



EUROPEAN PARLIAMENT

2014 - 2019

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*Plenary sitting*

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**A8-0018/2016**

1.2.2016

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## **RECOMMENDATION**

on the draft Council decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union (13777/2015 – C8-0401/2015 – 2013/0177(NLE))

Committee on Legal Affairs

Rapporteur: Viktor Uspaskich

***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 authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union**

**(13777/2015 – C8-0401/2015 – 2013/0177(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (13777/2015),
  - having regard to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (13777/15/ADD1),
  - 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 (C8-0401/2015),
  - having regard to the opinion of the Court of Justice of 14 October 2014<sup>1</sup>,
  - 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 (A8-0018/2016),
1. Gives its consent to the draft Council decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union;
  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.

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<sup>1</sup> Opinion of the Court of Justice of 14 October 2014, 1/13, ECLI:EU:C:2014:2303.

## SHORT JUSTIFICATION

The Hague Convention of 15 November 1965 establishes a system whereby documents can be served in another signatory state. It should be noted that the convention only applies to the cross-border service of documents in or from third countries – for cross-border service within the European Union, Regulation (EC) No 1393/2007 of the European Parliament and the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters applies.

Of the 28 Member States, 26 are already applying the convention. Austria and Malta, as the two remaining Member States, have indicated their wish to join.

The convention does not allow the accession of international organisations. At the same time, following the adoption of EU legislation on the cross-border service of documents, the EU has acquired exclusive external competence for the issue in accordance with Article 3(2) TFEU. This approach has been confirmed by the Court of Justice in its Opinion 1/13.

This means that the Union must authorise the Member States in question to act on its behalf in order to accede to the convention.

Malta has already deposited its instrument of accession, but has issued a declaration that its accession will not become effective until this decision has been adopted. Austria is waiting for this decision in order to carry out the accession formalities.

Since the Hague Convention of 15 November 1965 has proven its usefulness in the field of the cross-border service of documents, and it is in the interest both of the Union as a whole and of the two Member States in question to have a single regime for the service of documents in cross-border relations with third countries, it is proposed that Parliament should consent to the proposal for the decision allowing the accession of Austria and Malta to that convention.

## RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	28.1.2016
<b>Result of final vote</b>	+: 23 -: 0 0: 2
<b>Members present for the final vote</b>	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Laura Ferrara, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Jiří Maštálka, Emil Radev, Julia Reda, Evelyn Regner, Pavel Svoboda, Axel Voss, Tadeusz Zwiefka
<b>Substitutes present for the final vote</b>	Daniel Buda, Sergio Gaetano Cofferati, Pascal Durand, Angel Dzhambazki, Jytte Guteland, Constance Le Grip, Angelika Niebler, Virginie Rozière