Basic information

2021/0208(NLE) NLE - Non-legislative enactments	Awaiting final decision
Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: accession by the European Union **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	PIGNEDOLI Sabrina (NI)	30/03/2022
		Shadow rapporteur RADEV Emil (EPP) REPASI René (S&D) VÁZQUEZ LÁZARA Adrián (Renew) BREYER Patrick (Greens/EFA) STANCANELLI Raffaele (ECR) AUBRY Manon (The Left)	
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Justice and Consumers	REYNDERS Didier	

Key events

Date	Event	Reference	Summary
16/07/2021	Preparatory document	COM(2021)0388	Summary
13/12/2021	Legislative proposal published	13494/2021	Summary
16/12/2021	Committee referral announced in Parliament		
14/06/2022	Vote in committee		
16/06/2022	Committee report tabled for plenary, 1st reading/single reading	A9-0177/2022	

23/06/2022	Decision by Parliament	T9-0261/2022	Summary

Technical information

Procedure reference	2021/0208(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 081-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/9/06886

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE731.689	03/05/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0177/2022	16/06/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0261/2022	23/06/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	13494/2021	13/12/2021	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2021)0388	16/07/2021	Summary
Document attached to the procedure	SEC(2021)0279	16/07/2021	
Document attached to the procedure	SWD(2021)0192	16/07/2021	
Document attached to the procedure	SWD(2021)0193	16/07/2021	

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: accession by the European Union

2021/0208(NLE) - 13/12/2021 - Legislative proposal

PURPOSE: accession by the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

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 Convention on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters under the auspices of the Hague Conference on Private International Law was concluded on 2 July 2019. The Union participated actively in the negotiations leading up to the adoption of the Convention and shares its goals.

Currently, Union citizens and businesses seeking to have a judgment given in the Union recognised and enforced in a non-Union country face a scattered legal landscape due to the absence of a comprehensive international framework for the recognition and enforcement of foreign judgments in civil and commercial matters.

The growth in international trade and investment flows increases these legal risks for Union businesses and citizens but this situation should be addressed through a predictable system of cross-border recognition and enforcement of judgments in civil or commercial matters.

As the Convention affects Union legislation, in particular Regulation (EU) No 1215/2012 of the European Parliament and of the Council, the Union has exclusive competence for all matters governed by the Convention.

CONTENT: the Council's draft concerns the **approval, on behalf of the Union, of the accession of the European Union to the Convention on the recognition and enforcement of foreign judgments in civil or commercial matters**.

The aim of the Convention is to promote access to justice globally through **enhanced judicial cooperation**. In particular, the Convention aims to reduce the risks and costs associated with cross-border litigation and dispute resolution, thereby facilitating international trade, investment and mobility.

The Convention applies to the recognition and enforcement of judgments in civil and commercial matters. It does not cover revenue, customs or administrative matters. It applies to the recognition and enforcement in a Contracting State of a judgment given by a court in another Contracting State. Recognition or enforcement may be refused only on the grounds set out in the Convention.

When acceding to the Convention, the Union would have to declare that it has jurisdiction over all matters governed by the Convention. Consequently, the Member States would be bound by the Convention by virtue of the Union's accession.

The Union will also have to declare that it will not apply the Convention to commercial leases (tenancies) of immovable property situated in the EU.

Ireland is taking part in the adoption of this Decision, while Denmark is not.

Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: accession by the European Union

2021/0208(NLE) - 16/07/2021 - Preparatory document

PURPOSE: accession by the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

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 Convention on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters under the auspices of the Hague Conference on Private International Law was concluded on 2 July 2019. It seeks to promote access to justice globally through enhanced international judicial cooperation. In particular, it aims to reduce risks and costs associated with cross-border litigation and dispute resolution.

Currently, EU citizens and businesses seeking to have a judgment given in the EU recognised and enforced in a non-Union country face a scattered legal landscape due to the absence of a comprehensive international framework for the recognition and enforcement of foreign judgments in civil and commercial matters. Those engaging in international litigation have to invest resources, time and often external expertise to prepare a robust litigation strategy.

In addition, because the enforcement of EU judgments in non-EU countries is uncertain, the right of access to justice of EU businesses and citizens is hampered.

The Commission considers it necessary to remedy this situation through a predictable system of cross-border recognition and enforcement of judgments in civil and commercial matters.

CONTENT: the Commission proposes that the EU becomes a contracting party to the Hague Convention of 2 July 2019 on the recognition and enforcement of foreign judgments in civil and commercial matters, without the Member States, if the Council wishes.

The objectives of this proposal are to **enhance access to justice for EU parties** by facilitating the recognition and enforcement of judgments given by courts in the EU wherever the debtor happens to have assets, to increase legal certainty for businesses and citizens involved in international dealings and to decrease costs and length of proceedings in cross-border court litigation.

At the same time, this proposal would seek to allow the recognition and enforcement of third-country judgments in the EU only where **fundamental principles of EU law** are respected and the internal acquis is not affected.

The Judgments Convention, adopted under the auspices of the Hague Conference on Private International Law (HCCH), aims at promoting effective access to justice for all and facilitating rules-based multilateral trade and investment, and mobility, through judicial co-operation.

The negotiations of the Judgments Convention were successfully concluded in July 2019 and the Convention is currently open for signature, ratification, or accession. Should the European Union accede to the Judgments Convention as proposed by the Commission, the Convention would apply to the recognition and enforcement of incoming and outgoing judgments among the EU Member States and other Contracting States of the Convention.

When acceding to the Convention, the EU should declare that it exercises competence over all the matters governed by the Convention. Consequently, the Member States should be bound by the Convention by virtue of its conclusion by the Union.

The EU should also declare that it will not apply the Convention to commercial leases (tenancies) of immovable property situated in the EU.

Ireland participates in the adoption of the decision. EU accession to the Judgments Convention does not include Denmark.

Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: accession by the European Union

2021/0208(NLE) - 23/06/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 576 votes to 8, with 14 abstentions, a legislative resolution on the draft Council decision concerning the accession of the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

Parliament gave its consent to the accession of the European Union to the Convention.

As a reminder, the aim of the Convention is to promote access to justice globally through enhanced judicial cooperation. In particular, it aims to reduce the risks and costs associated with cross-border litigation and dispute resolution, thereby facilitating international trade, investment and mobility.

The Convention applies to the recognition and enforcement of judgments in civil and commercial matters. It does not cover revenue, customs or administrative matters. It applies to the recognition and enforcement in a Contracting State of a judgment given by a court in another Contracting State. Recognition or enforcement may be refused only on the grounds set out in the Convention.