Basic information

2013/0177(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	USPASKICH Viktor (ALDE)	03/09/2014
	Shadow rapporteur ROZIÈRE Virginie (S&D) DZHAMBAZKI Angel (ECR)	

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3455	2016-03-10

European Commission

Commission DG	Commissioner

Justice and Consumers	REDING Viviane

Key events

Date	Event	Reference	Summary
06/06/2013	Preparatory document	COM(2013)0338	Summary
24/11/2015	Legislative proposal published	13777/2015	Summary
17/12/2015	Committee referral announced in Parliament		
28/01/2016	Vote in committee		
01/02/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0018/2016	Summary
25/02/2016	Decision by Parliament	T8-0052/2016	Summary
25/02/2016	Results of vote in Parliament		
10/03/2016	Act adopted by Council after consultation of Parliament		
10/03/2016	End of procedure in Parliament		
22/03/2016	Final act published in Official Journal		

Technical information

Procedure reference	2013/0177(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 281-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/00177

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE541.497	13/11/2014	
Committee report tabled for plenary, 1st reading/single reading		A8-0018/2016	01/02/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0052/2016	25/02/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	13777/2015	24/11/2015	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0338	06/06/2013	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2016/0414
OJ L 075 22.03.2016, p. 0001 Summary

Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta

2013/0177(NLE) - 06/06/2013

PURPOSE: to authorise Austria and Malta to accede to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters seeks to simplify the method of transmission of judicial and extrajudicial documents between the Contracting States. It thus facilitates judicial cooperation in cross-border civil and commercial litigation. The EU in its external relations has been promoting the accession of third countries to the Hague Service Convention. The Hague Service Convention is not open to participation by regional organisations. **As a result, the European Union is not in a position to accede to the Convention**.

Given that the Hague Service Convention is important for the European Union interests, the Council should authorise the Member States which had not concluded the Hague Service Convention before adoption of the Union measures to accede to the Convention in the interest of the European Union, subject to certain conditions. The Member States to which this decision is addressed are **Austria and Malta**.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 81(2) and 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: under this proposal for a Council Decision, Austria and Malta would accede to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.

Purpose of the Convention: the Convention indicates the channels to be used for the transmission from one Contracting State to another in the event of service abroad of judicial and extrajudicial act. The main channel of transmission, in lieu of consular and diplomatic channels, is through a Central

Authority, who shall serve the documents or shall arrange to have them served. The Convention also provides for several other modes of transmission (for example, by post). It seeks to establish a system which, as far as possible, brings actual notice of the document to be served to the recipient in sufficient time to enable him to defend himself.

Lastly, the Convention facilitates proof that the service has been affected abroad, **by means of certificates contained in a uniform model.**

EU competences: this field falls into the exclusive external competence of the European Union, because of the adoption of internal Union legislation by means of Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. As a result, Member States cannot sign this Convention without being authorised to do so. 24 Member States were Parties to the Convention before the EU legislation was adopted. Austria and Malta remain to be authorised to accede to the Convention.

The Commission therefore proposes that the Council authorises Austria and Malta to accede to the Convention in the interest of the European Union. The Convention does not contain any provisions allowing the European Union itself to accede to the Convention.

Declarations of the Contracting States: the Convention provides for a possibility for the Contracting States to make declarations with regard to a number of its provisions. The EU Member States, Contracting States to the Convention, entered various declarations. The situation is not uniform, however. Against this backdrop, it is not reasonable to require the Member States concerned to make uniform declaration(s), if any. In conclusion, Austria and Malta should, when acceding to the Convention, make all appropriate declarations allowed under its provisions that they deem necessary. The text of such declarations should be attached to the Council decision.

Entry into force: Austria and Malta will take the necessary measures to deposit their instruments of accession before **31 December 2014**.

BUDGETARY IMPLICATION: the proposal has no implications for the European Union's budget.

Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta

2013/0177(NLE) - 06/06/2013 - Preparatory document

PURPOSE: to authorise Austria and Malta to accede to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters seeks to simplify the method of transmission of judicial and extrajudicial documents between the Contracting States. It thus facilitates judicial cooperation in cross-border civil and commercial litigation. The EU in its external relations has been promoting the accession of third countries to the Hague Service Convention. The Hague Service Convention is not open to participation by regional organisations. **As a result, the European Union is not in a position to accede to the Convention**.

Given that the Hague Service Convention is important for the European Union interests, the Council should authorise the Member States which had not concluded the Hague Service Convention before adoption of the Union measures to accede to the Convention in the interest of the European Union, subject to certain conditions. The Member States to which this decision is addressed are **Austria and Malta**.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 81(2) and 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: under this proposal for a Council Decision, Austria and Malta would accede to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.

Purpose of the Convention: the Convention indicates the channels to be used for the transmission from one Contracting State to another in the event of service abroad of judicial and extrajudicial act. The main channel of transmission, in lieu of consular and diplomatic channels, is through a Central Authority, who shall serve the documents or shall arrange to have them served. The Convention also provides for several other modes of transmission (for example, by post). It seeks to establish a system which, as far as possible, brings actual notice of the document to be served to the recipient in sufficient time to enable him to defend himself.

Lastly, the Convention facilitates proof that the service has been affected abroad, **by means of certificates contained in a uniform model.**

EU competences: this field falls into the exclusive external competence of the European Union, because of the adoption of internal Union legislation by means of Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. As a result, Member States cannot sign this Convention without being authorised to do so. 24 Member States were Parties to the Convention before the EU legislation was adopted. Austria and Malta remain to be authorised to accede to the Convention.

The Commission therefore proposes that the Council authorises Austria and Malta to accede to the Convention in the interest of the European Union. The Convention does not contain any provisions allowing the European Union itself to accede to the Convention.

