

UK REVIEW OF THE BALANCE OF COMPETENCES

IX) JUDICIAL COOPERATION IN CIVIL MATTERS

A. ACQUIS

1. Regulations

- Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R0044:EN:NOT>
- Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:351:0001:0032:en:PDF>
- Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation No 1347/2000,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R2201:en:NOT>
- Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R0004:en:NOT>
- Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000R1346:en:NOT>
- Regulation (EU) No 615/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:201:0107:0134:EN:PDF>
- Regulation (EC) No 593/2008 on the law applicable to contractual obligations,
[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R0593R\(02\):en:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R0593R(02):en:NOT)
- Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0864:en:NOT>
- Council Regulation (EU) implementing No 1259/2010 of 20 December 2010 enhanced cooperation in the area of the law applicable to divorce and legal separation,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R1259:en:NOT>
- Regulation (EC) No 805/2004 on European Enforcement Order for uncontested claim,
[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0805R\(01\):en:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0805R(01):en:NOT)

- Regulation (EC) No 1896/2006 creating a European order for payment procedure,
[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1896R\(01\):en:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1896R(01):en:NOT)
- Regulation (EC) No 861/2007 establishing a European Small Claims Procedure,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0861:en:NOT>
- Regulation No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation No 1348/2000,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R1393:en:NOT>
- Regulation No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R1206:en:NOT>

2. Decisions

- Decision No 2001/470/EC establishing a European Judicial Network in civil and commercial matters (amended by Decision 568/2009/EC),
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001D0470:en:HTML> and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0035:01:en:HTML>

3. Directives

- Directive No 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0008:en:NOT>
- Directive No 2008/52/EC on certain aspects of mediation in civil and commercial matters,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0052:en:NOT>

4. Decisions concerning international Conventions signed/ratified by the EU or by the Member States in the interest of the EU

- Council Decision No 2008/431/EC authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:151:0036:01:en:HTML>
- Council Decision No 2009/941/EC of 30 November 2009 on the conclusion by the European Community of The Hague Protocol of 23 November 2007 on the law applicable to maintenance obligations,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:331:0017:0023:en:PDF>
- Council Decision No 2011/220/EU of 31 March 2011 on the signing, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:093:0009:0009:EN:PDF>

- Council Decision No 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:192:0039:0050:EN:PDF>

- Council Decision No 2001/539/EC of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention),

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:194:0038:0038:en:PDF>

- Council Decision No 2002/762/EC of 19 September 2002 authorising the Member States, in the interest of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention),

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002D0762:EN:HTML>

- Council Decision No 2002/971/EC of 18 November 2002 authorising the Member States, in the interest of the Community, to ratify or accede to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the HNS Convention),

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002D0971:en:HTML>

- Council Decision No 2003/882/EC of 27 November 2003 authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to sign, in the interest of the European Community, the Protocol amending that Convention,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:338:0030:0031:EN:PDF>

- Council Decision 2004/294/EC of 8 March 2004 authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to ratify, in the interest of the European Community, the Protocol amending that Convention, or to accede to it,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:097:0053:0054:EN:PDF>

- Council Decision No 2005/794/EC of 20 September 2005 on the signing, on behalf of the Community, of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:300:0053:0054:EN:PDF>

- Council Decision No 2006/326/EC of 27 April 2006 concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:120:0023:0023:EN:PDF>

- Council Decision No 2009/943/EC of 30 November 2009 amending Decision 2006/326/EC of 27 April 2006 concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters,

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=EN&numdoc=32009D0943

- Council Decision No 2005/790/EC of 20 September 2005 on the signing, on behalf of the Community, of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:299:0061:0061:EN:PDF>

- Council Decision No 2006/325/EC of 27 April 2006 concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:120:0022:0022:EN:PDF>

- Council Decision No 2006/719/EC of 5 October 2006 on the accession of the Community to the Hague Conference on Private International Law,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006D0719:EN:NOT>

- Council Decision No 2007/712/EC of 15 October 2007 on the signing, on behalf of the Community, of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:339:0001:0002:EN:PDF>

- Council Decision No 2009/430/EC of 27 November 2008 concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:147:0001:0004:EN:PDF>

- Council Decision No 2009/397/EC of 26 February 2009 on the signing on behalf of the European Community of the Convention on Choice of Court Agreements,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009D0397:EN:NOT>

