Basic information

2010/0383(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Jurisdiction, recognition and enforcement of judgments in civil and commercial matters. Recast Repealing Regulation (EC) No 44/2001, "Brussels I" 1999/0154(CNS) Amended by 2013/0268(COD) **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	ZWIEFKA Tadeusz (PPE)	28/02/2011
	Shadow rapporteur REGNER Evelyn (S&D) WALLIS Diana (ALDE) LICHTENBERGER Eva (Verts/ALE) KARIM Sajjad (ECR) MAŠTÁLKA Jiří (GUE/NGL) SPERONI Francesco Enrico (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	REGNER Evelyn (S&D)	07/07/2011

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3207	2012-12-06
Justice and Home Affairs (JHA)	3195	2012-10-25
Justice and Home Affairs (JHA)	3172	2012-06-08

European Commission

Commission DG	Commissioner
Justice and Consumers	REDING Viviane

Key events

Date	Event	Reference	Summary
14/12/2010	Legislative proposal published	COM(2010)0748	Summary
18/01/2011	Committee referral announced in Parliament, 1st reading		
08/06/2012	Debate in Council		Summary
11/10/2012	Vote in committee, 1st reading		
15/10/2012	Committee report tabled for plenary, 1st reading	A7-0320/2012	Summary
25/10/2012	Debate in Council		
19/11/2012	Debate in Parliament		
20/11/2012	Decision by Parliament, 1st reading	T7-0412/2012	Summary
20/11/2012	Results of vote in Parliament		
06/12/2012	Act adopted by Council after Parliament's 1st reading		
12/12/2012	Final act signed		
12/12/2012	End of procedure in Parliament		
20/12/2012	Final act published in Official Journal		

Technical information

Procedure reference	2010/0383(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 44/2001, "Brussels I" 1999/0154(CNS) Amended by 2013/0268(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 081-p2 Treaty on the Functioning of the European Union TFEU 67-p4
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/04888

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE467.046	28/06/2011	
Amendments tabled in committee		PE473.813	19/10/2011	

Committee opinion	EMPL	PE469.974	10/11/2011	
Amendments tabled in committee		PE496.504	25/09/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0320/2012	15/10/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0412/2012	20/11/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00056/2012/LEX	12/12/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0748	14/12/2010	Summary
Document attached to the procedure	SEC(2010)1547	14/12/2010	
Document attached to the procedure	SEC(2010)1548	14/12/2010	
Commission response to text adopted in plenary	SP(2013)73	23/01/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0748	02/03/2011	
Contribution	IT_CHAMBER	COM(2010)0748	11/03/2011	
Contribution	RO_SENATE	COM(2010)0748	23/03/2011	
Contribution	EL_PARLIAMENT	COM(2010)0748	02/05/2011	
Contribution	IT_SENATE	COM(2010)0748	16/06/2011	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0795/2011	05/05/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	

European Commission	EUR-Lex	

Final act	
Regulation 2012/1215 OJ L 351 20.12.2012, p. 0001	Summary

Delegated acts	
Reference	**Subject**
2014/2985(DEA)	Examination of delegated act

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters. Recast

2010/0383(COD) - 14/12/2010 - Legislative proposal

PURPOSE: to recast Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("Brussels I").

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Regulation Brussels I is the basis for civil judicial cooperation in the EU. It applies in a broad range of matters, covering not only contractual but also delict and proprietary claims. It identifies the most appropriate jurisdiction for solving a cross-border dispute and ensures the smooth recognition and enforcement of judgments issued in another Member State. While the Regulation is overall considered to work successfully, the consultation of stakeholders and a number of studies revealed deficiencies in the current operation of the Regulation which should be remedied. Essentially, four main shortcomings can be identified:

