

6826/97

LIMITE

JUSTCIV 21

NOTE

from : Presidency

to : K.4 Committee/Coreper

Subject: Setting up of a Working Party to launch study of the need for and feasibility of a European enforcement order (EEO)

1. Work on the draft Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil and commercial matters and the Protocol on its interpretation by the Court of Justice will shortly be completed (see 6768/97 JUSTCIV 20). In this connection the Working Party on Simplification of Document Transmission has, apart from the finalization of the explanatory report, finished its work.

When the Opinion of the European Parliament is available and has been examined by the Council bodies, the Presidency expects the draft Convention and Protocol to be established by the Council (JHA) at its meeting at the end of May 1997 and signed on that occasion by all the Member States.

2. The Presidency intends to start on other areas of work in the sphere of judicial cooperation in civil matters by turning to the priorities laid down in the Council Resolution for the period 1 July 1996 to 30 June 1998 ⁽¹⁾.

⁽¹⁾ OJ No C 319, 26.10.1996.

3. It proposes to begin study of the need for and feasibility of a European enforcement order (see point 3.1.(c) of the work programme). The Presidency would remind delegations that preliminary work has already been done. The Commission departments have drawn up an inventory on the recognition and enforcement of foreign judgments in the Member States in the light of replies received from legal practitioners. In addition, the Finnish Ministry of Justice organized a seminar on the subject in Helsinki on 17 and 18 March 1997, which enabled a discussion to take place and consideration to be given to the advisability of beginning work on a European enforcement order. The participants in the seminar were university lecturers, lawyers, judges and representatives of the Ministries of Justice of the Member States.
4. The Presidency therefore suggests setting up a Working Party on the European Enforcement Order, to replace the Working Party on the Service of Documents, with the following tasks:
- holding a general discussion on the European enforcement order;
 - establishing a brief and a working method for future work.

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In the light of these proceedings the Presidency does not rule out the possibility of taking an initiative in this area to start work in the Council on a draft instrument on the European enforcement order.

5. The Presidency suggests that the matter be referred to the K.4 Committee/Coreper before the end of 1997 so that they may:
- examine the progress of work;
 - define the brief for future work and the working method.
