



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

A8-0034/2014

14.11.2014

RECOMMENDATION

on the draft Council decision on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements
(12052/2014 – C8-0222/2014 – 2014/0021(NLE))

Committee on Legal Affairs

Rapporteur: Pavel Svoboda

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements (12052/2014 – C8-0222/2014 – 2014/0021(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (12052/2014),
 - having regard to the Hague Convention of 30 June 2005 on Choice of Court Agreements,
 - having regard to the request for consent submitted by the Council in accordance with Article 81(2) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0222/2014),
 - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Legal Affairs (A8-0034/2014),
1. Gives its consent to the approval of the convention;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the Permanent Bureau of the Hague Conference on Private International Law.

SHORT JUSTIFICATION

The Hague Convention of 30 June 2005 on Choice of Court Agreements is a convention concerning a private international law issue drawn up by the Hague Conference on Private International Law.

The convention concerns exclusive choice-of-court agreements concluded in civil and commercial matters. These are agreements whereby two parties agree that any dispute on a certain issue between them will be settled by the courts of the State specified.

In this respect, the purpose of the convention is similar, at international level, to that of Article 25 of the recast Brussels I Regulation at European level. The convention includes provisions establishing the scope of the convention, defining choice-of-court agreements, covering jurisdiction, recognition and enforcement issues and regulating various procedural questions.

Your rapporteur considers that the European Union should participate in this convention – it was signed by the Union in 2009. Currently, the only State to have ratified the convention is Mexico. However, ratification deliberations are currently also ongoing in the United States of America, and we should encourage the USA to proceed with the ratification.

Widespread up-take of this convention would ensure greater legal certainty for international exclusive choice-of-court agreements and thus foster trade between participating States. Consent should therefore be given to this convention.

Your rapporteur also approves of the Council's draft decision, which exempts consumer insurance contracts from the convention, thus preventing consumers from unwittingly agreeing to a choice-of-court clause. The declaration annexed to the draft decision formalises that exemption, and also preserves freedom for major commercial insurance and re-insurance contracts. A review declaration provides for the reservation to be re-assessed in the future.

RESULT OF FINAL VOTE IN COMMITTEE

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| Date adopted | 11.11.2014 |
| Result of final vote | +: 18 -: 2 0: 0 |
| Members present for the final vote | Max Andersson, Marie-Christine Boutonnet, Therese Comodini Cachia, Mady Delvaux, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Evelyn Regner, Pavel Svoboda, Axel Voss, Tadeusz Zwiefka |
| Substitutes present for the final vote | Daniel Buda, Sergio Gaetano Cofferati, Pascal Durand, Angel Dzhambazki, Heidi Hautala, Virginie Rozière |
| Substitutes under Rule 200(2) present for the final vote | Helga Stevens |