- the procedure for recognition and enforcement of a judgment in another Member State (**"exequatur") remains an obstacle** to the free circulation of judgments. It entails unnecessary costs and delays for the parties involved and deters companies and citizens from making full use of the internal market;
- access to justice in the EU is overall unsatisfactory in disputes involving defendants from outside the EU. With some exceptions, the current Regulation only applies where the defendant is domiciled within the EU. Otherwise jurisdiction is governed by national law. The diversity of national law leads to unequal access to justice for EU companies in transactions with partners from third countries: some can easily litigate in the EU, others cannot, even in situations where no other court guaranteeing a fair trial is competent. In addition, where national legislation does not grant access to court in disputes with parties outside the EU, the enforcement of mandatory EU law protecting e.g. consumers, employees or commercial agents is not guaranteed;
- the efficiency of choice of court agreements needs to be improved. Currently, the Regulation obliges the court designated by the parties in a choice of court agreement to stay proceedings if another court has been seised first. This rule enables litigants acting in bad faith to delay the resolution of the dispute in the agreed forum by first seizing a non-competent court. This possibility creates additional costs and delays and undermines the legal certainty and predictability of dispute resolution;
- the interface between arbitration and litigation needs to be improved. Arbitration is excluded from the scope of the Regulation. However, by challenging an arbitration agreement before a court, a party may effectively undermine the arbitration agreement and create a situation of inefficient parallel court proceedings which may lead to irreconcilable resolutions of the dispute. This leads to additional costs and delays, undermines the predictability of dispute resolution and creates incentives for abusive litigation tactics.

LEGAL BASE: Article 81 (2) (a), (c) and (e) of the Treaty on the Functioning of the European Union (TFEU).

IMPACT ASSESSMENT: the Commission analysed the costs and benefits of the main aspects of the proposed reform in its Impact Assessment which accompanies the proposal.

CONTENT: the objective of the proposal is to remove the remaining obstacles to the free movement of judicial decisions in line with the principle of mutual recognition.

The proposed elements of the reform are as follows:

Abolition of the intermediate procedure for the recognition and enforcement of judgments (exequatur): today, judicial cooperation and the level of trust among Member States has reached a degree of maturity which permits the move towards a simpler, less costly, and more automatic system of circulation of judgments, removing the existing formalities among Member States. The proposal therefore abolishes the exequatur procedure for all judgments covered by the Regulation's scope **with the exception of judgments in defamation and compensatory collective redress cases.** The abolition of exequatur will be accompanied by procedural safeguards which ensure that the defendant's right to a fair trial and his rights of defence are adequately protected. The proposal outlines **remedies available to a defendant** to enable him to prevent, in exceptional circumstances, a judgment given in one Member State taking effect in another Member State. These safeguards address the situations which are currently addressed by certain of the existing refusal grounds, in particular in order to ensure the protection of the rights of the defence, with the key difference that control of substantive public policy is abolished. As such, the time and costs of the exequatur procedure will be saved while the protection of defendants is ensured.

The proposal also contains a **series of standard forms** which aim at facilitating the recognition or enforcement of the foreign judgment in the absence of the exequatur procedure as well as the application for a review under the procedure safeguarding the rights of defence. These forms will facilitate the enforcement of the judgment by the competent authorities, in particular where interest and costs have to be calculated. They also reduce the need for a translation of the judgment and ease the application for a review of the judgment by the defendant who has to act in another Member State.

Extension of the jurisdiction rules of the Regulation to disputes involving third country defendants: this amendment will generally extend the ability of companies and citizens to sue third country defendants in the EU because the special rules of jurisdiction which e.g. establish jurisdiction at the place of contractual performance become available in these cases. More specifically, the amendment will ensure that the protective jurisdiction rules available for consumers, employees and insured will also apply if the defendant is domiciled outside the EU. The proposal further **harmonises the subsidiary jurisdiction rules and creates two additional fora** for disputes involving defendants domiciled outside the EU:

- it provides that a non-EU defendant can be sued at the place where moveable assets belonging to him are located provided their value is not disproportionate to the value of the claim and that the dispute has a sufficient connection with the Member State of the court seised;
- the courts of a Member State will be able to exercise jurisdiction if no other forum guaranteeing the right to a fair trial is available and the dispute has a sufficient connection with the Member State concerned ("forum necessitatis").

