine to the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

2023/2689(RSP) - 15/06/2023 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on supporting the accession of Ukraine to the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

The Judgments Convention facilitates the effective international circulation of judgments in civil or commercial matters by providing legal certainty and predictability to parties involved in cross-border transactions and clarity as to whether and to what extent a judgment will be recognised and enforced in another jurisdiction. By ensuring the recognition and enforcement of foreign judgments, the Judgments Convention should enhance access to justice by reducing legal time frames, costs and risks in cross-border circumstances.

Pursuant to Article 24 of the Judgments Convention, any third state can accede to the Convention. Such accession creates treaty relations between two contracting parties only if neither of them has notified the depositary that the accession must not have the effect of establishing treaty relations with the other. Such a notification must be submitted within a period of 12 months after the date on which the accession was notified.

Under the current practice, the Commission does not initiate a formal procedure in accordance with Article 218(6) TFEU for the conventions that contain a **non-objection mechanism**, but only informs the Council and Parliament of any third country's request to accede to a given Hague instrument.

According to well-established case-law, an international agreement cannot affect the allocation of powers fixed by the Treaties, thus the fact that at international level a silence procedure has been adopted to facilitate accession by third states should be of no consequence for the EU's internal decision-making process.

The European Union acceded to the Judgments Convention on 29 August 2022. Ukraine has signed and ratified the Judgments Convention.

On 24 April 2023, the Council agreed to establish treaty relations with Ukraine in the framework of the Judgments Convention.

Parliament reiterated its unwavering solidarity with the people and leadership of Ukraine and its support for the independence, sovereignty and territorial integrity of Ukraine, within its internationally recognised borders. It welcomed the positive assessments made by the Commission and the Council with the aim of **establishing treaty relations with Ukraine** in the framework of the Judgments Convention. The accession of Ukraine to the Judgments Convention is welcomed by Parliament.

If the Union accepts Ukraine's accession to the Judgments Convention, it will enter into force on 1 September 2023 and be applicable between the two parties.

It should be noted that this resolution is without prejudice to the procedure set out in Article 218(6) TFEU, which should be followed in matters concerning the establishment of the EU position regarding accession by third states to the Hague Conference Conventions.