



C/2024/489

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## **Ukraine's accession to the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters**

**European Parliament resolution of 15 June 2023 on supporting the accession of Ukraine to the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2023/2689(RSP))**

(C/2024/489)

*The European Parliament,*

- having regard to Article 218 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to Articles 24 and 29 of the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters ('Judgments Convention'),
  - having regard to the question to the Commission and the Council concerning Ukraine's accession to the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters,
  - having regard to its resolution of 16 February 2023 on one year of Russia's invasion and war of aggression against Ukraine <sup>(1)</sup> and to its resolution of 1 March 2022 on the Russian aggression against Ukraine <sup>(2)</sup>,
  - having regard to the question to the Commission on supporting the accession of Ukraine to the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (O-00000024/2023 — B9-0025/2023),
  - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
  - having regard to the motion for a resolution of the Committee on Legal Affairs,
- A. whereas the statutory purpose of the Hague Conference on Private International Law ('Hague Conference') is to work for the progressive unification of the rules of private international law;
- B. whereas the European Union became a party to the Hague Conference on 3 April 2007;
- C. whereas the Judgments Convention facilitates the effective international circulation of judgments in civil or commercial matters by providing legal certainty and predictability to parties involved in cross-border transactions and clarity as to whether and to what extent a judgment will be recognised and enforced in another jurisdiction; whereas by ensuring the recognition and enforcement of foreign judgments, the Judgments Convention should enhance access to justice by reducing legal time frames, costs and risks in cross-border circumstances;
- D. whereas pursuant to Article 24 of the Judgments Convention, any third state can accede to the Convention; whereas such accession creates treaty relations between two contracting parties only if neither of them has notified the depositary that the accession must not have the effect of establishing treaty relations with the other; whereas such a notification must be submitted within a period of 12 months after the date on which the accession was notified;
- E. whereas under the current practice, the Commission does not initiate a formal procedure in accordance with Article 218(6) TFEU for the conventions that contain a non-objection mechanism, but only informs the Council and Parliament of any third country's request to accede to a given Hague instrument;
- F. whereas, according to well-established case-law, an international agreement cannot affect the allocation of powers fixed by the Treaties, thus the fact that at international level a silence procedure has been adopted to facilitate accession by third states should be of no consequence for the EU's internal decision-making process;

<sup>(1)</sup> Texts adopted, P9\_TA(2023)0056.

<sup>(2)</sup> OJ C 125, 18.3.2022, p. 2.

- G. whereas the European Union acceded to the Judgments Convention on 29 August 2022;
- H. whereas Ukraine has signed and ratified the Judgments Convention;
- I. whereas on 24 April 2023, the Council agreed to establish treaty relations with Ukraine in the framework of the Judgments Convention;
- J. whereas if the Union accepts Ukraine's accession to the Judgments Convention, it will enter into force on 1 September 2023 and be applicable between the two parties;
1. Reiterates its unwavering solidarity with the people and leadership of Ukraine and its support for the independence, sovereignty and territorial integrity of Ukraine, within its internationally recognised borders;
  2. Welcomes the positive assessments made by the Commission and the Council with the aim of establishing treaty relations with Ukraine in the framework of the Judgments Convention;
  3. Supports the accession of Ukraine to the Judgments Convention;
  4. Notes that this resolution is without prejudice to the procedure set out in Article 218(6) TFEU, which should be followed in matters concerning the establishment of the EU position regarding accession by third states to the Hague Conference Conventions;
  5. Instructs its President to forward this resolution to the Commission and the Council.
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