Civil and commercial judicial cooperation, enforcement of judgments: Brussels I, Lugano Conventions

1999/0154(CNS) - 22/12/2000 - Final act

PURPOSE: to adopt measures relating to judicial cooperation in civil matters which are necessary for the sound operation of the internal market. COMMUNITY MEASURE: Council Regulation 44/2001/EC on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters. CONTENT: In order to obtain the objective of free movement of judgements in civil and commerical matters, it is necessary and appropriate that the rules governing jurisdiction and the recognition and enforcement of judgements be governed by a Community legal instrument which is binding and directly applicable. To this end, the main provisions of the Regulation relate to civil and commerical matters whatever the jurisdiction. However, the Regulation does not apply to fiscal, customs and administrative matters. It shall not apply to the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession, bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, legal arrangements, compositions and analogous proceedings, social security or arbitration. The Regulation contains provisions relating to general competencies, special competencies, competencies in relation to insurance, work contracts and certain exclusive competencies. Furthermore, it includes rules concerning prorogation of jurisdiction, examination as to jurisdiction and admissibility, lis pendens (related actions), and provisional (including protective measures). In conclusion, the Regulation provides for questions related to the recognition and execution of decisions, legal acts, judicial transactions, general, transitional and final measures and finally, the relationship with other instruments. ENTRY INTO FORCE: 01.03.2002