The proposal introduces a **discretionary lis pendens rule** for disputes on the same subject matter and between the same parties which are pending before the courts in the EU and in a third country. A court of a Member State can exceptionally stay proceedings if a non-EU court was seised first and it is expected to decide within a reasonable time and the decision will be capable of recognition and enforcement in that Member State. This amendment aims at avoiding parallel proceedings within and outside the EU.

Enhancement of the effectiveness of choice of court agreements: the proposal includes two amendments with this in mind:

- where the parties have designated a particular court to resolve their dispute, the proposal gives priority to the chosen court to decide on its jurisdiction, regardless of whether it is first or second seised. Any other court has to stay proceedings until the chosen court has established or – in case the agreement is invalid – declined jurisdiction;
- the proposal introduces a harmonised conflict of law rule on the substantive validity of choice of court agreements, thus ensuring a similar outcome on this matter whatever the court seised.

Improvement of the interface between the Regulation and arbitration: the proposal obliges a court seised of a dispute to stay proceedings if its jurisdiction is contested on the basis of an arbitration agreement and an arbitral tribunal has been seised of the case or court proceedings relating to the arbitration agreement have been commenced in the Member State of the seat of the arbitration. This modification will enhance the effectiveness of arbitration agreements in Europe, prevent parallel court and arbitration proceedings, and eliminate the incentive for abusive litigation tactics.

Better coordination of proceedings before the courts of Member States: the proposal contains the following provisions:

- it aims at improving the general lis pendens rule by prescribing a time limit for the court first seised to decide on its jurisdiction. In addition, the amendment provides for an exchange of information between the courts seised of the same matter;
- it facilitates the consolidation of related actions by doing away with the requirement that consolidation has to be possible under national law;
- regarding provisional, and protective measures, the proposal provides for the free circulation of those measures which have been granted by a court having jurisdiction on the substance of the case, including – subject to certain conditions – measures which have been granted ex parte. By contrast, the proposal prevents the circulation of provisional measures ordered by a court other than the one having jurisdiction on the substance. Given the wide divergence of national law on this issue, the effect of these measures should be limited to the territory of the Member State where they were granted, **thereby preventing the risk of abusive forum-shopping**;
- if proceedings on the substance are pending in one court and another one is asked to issue a provisional measure, the proposal requires the two courts to cooperate in order to ensure that all circumstances of the case are taken into account when a provisional measure is granted.

Improvement of access to justice for certain specific disputes: provisions include:

- the creation of a forum for claims of rights in rem at the place where moveable assets are located;
- the possibility for employees to bring actions against multiple defendants in the employment area. This will benefit employees who wish to bring proceedings against joint employers established in different Member States;
- the possibility of concluding a choice of court agreement for disputes concerning the tenancy of premises for professional use, and
- the mandatory information of a defendant entering an appearance about the legal consequences of not contesting the court's jurisdiction. and
- clarification of the conditions under which provisional and protective measures can circulate in the EU.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters. Recast

2010/0383(COD) - 15/10/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Tadeusz ZWIEFKA (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).

The parliamentary committee recommends that the European Parliament's position at first reading under the ordinary legislative procedure should be to amend the Commission proposal as follows:

Scope: the Regulation should not apply to the liability of the State for acts and omissions in the exercise of State authority ("*acta iure imperii*"). Also excluded would be rights in property arising out of a relationship deemed by the law applicable to such relationship to have comparable effects to marriage, wills and succession, including maintenance obligations arising by reason of death.

Arbitration agreements: the Regulation should not apply to arbitration. Nothing in this Regulation should prevent a court of a Member State, when seised of a matter in respect of which the parties have entered into an arbitration agreement, from referring the parties to arbitration or from staying or dismissing the proceedings and from examining whether the arbitration agreement is null and void, inoperative or incapable of being performed, in accordance with its national law.

Common rules of jurisdiction: there must be a connection between proceedings to which this Regulation applies and the territory of the Member States. Accordingly, common rules of jurisdiction should, in principle, apply **when the defendant is domiciled in a Member State** .

A defendant not domiciled in a Member State should in general be subject to the national rules of jurisdiction applicable in the territory of the Member State of the court seised.

