



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



16.10.09

COM (2009) 524 - Proposal for a Council Decision on the signing, on behalf of the European Community, and provisional application of an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 201

COM (2009) 525 - Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Community, of an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013

The Council of the European Union has concluded Agreements with the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein for the association of those states with the implementation, application and development of the Schengen *acquis*.

Article 11 of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' provides that the states associated with the implementation, application and development of the Schengen *acquis* shall participate in the Fund in accordance with the provisions of the Decision.

Negotiations were entered into with Iceland, Norway, Switzerland and Lichtenstein which resulted in a draft Agreement specifying supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the auditing power of the Court of Auditors.



Malta-EU Steering & Action Committee

The Agreement provides for the application of rules in the jurisdiction of Norway, Iceland, Switzerland and Liechtenstein aiming at enabling the Commission to assume final responsibility for the implementation of the budget of the Fund in these states.

The above proposals constitute the legal instruments for signature and conclusion of the Agreement. The Council will decide by qualified majority. The European Parliament will have to be formally consulted on conclusion of the Agreement, in accordance with Article 300(3) of the EC Treaty.

COM(2009)154 - Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession

The numerous instruments which have already been adopted for the recognition and enforcement of decisions in civil and commercial matters, in particular Regulation (EC) No 44/2001¹, exclude succession from their scope.

An impact assessment carried out by the Commission highlights the significance of cross-border successions within the EU. The diversity of the rules under substantive law as well as the rules of international jurisdiction or of applicable law, the multitude of authorities to which international succession matters can be referred and the fragmentation of successions which can result from these divergent rules are obstacles to the free movement of persons in the Union. These divergent rules also prevent the full exercise of private property law.

Hence the Commission adopted this proposal which is aimed at enabling people living in the EU to organise their succession in advance and effectively to guarantee the rights of heirs and/or legatees and of other persons linked to the deceased, as well as creditors of the succession.

This proposal deals with all aspects related to succession – jurisdiction, applicable law, recognition and enforcement, recognition and enforceability of authentic instruments. It also introduces a European Certificate of Succession i.e. a uniform model certificate which is aimed at enabling international successions to be settled rapidly.

The proposal does not, however, deal with the question of the registration of wills - this will be dealt with in a future Community initiative.

¹ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters