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4284/96

LIMITE

JUSTCIV 2

NOTE

from : Steering Group III

to : K.4 Committee/COREPER

No. prev. doc.: 13080/95 JUSTCIV 92

Subject:

Creation of a Working Party to enable the new Member States to accede to the Brussels and Rome Conventions

1. The Act of Accession of the new Member States stipulates that they undertake to accede to the Conventions provided for in Article 220 of the EEC Treaty and to those which are indissociable from the attainment of the objectives of the EEC Treaty, as well as to the Protocols concerning the interpretation of those Conventions by the Court of Justice, as signed by the Member States.
2. To the above end, the new Member States are invited to accede to the following Conventions in the context of judicial cooperation:
 - the Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters and the Protocols concerning its interpretation, together with the adjustments made to it by Accession Conventions concluded subsequently;
 - the Rome Convention on the Law Applicable to Contractual Obligations and the two Protocols concerning its interpretation by the Court of Justice, together with the adjustments made to them by Accession Conventions concluded subsequently.

3. Further to the decisions taken by Coreper (Part 2) on 14 June 1995, the three new Member States were asked to forward to the Council General Secretariat memoranda enabling the necessary amendments to be made for them to accede to the Conventions referred to under 2 (SWEDEN: 11981/95 JUSTCIV 87; AUSTRIA: 11002/95 JUSTCIV 71; FINLAND: 12795/95 JUSTCIV 89 + ADD 1).
4. Before beginning work on the memoranda, at its meeting on 11 and 12 January 1996 Steering Group III (Judicial cooperation in civil and criminal matters) considered the forum in which this work should be carried out.
5. Following its discussions, the Steering Group decided, with the agreement of all delegations, that the most appropriate solution would be to set up a special Working Party for a limited period (Working Party on Accession to the Brussels and Rome Conventions).
6. The Group took the view that:
 - given the technical nature of the subject matter, examination of the memoranda within the Steering Group would be difficult;
 - the Working Party on Extension of the Brussels Convention would find it difficult to examine these memoranda since it had a limited number of meetings for examining the draft Brussels Convention II, which was a priority in its work on judicial cooperation in civil matters. Moreover, examination of the memoranda on the Rome Convention went beyond the Working Party's remit.

Conclusion

7. Steering Group III suggests that the K.4 Committee/Coreper record agreement on:

– the setting up for a limited period of a working party:

- = which could be included in the structures for proceedings under Title VI of the Treaty,
- = with the task of assessing the memoranda enabling the three new Member States to accede to the Brussels and Rome Convention (see point 2 above),
- = to report directly to the K.4 Committee.

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