However, in order to ensure the protection of consumers and employees, to safeguard the jurisdiction of the courts of the Member States in situations where they have exclusive jurisdiction and to respect party autonomy, certain rules of jurisdiction in this Regulation should apply regardless of the defendant's domicile.

Restitution of cultural objects: the owner of cultural objects as defined in Council Directive 93/7/EEC should be able to initiate civil proceedings for the recovery, based on ownership, of a cultural object in one of the courts for the place where the cultural object is situated at the time the court is seised.

Choice-of-court agreement: where a question arises as to whether a choice-of-court agreement in favour of a court or the courts of a Member State is null and void as to its substantive validity, that question should be decided in accordance with the law of the Member State of the court or courts designated in the agreement. The reference to the law of the Member State of the designated court or courts should include the conflict-of-laws rules of that State.

In order to enhance the effectiveness of exclusive choice-of-court agreements and to avoid abusive litigation tactics, it is necessary to provide for an exception to the general ***lis pendens*** mechanism in order to deal satisfactorily with a particular situation in which concurrent proceedings may arise. In this regard, the text stipulates that the court chosen by the parties to resolve their dispute should always have priority, regardless of whether it was first or second seised seems to be a viable solution.

Recognition and enforcement: a judgment given in a Member State shall be recognised in the other Member States **without any special procedure being required**. For the purposes of the free circulation of judgments, a judgment given in a Member State should be recognised and enforced in another Member State even if it is given against a person not domiciled in a Member State . The amended text stipulates that a judgment given in a Member State which is enforceable in that Member State shall be enforceable in the other Member States **without any declaration of enforceability being required.**

Where enforcement is sought of a judgment given in another Member State, the **certificate concerning a judgment in civil and commercial matters** issued pursuant to the Regulation, accompanied, if necessary by the judgment, shall be served on the person against whom enforcement is sought prior to the first enforcement measure. Where the person against whom enforcement is sought is domiciled in a Member State other than the Member State of origin, he may request a **translation of the judgment** in order to contest the enforcement if the judgment is not written in or accompanied by a translation into either of the following languages: (a) a language which he understands, or (b) the official language(s) of the Member State in which he is domiciled.

The person against whom the enforcement of a decision is sought should be able to apply for **refusal of the recognition and/or enforcement of a judgment** if he considers one of the grounds for non-recognition to be present. This should include the ground that he had not had the opportunity to arrange for his defence where the judgment was given in default of appearance in a civil action linked to criminal proceedings.

The recognition of a judgment should, however, be refused only if one or more of the grounds provided for in this Regulation are present.

Report: no later than seven years after the date of application of the Regulation, the Commission shall present a report on the application of this Regulation. The report shall include an evaluation of the possible need for a further extension of the rules on jurisdiction to defendants not domiciled in a Member State, taking into account the operation of this Regulation and possible developments at international level. Where appropriate, the report shall be accompanied by a proposal for amendments to the Regulation.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters. Recast

2010/0383(COD) - 20/11/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 567 votes to 28, with 6 abstentions, amendments to the proposal for a Regulation of the European Parliament and of the Council concerning jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

The Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted at plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the proposal as follows:

Field of application: the Regulation shall not apply to the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii). Also excluded from its field of application: rights in property arising out of a relationship deemed by the law applicable to have comparable effects to marriage; wills and succession, including maintenance obligations arising by reason of death.

Arbitration agreements: the Regulation should not apply to arbitration. Nothing in this Regulation should prevent the courts of a Member State, when seised of an action in a matter in respect of which the parties have entered into an arbitration agreement, from referring the parties to arbitration, from staying or dismissing the proceedings, or from examining whether the arbitration agreement is null and void, inoperative or incapable of being performed, in accordance with their national law.

The Regulation does not affect the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958, which takes precedence over this Regulation.

Common rules of jurisdiction: there must be a connection between proceedings to which this Regulation applies and the territory of the Member States. Common rules of jurisdiction should, in principle, apply **when the defendant is domiciled in a Member State**.

A defendant not domiciled in a Member State should, in general, be subject to the national rules of jurisdiction applicable in the territory of the Member State of the court seised.