Declarations of the Contracting States: the Convention provides for a possibility for the Contracting States to make declarations with regard to a number of its provisions. The EU Member States, Contracting States to the Convention, entered various declarations. The situation is not uniform, however. Against this backdrop, it is not reasonable to require the Member States concerned to make uniform declaration(s), if any. In conclusion, Austria and Malta should, when acceding to the Convention, make all appropriate declarations allowed under its provisions that they deem necessary. The text of such declarations should be attached to the Council decision.

Entry into force: Austria and Malta will take the necessary measures to deposit their instruments of accession before **31 December 2014**.

BUDGETARY IMPLICATION: the proposal has no implications for the European Union's budget.

Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta

2013/0177(NLE) - 24/11/2015 - Legislative proposal

PURPOSE: to authorise Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: **the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters** simplifies the methods of transmission of judicial and extrajudicial documents between the Contracting States. Thus, it facilitates judicial cooperation in cross-border civil and commercial litigation.

The Convention does not allow for participation by regional economic integration organisations such as the Union. As a result, the Union is not in a position to accede to the Convention. However, many countries, including the Member States except Austria and Malta, are parties to the Convention. The latter two states have expressed their interest in becoming parties. **It is in the interest of the Union that all Member States are parties to the Convention.** In addition, in the framework of Union external policy in the area of civil justice, the Union promotes accession to, and ratification of, the Convention by third States.

CONTENT: by this draft Decision, the Council **authorises Austria to sign and ratify, and Malta to accede to,** the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the Union.

The Convention indicates the channels of transmission to be used when a judicial or extrajudicial document has to be transmitted from one Contracting State to the Convention to another Contracting State for the service in the latter. The Convention:

- **simplifies the method of transmission of judicial and extrajudicial documents**: the main channel of transmission, in lieu of consular and diplomatic channels, is through a Central Authority, which serves the documents or arranges to have them served. The Convention also provides for several alternative methods of transmission (e.g. postal channels);
- aims to establish a **system** which, to extent possible, brings actual notice of the document to be served to the recipient in sufficient time to enable him to defend himself;
- facilitates **proof** that the service has been affected abroad, by mean of certificates contained in a uniform model.

Austria shall take the necessary steps to deposit its instrument of ratification within a reasonable time and at the latest **by 31 December 2017**. After the Decision takes effect **Malta** shall notify the Ministry of Foreign Affairs of the Kingdom of the Netherlands of the date on which the Convention will become applicable to Malta.

The United Kingdom and Ireland are bound by Regulation (EC) No 1393/2007 of the European Parliament and of the Council1 and are therefore taking part in the adoption and application of this Decision. On the other hand, **Denmark** is not taking part in it.

Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta

2013/0177(NLE) - 10/03/2016 - Final act

PURPOSE: to authorise Austria and Malta to accede to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/414 authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union.

CONTENT: under this Council Decision, the Council, following the European Parliament's consent, authorised Austria and Malta to accede to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the interest of the European Union.

The Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters establishes a system whereby these documents can be served in another signatory state. It simplifies the methods of transmission of judicial and extrajudicial documents between the Contracting States. It thus facilitates judicial cooperation in cross-border civil and commercial litigation.

The Convention does not allow for participation by regional economic integration organisations such as the Union. As a result, the Union is not in a position to accede to the Convention. Moreover, many countries, including the Member States except Austria and Malta, are parties to the Convention. Austria and Malta have expressed their interest in becoming parties to the Convention. It is in the interest of the Union that all Member States are parties to the Convention.

Austria shall take the necessary steps to deposit its instrument of ratification of the Convention with the Ministry of Foreign Affairs of the Kingdom of the Netherlands within a reasonable time and at the latest by 31 December 2017.

After this Decision takes effect **Malta** shall notify the Ministry of Foreign Affairs of the Netherlands of the date on which the Convention will become applicable to Malta.

Ireland and the United Kingdom shall participate in the adoption and the application of this Decision while Denmark shall not take part nor shall it be bound by it or subject to its application.

ENTRY INTO FORCE: 23.3.2016.

Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta

2013/0177(NLE) - 25/02/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 566 votes to 14, with 65 abstentions, a legislative resolution on the draft Council decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union.

Parliament gave its consent to the draft Council decision.

To recall, the 1965 Hague Convention established a system whereby Judicial and extrajudicial documents in civil or commercial matters can be served in another signatory state.

Hague Convention 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters: ratification by Austria and accession of Malta

2013/0177(NLE) - 01/02/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Viktor USPASKICH (ALDE, LT) on the draft Council decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union.

The committee called on the European Parliament to **give its consent to the draft Council decision**.

To recall, the Hague Convention of 15 November 1965 establishes a system whereby documents can be served in another signatory state. Of the 28 Member States, 26 are already applying the convention. **Austria** and Malta, as the two remaining Member States, have indicated their wish to join.

The convention does not allow the accession of international organisations. At the same time, following the adoption of EU legislation on the cross-border service of documents, the EU has acquired **exclusive external competence** for the issue in accordance with the Treaty on the Functioning of the European Union.

This means that the Union must authorise the Member States in question to act on its behalf in order to accede to the convention.

Malta has already deposited its instrument of accession, but has issued a declaration that its accession will not become effective until this decision has been adopted. Austria is waiting for this decision in order to carry out the accession formalities.

Since the Hague Convention of 15 November 1965 has proven its usefulness in the field of the cross-border service of documents, and it is in the interest both of the Union as a whole and of the two Member States in question to have a single regime for the service of documents in cross-border relations with third countries, it is proposed that Parliament should consent to the proposal for the decision allowing the accession of Austria and Malta to that convention.