Commission's Report and Green Paper on Brussels I Regulation

Yesterday, on 21 April 2009, the European Commission adopted a **report** and a **green paper** on the functioning of the existing rules on jurisdiction of the courts and the recognition and enforcement of foreign judgments (Regulation (EC) No. 44/2001).

The background of the Commission's report and green paper is as follows: Art. 73 Brussels I Regulation requires the Commission to evaluate the operation of the Regulation and to present a report on the application of the Regulation which shall be accompanied, if necessary, by proposals for adaptations to the Regulation.

In preparation of the Commission's report, a study has been carried out on behalf of the Commission by an external contractor – the Institute for Private International Law, University of Heidelberg. While this study shows that the Regulation operates, in principle, well, it reveals some difficulties as well which need to be addressed.

Thus, the Commission addresses in the report and the green paper, as stated in its memo, the following issues:

> *– The removal of the remaining obstacles to a free circulation of judgments, i.e. the removal of "exequatur"*
>
> *– The protection of European citizens and companies in case of disputes with parties domiciled in third States, in particular by ensuring equal access to the courts of the Member States and equal protection against judgments given by the courts of third States against European defendants;*
>
> *– Finally, certain imperfections in the application of certain rules of the Regulation, such as avoiding parallel proceedings in different Member States and ensuring the sound application of contractual agreements as to which courts will deal with the case in the Union*

According to the Commission, the report and the green paper aim at launching a

broad public consultation on possible ways forward with regard to the mentioned issues. The deadline for consultation is 30 June 2009 (see also here). A proposal for revision of the Regulation is planned for the end of this year.

The Commission's press release can be found here. The Brussels I report can be found here, and the Green Paper can be found here.