However, in order to ensure the protection of consumers and employees, to safeguard the jurisdiction of the courts of the Member States in situations where they have exclusive jurisdiction and to respect the autonomy of the parties, certain rules of jurisdiction in this Regulation should apply regardless of the defendant's domicile.

Recovery of cultural objects: the owner of a cultural object as defined in Council Directive 93/7/EEC should be able to initiate proceedings as regards a civil claim for the recovery, based on ownership, of such a cultural object in the courts for the place where the cultural object is situated at the time the court is seised.

Choice-of-court agreement: where a question arises as to whether a choice-of-court agreement in favour of a court or the courts of a Member State is null and void as to its substantive validity, that question should be decided in accordance with the law of the Member State of the court or courts designated in the agreement. The reference to the law of the Member State or that of the designated courts must be included the conflict-of-laws rules of that Member State .

Lis pendens: in order to enhance the effectiveness of exclusive choice-of-court agreements and to avoid abusive litigation tactics, the text underlines the necessity to provide for an exception to the general *lis pendens* rule in order to deal satisfactorily with a particular situation in which concurrent proceedings may arise.

In this regard, it states that the Regulation **will leave the jurisdiction designated in the agreement as a priority** to decide on its jurisdiction, whether entered first or second.

Recognition and enforcement:

- Judgments given in a Member State should be recognised in all Member States **without the need for any special procedure**. For the purposes of the free circulation of judgments, a judgment given in a Member State should be recognised and enforced in another Member State even if it is given against a person not domiciled in a Member State
- A judgment given in a Member State which is enforceable in that Member State shall be enforceable in the other Member States **without any declaration of enforceability being required**.
- In order to inform the person against whom enforcement is sought of the enforcement of a judgment given in another Member State, a **certificate concerning a judgment in civil and commercial matters**, if necessary accompanied by the judgment, should be served on that person in reasonable time before the first enforcement measure.
- Where the person against whom enforcement is sought is domiciled in a Member State other than the Member State of origin, he may request **a translation of the judgment** in order to contest the enforcement if the judgment is not written in or accompanied by a translation into either of the following languages: a) a language which he understands, or b) the official language of the Member State in which he is domiciled. Where a translation of the judgment is requested under the first subparagraph, **no measures of enforcement** may be taken other than protective measures until that translation has been provided to the person against whom enforcement is sought.

- The person against whom enforcement is sought should be able to apply for **refusal of the recognition or enforcement of a judgment** if he considers one of the grounds for refusal of recognition to be present. This should include the ground that he had not had the opportunity to arrange for his defence where the judgment was given in default of appearance in a civil action linked to criminal proceedings. The recognition of a judgment should, however, be refused only if one or more of the grounds for refusal provided for in this Regulation are present.

- The **provisional or protective measures** ordered by a court having jurisdiction as to the substance of the matter should not be recognised and enforced under this Regulation unless the judgment containing the measure is served on the defendant prior to enforcement.

Authentic acts: the competent authority or the Member State court of origin shall, at the request of any interested party, issue the certificate using the form set out in Annex II. This certificate must contain a summary of the enforceable obligation recorded in the authentic instrument or of the agreement between the parties recorded in the court settlement.

Notification: the Member States must inform the Commission about the rules of jurisdiction foreseen in the Regulation. The Commission shall, on the basis of the notifications by the Member States, establish the corresponding lists and make all information notified publicly available, in particular, through the European Judicial Network.

Report: no later than seven years after the entry into force of the Regulation the Commission shall present a report on the application of this Regulation. That report shall include an evaluation of the possible need for a further extension of the rules on jurisdiction to defendants not domiciled in a Member State, taking into account the operation of this Regulation and possible developments at international level. Where appropriate, the report shall be accompanied by a proposal for amendment of this Regulation.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters. Recast

2010/0383(COD) - 12/12/2012 - Final act

PURPOSE: to facilitate and accelerate the circulation in the EU of decisions in civil and commercial matters, in accordance with the principle of mutual recognition and the Stockholm Programme guidelines.

