German Annotation to the ECJ's Opinion 1/03 – Competence of the EC to conclude the new Lugano Convention

An annotation to Opinion 1/03, where the European Court of Justice has held that "the conclusion of the new Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (...) falls entirely within the sphere of exclusive competence of the European Community", by *Ulrich G. Schroeter* (Freiburg) has been published in the European Community Private Law Review (GPR) 2006, 203 et seq. The English summary reads as follows:

> *In its recent Opinion 1/03, the European Court of Justice ruled on the question of the competence of the European Community to conclude the new Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and found that the EC possesses an implicit exclusive competence to conclude the new Convention. The present case note criticizes the reasoning of the ECJ and inter alia argues that the Court (1) has failed to demonstrate that the existing Brussels I-Regulation would be affected by the new Lugano Convention, (2) should have scrutinized the EC's internal competence to regulate relations with non-member countries, and (3) has in fact misunderstood the legal relevance of "disconnection clauses".*

See regarding this question our older post, which can be found here.