- Council Decision No 2009/370/EC of 6 April 2009 on the accession of the European Community to the Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:121:0003:0007:EN:PDF>

- Council Decision No 2009/940/EC of 30 November 2009 on the signing by the European Community of the Protocol to the Convention on international interests in mobile equipment on matters specific to railway rolling stock, adopted in Luxembourg on 23 February 2007,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:331:0001:0016:EN:PDF>

5. Regulations dealing with external matters

- Council Regulation (EC) No 664/2009 of 7 July 2009 establishing a procedure for the negotiation and conclusion of agreements between Member States and third countries concerning jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, matters of parental responsibility and matters relating to maintenance obligations, and the law applicable to matters relating to maintenance obligations,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:200:0046:01:en:HTML>

- Regulation (EC) No 662/2009 of 13 July 2009 establishing a procedure for the negotiation and conclusion of agreements between Member States and third countries on particular matters concerning the law applicable to contractual and non- contractual obligations,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:200:0025:0030:en:PDF>

B. COMMUNICATIONS

- Communication from the Commission to the European Parliament, the Council, the European Economic and social Committee and the Regions – Bringing legal clarity to property rights for international couples (2011), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0125:en:NOT>

- Communication from the Commission to the European Parliament, the Council, the European Economic and social Committee and the Regions – Towards a European Horizontal Framework for Collective Redress (2013), http://ec.europa.eu/justice/civil/files/com_2013_401_en.pdf

C. PENDING PROPOSALS

- Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships, COM/2011/0127 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011PC0127:en:NOT>

- Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes COM/2011/0126 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011PC0126:en:NOT>

D. IMPACT ASSESSMENTS

- Impact Assessment – Accompanying document to the Proposal for a Regulation of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast – 2010), http://ec.europa.eu/justice/policies/civil/docs/sec_2010_1547_en.pdf

- Impact Assessment – Accompanying the document Revision of Regulation (EC) No 1346/2000 on insolvency proceedings (2012), http://ec.europa.eu/justice/civil/files/insolvency-ia_en.pdf

E. REPORTS

- Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters (2006), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0203:EN:NOT>

- Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of the Council Regulation 1206/2001/EC of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (2007), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0769:EN:NOT>

- Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Regulation 1348/2000/EC on the service in the Member States of Judicial and Extrajudicial documents in civil or commercial matters (2007), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52004DC0603:EN:NOT>

- Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Directive 2003/8/EC to improve access to justice in cross border disputes by establishing minimum common rules relating to legal aid for such disputes (2012),

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52012DC0071:en:NOT>

- Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (2012),

http://ec.europa.eu/justice/civil/files/insolvency-report_en.pdf

F. STUDIES

(THE STUDIES HAVE BEEN CARRIED OUT BY EXTERNAL CONTRACTORS AT THE COMMISSION'S REQUEST FOLLOWING PUBLIC PROCUREMENT PROCEDURES-LEGAL BASIS COUNCIL DECISION NO 1149/2007/EC)

- "Des procédures de traitement judiciaire des demandes de faible importance ou non contestées dans les droits des Etats Membres de l'Union européenne" Rapport final: Evelyne Serverin (2001), http://ec.europa.eu/civiljustice/publications/docs/small_claims_fr.pdf

- "Étude de droit comparé sur les règles de conflits de juridictions et de conflits de lois relatives aux testaments et successions dans les Etats membres" Deutsches Notarinstitut (2002),

http://ec.europa.eu/civiljustice/publications/docs/testaments_successions_fr.pdf

- "Les modes de signification et de notification des actes judiciaires" International Network of Lawyers (2002),

http://ec.europa.eu/civiljustice/publications/docs/study_service_documents_fr.pdf

- "Practical problems resulting from the non-harmonization of choice-of-law rules in divorce matters" T.M.C. Asser Instituut The Hague (2002), http://ec.europa.eu/civiljustice/publications/docs/divorce_matters_en.pdf

- "Etude sur les régimes matrimoniaux des couples mariés et sur le patrimoine des couples non-mariés dans le droit international privé et le droit interne des Etats Membres de l'Union européenne" T.M.C. Asser Instituut The Hague and UCLouvain (2003),

http://ec.europa.eu/civiljustice/publications/docs/regimes/report_regimes_030703_fr.pdf

