



Malta-EU Steering & Action Committee

# JUSTICE AND HOME AFFAIRS



30.04.09

## **COM (2009) 174 – 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 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**

Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("Brussels I") - the Regulation - is the matrix of European judicial cooperation in civil and commercial matters. It lays down uniform rules to settle conflicts of jurisdiction and facilitate the free circulation of judgments, court settlements and authentic instruments in the European Union.

This report has been prepared in accordance with Article 73 of the Regulation, on the basis of a general study commissioned by the Commission on the practical application of the Regulation.

This report aims at presenting to the European Parliament, the Council and the European Economic and Social Committee an assessment on the application of the Regulation. It is accompanied by a Green Paper (see below) which makes some suggestions on possible ways forward with respect to the points raised in this report. Both documents serve as the basis for a public consultation on the operation of the Regulation.

This Report evaluates certain points of the Regulation, namely:

- The abolition of exequatur
- The operation of the Regulation in the international legal order
- Choice of court
- Industrial property
- *Lis pendens* and related actions
- Provisional measures



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- The interface between the Regulation and arbitration
- Other issues – scope, other issues on jurisdiction, other issues on recognition and enforcement

**[COM \(2009\) 175](#) – Green Paper on the Review of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters**

This Green Paper accompanies the Report from the Commission on the application of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (see above). Its purpose is to launch a broad consultation among interested parties on possible ways to improve the operation of the Regulation with respect to the points raised in the Report.

The Commission poses a number of questions on various aspects of the Regulation namely:

- The abolition of all intermediate measures to recognise and enforce foreign judgments
- The operation of the Regulation in the international legal order
- Choice of court
- Industrial property
- Lis pendens and related actions
- Provisional measures
- The interface between the Regulation and arbitration
- Scope
- Jurisdiction
- Recognition and enforcement

The Commission calls on all interested persons to send their comments on the points addressed therein and any other useful contributions by the 30<sup>th</sup> June 2009.



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### **Council updates standards for passports and travel documents**

On Monday, at its General Affairs meeting, the Council adopted<sup>1</sup> a **regulation updating the standards for security features and biometrics in passports and travel documents issued by EU member states** (Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States).

The regulation aims to enhance security in passports and travel documents and to establish a more reliable link between the holder and the passport or travel document, thus ensuring a better protection against fraudulent use.

The new standards impose an obligation to provide fingerprints for the travel documents issued by the member states, a measure that is deemed essential to maintain security standards and with a view to simplifying border controls.

On a provisional basis children under the age of 12 years will be exempt from the requirement to give fingerprints. The Commission will submit a report no later than three years, on the reliability and technical feasibility of using the fingerprints of children under the age of 12.

The regulation also incorporates the principle of "one person-one passport" as a supplementary security measure, in particular in order to provide additional protection for children, as recommended by the International Civil Aviation Organisation.

For more info [click here](#)

To see the Regulation [click here](#)

### **Human rights: women in Afghanistan, situation in Camp Ashraf, Special Court of Sierra Leone**

The European Parliament has adopted three resolutions whereby it strongly condemns discrimination and violence against women in Afghanistan, voices concern at the possible closure of Camp Ashraf, Iraq, and expresses support for

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<sup>1</sup> The adoption of the regulation follows an agreement at the first reading of the Parliament-Council co-decision procedure.



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the Special Court of Sierra Leone.

For more info [click here](#)

**EU budget 2010 targets recovery**

*On Wednesday the Commission adopted a €139bn preliminary draft budget for 2010. Economic recovery is at the heart of next year's spending and the proposal channels the biggest share of funds (45%) into growth and employment measures – a 3.2% rise on 2009 – to help restore competitiveness across the Union. Funds for major programmes linked to research and energy will increase by more than 12% and cash for cohesion policy will grow too, with the EU-12 set to receive 52% of cohesion and Structural Funds. All headings in the budget will see an increase, reaching a total of €138.6bn in commitments (1.18% of GNI) and €122.3bn in payments (1.04% of GNI).*

The part of the budget to receive the biggest boost in spending (in line with the EU's seven-year financial programming) will be projects to fight crime, terrorism and manage migration flows, increasing by 13.5% to almost €1bn.

The final adoption of the EU budget will take place during the European Parliament plenary in December.

For more info [click here](#)