

JHA K4
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LIMITE

JUSTCIV 8

NOTE

to: K.4 Committee

Subject: **Talks between the Presidency and Switzerland on reviewing the
Lugano Convention
– Brussels, 27 January 1997**

Following the guidelines laid down by Steering Group III at its meeting on 9 and 10 January 1997 (see 5213/97 JUST 1), the Presidency, assisted by the Secretariat and the Commission, contacted the Swiss delegation to discuss reviewing the Lugano Convention.

In particular, the following points were discussed:

1. Deadlines for submitting comments to Switzerland

At the Presidency's request, the deadline for submitting comments to the Lugano Convention depositary State (Switzerland) on aspects of the Lugano Convention open to review was extended to 15 May 1997. The depositary will circulate the comments at the earliest opportunity so that the Standing Committee can proceed with a review on the basis of the proposals at its 4th meeting scheduled for September 1997.

This change followed requests by certain Member States for more time to prepare their comments.

In this context:

- European Union States will be called upon to send their comments to the General Secretariat of the Council by 1 May 1997;
- an initial exchange of views on the comments made will be held within the framework of the Working Party on Extension of the Brussels Convention, probably in early May 1997.

Following the exchange of views, the comments made by Member States will be forwarded to the depositary.

2. Joint working party to review the Lugano Convention

The Presidency informed Switzerland of the consideration currently being given by Steering Group III to the possible creation of a joint working party (including Lugano States which are not Member States) to review the Lugano Convention (see 12644/96 JUSTCIV 100).

The Swiss delegation gave a generally favourable reaction to this and in particular to the following points:

- (a) The working party could meet regularly, for example every 3 months, in accordance with a timetable such as the following:
 - December 1997, in Brussels
 - March 1998, in Brussels
 - June 1998, in Brussels
 - September 1998, in Lugano for instance
 - if necessary, a further meeting before the end of 1998, in Brussels.
- (b) The Swiss delegation expressed the wish that the Diplomatic Conference at which the Convention on the revision of the Lugano Convention would be signed should be held at the same time and place as that at which the Convention on the revision of the Brussels Convention would be signed.

- (c) The chairmanship of the meetings would be entrusted to a single person (Single Chairmanship), appointed by mutual consent, who would perform this task for the duration of the review, regardless of where it was carried out.
- (d) Each meeting would last four or five days, as required.
- (e) Secretarial duties for meetings held in Brussels would be carried out by the General Secretariat of the Council. The depositary would perform such duties for meetings in Lugano (or in any other Lugano State which was not a Member State).
- (f) For meetings in Brussels, the rules governing the use of languages within the Council would apply. In Lugano, the languages used would be those of the Lugano Convention Standing Committee (French and English).
- (g) States party to the Lugano Convention could take part in negotiations. In this respect, the Swiss delegation wondered whether representatives of The Hague Conference should not be granted observer status.

3. Follow-up

Following the talks, the Swiss delegation announced that it would be contacting Norway and Iceland to inform them of the content of its discussions with the Presidency.

It was proposed that the Standing Committee set out its definitive views on organizing the Lugano Convention review at its meeting in September 1997.

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