LEGISLATIVE ACT: Regulation (EU) No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

CONTENT: this Regulation recasts Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (known as the “Brussels I” Regulation).

Scope: the new regulation includes within its scope all the main civil and commercial matters apart from certain well-defined matters, in particular revenue, customs or administrative matters as well as matters relating to maintenance obligations. This Regulation does not apply to arbitration.

Abolition of the exequatur: judgments given in a Member State should be recognised in all Member States **without the need for any special procedure**. A judgment given in a Member State should be recognised and enforced in another Member State **without the need for a declaration of enforceability**.

In order to inform the person against whom enforcement is sought of the enforcement of a judgment given in another Member State, the “**certificate concerning a judgment in civil and commercial matters**” established (in Annex I of the Regulation), if necessary accompanied by the judgment, should be served on that person in reasonable time before the first enforcement measure.

The person against whom enforcement is sought should be able to apply for **refusal of the recognition or enforcement of a judgment** if he considers one of the grounds for refusal of recognition to be present. Nevertheless, the recognition of a decision shall only be refused on the grounds of one or several provided for in the Regulation.

Where **provisional, including protective, measures** are ordered by a court having jurisdiction as to the substance of the matter, their free circulation should be ensured under this Regulation. However, these measures which were ordered by such a court without the defendant being summoned to appear should not be recognised and enforced under this Regulation unless the judgment containing the measure is served on the defendant prior to enforcement.

Common rules of jurisdiction: there must be a connection between proceedings to which this Regulation applies and the territory of the Member States. Accordingly, common rules of jurisdiction should, in principle, apply **when the defendant is domiciled in a Member State** . In general, a defendant not domiciled in a Member State should in general be subject to the national rules of jurisdiction applicable in the territory of the Member State of the court seised. However, in order to ensure the protection of consumers and employees, to safeguard the jurisdiction of the courts of the Member States in situations where they have exclusive jurisdiction and to respect the autonomy of the parties, certain rules of jurisdiction in this Regulation should apply regardless of the defendant’s domicile.

Return of cultural objects: the owner of a cultural object as defined in Council Directive 93/7/EEC should be able to initiate proceedings as regards a civil claim for the recovery, based on ownership, of such a cultural object in the courts for the place where the cultural object is situated at the time the court is seised.

Introduction of a provision on *lis pendens*: the Regulation introduces a clear and effective mechanism to minimise the possibility of concurrent proceedings and to ensure that irreconcilable judgments will not be given in different Member States.

Where proceedings involving the same cause of action and between the same parties are brought in the courts of different Member States, **any court other than the court first seised shall of its own motion stay its proceedings** until such time as the jurisdiction of the court first seised is established. Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court. Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.

Report: by 11 January 2022 the Commission shall present a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation. It shall include an evaluation of the possible need for a further extension of the rules on jurisdiction to defendants not domiciled in a Member State and, where appropriate, shall be accompanied by a proposal for amendment of this Regulation.

ENTRY INTO FORCE: 09/01/2013.

APPLICATION: from 10/01/2015. The United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation. Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application without prejudice to the possibility for Denmark of applying the amendments to Regulation (EC) No 44/2001 pursuant to the Agreement of 19 October 2005 between the European Community and Denmark on the subject.

DELEGATED ACTS: the Commission may adopt delegated acts to ensure that the certificates to be used in connection with the recognition or enforcement of judgments, authentic instruments and court settlements under this Regulation are kept up-to-date. The power to adopt delegated acts shall be conferred on the Commission for an **indeterminate period of time from 9 January 2013**. A delegated act hall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two months of notification** of that act (that period can be extended by two months). If the European Parliament or the Council expresses objections, the delegated act does not enter into force.

Jurisdiction, recognition and enforcement of judgments in civil and commercial matters. Recast

2010/0383(COD) - 08/06/2012

The Council endorsed a **general approach** (see Council document) on the recast of a regulation on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (the so-called "Brussels I" regulation).

On that occasion there was broad support for the suggestion that the proposed Regulation should provide for an additional ground of jurisdiction relating to **cultural objects** based on the location of such objects, to be further examined at technical level and finalised after the meeting of the Council.