EUROPEAN UNION
THE COUNCIL

Brussels, 10 November 1994 (04.01)
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JUSTCIV 36

SUMMARY OF CONCLUSIONS

of: Steering Group III (Judicial cooperation on civil matters)

Subject: Summary of conclusions of Steering Group III (Judicial cooperation on civil matters) (Brussels, 3 November 1994)

1. **Adoption of the agenda**

The Group adopted the agenda as set out in telex No 4031 of 21 October 1994.

2. **Draft Convention on jurisdiction and the enforcement of judgments in matrimonial matters (Brussels Convention II)**
(10325/94 JUSTCIV 32)

The Steering Group finalized the progress report to the K.4 Committee on the extension of the Brussels Convention to cover matrimonial matters, as it appears in 10325/1/94 JUSTCIV 32 REV 1.

It was agreed that it would be forwarded to the K.4 Committee so that the Council could take stock of the proceedings thus far.

At the Group's request, the French delegation agreed to submit a paper for examination by the Working Party, indicating the effects on the other parties to the future Convention if its scope were extended to the right of custody.

3. **Draft report enabling the European Parliament to be consulted on the possibility of extending the Brussels Convention to matters of family law**
(9785/94 JUSTCIV 27)

The Group held a policy debate on the question of whether the European Parliament should be consulted or informed on this subject.

The Group

- considered that it was too early for consultation of the European Parliament, given the stage reached with the draft Convention;

- noted that the European Parliament had asked the Commission to make progress reports, particularly as regards the extension of the Brussels Convention;

- noted that the Presidency had not ruled out the possibility of reporting on these proceedings during the general information briefings in its meetings with the European Parliament.

4. **Exchange of information between the Member States and the Court of Justice in the context of the Brussels Convention**
(10470/94 JUSTCIV 33)

The Group took note of 10470/94 JUSTCIV 33, which contained the replies to the questionnaire on exchange of information between the Member States and the Court of Justice (10470/94 JUSTCIV 33).

The Presidency asked those delegations ([1]) that had not already done so to send their replies so that a summary could be compiled for use in future proceedings.

On that basis it was agreed that the Steering Group would discuss the matter at a future meeting.

5. **Draft report on the simplification and transmission of documents**
(10291/94 JUSTCIV 31)

The Group took note of a Presidency progress report (10291/94 JUSTCIV 31).

The Steering Group

- asked for the replies to be assembled and a summary made, with the participation of the Netherlands delegation;

- instructed the Working Party to continue its discussions on the basis of its proceedings ([2]).

([1]) Including the acceding States.
([2]) The delegations noted that the next meeting was to be held on 5 December 1994 (in the morning).

6. **"STORME" report on the approximation of civil procedural law (8087/94 JUSTCIV 17)**

The Group took note of the Netherlands delegation's oral presentation of its points of view on the "Storme" report, as set out in 8087/94 JUSTCIV 17. In particular, the Netherlands delegation suggested that

- a feasibility study be carried out at least on certain specific points (particularly provisional remedies, orders for payment, aspects relating to penalty payments, computation of time and nullities);

- these questions be discussed in a specific working party.

The Commission representative recalled the reasons which had led the Working Group to carry out the study on the approximation of civil procedural law ("Storme" report). If proceedings on the subject were conducted in the framework of the third pillar, the Commission representative indicated that the Commission would be pleased to become actively involved in them.

Following the discussion, the Group

- asked the Commission to forward the "Storme" report to the Council General Secretariat with a view to its circulation to the delegations;

- agreed to continue discussing this important question when it was in possession of additional information on the matter.

7. **Position re signatures and ratifications in the field of judicial cooperation on civil matters**

The Group noted that

- Germany had ratified the Convention of 26 May 1989 on the accession of Spain and Portugal to the Brussels Convention and that it envisaged signing, in 1995 (not 1994), the Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993;

- Spain had deposited its instrument of ratification of the Lugano Convention on 30 August 1994 (entry into force 1 November 1994).

The delegations were asked to inform the Council General Secretariat of any developments in the signature or ratification of Conventions.

8. **Other business**

- **Development of contacts with the countries of Central and Eastern Europe**

Following an initiative by the Netherlands, with the backing of the Austrian delegation, the Group discussed the possibility of developing contacts with the countries of Eastern and Central Europe in the field of judicial cooperation on civil matters. The Netherlands delegation asked the Commission to carry out a study on the subject.

The Commission representative, who wished to consider the question in greater detail, pointed out to the Group that the Lugano Convention would be of especial significance in this context, and for that reason the matter should be brought up at the next meeting of the Convention's Standing Committee.

The Group

- took note of this point with interest;

- agreed to submit the matter to a forthcoming meeting of the K.4 Committee. The possibility of submission to the December 1994 meeting was not ruled out.