- "Le recouvrement des pensions alimentaires en Europe" International Network of Lawyers (2003), http://ec.europa.eu/civiljustice/publications/docs/study_maintenance_claims_fr.pdf

- "Study on making more efficient the enforcement of judicial decisions within the European Union: Transparency of a Debtor's Assets – Attachment of Bank Accounts – Provisional Enforcement and Protective Measures" Burkhard Hess (University of Heidelberg) (2004),

http://ec.europa.eu/civiljustice/publications/docs/enforcement_judicial_decisions_180204_en.pdf

- "Study on the application of Council Regulation (EC) No 1348/2000 on the service of judicial and extra-judicial documents in civil or commercial matters" MainStrat (2004),

http://ec.europa.eu/civiljustice/publications/docs/study_ec1348_2000_en.pdf

- "Evaluation of the functioning of the European Judicial Network in civil and commercial matters" European Evaluation Consortium (2005), http://ec.europa.eu/civiljustice/docs/ejn_evaluation_june05.pdf

- "Study on the application of Council Regulation (EC) No 1206/2001, on cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters MainStrat (2007), http://ec.europa.eu/civiljustice/publications/docs/final_report_ec_1206_2001_a_09032007.pdf
- "Report on the Application of Regulation Brussels I in the EU countries" (2007), http://ec.europa.eu/civiljustice/news/docs/study_bxl1_compilation_introduction_en.pdf;
http://ec.europa.eu/civiljustice/news/docs/study_bxl1_compilation_quest_1_en.pdf;
http://ec.europa.eu/civiljustice/news/docs/study_bxl1_compilation_quest_2_en.pdf;
http://ec.europa.eu/civiljustice/news/docs/study_bxl1_compilation_quest_3_en.pdf
- "Study on the use of public documents in the EU" British Institute of International and Comparative Law (2007), http://ec.europa.eu/civiljustice/news/docs/study_public_docs_synthesis_report.pdf
- "Study to inform an Impact Assessment on the Ratification of the Hague Convention on Choice of Court Agreements by the European Community" GHK (2007), http://ec.europa.eu/justice/civil/files/ia_choice_courts_agreement_en.pdf
- "The application of Directive 2004/80/EC relating to compensation to crime victims – Empirical Report" Matrix insight (2008), http://ec.europa.eu/civiljustice/publications/docs/study_application_directive_compensation_final_report_en.pdf
- "Report on the European Payment Order" Trasys (2009), http://ec.europa.eu/civiljustice/publications/docs/european_order_for_payment_report.pdf
- "Data Collection and Impact Analysis – Certain Aspects of a Possible Revision of Council Regulation No. 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters ('Brussels I')" Centre for Strategy & Evaluation Services (2010), http://ec.europa.eu/justice/civil/files/study_cses_bruessels_i_final_17_12_10_en.pdf
- "Impact Assessment Study on Community Instruments concerning matrimonial property regimes and property of unmarried couples with transnational elements" European Policy Evaluation Consortium (EPEC) (2010), http://ec.europa.eu/justice/civil/files/ia_on_mpr_main_report_en.pdf
- "Study for an Impact Assessment on a Draft Legislative Proposal on the Attachment of Bank Accounts" Centre for Strategy & Evaluation Services (2011), http://ec.europa.eu/justice/civil/files/bank_attachments_en.pdf
- "Etude sur l'application de la Directive 2003/8/CE du Conseil du 27 janvier 2003 sur l'aide judiciaire et sur la conformité juridique des mesures nationales de transposition" Demolin, Brulard, Barthelemy (2012), http://ec.europa.eu/justice/civil/files/report_assignment_en.pdf
- "Study on Foreign Law and its Perspectives for the Future at European level" Institut suisse de droit comparé (2011), http://ec.europa.eu/justice/civil/files/foreign_law_en.pdf;
http://ec.europa.eu/justice/civil/files/foreign_law_en.pdf;
http://ec.europa.eu/justice/civil/files/foreign_law_iii_en.pdf
- "External Evaluation of Regulation No 1346/2000/EC on Insolvency Proceedings" Burkhard Hess, Paul Oberhammer and Thomas Pfeiffer (2012), http://ec.europa.eu/justice/civil/files/evaluation_insolvency_en.pdf